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The following Letter was addressed by Benjamin Bates (bearer of the ~~above~~ memorial) to a
Member of the Legislature.

The friendly manner in which we discussed together the principles of our memorial, (now before the Legislature) induces me to hope, that a few additional observations, will receive a candid and impartial consideration. It would be useless, I apprehend, in introducing the subject, to enter into any minute enquiry respecting the nature and rights of men in society; or to search in any of the various theories of government, to find in the mean any way, those rights have been abused. The American people understand this subject. They did not in establishing the empire of Liberty, on the basis of equal laws, look to the pillars of privilege, which had in different ages, been extorted from bigotry, or wrung from the grasp of power. No, they were manly and conscious of their rights; they were Brethren, and saw ^{that} their rights were equal. To preserve them, they did not set up human beings like themselves, with crowns and mitres on their heads, and commit to their ambition, ^{exulting} cupidity and for safe keeping and distribution, those sacred immunities with which their Creator had endowed them - which he had

made co-existent with mind itself - inherent and unalienable. It was to preserve to themselves these inestimable blessings, to transmit them to their children, to guard them for ever from usurpation, that viewing the whole ground of polity with a discriminating eye, they declared irrevocably that conscience belongs to God, and civil government to the people. On this principle their whole political structure is erected, hence the law emanates, and every power in the government is bound by its authority. So it stands upon paper; but how does it operate in practice? Is the liberty of conscience indeed preserved inviolate? Do the laws impose no other restraints on religious freedom, than are sufficient to preserve the peace and order of society? Are none of the honest, and inoffensive inhabitants of this commonwealth, taxed, fined or harassed in their persons or property on account of their religious tenets!

These are questions which the patriot and statesman may ponder, but the answer is obvious and undeniable. The liberty of conscience is abridged, the laws do impose other restraints than those contemplated ^{in the} ~~to~~ act, "establishing religious freedom" - and a number of peaceable and useful citizens are exposed to fines and penalties on account of their religious principles.

How is this infraction of natural and constitutional rights
to be accounted for? It will not be said, that either these people
or their principles were unknown, when the declaration of
rights was made, and the form of government established. It
will not be pretended, that they were excluded from the
common privileges of citizens, and the common rights of
humanity. No, but it is said, that the government must be
defended; and they are therefore enroll'd for the purpose of learn-
ing the use of the firelock and bayonet, and for acquiring the
art of inflicting death with the greatest expedition and effect:
men, whose religion is a system of universal benevolence; who believe, God

Almighty forbids animosity, revenge and violence, &c. & who
are assured, that disobedience to his commands, involve awful and
eternal consequences.

This society maintain, with the framers of our constitution, and in
conformity with the repeatedly declared sense of the American people,
that government has no right to bring the laws of God and man
into competition; and that there exists no authority in any de-
partment thereof to cancel, abridge, restrain or modify the
liberty of conscience. When this declaration was solemnly made
the last time by the people of this state and reciprocated by the whole
Union, the society of Friends were exempt, by law, as well as by the

constitutional privileges, both from militia duty and personal service in war. Did not the law, which afterwards subjected them, under heavy penalties, to all the requisitions of the military system, "abridge" this liberty of conscience which had been thus solemnly guaranteed? and if it did, ought not an evidence of the fact, and an appeal to the justice of the country, be sufficient to restore them to their rights? The fact is undeniable - the appeal is made, and its success, perhaps, ought not to be doubted. But in the meantime the subject is variously canvassed, and many objections and difficulties are thrown in the way. We have referred in our memorial to the rights of conscience, as a natural and constitutional privilege; but we are told that the liberty of conscience is an abstract principle, and as such is not to be relied on in particular cases. What is an abstract principle? Is it some ^{remote} uninteresting truth, which may be indifferently remembered or forgotten? Or is ^{it some} ~~the~~ ~~interest~~ proposition to which the understanding assents, but which is still to be tested by experience? Now, it cannot be supposed, that the men, selected by the people, to mark out the boundaries of the law, and to fix the limits of power in a great, free, and enlightened nation, would so insignif.

icantly employ their time, and abuse their trust, as
to set down, as a declaration of rights, any random
propositions that might chance to occur to their re-
collection as true. The fathers of American Lib-
erty did not attract to themselves the gratitude of their
country, and the admiration of the world, by writing more
by what was true. but for selecting the very truths they meant to
establish - for drawing an insuperable, unalterable line
of separation between those powers which a free people may
confide in their governments and those inherent and unde-
niable rights which they retain to themselves, we were
expressly for the preservation of those rights that the con-
stitution was formed. Its barriers were laid strong and
deep around them ~~and~~ and whenever they are
broken down, tyranny and oppression will resume their
course. Nor can it be thought that this liberty of conscience
was introduced as a new or untried principle. - The states-
man of our country were not such novices in the sub-
ject of law and government, or so unacquainted with
human nature as to suppose, that the rights of conscience

had never been tested. Nor would they, if such had
been their opinion, expose the nation to difficulties
and danger by a novel and presumptuous experiment.

No— These men understood their subject. Its nature
and its history, and its importance were familiar
to their minds. They knew how readily the pride
of opinion, and the possession of power combine, to
produce intolerance— They knew that a denial
of their rights constitutes the worst species of tyranny.

Nations have groaned for ages under its influence, and
to preserve this country from a similar fate they held
forth the right of conscience— Not as an abstract metaphy-
sical notion, but as a living indestructible privilege, of
which no law should ever deprive a citizen.

But why was it necessary to guard these rights
with such anxious solicitude? Why enshrine
them in the constitution, and protect them with
such jealous care from the powers of the legislature?

Is not the government derived from the people? Is it not
administered by their agents, and solely for their benefit?

And can not the people be trusted with the guardianship
of their own privileges? The answer is plain.

A government of the people is necessarily a government
of the majority, but the majority, if they are
not bound by constitutional restraints, may, in securing
their own rights, overlook and violate the rights of others.

But would it not be mockery to tell the majority
under these circumstances, that they ought not to complain

that their country is a free republic, and that they
are integral parts of the sovereign authority? Would

they not be sensible that their rights and liberties depend

on the will, and lay at the mercy of individuals, and

that however many or few of those individuals, and that

might be, and under whatever forms their proceedings

be conducted, an arbitrary government is still despotism,

and the subjects of it are slaves? Hence the necessity

of constitutional restraints, and when those are

properly established; when government simply occu-
pies the ground on which it is placed, and exercises on-
ly the powers which have been submitted to its direc-
tion; the decisions of the majority become the legitim-
ate rules of action, and every member of the commu-
nity, (whatever may be his opinion of their wisdom or
experience) is bound to obey them. This is presumed to
be the true definition of a free government. But of
what avail under any form of government is the at-
tempt to enslave the mind? As soon would the acad-
emy devise means to arrest or controul the revolutions
of the solar system as the legislature of any country
find laws that would bind the free spirit of man.

How long has tyranny, tortured its invention and
varied the apparatus for discovering this grand deside-
ratum? Creeds, tests and anathemas have been tried.
Strips, fetters and dungeons have done their best.
Racks, flames and gibbets have exhausted all their

powers, and all have ended in miserable disappointment.
And is it not difficult to conceive how the notion ever
came to be entertain'd on this side of the Atlantic? The
genius of our country did not borrow even the mildest
feature of such a system; and it is certainly not con-
gruous with our habits of thinking, to suppose that the
mind may be fetter'd by putting a chain upon the leg,
or that a man's heart can be divested of its own sins by
a warrant to take his cattle. But admitting that the
~~people's~~ liberty of conscience is both a natural and constitu-
tional right, and that it is physical impossible to controul
the free agency of the mind, still it is contended, an expe-
dient may be found which shall protect those rights from
violation, and at the same time satisfy ^{the law} which would other-
wise infringe them.

Thus, if the legislature enjoin the performance of certain
duties, on which it is supposed the very existence of govern-
ment depends, and those duties happen to interfere with

The constitutional rights of any individual, let that individual ^{pay} an equivalent and be excused. If it be a military service for instance, and his religious principals forbid him to fight, let him pay a tax for the support of schools, and make the tax equal to the military service. ~~for instance~~ The argument fairly stands thus:— The legislature shall not restrain the free exercises of conscience, but they may levy a fine upon the advantages derived from the exemption.

Have I any objection to the support of schools? Far from it— I should rejoice to see Knowledge and virtue diffused among the ^{lower} classes of society. I would cheerfully pay an equal tax for the purpose, and might be disposed to encourage it by a voluntary contribution. But when I pay a partial tax— a fine, I am neither discharging the common duties of a citizen, nor doing an act of benevolence; I am paying what is considered by governments as a debt; and for what considera-

tion? plainly, for being allowed the liberty of conscience.

But, I do not desire the liberty of conscience from the government; I hold it by a tenure antecedent to the institutions of civil society - it was secured to me in the social compact, and was never submitted to the legislature at all: they have therefore no privilege to grant or withhold at their pleasure, and certainly no pretence of right or authority to sell it for a price. It appears then, that this exclusive tax for

the support of schools is a groundless and oppressive tax.

This is a muster fine in disguise, and violates every principle it seem'd to respect. - But is it not unreasonable,

it is asked, that our fellow citizens who believe war to be

allowable and necessary, should be subjected to the hardships and privations incident to the training and ser-

vice, while we, under the protection of our religious

privileges enjoy complete exemption?

^{privileges}

We answer no. If those citizens do believe that war is

necessary for their defence, If they conceive it to be their

duty, and their interest to fight - if it accords with their religious
principles to repel aggressions by the sword - if in the opinion
the full exercise of their privileges, they give to the government
authority to command them in these services, this is their
own act, and they cannot complain of the consequences.

But a man is not the Judge of his neighbour's conscience
and if the powers they surrender for themselves, involve con-
stitutional privileges, they are binding only on those who
have consented to them.

May I enquire what it is that constitutes the obligation
to fight for one's country? I mean to apply the question to
free people; for under a despotism the will of the master
is the obligation of the slave. - What is it then in a free
country, that induces a man to go to war? Is it the protect-
tion of his rights? But what rights has he to protect, whose
most essential privileges are already wrested from him? -
Or is it the interest which every individual feels in preser-

ving his property, his home, his children, his friends? Have not
all some interesting attachments? Have not all some endea-
ring objects that cling about the heart? And is not the aggre-
gate of these their country? Every man therefore, engaged by
common consent in a defensive war, considers that he is fight-
ing for himself and his domestic enjoyments. — his home is iden-
tified with his country, and he is using those means which his
own reason and conscience could approve for its defence. We to save homes
and a little property and children and friends, since well-
fare is dearer than life. — We to connect them in their coun-
try, and for their preservation would make any sacrifice
which our reason and conscience would approve. — But these forbid us to fight.

The Power to whom we are indebted for all our enjoyments
and whose divine Providence is their best protection, has not
committed to us the right to destroy our fellow creatures, or to
seek the redress of our wrongs by the shedding of human blood.

But that we knew he has communicated to man a princ-
capable
ple of silencing war and violence. There is, my friend, in the re-

ligion taught by Jesus Christ, a power able to reconcile
us to God and to one another. It can divest the heart
that receives it of its propensities to wrongs and violence
and implant in their place the disposition to suffer
wrongs and violence for its sake. Thousands of living
witnesses bear testimony to this divine principle thou-
sands who would suffer any privation or punishment,
rather than impede by their example its influence and in-
crease. And ought it not to console the friend of his country
and of his species, to see its growth, and to be assured by
indubitable evidence, that it is possible in its support, to
return good for evil, to love even our very enemies, and for
Man, in all situations, to be the friend of man.

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