

DOWNLOAD PDF JOHN LELANDS OBJECTION TO THE U.S. CONSTITUTION, 1788

Chapter 1 : Separation of Church and State: An Important Baptist Distinctive

This paper will examine the life of John Leland, a Baptist Minister who lived in America from the mid 's to the mid 's. This paper will discuss the details of Leland's life and its impact on early America.

Separation of Church and State: Barton stated that he speaks to about groups per year. Barton testifying before a Congressional committee. However, upon closer scrutiny, the fabrication begins to fall apart. Barton declared to his Amarillo audience that the Puritans left England, seeking religious freedom. They wanted religious freedom only for themselves. Leland wrote to James Madison expressing his objections to the U. Constitution which then had no Bill of Rights. Barton summed up his remarks by calling for the election of public officials who are religious. We can agree with Barton that as followers of Christ we should never neglect to vote. We should also exercise our best judgment in doing so, but the framers of our Constitution saw the wisdom of prohibiting a religious test as a qualification for holding public office. I now call for an instance, where Jesus Christ, the author of his religion, or the apostles, who were divinely inspired, ever gave orders to, or intimated, that the civil powers on earth, ought to force people to observe the rules and doctrine of the gospel. Mahomet called in the use of the law and sword, to convert people to his religion; but Jesus did notâ€”does not. We know the allegations against this counsel [of mine]: Listening to David Barton reminded me of the old adage that the best defense is a good offense. Barton went on the offense by claiming that there are those who would revise the history books. He claimed that the revisionists seek to erect a wall of separation between church and state. Those who tell us of the deep roots of church-state separation planted by our Baptist forebears are certainly not the ones who are attempting to revise history. Religious liberty does not rest upon a legal document of a political state. It is rooted in the Bible. Church and state are mutually related in the normal affairs of life. The state provides a favorable atmosphere in which the church can do its work such as fire and police protection, national security, postal service, roads and streets, general social stability. And the churches, in turn, should produce through the gospel the type of Christian citizens which will contribute to a stable social order. At the same time church and state are mutually exclusive. Neither should seek to control the other or to use it in filling its peculiar role. Neither should propose to tell the other how to discharge its responsibility. The church should not seek to use the state for its purposes. The state should not commandeer the church for political ends. The state should not favor one religion above another. It is the opinion of this writer that no taxes should be levied against property used strictly for religious purposes. The churches should not receive tax funds for use in discharging their educational, healing, or spiritual responsibility. The church should be free to determine its programs of worship, evangelism, and missionary activities. Knowing that the views of David Barton are proclaimed from the pulpit of a large Baptist church in my city reminds me of the importance of understanding who we are and who we have been as Baptists. Arno Press, , pp. The Burden of Religious Pluralism. Wilson and Donald Drakeman. Beacon Press, June

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Chapter 2 : John Leland, the world owes him thanks for the Bill of Rights

A summary of The Federalist Papers and the Bill of Rights: in History SparkNotes's The Constitution (). Learn exactly what happened in this chapter, scene, or section of The Constitution () and what it means.

After 14 years in Virginia he moved his family to Massachusetts in Settling in Cheshire, he found a community made up almost completely of Baptists. Many of his new neighbors had moved to this area when there was nothing there but trees and fields and built this community. He would live there for the rest of his life. He would still ride his horse from town to town, preaching wherever he could find an audience. Cheshire would be the center of his activities but he would not be limited to just one community or area in his work. After moving to Massachusetts Leland began to focus more of his time and attention to politics, while not neglecting his preaching duties. Perhaps he had seen the impact of his work in Virginia in protecting religious freedom and wished to expand that influence. He began to preach more on the need for complete separation of church and government. Leland clearly saw this issue as an open gateway or as a locked gate to the spreading of the gospel. If the government had a say in the affairs of the church at some point it would begin to dictate the content of the Sunday sermons. Leland was convinced that the sole purpose of the church was to spread the gospel and any government involvement would interfere with that purpose. Leland truly loved the community of Cheshire. He ran and was elected to the Massachusetts House of Representatives where this issue was his primary focus. For this dedicated, horse-riding preacher of the gospel to take the time for this new responsibility speaks to his passion for the issue. In the Massachusetts House, Leland took a position that to many may have seemed contrary to his role as a preacher and religious leader. He vigorously opposed legislation that proposed to stop mail delivery on Sunday, in honor of the Sabbath. He saw that recognition of religion by government as a small step toward government involvement in the church. He was pure and focused on this issue. There should be no government involvement in church affairs, positive or negative. His influence and reputation became nearly nationwide, certainly all up and down the east coast of the new country. He spoke of Heaven in the hours before he died and looking forward to seeing his wife who had died four years earlier. The grave is marked by a small blue marble stone. John Leland of Cheshire, who labored 67 years to promote piety and vindicate the civil and religious rights of all men. This relationship was both personal and professional, based on a common belief in the complete and total separation of churches and government. It would impact both of their lives in many ways over many years. He had written the letter after taking office, to Baptists in Connecticut to firmly state his views on the subject. What a grand day that must have been for John Leland. From travelling preacher on horseback to the White House, all due 13 to his enduring belief in the rights of all people to worship how they deem appropriate with no interference from any governing institution. And now he was publicly recognized by the President of the United States who also shared his point of view. But Leland was a preacher at heart not a politician. He used the occasion of his visit to the White House to draw attention to his message. Cheshire, where he currently lived was a city known for its dairy products and cheese especially. Most people in the town were engaged in the production of milk or cheese in one way or another. Jefferson invited Leland formally to the White House for January 1, in June of the previous year. This became known as the Mammoth Cheshire Cheese incident. The best cows were selected from every farm. The best milk was acquired. On July 20, it was all brought together in one location and a giant, round cheese was produced. Thousands would turn out to see the presidential cheese and hear the gospel as a result of their curiosity. A second great public event would then occur. Since early after Jefferson had become President, Sunday worship services were held every week in the House of Representatives. They were not largely attended. That week, Jefferson invited Leland to be the speaker. For the first time ever, Jefferson attended. This was completely consistent with his life as a minister and similar to his influence on Jefferson. Leland played a key role in helping establishing Madison as an American leader, first in Virginia then nationally. He strongly and successfully supported Madison politically to be elected to two key positions

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that would enable Madison to help mold history in the area of religious liberty. At one point Madison sought out Leland for his support. After successfully leading the work in Virginia to guarantee religious liberty through the Virginia Constitution, Madison sought to secure the same religious liberty in the United States Constitution, being written in Leland was unsure if the language from the Virginia constitution, being put forth by Madison for the national version was strong enough to permanently secure religious liberty. He made it known that the language needed to be firm and direct. Without direct language on this issue it is possible that Leland and Baptists in general, would oppose final approval of the constitution. This also helped align Madison with Patrick Henry, a fellow Virginian, who also opposed the new constitution without more specific language on this and other issues. Madison and Henry had long been political foes. It may have helped solve political stalemate between Madison and Henry that could have stopped the approval of the new constitution. Not only did this self-educated, self-supporting Baptist minister change the lives of thousands with this telling of the gospel, he helped form the religious freedoms we all today enjoy. The impact of this one man is truly something to be studied and admired. During his years America would move from a group of colonies ruled by an English king to an independent nation. He spent those historical years focused on his call from God, heard from the sky one day in a field at age eighteen. Most of his life he spent either on horseback travelling from town to town or behind a pulpit or on a stage preaching the gospel to thousands. He helped many find Christ. Through it all he became known as a crusader for the gospel and a strong supporter of religious liberty. His words as a preacher helped influence many leaders of this new nation. Among them are Thomas Jefferson and James Madison. Both gave Leland credit for his part in their success as American leaders and in helping guarantee religious liberty through the Constitution of the United States. Without his strong influence in its early formation it is likely that religious liberty in America would not be as clear and as strong as it came to be. After many years of hard but successful ministry, Leland died in the home he loved, peacefully in his sleep after a short illness. He asked to be buried nearby in a simple grave. His life is one to be admired. Leland was not limited by his humble beginnings or lack of education. He was not intimidated by those who did not know or opposed him. He was not overwhelmed by political leaders or the power of their offices. He wished no support or special treatment from government of any kind. No doubt he would be 18 disappointed by the tax-free status churches today enjoy. Leland simply followed the call of God, made the best of what he had, worked as hard as he could and did the best he knew how to do. His life reminds this writer of the life and words of Paul. In 2 Timothy 4: I have finished the course. I have kept the faith.

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Chapter 3 : Constitution for the United States - We the People

While John Leland executed his campaign, he wrote down a list of ten objections that he and the Baptists had to the new Constitution. Among those issues was lack of a guarantee of religious.

No freeman shall ever be debarred the use of arms. Proposed Virginia Constitution, June, Occasionally this quote attributed to Thomas Jefferson is given with the following citation: Thomas Jefferson Papers, C. The publication exists, but the quote does not. In other cases, this quote is added to the end of a proven Jefferson quote "No free man shall ever be debarred the use of arms What he actually said, in context of the Virginia Constitution drafts is: While this gives a moderate exercise to the body, it gives boldness, enterprise, and independence to the mind. Games played with the ball, and others of that nature, are too violent for the body, and stamp no character on the mind. Let your gun therefore be the constant companion of your walks. Never think of taking a book with you. God forbid we should ever be twenty years without such a rebellion. The people cannot be all, and always, well informed. The part which is wrong will be discontented, in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions, it is lethargy, the forerunner of death to the public liberty. What country before ever existed a century and half without a rebellion? And what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure. One loves to possess arms, though they hope never to have occasion for them. Thomas Jefferson , letter to George Washington , For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. Thomas Jefferson , Eighth State of the Union Address 8 November The constitutions of most of our States assert, that all power is inherent in the people; that they may exercise it by themselves, or they may act by representatives, freely and equally chosen; that it is their right and duty to be at all times armed; that they are entitled to freedom of person, freedom of religion, freedom of property, and freedom of the press. John Adams[edit] Here every private person is authorized to arm himself, and on the strength of this authority, I do not deny the inhabitants had a right to arm themselves at that time, for their defense, not for offence. As defense attorney for the British soldiers on trial for the Boston Massacre. Kinvin Wroth and Hiller B. Harvard University Press, , 3: To suppose arms in the hands of citizens, to be used at individual discretion, except in private self-defense, or by partial orders of towns, counties or districts of a state, is to demolish every constitution, and lay the laws prostrate, so that liberty can be enjoyed by no man; it is a dissolution of the government. The fundamental law of the militia is, that it be created, directed and commanded by the laws, and ever for the support of the laws. A Defence of the Constitutions of the United States 3: James Madison[edit] The highest number to which, according to the best computation, a standing army can be carried in any country, does not exceed one hundredth part of the whole number of souls; or one twenty-fifth part of the number able to bear arms. This proportion would not yield, in the United States, an army of more than twenty-five or thirty thousand men. To these would be opposed a militia amounting to near half a million of citizens with arms in their hands, officered by men chosen from among themselves, fighting for the common liberties and united and conducted by governments possessing their affections and confidence. It may well be doubted whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops. Those who are best acquainted with the late successful resistance of this country against the British arms will be most inclined to deny the possibility of it. Besides the advantage of being armed, which the Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached and by which the militia officers are appointed, forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of. Notwithstanding the military establishments of the several kingdoms of Europe, which are carried as far as the

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public resources will bear, the governments are afraid to trust the people with arms. In framing a government which is to be administered by men over men, the great difficulty lies in this: A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. He was later a leader of those who pressed for the addition of explicitly stated individual rights as part of the U. I ask, who are the militia? They consist now of the whole people, except a few public officers. But I cannot say who will be the militia of the future day. If that paper on the table gets no alteration, the militia of the future day may not consist of all classes, high and low, and rich and poor. That the People have a right to keep and bear Arms; that a well regulated Militia, composed of the Body of the People, trained to arms, is the proper, natural, and safe Defence of a free state. Patrick Henry[edit] Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are inevitably ruined. My great objection to this government is, that it does not leave us the means of defending our rights or of waging war against tyrants. Tench Coxe[edit] The militia, who are in fact the effective part of the people at large, will render many troops quite unnecessary. They will form a powerful check upon the regular troops, and will generally be sufficient to over-awe them. The power of the sword, say the minority of Pennsylvania, is in the hands of Congress. The militia of these free commonwealths, entitled and accustomed to their arms, when compared with any possible army, must be tremendous and irresistible. Who are the militia? Is it feared, then, that we shall turn our arms each man against his own bosom. Congress have no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are the birth-right of an American The unlimited power of the sword is not in the hands of either the federal or state governments, but, where I trust in God it will ever remain, in the hands of the people. The power of the sword, say the minority My friends and countrymen, it is not so, for The powers of the sword are in the hands of the yeomanry of America from sixteen to sixty. Are they not ourselves? Congress has no power to disarm the militia. Their swords and every terrible implement of the soldier are the birthright of Americans. The unlimited power of the sword is not in the hands of either the federal or state governments but where, I trust in God, it will always remain, in the hands of the people. Thomas Paine[edit] [A]rms like laws discourage and keep the invader and the plunderer in awe, and preserve order in the world as well as property. The balance of power is the scale of peace. The same balance would be preserved were all the world destitute of arms, for all would be alike; but since some will not others dare not lay them aside. And while a single nation refuses to lay them down, it is proper that all should keep them up. Horrid mischief would ensue were one half the world deprived of the use of them; for while avarice and ambition have a place in the heart of man, the weak will become a prey to the strong. The history of every age and nation establishes these truths, and facts need but little arguments when they prove themselves. Alexander Hamilton[edit] If circumstances should at any time oblige the government to form an army of any magnitude that army can never be formidable to the liberties of the people while there is a large body of citizens, little, if at all, inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow-citizens. This appears to me the only substitute that can be devised for a standing army, and the best possible security against it, if it should exist. Alexander Hamilton , Federalist No. To oblige the great body of the yeomanry, and of the other classes of the citizens, to be under arms for the purpose of going through military exercises and evolutions, as often as might be necessary to acquire the degree of perfection which would entitle them to the character of a well-regulated militia, would be a real grievance to the people, and a serious public inconvenience and loss. It would form an annual deduction from the productive labor of the country, to an amount which, calculating upon the present numbers of the people, would not fall far short of the whole expense of the civil establishments of all the States. To attempt a thing which would abridge the mass of labor and industry to so considerable an extent, would be unwise: Little more can reasonably be aimed at, with respect to the people at large, than to have them properly armed and equipped; and in order to see that this be not neglected, it will be necessary to assemble them once or twice in the course of a year. Noah Webster[edit] Before a standing army can rule, the people must be disarmed; as

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they are in almost every kingdom of Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any bands of regular troops that can be, on any pretense, raised in the United States. Melancton Smith[edit] A militia when properly formed are in fact the people themselves To preserve liberty it is essential that the whole body of the people always posses arms, and be taught alike, especially when young, how to use them The mind that aims at a select militia, must be influenced by a truly anti-republican principle. Fisher Ames[edit] The rights of conscience, of bearing arms, of changing the government, are declared to be inherent in the people. Fisher Ames , Letter to F. Minoe, June 12, reporting to Minoe on the amendments proposed by Madison. Other quotes[edit] Because there is nothing proportionate between the armed and the unarmed; and it is not reasonable that he who is armed should yield obedience willingly to him who is unarmed, or that the unarmed man should be secure among armed servants. Because, there being in the one disdain and in the other suspicion, it is not possible for them to work well together. Also quoted in Machiavelli: A Biography , by Miles J. This is often quoted as: There can be no proper relation between one who is armed and one who is not. Nor it is reasonable to expect that one who is armed will voluntarily obey one who is not. The right of self-defense is the first law of nature; in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and when the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction. The importance of this article will scarcely be doubted by any persons, who have duly reflected upon the subject.

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Chapter 4 : Ratification of the Constitution

The influential Baptist preacher, John Leland, wrote a letter, containing ten objections to the Federal Constitution, and sent it to Colonel Thomas Barbour, an opponent of the Constitution in James Madison's Orange County district.

Today though when the influence of Christians has plummeted to new lows it is no coincidence that our liberties are rapidly deteriorating. Christianity is under assault by those who wish to enslave the population with socialism and corporatism both products of atheist belief systems. There is no other reason. History shows the truth of this. Liberty worldwide has sprung from Protestants. Atheists, Muslims, Catholics, secular humanists and other popular creeds have only ever created tyrannies, monarchies and other forms of authoritarian states. One man we should thank is John Leland. He asked Madison to visit Leland to discuss the election. Leland was satisfied and reassured and so withdrew from the election and advised his Baptist constituents in Orange County to vote for Madison. This news may well have passed to other Virginia counties. Madison and Gordon won election from Orange County. Two delegates from each county were chosen for the state convention. The convention ratified the constitution by a thin margin of 19 votes out of 87 cast. If Leland had been there with Patrick Henry to argue against ratification the vote might have been against. I believe Leland would have prayed about his withdrawal, perhaps he prayed at the close of his meeting with Madison. I believe he was led of the Lord to withdraw, having peace in his heart that there would be a Bill of Rights. John Leland has some advice for American voters: When you go to the polls, avoid candidates who wear their personal piety on their sleeves. If they knew the nature and worth of religion, they would not debase it to such shameful purposes. If pure religion is the criterion to [decide upon] candidates, those who make a noise about it must be rejected; for their wrangle about it proves that they are void of it. Let honesty, talents and quick dispatch characterize the men of your choice. Leland, a minister and staunch religious liberty advocate, held forth that day on the importance of defending the Constitution. Never promote men who seek after a state-established religion; it is spiritual tyranny the worst of despotism. Born in Grafton, Mass. After visiting Virginia in 1774, he and his wife Sally moved to that state, and he soon became a prominent figure in both religious and political life. Leland believed that government interference with matters of faith corrupted religion and violated individual freedom. I mean the principle of intruding the laws of men into the Kingdom of Christ. That monumental measure served as the guidestar for other states as they too adopted religious liberty, and it paved the way for the religious liberty guarantees in the U. S. Leland played an important role in securing the Bill of Rights. When the Constitution was first submitted to the states in 1787, many in Virginia and other states criticized the absence of a Bill of Rights. Leland and other Baptists were particularly angry that this draft of the Constitution included no guarantee of religious freedom, and they joined the rising chorus of opposition. The deal was accepted. Virginia ratified the Constitution, and Madison kept his promise. In a pamphlet called *The Rights of Conscience Inalienable*, he railed against government interference in religion. Let every man speak freely without fear, maintain the principles that he believes, worship according to his own faith, either one God, three Gods, no God or twenty Gods; and let government protect him in so doing, i. e. After his old ally was elected, the Baptist minister came up with a unique way to celebrate the occasion. The Constitution and the presidential policies of Jefferson and Madison protected religious freedom at the national level, but at that time, states remained free to impose restrictions. Leland continued to lobby for full religious freedom everywhere, attacking religious establishments in his own state as well as neighboring Connecticut. In his *Short Essays on Government*, Leland demanded church-state separation and equal rights for all. The very idea of toleration is despicable; it supposes that some have a pre-eminence above the rest to grant indulgence; whereas all should be equally free, Jews, Turks, Pagans and Christians. In 1780, the Massachusetts legislature approved the separation of church and state, and two years later it was overwhelmingly ratified by popular vote. Leland died on Jan. 17, 1841. The epitaph on his tombstone, which he composed, reflects the passions of his life: He opposed Sunday laws, all special privileges for the clergy and any government aid to religion. The

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Virginia Baptist Historical Society which provided assistance with this article still celebrates Leland, but few people outside progressive Baptist circles know about him. At a time when television preachers and misguided politicians rail against church-state separation and individual freedom, a bracing sermon from Leland is very much in order. In the latter passion, Leland agreed with the position of Thomas Jefferson and James Madison, both of whom he knew personally. Leland spent approximately 14 years in Virginia from to He was a major leader of the Baptists in Virginia. He returned to his home state of Massachusetts in the winter of , where he remained an active minister and champion of separation of church and state and disestablishment till his death in He wrote articles against establishment while in Massachusetts and testified before the Massachusetts legislature on at least one occasion. Disdain mean suspicion, but cherish manly jealousy; be always jealous of your liberty, your rights. Nip the first bud of intrusion on your constitution. Be not devoted to men; let measures be your object, and estimate men according to the measures they pursue. Never promote men who seek after a state-established religion; it is spiritual tyranny--the worst of despotism. It is turnpiking the way to heaven by human law, in order to establish ministerial gates to collect toll. It converts religion into a principle of state policy, and the gospel into merchandise. Heaven forbids the bans of marriage between church and state; their embraces therefore, must be unlawful. Guard against those men who make a great noise about religion, in choosing representatives. If pure religion is the criterion to denominate candidates, those who make a noise about it must be rejected; for their wrangle about it, proves that they are void of it. Let honesty, talents and quick despatch, characterise the men of your choice. Such men will have a sympathy with their constituents, and will be willing to come to the light, that their deeds may be examined. Wood, 29 Gold Street, New York

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Chapter 5 : Debates in Massachusetts Convention on Ratification of the Constitution

concerns of one Baptist preacher, John Leland "played a substantial role in James Madison's elections to the Virginia ratifying convention in March of and to the First Congress in February of 5 Those.

Text[edit] There are several versions of the text of the Second Amendment, each with capitalization or punctuation differences. Differences exist between the drafted and ratified copies, the signed copies on display, and various published transcriptions. The amendment was ratified by the States and authenticated by Secretary of State Thomas Jefferson as: Pre-Constitution background[edit] Influence of the English Bill of Rights of [edit] The right to bear arms in English history is regarded in English law as a subordinate auxiliary right of the primary rights to personal security, personal liberty, and private property. According to Sir William Blackstone , "The Which is declared by statute, and is indeed a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression. Heller , the Supreme Court did not accept this view, remarking that the English right at the time of the passing of the English Bill of Rights was "clearly an individual right, having nothing whatsoever to do with service in the militia" and that it was a right not to be disarmed by the Crown and was not the granting of a new right to have arms. The statement in the English Bill of Rights concerning the right to bear arms is often quoted only in the passage where it is written as above and not in its full context. In its full context it is clear that the bill was asserting the right of Protestant citizens not to be disarmed by the King without the consent of Parliament and was merely restoring rights to Protestants that the previous King briefly and unlawfully had removed. In its full context it reads: Whereas the late King James the Second by the Assistance of diverse evill Councillors Judges and Ministers imployed by him did endeavour to subvert and extirpate the Protestant Religion and the Lawes and Liberties of this Kingdome list of grievances including That the Subjects which are Protestants may have Arms for their Defence suitable to their Conditions and as allowed by Law. While it did not override earlier restrictions on the ownership of guns for hunting, it is subject to the parliamentary right to implicitly or explicitly repeal earlier enactments. Mark Thompson wrote that, apart from determining the succession, the English Bill of Rights did "little more than set forth certain points of existing laws and simply secured to Englishmen the rights of which they were already possessed [sic]. Which is also declared by the same statute 1 W. Some in the United States have preferred the "rights" argument arguing that the English Bill of Rights had granted a right. The need to have arms for self-defence was not really in question. Peoples all around the world since time immemorial had armed themselves for the protection of themselves and others, and as organized nations began to appear these arrangements had been extended to the protection of the state. Constitution[edit] Ideals that helped to inspire the Second Amendment in part are symbolized by the minutemen. Some of these purposes were explicitly mentioned in early state constitutions; for example, the Pennsylvania Constitution of asserted that, "the people have a right to bear arms for the defence of themselves and the state. As defiance and opposition to British rule developed, a distrust of these Loyalists in the militia became widespread among the colonists, known as Patriots , who favored independence from British rule. As a result, some Patriots created their own militias that excluded the Loyalists and then sought to stock independent armories for their militias. In response to this arms build up, the British Parliament established an embargo of firearms, parts and ammunition against the American colonies. Instances of the licentious and outrageous behavior of the military conservators of the peace still multiply upon us, some of which are of such nature, and have been carried to such lengths, as must serve fully to evince that a late vote of this town, calling upon its inhabitants to provide themselves with arms for their defense, was a measure as prudent as it was legal: It is a natural right which the people have reserved to themselves, confirmed by the Bill of Rights, to keep arms for their own defence; and as Mr. Blackstone observes, it is to be made use of when the sanctions of society and law are found insufficient to restrain the violence of oppression. In opposition, the British forces consisted of a mixture of the standing British Army ,

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Loyalist militia and Hessian mercenaries. Federalists argued that this government had an unworkable division of power between Congress and the states, which caused military weakness, as the standing army was reduced to as few as 80 men. Subsequently, the Constitutional Convention proposed in to grant Congress exclusive power to raise and support a standing army and navy of unlimited size. McAfee and Michael J. Quinlan have stated that James Madison "did not invent the right to keep and bear arms when he drafted the Second Amendment; the right was pre-existing at both common law and in the early state constitutions. Blackstone in his Commentaries alluded to this right to rebel as the natural right of resistance and self preservation, to be used only as a last resort, exercisable when "the sanctions of society and laws are found insufficient to restrain the violence of oppression". This will not only lessen the call for military establishments, but if circumstances should at any time oblige the Government to form an army of any magnitude, that army can never be formidable to the liberties of the People, while there is a large body of citizens, little, if at all, inferior to them in discipline and the use of arms, who stand ready to defend their own rights, and those of their fellow-citizens. This appears to me the only substitute that can be devised for a standing army, and the best possible security against it, if it should exist. They cite examples, such as the Declaration of Independence describing in "the Right of the People to On May 10, , Congress passed a resolution recommending that any colony with a government that was not inclined toward independence should form one that was.

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Chapter 6 : Establishment Clause - Wikipedia

A political deal, apparently cemented in a meeting between Madison and Leland in March , provided the quid pro quo that assured acceptance of the Constitution by Virginia delegates.

ON motion, Ordered, That the Hon. Nathaniel Gorham, John Carnes, Esq. Caleb Davis, and Hon. John Taylor, be a committee to receive the returns of the several towns. Ordered, That a committee of five persons be appointed to collect, count, and sort the votes for a secretary; and the Hon. The Convention then proceeded to the choice of a secretary by ballot, and, the votes being taken, it appeared that George Richards Minot, Esq. Jacob Kuhn, the messenger of the General Court, be appointed messenger to this Convention. Voted, That five monitors be chosen, and the following gentlemen were elected, viz. Azor Orne, and Mr. Voted, That a committee of seven be appointed to prepare rules and orders for the regulation of the Convention. Theodore Sedgwick, and James Bowdoin, Jun. Voted, That the Convention proceed to the choice of a vice-president. William Cushing was chosen; who by request took the chair. On motion of the Hon. Adams, Voted, That the Convention will attend morning prayers, daily, and that the gentlemen of the clergy, of every denomination, be requested to officiate in turn. The members from Boston were appointed to wait upon them, and acquaint them thereof. A vote of the church in Brattle Street, in Boston, offering the use of their meeting-house to the Convention, being communicated by the Hon. Bowdoin, Voted, That a committee of nine be appointed, to view the accommodations of the said meeting-house, and report. Brooks of Lincoln, Dr. After a long debate, a motion was made, that the valuation of the different towns, returned in , should be the rule to determine the number. The sense of the Convention was twice taken against removing to any other place. On motion of Mr. Strong, Voted, That this Convention, sensible how important it is that the great subject submitted to their determination should be discussed and considered with moderation, candor, and deliberation, will enter into a free conversation on the several parts thereof, by paragraphs, until every member shall have had an opportunity to express his sentiments on the same; after which the Convention will consider and debate at large the question whether this Convention will adopt and ratify the proposed Constitution , before any vote is taken expressive of the sense of the Convention, upon the whole or any part thereof. The resolve of the General Court of this commonwealth, of March, , appointing delegates for the Convention of the states, held at Philadelphia, was ordered to be read. A motion was made and passed, that the Hon. Elbridge Gerry be requested to take a seat in the Convention, to answer any questions of fact, from time to time, that the Convention may ask, respecting the passing of the Constitution. Elbridge Gerry, and acquaint him with the vote of this morning, requesting him to take a seat in the Convention, to answer to any questions of fact, from time to time, that the Convention may ask, respecting the passing the Constitution. Agreeably to the resolution passed in the forenoon, the Convention proceeded to consider the first section of the Constitution, and, after a short conversation, entered upon the discussion of the second section, the first paragraph of which caused a lengthy debate. The Convention entered upon the consideration of the proposed Constitution, and, having debated thereon through the day, postponed the further consideration thereof to the next morning. It had been mentioned by some gentlemen, that the introduction of tyranny into several nations had been by lengthening the duration of their parliaments or legislative bodies; and the fate of those nations was urged as a caution against lengthening the period for which Congress is to be chosen. SEDGWICK wished to know what were the nations which had been thus deprived of their liberties; he believed they were few in number; in fact, he did not recollect any. After showing, by several examples, how nations had been deprived of their liberties, he continued, “ Is it not necessary, Mr. President, that the federal representatives should be chosen for two years? Annual elections, in a single state, may be the best for a variety of reasons; but when the great affairs of thirteen states “ where their commerce may be extended, and where it is necessary to be restricted “ what measures may be most expedient, and best adapted to promote the general prosperity thereof, are to be the objects of deliberation, is not such a period too short? Can a man, called into public life, divest himself of

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local concerns, and instantly initiate himself into a general knowledge of such extensive and weighty matters? After several other arguments in favor of the section, he begged the indulgence of the Convention while he made a personal observation: DENCH wished to know how the representation was secured; as, by the 4th section, Congress were empowered to make or alter the regulation of the times, places, and manner of holding elections. Parsons, who said the subject in debate was the expediency of biennial elections, and that an answer to the gentleman from Hopkinton would more properly be given when the 4th section was under consideration. President, I am opposed to biennial, and am in favor of annual elections. It has, indeed, sir, been considered as the safeguard of the liberties of the people; and the annihilation of it, the avenue through which tyranny will enter. By the Articles of Confederation, annual elections are provided for, though we have additional securities in a right to recall any or all of our members from Congress, and a provision for rotation. In the proposed Constitution, there is no provision for rotation; we have no right by it to recall our delegates. In answer to the observations, that, by frequency of elections, good men will be excluded, I answer, if they behave well, it is probable they will be continued; but if they behave ill, how shall we remedy the evil? It is possible that rulers may be appointed who may wish to root out the liberties of the people. Is it not, Mr. President, better, if such a case should occur, that at a short period they should politically die, than that they should be proceeded against by impeachment? These considerations, and others, said the doctor, make me in favor of annual elections; and the further we deviate therefrom, the greater is the evil. He thought the same principles ought not to guide us when considering the election of a body whose jurisdiction was coextensive with a great continent, as when regulating that of one whose concerns are only those of a single state. DAWES, after a short exordium, said he had not heard it mentioned by any gentleman who had spoken in the debate, that the right of electing representatives in the Congress, as provided for in the proposed Constitution, will be the acquisition of a new privilege by the people, as it really will be. The people will then be immediately represented in the federal government; at present they are not; therefore it will be in favor of the people, if they are chosen for forty instead of two years; &c” and he adduced many reasons to show that it would not conduce to the interests of the United States, or the security of the people, to have them for a shorter period than two years. WHITE said he was opposed to the section; he thought the security of the people lay in frequent elections; for his part, he would rather they should be for six months than for two years; &c” and concluded by saying he was in favor of annual elections. TURNER, each spoke a few words on the subject, when a motion was made to postpone the consideration of the 2d section until the next meeting, which passing, the Convention adjourned. DANA, that the vote of yesterday, prescribing the manner of proceeding in the consideration of the Constitution, should be reconsidered, for the purpose of making the following addition thereto, viz.: On the question whether the addition should be made, it was determined in the affirmative. Adams, why the alteration of elections from annual to biennial was made; and to correct an inaccuracy of the Hon. Gorham, who, the day before, had said that that alteration was made to gratify South Carolina. He said he should then have arisen to put his worthy colleague right, but his memory was not sufficiently retentive to enable him immediately to collect every circumstance. He had since recurred to the original plan. When the subject was at first discussed in Convention, some gentlemen were for having the term extended for a considerable length of time; others were opposed to it, as it was contrary to the ideas and customs of the Eastern States; but a majority was in favor of three years, and it was, he said, urged by the Southern States, which are not so populous as the Eastern that the expense of more frequent elections would be great; &c” and concluded by saying that a general concession produced the term as it stood in the section, although it was agreeable to the practice of South Carolina. I do not regret, Mr. President, that we are not unanimous upon this question. I do not consider the diversity of sentiment which prevails as an impediment in our way to the discovery of truth. In order that we may think alike upon this subject at last, we shall be compelled to discuss it by ascending to the principles upon which the doctrine of representation is grounded. Without premeditation, in a situation so novel, and awed by the respect which I feel for this venerable assembly, I distrust extremely my own feelings, as well as my competency to prosecute this inquiry. With the hope of an

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indulgent hearing, I will attempt to proceed. I am sensible, sir, that the doctrine of frequent elections has been sanctioned by antiquity, and is still more endeared to us by our recent experience and uniform habits of thinking. Gentlemen have expressed their zealous partiality for it. They consider this as a leading question in the debate, and that the merits of many other parts of the Constitution are involved in the decision. I confess, sir, and I declare that my zeal for frequent elections is not inferior to their own. I consider it as one of the first securities for popular liberty, in which its very essence may be supposed to reside. But how shall we make the best use of this pledge and instrument of our safety? A right principle, carried to an extreme, becomes useless. It is apparent that a declaration for a very short term, as for a single day, would defeat the design of representation. The election, in that case, would not seem to the people to be of any importance, and the person elected would think as lightly of his appointment. The other extreme is equally to be avoided. An election for a very long term of years, or for life, would remove the member too far from the control of the people, would be dangerous to liberty, and in fact repugnant to the purposes of the delegation. The truth, as usual, is placed somewhere between the extremes, and I believe is included in this proposition: The term of election must be so long, that the representative may understand the interest of the people, and yet so limited, that his fidelity may be secured by a dependence upon their approbation. Before I proceed to the application of this rule, I cannot forbear to premise some remarks upon two opinions, which have been suggested. Much has been said about the people divesting themselves of power, when they delegate it to representatives; and that all representation is to their disadvantage, because it is but an image, a copy, fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates. I cannot agree to either of these opinions. The representation of the people is something more than the people. I know, sir, but one purpose which the people can effect without delegation, and that is to destroy a government. That they cannot erect a government, is evinced by our being thus assembled on their behalf. The people must govern by a majority, with whom all power resides. But how is the sense of this majority to be obtained? It has been said that a pure democracy is the best government for a small people who assemble in person. It is of small consequence to discuss it, as it would be inapplicable to the great country we inhabit. It may be of some use in this argument, how ever, to consider, that it would be very burdensome, subject to faction and violence; decisions would often be made by surprise, in the precipitancy of passion, by men who either understand nothing or care nothing about the subject; or by interested men, or those who vote for their own indemnity. It would be a government not by laws, but by men. Such were the paltry democracies of Greece and Asia Minor, so much extolled, and so often proposed as a model for our imitation. I desire to be thankful that our people said Mr. Ames are not under any temptation to adopt the advice. I think it will not be denied that the people are gainers by the election of representatives. They may destroy, but they cannot exercise, the powers of government in person, but by their servants they govern: I know, sir, that the people talk about the liberty of nature, and assert that we divest ourselves of a portion of it when we enter into society. This is declamation against matter of fact. We cannot live without society; and as to liberty, how can I be said to enjoy that which another may take from me when he pleases? The liberty of one depends not so much on the removal of all restraint from him, as on the due restraint upon the liberties of others.

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Chapter 7 : Religious freedom champion John Leland also active in public policy, Land says

Dec. 15, , is an important date in the history of this country. The first 10 amendments to the U.S. Constitution were officially added on that day, exactly years ago. Collectively, those 10 amendments are known as the Bill of Rights. Even though the U.S. Constitution, ratified in June

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, 3 for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen. The Senate shall chuse their other Officers, and also a President pro tempore , in the Absence of the Vice President, or when he shall exercise the Office of President of the United States. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. Judgment in Cases of impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators. T he Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, 5 unless they shall by Law appoint a different Day. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days Sundays excepted after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in

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which Case it shall not be a Law. To borrow Money on the credit of the United States; 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; 5: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; 7: To establish Post Offices and post Roads; 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; 9: To constitute Tribunals inferior to the supreme Court; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To exercise exclusive Legislation in all Cases whatsoever, over such District not exceeding ten Miles square as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines , Arsenals, dock-Yards, and other needful Buildings;”And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight , but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person. No Bill of Attainder or ex post facto Law shall be passed. No Capitation , or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken. No Tax or Duty shall be laid on Articles exported from any State. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: No Money shall be drawn from the Treasury, but in Consequence of Appropriation s made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument , Office, or Title, of any kind whatever, from any King, Prince, or foreign State. No State shall, without the Consent of Congress, lay any Duty of Tonnage , keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows 2: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the

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States, and a Majority of all the States shall be necessary to a Choice. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President. The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, 9 the Same shall devolve on the VicePresident, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected. The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session. Section 3 He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment , he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour , and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;â€”to all Cases affecting Ambassadors, other public Ministers and Consuls;â€”to all Cases of admiralty and maritime Jurisdiction ;â€”to Controversies to which the United States shall be a Party;â€”to Controversies between two or more States;â€”between a State and Citizens of another State; 10 â€”between Citizens of different States, â€”between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction , both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. The Trial of all Crimes, except in Cases of Impeachment , shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof. A Person charged in any State with Treason , Felony, or other Crime,

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who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime. No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State. Section 4 The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive when the Legislature cannot be convened against domestic Violence. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. The Word "the", being interlined between the seventh and eight Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page.

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Chapter 8 : The Life of John Leland, America's First Great Pastor! | Study To Shew Thyself Approved!

Finally, Rhode Island, which had rejected the Constitution in March by popular referendum, called a ratifying convention in as specified by the Constitutional Convention. Faced with threatened treatment as a foreign government, it ratified the Constitution by the narrowest margin (two votes) on May 29,

Colonial New Jersey and Pennsylvania Constitutions[edit] The original Mason-Dixon line was the demarcation line between the Catholic colony of Maryland and the New Jersey and Pennsylvania colonies, which followed the Bill of Rights and their own colonial constitutions which provided similar protections against the establishment of Catholic laws in government. Virginia Statute for Religious Freedom[edit] Main article: The statute was drafted by Thomas Jefferson in and was introduced in the Virginia General Assembly in . It did not pass the General Assembly until James Madison played an important role in its passage. The statute disestablished the Church of England in Virginia and guaranteed freedom of religion exercise to men of all religious faiths, including Catholics and Jews as well as members of all Protestant denominations. United States Bill of Rights[edit] See also: The idea of adding a Bill of Rights to the Constitution was proposed by George Mason five days before the conclusion of the Constitutional Convention held in Philadelphia in . Alexander Hamilton later argued in The Federalist Papers that a Bill of Rights was unnecessary, claiming that since the Constitution granted limited powers to the federal government, it did not grant the new government the power to abuse the rights that would be secured by a Bill of Rights. Later, six more states likewise recommended the addition of a Bill of Rights, and the idea also gained the support of Jefferson and Madison. When the First Federal Congress met in , Madison implemented the idea by introducing 17 Amendments to the Constitution. By December , ten of his Amendments were ratified by the necessary three quarters of the states, and they became part of the US Constitution, thereafter becoming known as "the Bill of Rights". The Baptists in Virginia , for example, had suffered discrimination prior to the disestablishment of the Anglican church in . As Virginia prepared to hold its elections to the state ratifying convention in , the Baptists were concerned that the Constitution had no safeguard against the creation of a new national church. Barbour requested to John Leland , an influential Baptist preacher and fervent lifelong proponent of religious liberty, that he write a letter to Barbour outlining his objections to the proposed Constitution. In any event, Leland cast his vote for Madison. Incorporation of the Bill of Rights Prior to the enactment of the Fourteenth Amendment to the United States Constitution in , the Supreme Court generally held that the substantive protections of the Bill of Rights did not apply to state governments. Subsequently, under the Incorporation doctrine , the Bill of Rights has been broadly applied to limit state and local government as well. The process of incorporating the two Religion Clauses in the First Amendment was twofold. The federal government had funded a hospital operated by a Roman Catholic institution. In the twentieth century, the Supreme Court more closely scrutinized government activity involving religious institutions. Board of Education , the Supreme Court upheld a New Jersey statute funding student transportation to schools, whether parochial or not. Justice Hugo Black held, The "establishment of religion " clause of the First Amendment means at least this: Neither a state nor the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson , the clause against establishment of religion by law was intended to erect "a wall of separation between church and State. Adams , and "practical distinction between Religion and Civil Government as essential to the purity of both, and as guaranteed by the Constitution of the United States"

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letter to Baptist Churches. *Kurtzman*, the Supreme Court ruled that government may not "excessively entangle" with religion. The case involved two Pennsylvania laws: The Supreme Court found that the government was "excessively entangled" with religion, and invalidated the statutes in question. The excessive entanglement test, together with the secular purpose and primary effect tests thereafter became known as the Lemon test, which judges have often used to test the constitutionality of a statute on establishment clause grounds. *Nyquist and Sloan v. New York and Pennsylvania* had enacted laws whereby public tax revenues would be paid to low-income parents so as to permit them to send students to private schools. It was held that in both cases, the state unconstitutionally provided aid to religious organizations. The ruling was partially reversed in *Mueller v. Education*. There, the Court upheld a Minnesota statute permitting the use of tax revenues to reimburse parents of students. The Court noted that the Minnesota statute granted such aid to parents of all students, whether they attended public or private schools. While the Court has prevented states from directly funding parochial schools, it has not stopped them from aiding religious colleges and universities. *Richardson v. Chiles*, the Court permitted the use of public funds for the construction of facilities in religious institutions of higher learning. It was found that there was no "excessive entanglement" since the buildings were themselves not religious, unlike teachers in parochial schools, and because the aid came in the form of a one-time grant, rather than continuous assistance. One of the largest recent controversies over the amendment centered on school vouchers – government aid for students to attend private and predominantly religious schools. The Supreme Court, in *Zelman v. Simmons-Harris*, upheld the constitutionality of private school vouchers, turning away an Establishment Clause challenge. Further important decisions came in the 1960s, during the Warren Court era. The case involved the mandatory daily recitation by public school officials of a prayer written by the New York Board of Regents, which read "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country". The Supreme Court deemed it unconstitutional and struck it down, with Justice Black writing "it is no part of the official business of government to compose official prayers for any group of American people to recite as part of a religious program carried out by the Government. The ruling did not apply to parochial or private schools in general. The decision has been met with both criticism and praise. In *Abington Township v. Schempp*, the law in question must have a valid secular purpose, and its primary effect must not be to promote or inhibit a particular religion. The "excessive entanglement" test was added in *Lemon v. Jaffree*, the Supreme Court struck down an Alabama law whereby students in public schools would observe daily a period of silence for the purpose of private prayer. The Court did not, however, find that the moment of silence was itself unconstitutional. Rather, it ruled that Alabama lawmakers had passed the statute solely to advance religion, thereby violating the secular purpose test. *Weisman v. Board of Free Will Contributions*, the Supreme Court ruled unconstitutional the offering of prayers by religious officials before voluntarily attending ceremonies such as graduation. Thus, the Court established that the state could not conduct religious exercises at public occasions even if attendance was not strictly compulsory. In *Lee v. Weisman* the Court developed the coercion test. Under this test the government does not violate the establishment clause unless it 1 provides direct aid to religion in a way that would tend to establish a state church, or 2 coerces people to support or participate in religion against their will. *Doe v. Kamehameha Schools*, the Court ruled that a vote of the student body could not authorize student-led prayer prior to school events. *Newdow v. Lee*, which struck down a California law providing for the recitation of the Pledge of Allegiance which includes the phrase "under God" in classrooms. Each House of Congress passed resolutions reaffirming their support for the pledge; the Senate vote was 99–0 and the House vote was 383–0. Religious displays[edit] The inclusion of religious symbols in public holiday displays came before the Supreme Court in *Lynch v. Donnelly*, and again in *Allegheny County v. American Legion*. At the same time, the Allegheny County Court upheld the display of a nearby menorah, which appeared along with a Christmas tree and a sign saluting liberty, reasoning that "the combined display of the tree, the sign, and the menorah *Donnelly* the Supreme Court also developed with the endorsement test a further test to determine the constitutionality under the Establishment Clause of certain government actions. In *Glassroth v. Moore* by

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a federal judge to remove the monument, but he refused to comply, ultimately leading to his removal from office. On March 2, , the Supreme Court heard arguments for two cases involving religious displays, *Van Orden v. Perry* and *McCreary County v.* These were the first cases directly dealing with display of the Ten Commandments the Court had heard since *Stone v.* These cases were decided on June 27, In *McCreary County*, however, the Court ruled 5â€”4 that displays of the Ten Commandments in several Kentucky county courthouses were unconstitutional because they were not clearly integrated with a secular display, and thus were considered to have a religious purpose. Blue laws[edit] In the case *McGowan v. Maryland* the Supreme Court held that blue laws which restricted the sale of goods on Sundays and were originally intended to increase Church attendance did not violate the Establishment Clause because they served a present secular purpose of providing a uniform day of rest for everyone.

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Chapter 9 : Second Amendment to the United States Constitution - Wikiquote

Nor Baptist pastor John Leland, who joined Backus to help pull down establishment of the Episcopal church in our fledgling nation. Leland wrote to James Madison expressing his objections to the U.S. Constitution which then had no Bill of Rights.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same. As has been remarked elsewhere in these pages, we Americans tend to take our Constitution for granted, and unless we know the full story, we might assume that ratification was easy, if not almost automatic. The actual process was far from easy, and ratification came perilously close to being unsuccessful. We have no idea how the country might have evolved had the Constitution not been adopted. Perhaps it would have been rewritten; perhaps the amendments which eventually became the Bill of Rights would have had to be incorporated before the document could be adopted. But the Constitutional convention had adjourned, its members scattered to their home states, and reconstituting it would have been politically challenging to say the least. Even then, with Virginia yet to ratify, the future of the country was still uncertain. The Constitution Goes to the States. Congress wisely decided to pass the document along to the states without otherwise interfering, although they did debate the matter for a time. The most serious arguments against the Constitution were those expressed by Patrick Henry in the Virginia ratifying convention, Samuel Adams in the Massachusetts convention, and others. Many people wanted a federation, not a national government, and the differences in those days were large. The Articles of Confederation had created a union of sovereign states, which might legitimately have been called the United Nations of North America. Although the states still retained many powers under the Constitution, a direct link had been created between the people and the national government, which some saw as a threat. Neither did Patrick Henry look with favor upon the office of president. The American people had just overthrown one tyrant and they did not want another in his place. Those who opposed were known as the anti-federalists. They became the second major opposing political groupings in the United States, the first having been Patriots and Loyalists during the Revolution. Because all of the New York delegation had left the Philadelphia convention except Alexander Hamilton, considerable fear existed that the state might not ratify, and given its key position between New England and the rest of the states, its vote was considered critical. Alexander Hamilton, James Madison, and John Jay therefore penned a series of articles directed at the people of New York known as the Federalist Papers—eighty-five essays defending the Constitution and explaining the essentials of republican government as eloquently as has ever been done. The actual title was *The Federalist: The essays originally appeared as newspaper articles. The Federalist papers are generally considered to have been vital to the successful ratification of the Constitution. As seen from the list below, the fight for ratification was intense, and the result was extremely close. If less than 5 percent of all the votes cast in the state conventions had changed, the Constitution would not have been ratified. The votes in several key states were extremely close. If 5 votes out of had changed, Virginia, the largest and most important state, would have stood outside the Union. In other words, 17 different votes would have meant that those three states, cornerstones of the union, would not have been part of the nation, and it is hard to imagine the United States having survived without them. Together those three states provided the first six presidents, two of our most important ambassadors and the first Chief Justice of the United States. Why was it so close? Here are a few arguments: I need not take much pains to show that the principles of this system are extremely pernicious, impolitic, and dangerous. I am not able to conceive why the Wisdom of the Convention led them to give the Preference to the former before the latter. It should be pointed out, however, that the system created by the Constitution gave far more power to the national government than the King in Parliament had exercised over the colonies. But James Madison, Alexander Hamilton, any other leading Federalists had become convinced that in order for the nation to prosper, to defend itself, to conduct international in interstate commerce efficiently, and to provide for the*

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needs of its citizens, a national government was necessary. The articles of Confederation had proved woefully inadequate to meet the challenges of the new nation, and tinkering with that product would have been difficult, as unanimous consent of all the states was required for any substantial amendment. Unanimity in politics is extremely hard to achieve, as we all know. Even after the Constitution was adopted, it was uncertain exactly how it would be interpreted and followed. Despite all the issues surrounding its creation, the U. Constitution can still be considered one of the most remarkable documents ever penned by man. It was the first government in history created essentially out of whole cloth, and it served as a model for other nations seeking to find a successful way of governing themselves. Although certain provisions of the Constitution have been interpreted in various and sometimes conflicting ways, its essential nature has remained intact. Yet one should not overlook the anti-Federalist papers which, although not published in any single volume at the time, nevertheless constitute lucid and valid arguments on the nature of government; they should not be dismissed as the rantings of the losing side. Rather, in order to fully understand our constitutional heritage, one should become familiar with all the arguments that surrounded the adoption of our Constitution, both pro and con. As this is being written, the U. Senate is preparing to offer its advice and consent or non-consent to the appointment of the new justice for the U. Those who take a deep interest in the process will no doubt tend to focus on specific issues such as abortion, free speech, the rights of victims and those charged with crimes, and so on. But underlying all arguments, no matter how heated or specific they may become, will be the question, How do we interpret our Constitution? During the First Congress James Madison collated the recommended amendments proposed by the state ratifying conventions, boiled them down to about 16, of which Congress eventually passed twelve. Ten were quickly ratified and became the Bill of Rights. Another was finally ratified in and is now the 27th Amendment.