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Over Religious Tests > Opposed to Religious Tests

James Madison to Edmund Pendleton New York, 28 October 1787 (excerpts)

I have recd. and acknowledge with great pleasure your favor of the 8th. instt: The remarks which you make on the Act of the Convention appear to me to be in general extremely well founded. Your criticism on the clause exempting vessels bound to or from a State from being obliged to enter &c in another is particularly so. This provision was dictated by the jealousy of some particular States, and was inserted pretty late in the Session.¹ The object of it was what you conjecture. The expression is certainly not accurate. — Is not a religious test as far as it is necessary, or would operate, involved in the oath itself? If the person swearing believes in the supreme Being who is invoked, and in the Penal consequences of offending him, either in this or a future world or both, he will be under the same restraint from perjury as if he had previously subscribed a test requiring this belief. If the person in question be an unbeliever in these points and would notwithstanding take the oath, a previous test could have no effect. He would subscribe it as he would take the oath, without any principle that could be affected by either.

I find by a letter from Mr. Dawson that the proposed Constitution is received by the Assembly with a more prompt & general approbation than could well have been expected. The example of Virginia will have great weight, and the more so, as the disagreement of the deputation, will give it more the appearance of being the unbi[a]ssed expression of the Public mind. It would be truly mortifying if any thing should occur to prevent or retard the concurrence of a State which has generally taken the lead on great occasions. And it would be the more so in this case as it is generally believed that nine of the States at least will embrace the plan, and consequently that the tardy remainder must be reduced to the dilemma of either shifting for themselves, or coming in without any credit for it. . . . Not a word has been heard from the States South of Virginia, except from the lower parts of N. Carola. where the Constitution was well received.

There can be little doubt I think that the three Southern States will go right unless the conduct of Virginia was to mislead them.

I inclose two of the last Newspapers of this place, to which I add one of Philadelphia. . . .

1. Madison refers to Pendleton's criticism of Article 1, section 9, clause 6, of the Constitution which prohibits Congress from requiring "Vessels bound to, or from, one State, [to] be obliged to enter, clear, or pay Duties in another." Presumably, Pendleton saw no need for such a clause. Maryland delegates Daniel Carroll and Luther Martin proposed this clause on 25 August.

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