

EXHIBIT A

“REFERENCES TO [PROTESTANT CHRISTIANITY] ARE REPLETE IN OUR NATION’S HERITAGE”¹

“[We should be loath that any Person should be permitted to pass that we suspected to affect the Superstitions of the Church of Rome.”²

“[Catholics are] the scum & dregs of the earth.”³

“[Catholicism is] that whore [which] will shortly appear so extremely loathsome, in her drunkenness, bestialities, &c., that her bewitched paramours will tear her flesh, and burn her with fire unquenchable.”⁴

“[N]one who profess and Exercise the Popish Religion Commonly known by the Name of the Roman Catholic Religion can be protected in this Province by the Lawes of England.”⁵

¹ Memorandum in Support of the Federal Defendants’ Motion to Dismiss (hereafter “Fed. Memorandum”) at 1.

² Second Charter of Virginia, May 23, 1609. *Documents of American History*. Commager, Henry Steele (ed.). Third Edition. (New York: F.S. Crofts & Co.; 1946), p. 12.

³ Prayer recited twice each day by the captain of the guard in colonial Jamestown, Virginia. *Tracts and Other Papers, Relating Principally to the Origin, Settlement, and Progress of the Colonies in North America, from the Discovery of the Country to the Year 1776*. Collected by Peter Force (New York: Peter Smith; 1947). Vol. III, part II, page 67.

⁴ Publications of the Narragansett Club, Volume 6: *Letters of Roger Williams, 1632-1682*. (Providence, RI: Narragansett Club; 1874), p. 311.

⁵ Act of October 20, 1654, in Browne, William Hand (ed.). *Archives of Maryland, Proceedings and Acts of the General Assembly of Maryland, January 1637/38-September 1664*. (Baltimore: Maryland Historical Society; 1883), vol. I, pp. 340-41 (as provided in Ellis, John Tracy. *Documents of American Catholic History*. (Milwaukee: The Bruce Publishing Company; 1962), p. 114).

APPENDIX A

“I do firmly believe, that the Present Communion of the Roman-Catholic Church is both Superstitious and Idolatrous.”⁶

“[T]here is here perfect freedom of conscience for all, except Papists.”⁷

“[New Hampshire shall] permit liberty of conscience to all persons except Papists.”⁸

“[There shall be] a liberty of Conscience ... in the Worshipp [sic] of God to all Christians (Except Papists).”⁹

“[A]ll persons Inhabiting ... our ... Province ... Except Papists shall have a Free Exercise of their Religion.”¹⁰

“POPERY [is] an impious, an absurd, persecuting, blood feeding Religion; a Religion as disgraceful to human Understandings, as it is injurious to the sacred Ties of social Benevolence. ... *It* is a Religion chiefly calculated to support the tyrannical Power, and the insatiable Avarice of their Clergy, and as opposite to true Christianity, as any one Thing can be opposite to another.”¹¹

⁶ William Penn’s 1679 “test” for citizens to “secure your selves from *Papists*.” *The Political Writings of William Penn*. Introduction by Murphy AR. (Indianapolis: Liberty Fund; 2002) p. 133-34.

⁷ Klein, Milton M. *Shaping the American Tradition: The Microcosm of Colonial New York*. 59 *New York History* 173 (April, 1978), p. 190 (emphasis added).

⁸ New Hampshire Provincial Papers, II, 25 (1689), cited in Kinney, CB. *Church & State: The Struggle for Separation in New Hampshire - 1630-1900*, (Columbia University, New York; 1955, at 35(emphasis added).

⁹ The Massachusetts Charter of 1691, as provided in Poore, Benjamin Perley. *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*. 2nd. Ed. (Washington: Government Printing Office; 1878), Part I, p. 950.

¹⁰ *Charter of Georgia (1732)*. Accessed on June 11, 2006 at <http://www.yale.edu/lawweb/avalon/states/ga01.htm> (emphasis added).

¹¹ The New York Mercury, Monday, September 23, 1754, p. 1.

“The members of this Congress [are] inviolably attached to the present happy establishment of the Protestant succession.”¹²

“That the late act of parliament for establishing the Roman Catholic religion and the French laws in that extensive country, now called Canada, is dangerous in an extreme degree to the Protestant religion and to the civil rights and liberties of all America; and, therefore, as men and Protestant Christians, we are indispensably obliged to take all proper measures for our security.”¹³

“[E]stablishing the Roman Catholic Religion in the province of Quebec ... erect[ed] a tyranny there, to the great danger, from so great a dissimilarity of Religion, law and government, of the neighbouring British colonies.”¹⁴

“[Catholicism is] a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world.”¹⁵

“We, his majesty's most loyal subjects, [are] the delegates of the free Protestant colonies.”¹⁶

¹² 1765 Resolutions of the Stamp Act, accessed on February 13, 2008 at <http://www.yale.edu/lawweb/avalon/resolu65.htm>) on April 13, 2007.

¹³ 1774 Suffolk Resolves, paragraph 10. Accessed on February 13, 2008 at <http://www.nps.gov/mima/forteachers/upload/The%20Suffolk%20Resolves.pdf>.

¹⁴ 1774 Declaration and Resolves of the First Continental Congress, accessed at <http://www.yale.edu/lawweb/avalon/resolves.htm> on February 13, 2008.

¹⁵ *Journals of the Continental Congress*. Ford WC, ed. (Washington, DC: Library of Congress (GPO); 1904), Volume I, p. 88. Writing “to the people of Great-Britain” on October 21, 1774, the Continental Congress referenced “their affectionate **protestant** brethren,” *id.*, at 100, and implored them to support “the ancient free **Protestant** colonies.” *Id.*, at 88.

¹⁶ October 20, 1774 Articles of Association, accessed on February 13, 2008 at <http://www.yale.edu/lawweb/avalon/contcong/10-20-74.htm>).

“[N]o person, who shall deny ... the truth **of the Protestant religion** ... shall be capable of holding any office or place of trust or profit in the civil department within this State”¹⁷

“[N]o Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; [and] all persons, professing a belief in the faith of any Protestant sect. who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed by others their fellow subjects.”¹⁸

“The representatives shall be ... of the Protestant [sic] religion.”¹⁹

“The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be, the established religion of this State.”²⁰

“Romish policy ... [entails] reducing ... minds to a state of sordid ignorance and staring timidity.”²¹

“[M]uch more is to be dreaded from the growth of popery in America, than from the Stamp Act or any other acts destructive of civil rights.”²²

¹⁷ North Carolina Constitution of 1776, Article XXXII, accessed on February 13, 2008 at <http://www.yale.edu/lawweb/avalon/states/nc07.htm>.

¹⁸ New Jersey Constitution of 1776, Article XIX, accessed on February 13, 2008 at <http://www.yale.edu/lawweb/avalon/states/nj15.htm>.

¹⁹ Georgia Constitution of 1777, Article VI, accessed on February 13, 2008 at <http://www.yale.edu/lawweb/avalon/states/ga02.htm>. Emphasis added.

²⁰ South Carolina Constitution of 1778, Article XXXVIII accessed on February 13, 2008 at <http://www.yale.edu/lawweb/avalon/states/sc02.htm>.

²¹ Adams, John, *Dissertation on the Canon and the Feudal Law*, in Adams, Charles Francis. *The works of John Adams, second president of the United States : with a life of the author, notes and illustrations*. (Boston: Charles C. Little and James Brown; 1850), Vol. 3 (of 10) pp. 449-50.

“[America is comprised of] free, Protestant, English settlements.”²³

“[T]he several towns ... and other bodies politic or religious societies ... [should provide for] the support and maintenance of public **Protestant** teachers of piety, religion, and morality.”²⁴

“Abhor that arrant whore of Rome,
And all her blasphemies,
And drink not of her cursed cup;
Obey not her decrees.”²⁵

[D]uring the early years of the Republic, American schools -- including the first public schools -- were Protestant in character. Their students recited Protestant prayers, read the King James version of the Bible, and learned Protestant religious ideals. Those practices may have wrongly discriminated against members of minority religions, but given the small number of such individuals, the teaching of Protestant religions in schools did not threaten serious social conflict. (Catholics constituted less than 2% of American church-affiliated population at time of founding).²⁶

²² Statement of Samuel Adams. McAvoy, Thomas T. *A History of the Catholic Church in the United States*, (Notre Dame: London; 1969), p. 387. Adams was the “Patriarch of Liberty” and the “Father of the American Revolution,” who served in numerous official roles, including delegate to the Continental Congress, President of the Massachusetts State Senate, and Massachusetts governor.

²³ Webster, Noah. *An American selection of lessons in reading and speaking*. (Philadelphia: Young and McCulloch; 1787), p. 243.

²⁴ Massachusetts Bill of Rights of 1780. *Documents of American History*. Commager, Henry Steele (ed.). Third Edition. (New York: F.S. Crofts & Co.; 1946), p. 108.

²⁵ *New England Primer, or, An easy and pleasant guide to the art of reading: Adorned with cuts; to which is added, the Catechism*. (Boston: Massachusetts Sabbath School Society; 1843) p. 25.

²⁶ *Zelman v. Simmons-Harris*, 536 U.S. 639, 720 (2002) (Breyer, J., dissenting) (citations omitted).