

Primer on the First Amendment & Religious Freedom

Introduction

The right to freedom of religion is so central to American democracy that it was enshrined in the First Amendment to the U.S. Constitution.

The Founding Fathers wrote the First Amendment in response to two centuries of state-sponsored religious conflict and oppression in America, and with a keen understanding of the religious persecution in European nations resulting from official state religions and religious wars.

Recognizing the unique and intimate nature of religion, the Founding Fathers wisely put religion on a different footing from other forms of speech and observance – mandating strict separation of religion and government to ensure religious freedom for all individuals and faiths. Largely because of the First Amendment's prohibition against government regulation or endorsement of religion, diverse faiths have flourished and thrived in America since the founding of the republic.

James Madison, our nation's fourth president and "Father of the Constitution," concisely summed up the reasons for and benefits of the First Amendment's unique treatment of religion:

It was the belief of all sects at one time that the establishment of Religion by law, was right & necessary; that the true religion ought to be established in exclusion of every other; And that the only question to be decided was which was the true

religion. The example of Holland proved that a toleration of sects, dissenting from the established sect, was safe & even useful. The example of the Colonies, now States, which rejected religious establishments altogether, proved that all Sects might be safely & advantageously put on a footing of equal & entire freedom.... We are teaching the world the great truth that Govts. do better without Kings & Nobles than with them. The merit will be doubled by the other lesson that Religion flourishes in greater purity, without than with the aid of Gov. (Letter to Edward Livingston, July 10, 1822).

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