

Archbishop John Carroll, together with whom he had studied in Europe and won over Canada.¹⁰⁵ It was John Carroll who laid the foundations of religious freedom and equality in the principles that gave birth to the new republic, who wrote "the strongest appeal for recognition of the spirit of religious liberty that was made in his day."¹⁰⁶ He frequently stressed that there should be no preference to any one sect and that all religions should be equal before the law.¹⁰⁷ Americans during the Revolution, wrote John Carroll, had "associated into one great national Union, under the express condition of not being shackled by religious tests."¹⁰⁸

Daniel Carroll, elder brother of John, was elected to the Constitutional Convention in 1787, fought for ratification of the first Constitution, and made the strongest recorded plea for the adoption of the First Amendment.¹⁰⁹ The combined efforts of Charles Carroll of Carrollton, Bishop John Carroll, and Daniel Carroll, unquestionably in the spirit and under the influence of their antecedents, contributed more than any other single factor to the provisions for religious liberty in the United States Constitution. "Largely through their efforts the spirit of Old Maryland became the spirit of New America."¹¹⁰

During the course of debate on the present Bill of Rights, the First Congress attempted to satisfy the demands

of the state ratifying conventions for alteration of the Constitution they had accepted. The senators and representatives were undoubtedly responsive to opinions prevailing in their states, and the delegates from Maryland of course were no exceptions. Some of the opposition to Maryland's becoming the seventh to ratify the Constitution emanated from the failure to adopt a bill of rights. The amendments submitted by William Paca to the ratifying convention contained one guaranteeing religious liberty to all and opposing national establishment, but the majority was satisfied to leave such protection to the individual states.¹¹¹ Although the convention adjourned without agreeing to the proposed amendment, a large number of delegates endorsed the policy "that there be no National Religion established by law; but that all persons be equally entitled to protection in their religious liberty."¹¹²

When the proposed measure was finally introduced before the First Congress, Daniel Carroll, supported by James Madison, led the plea for its adoption.¹¹³ Bishop John Carroll was also an eloquent and respected advocate. He wrote:

"The constitutions of some of our states continue still to entrench on the sacred rights of conscience and men who have bled and opened their purses as freely in the cause

¹⁰⁵ 3 J. SHEA, HISTORY OF THE CATHOLIC CHURCH IN AMERICA 421 (1886).

¹⁰⁶ IVES, *supra* note 61 at 389. See Gazette of the United States, June 10, 1789.

¹⁰⁷ J. BRENT, BIOGRAPHICAL SKETCH OF THE MOST REVEREND JOHN CARROLL 142 (1843).

¹⁰⁸ ANTIEAU, DOWNEY & ROBERTS, *supra* note 77 at 45.

¹⁰⁹ IVES, *supra* note 61 at 372, 381, 394.

¹¹⁰ *Id.* at 403; also, T. HANLEY, THEIR RIGHTS AND LIBERTIES 117ff. (1959).

¹¹¹ A. WERLINE, PROBLEMS OF CHURCH AND STATE IN MARYLAND 203 (1948).

¹¹² 2 THE DEBATES IN THE SEVERAL STATE CONVENTIONS ON THE ADOPTION OF THE FEDERAL CONSTITUTION 553 (J. Elliot ed. 1859). See also ANTIEAU, DOWNEY & ROBERTS, *supra* note 77 at 132.

¹¹³ The original phraseology was, "No religion shall be established by law nor shall the equal rights of conscience be infringed." J. IVES, THE ARK AND THE DOVE 393 (1936).