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Francis Cummins Speech: South Carolina Convention 20 May 1788

When the convention came to consider the 3d paragraph in the 6th article of the constitution the Rev. Mr. Cummins read the following words.

MR. PRESIDENT, Ever since I have been able to think for myself, and especially since I have taken a view of those merciless and irrational cruelties, which religious denominations have often imposed on each other contrary not to reason only, but also and especially to the mild and fraternal dictates of the gospel of our blessed saviour, I have always thought it my duty and honor to oppose the idea of religious establishments; or of states giving in state affairs preference to any religious denomination.

Freedom of conscience, or in other words, liberty of conscience, is essential to any sound sense of religion, and to destroy this freedom of conscience, and a peaceable way of expressing it, by a state constitution, or by state laws, is to destroy religion, and to militate against the God of nature, as well as rights of men. Besides, in my humble opinion, it would be impolitic as well as unjust for a state to give the preference to one religious order over any other in matters of state, & to dictate and prescribe in points of religion, in which men from different modes of education and circumstances of one kind or other, will and must split in opinion. This naturally excites jealousies, envy and discontent among citizens, tending to distraction and public disturbances.

The religion of the most erroneous heretic, is his religion, and as dear to him as any other man's is to him; therefore to take it away from him by force, if such a thing was possible, would be not only to deprive him of the pleasure of his life, but also to render him irreligious, consequently less valuable to the state; hence I conclude, that all religious denominations, whose principles do not manifestly express danger to others, thereby proving such principles not to be religious, but barbarous and imperious, ought to be on equal footing as to matters of state and protection from violence of any kind.

Now, Mr. President, after having had the honor and opportunity of addressing those sentiments to you before this numerous and very respectable convention; numbers of whom have spoken very reverently of the God of nature, wisdom and grace, I am sure I am absolutely free from being liable to any imputation of narrow mindedness, except from very narrow minds. I am, therefore, I humbly conceive, entitled to the indulgence and candor of this house, and am sure I will get it from the chair; while at the same time that I venerate the names and abilities of those gentlemen who constituted the federal convention, I make some remarks on this important paragraph, which I will do, not from pious principles only, but also very especially from political views.

Sir, if I am not mistaken, although this imperfect human world, as well through Christendom as every where else, is split into sectaries or denominations in religious opinions, yet there is one thing in which they all agree, that is, that there is a GOD; and all nations or denominations not in a state totally savage and uncivilized, whether they be Roman Catholics or Protestants of any sort, do also agree, that an oath is a sacred or religious thing—a thing which binds the conscience, and secures the truth. It is therefore before every judicature civil or ecclesiastic, not merely the civil but religious test or witness to such court, of the sincerity and integrity of the deponent's heart, and of the truth of the fact or testimony by him related or given. This sense of the matter is so universally spread over the world as a dictate of nature, and through the Christian world as a dictate of revelation, so providentially radicated in the hearts of all, except atheists and infidels, that to it are trusted the characters, properties, and very lives of all mankind.

With suitable respect, therefore to the federal convention, and due deference to their abilities, I beg leave to say that I would not wish to see any language or phrase in a national constitution of government, tending, or in any degree seeming to tend to enervate or expunge the sacredness of an oath. Altho', Sir, upon candid enquiry, to the learned and well read, who are acquainted with the general acceptance of the phrase, "Religious test," this paragraph may not appear to militate against the sacred nature of an oath, yet in reality in its structure it does do it, and will be considered to intend to do so, and accordingly be placed by such as say, "an oath at a bar is no more than a political contrivance to bind the honor of gentlemen, scare the hearts of novices, and affix certain temporal penalties, without any regard or appeal to a future or divine bar."

Besides, Mr. President, there are and will be thousands unacquainted with the learned and historical sense of a religious test, with whom the structure of this paragraph may do hurt. Officers shall take oaths—"but no religious test shall ever be required, &c.["] the adversion—BUT NO—is literally very significant here, and strongly negatives the sacred nature of an oath; I say it at least seems to me to do so without some qualification. Sir, would it not have answered all the intended purposes of the expanded hearts of the convention as to civil and religious freedom to have said "but no religious denomintion shall ever have preference to another in matters of state, and all religious societies shall have equal liberty and protection."

This, or something of like import, would be an everlasting security against persecution and dissention upon religious accounts, and at the same time in no degree literally or otherwise, break in upon the universal sense of men concerning the sacred nature of an oath even at a civil bar.

Mr. President. One single word of amendment would perfectly satisfy me here, and I think be of grand political as well as religious service and honor to the nation; that is, alter the words,—BUT NO—insert the word—OTHER¹—then it will explicitly appear that altho' America does not arrogate the prerogative of sitting in the throne of GOD, and lording it over the consciences of men, yet she is careful in her constitution to express herself in such a manner as may not seem even to the weakest capacity to weaken the sacred force of an oath legally administered and taken.

1. Cummins' proposal was adopted as a recommendatory amendment. According to John Wilson of North Carolina, Cummins hoped "to keep out Deists and Atheists from places of power and trust."

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