

sure, incidents of religious friction under the Calverts, during the first 50 years of the colony, were isolated ones; but an undercurrent of low-key animosity and tension, perhaps engendered by the still rather close control exercised by the mother country or perhaps only carried over by a hard core of the settlers, was ever-present. The flame was not to be lit until the Protestant Revolution of 1688, but the combustible elements were there. When Establishment did take its place, there was as much intolerance and persecution in Maryland as in any of the colonies.

The foundation built by the Calverts, however frayed from the outside, rested on strong underpinnings and remains important and valuable in any meaningful interpretation of the First Amendment.

The theory upon which Maryland was founded, that of a state whose government was truly tolerant and whose citizens enjoyed equal rights for all, did not originate with George Calvert. Indeed the idea was prevalent among many political philosophers of the era. Thomas More's *Utopia* spoke of a law made—

“that every man might be of what religion he pleased, and might endeavor to draw others to it by the force of argument and by amicable and modest ways, but without bitterness against those of other opinions; but that he ought to use no other force than that of persuasion, and was neither to mix it with reproaches or violence.”¹⁸

It remained for Cecil Calvert, upon the death of his father, to forge the ideal

¹⁸ Quoted in Andrews, *Separation of Church and State in Maryland* 170 (1934).

into a reality. Fortunately the second Lord Baltimore was of much the same mold as the first. He too was determined to “provide a refuge for English Catholics, and . . . create a fair domain for himself and his posterity,” and “realized that in the age of suspicion and distrust in which his venture had its inception the Catholics alone would never be permitted . . . to build a successful colony.”¹⁹ He recognized the necessity for Protestants working hand in hand with Catholics, and to prevent discord between the factions, he sought to do away with all factions through a strict policy of religious liberty.²⁰

Most of the early settlers of Maryland were Protestant,²¹ and Cecil Calvert realized that only the fairest treatment of the colonists upon their arrival in the new land would keep the province in his hands.²² Religious tolerance was maintained vigorously,²³ but both Cecil and his brother Leonard (who was to become the colony's first governor while the Proprietor remained in England) went far beyond what they had to do to save their charter or preserve their rights, in order to protect the religiously oppressed.²⁴ This is clearly evidenced

¹⁹ Wroth, *The First Sixty Years of the Church of England in Maryland 1632-1692*, 11 MD. HIST. MAG. 6-7 (1916).

²⁰ *Inventory of the Church Archives of Maryland / Protestant Episcopal: Diocese of Maryland* 7 (1940). See also G. PETRIE, CHURCH AND STATE IN EARLY MARYLAND 12 (1892); and B. BROWNE, GEORGE AND CECILIUS CALVERT 98 (1890).

²¹ ALLEN, *supra* note 17 at 18-19.

²² SKIRVEN, *supra* note 17 at 7.

²³ PETRIE, *supra* note 20 at 15. See also 1 J. SCHARF, HISTORY OF MARYLAND 151-82 (1879).

²⁴ IVES, *supra* note 7 at 146.