

On the Religious Proscription of Catholics

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By 1855 the American Party, an anti-Catholic and anti-immigrant political organization, had achieved considerable power in this country. In less than a decade the party, which had begun as a secret patriotic order, was so successful that it confidently hoped to capture the Presidency in 1856.

It was at this moment, when the followers of this party, popularly known as Know-Nothings, were blatant in their attacks on Catholics and immigrants, that Philip Phillips (1807-1884) raised his voice against them in a letter to the *Mobile Register*.

Phillips, a Charleston Jew, had been a congressman from Alabama during the years 1853 to 1855, and had remained in Washington to practice law, primarily before the United States Supreme Court. He was one of the greatest lawyers of his time. In 1876, during a period when the Supreme Court was not in session, Phillips wrote an autobiography which has been published in part in Jacob R. Marcus' *Memoirs of American Jews, 1775-1865*, III, 135-60. Although once secretary of the short-lived Reformed Society of Israelites, a liberal religious group in Charleston, Phillips had little, if any, interest in Jewish life.

John Forsyth, editor of the *Mobile Register*, to whom Phillips addressed himself, was the son of that John Forsyth who, as Secretary of State, had intervened with the Sultan of Turkey, in 1840, on behalf of oppressed Damascus Jewry.

The following article is reprinted from a brochure found in the Phillips Collection in the Division of Manuscripts, Library of Congress.

Washington, July 4, 1855.

My dear sir:

I readily comply with your request to give you my impressions of the last development of political events. Nothing appears to me more

interesting to the country than the recent demonstrations of the "Know-Nothings," at Philadelphia and Montgomery, against the Catholics. In their national platform they [the Know-Nothings] declare that "Christianity, by the constitutions of nearly all the States, by the decisions of the most eminent judicial authorities, and by the consent of the people of America, is considered *an element of our political system.*" The application of this is not very apparent. But if it was intended to assert, as I presume it was, that in the Federal Constitution, which forms the bond of our Union and constitutes the "political system" of the United States, there is any such element incorporated, either by expression or necessary implication, then I deny the truth of the proposition. There is nothing clearer than that in the formation of the Constitution it was intended emphatically to exclude all connection with any religious faith whatever.

Separation of Church and State, eternal divorce between civil and ecclesiastical jurisdiction, were cardinal principles with the sages and patriots to whom not only we, but all mankind, are indebted for this model of a republican government. No, my friend; they possessed too much wisdom and practical good sense to be content with a mere feeble imitation of the existing order of things. They distinctly saw the evil fruits which the conjunction of political and religious power had everywhere produced, and in the discharge of the high duty intrusted to them — the highest that man could be charged with — they determined to profit by the example, and inaugurate a "political system," whose dominion should be exclusively confined to the political relations of its constituents, acknowledging in the eyes of the law the perfect equality of all sects and faiths, and leaving the whole subject of religion, and its requirements, to the dominion of that Higher Tribunal which alone can search the hearts and judge the motives of men.

The Constitution itself gives evidence of the solicitude felt upon this subject, and the debates which led to its adoption show the high tone of feeling that existed in the convention. When Mr. [Charles C.] Pinckney reported to that body his proviso, "that no religious test shall ever be required as a qualification to any office or public trust under the authority of the United States," the only opposition he met with was from Mr. [Roger] Sherman, who declared it as "unnecessary, *the prevailing liberality*

being a sufficient guarantee against such test." But notwithstanding the adoption of this emphatic declaration, so jealous were the people at that time of any governmental interference or connection with religion, that the first amendment to the Constitution proposed and adopted was the additional guarantee that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In those countries where Christianity avowedly forms a part of their political system, there also the laws define the particular form of faith to which the government attaches itself, and denounce the penalties for non-conformity. Let us once admit that it forms "an element of our political system," and we should soon be called upon to submit our consciences to Congressional dictation. The argument would then be not too remote that the Christianity intended was that professed by the great majority of the people at the formation and adoption of the constitution, and that this was not only a Christian but an *anti-Catholic government*.

It is in your remembrance that many years ago a large and respectable body of citizens petitioned against Sunday mails.¹ They evidently proceeded upon the idea that this was a Christian government, and that the violation of the Christian Sabbath was a sacrilege the government was bound to put an end to. Congress rejected the petition, and their action was approved by the country. Now, this approval could only rest upon the denial of the proposition that "Christianity was an element of our political system." But, my dear sir, whether right or wrong on this head, it must be evident that the assertion of this principle in a political platform, preluded by a solemn "acknowledgment of that Almighty Being who rules over the universe, and presides over the councils of nations," was a mere self-sanctification, intended to appeal to the religious feelings of the country, that they might the more easily be drawn into the vortex of political strife, and combined for what is declared to be one of the great objects of the movement — "resistance to the aggressive policy and corrupting tendencies of the Roman Catholic church in our country by the advancement to all political stations — executive, legislative, judicial, or diplomatic — *of those only who do not hold civil allegiance, directly or indirectly, to any foreign*

¹ For the agitation for the suppression of Sunday mails, see *American State Papers and Related Documents on Freedom in Religion*, 4th edition, Washington, D. C., 1949, pp. 205 ff.

power, whether civil or ecclesiastical, and who are Americans by birth, education, and training."²

Having first asserted that Christianity was "an element of our political system," do you not perceive how smoothly the inference is drawn that a pure Christianity requires the exclusion of Catholics from the rights of citizenship? I know that upon a mere quibble, it may be denied that this inference is justified; but the quotation means this or nothing. The circumstances which surrounded this declaration have written upon it its true scope and character. No great change in government was ever accomplished by the full development of its principles in the inception of the movement. Our own Revolution rested for a period upon a redress of grievances, accompanied with an earnest protestation of continued loyalty to the British Crown.

The change now aimed at for excluding Catholics from their share in the government of the country, like all radical and revolutionary movements, must be effected, if effected at all, by gradual stages of progress, which inure us to the journey, and accustom us to the road. Let those who may be unwilling to admit that my inference is just read attentively the events which are transpiring around us. The sentiment of the Philadelphia convention [June, 1855] is repeated at every assembly of the party. Its echo at Montgomery, in our state, proclaims "opposition to the election to office of every man who recognizes the right of any religious denomination to political power, or the authority of any higher law than the constitution of the United States." The country is flooded with a spurious literature,³ in which the imagination of its authors has been stimulated into activity to portray the fancied horrors of cloister and cell, and describe the Catholic priesthood as clothed in the garments of every crime. In many parts of the country the pulpit is fulminating doctrinary essays to prove the Catholic church corrupt, and its adherents unfit depositaries of the rights of citizenship. If a Catholic citizen, however capable and honest, be appointed to political position, a howl is heard throughout the land, and denunciation follows the appointment.

² This phrase is taken from the political platform adopted by the American Party in Philadelphia in June, 1855 (Gustavus Myers, *History of Bigotry in the United States*, New York, 1943, p. 202).

³ For the anti-Catholic literature of this period, see Myers, *op. cit.*, pp. 148 ff.; R. A. Billington, *The Protestant Crusade, 1800-1860*, pp. 193 ff., 345 ff., 445 ff.

What is the meaning of all this? I cannot be deceived by any "set phrase of speech." I tear off the flimsy disguise of words, and I behold the naked and hideous truth: religious intolerance! Party assemblies have met ere this; declarations of political principles have been common in our practice; new parties have been formed; old ones have been modified; but when before in our history has it been considered necessary to anathematize "the aggressive policy and corrupting tendencies of the Roman Catholic church"? When before has it been found proper to introduce religion into our political organizations? When before was the fitness for political office tested not by the honesty or capability of the candidate, but by the religious faith he professed? Times have, indeed, changed, and we have changed with them. When the venerable Carroll⁴ took up the pen to affix his name to the immortal "Declaration," no man cried "Hold! you are a Catholic."

If a new necessity has sprung up justifying a new law, then, I ask, where does it exist, and in what form does it appear? Surely Protestantism has not become so weak as to require protection from the arm of a political party. Having entertained no fears of the Pope of Rome when [he was] in power, does it fear his dominion in this country now that he is dependent on foreign bayonets to preserve his dominion in Rome itself?⁵ It would be unjust to construe these resolutions as vague generalities, having no application to any existing evil — the remedy for which was to be found in this new party organization. What, then, is their application? Do "the aggressive policy and corrupting tendencies of the Roman Catholic church" point to a condition of things existing among *us*? Do there exist among *us*, in the language of the Montgomery resolutions, a body of men "who recognise the right of a religious denomination to political power, or the authority of any higher law than the Constitution of the United States"? Against whom is the new law to be enforced? It is vain to attempt disguise or prevarication. The alleged evil is declared to exist *here*, and the new rule is to find its justification in the religious faith of *our Catholic citizens* — citizens secured in their faith not only by the written stipulations of our

⁴ Charles Carroll of Carrollton (1737–1832), a signer of the Declaration of Independence from Maryland, was the most distinguished American Catholic of his day.

⁵ At this period, Pope Pius IX was kept in power in Rome largely by the armed forces of Napoleon III.

Federal and state constitutions, but, as with us, by a solemn treaty stipulation "that the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime shall be maintained, and protected, in the free enjoyment of their liberty, property, and the *religion* they profess."⁶

Let these questions be answered, not by mere speculation, much less in the spirit of captiousness, but by *the solemn acts and declarations of the most authoritative assembly*. When before the grand council or convention at Philadelphia the delegation from Louisiana presented their party credentials — a delegation composed of men whose respectability was not questioned, whose good faith was not suspected — they were spurned from the council, as unfit for the political brotherhood, *because the lodge they represented held political communion with Catholics!* It was in vain that the odious doctrine was denounced by them [as being] of an allegiance superior to the Constitution, or inconsistent with the highest discharge of political duties. It was in vain that the fact was recognized that the delegation contained but one Catholic (Gayarre, the distinguished historian).⁷ There was no virtue, no party affinity, that could redeem their error, or "wash out the damned spot." In the judgment of this tribunal, no one could be a "true American" and a *Catholic!* Here, then, we have the new "American doctrine," explained by the "true Americans" themselves, and a practical application and development of their ambiguous resolves.

Odious as all this appears, it must not be supposed that this party has originated any new element of power; religious intolerance is as old as the history of man. In this country, where freedom and equality, under the shadow of the law, walk hand in hand throughout the land, intolerance lies dormant in the breast, or, when excited into action, shrinks from the public eye. It is, however, fully entitled to the "bad eminence" of being the first in the history of our country which has dared openly to stimulate

⁶ This provision is from the French Cession of Louisiana to the United States, April 30, 1803, Article III (H. S. Commager, *Documents of American History*, 4th ed., New York, 1948, p. 191).

⁷ Charles Étienne Arthur Gayarré (1805–95) wrote several books on the history of Louisiana. He was Louisiana's outstanding *littérateur* in the days before and after the Civil War.

this feeling for political objects: thus, in the name of Christianity itself, laying the train to light the torch of religious persecution.

If the leaders in this crusade were religious fanatics, we might respect their sincerity, though we denounced their action. But who are they? The Whig and Democratic parties are said to have become *corrupt*. But this new party, as you see, is very much controlled by the *scum* which the agitation of the old ones has thrown off. Look around, my dear sir, and inquire how many of those leaders have been noted for their piety, or characterized by devotional feeling, who now flaunt their religious robes in the face of every passer-by. How appropriately may they be described —

With smooth dissimulation skilled to grace,
A devil's purpose, with an angel's face.

I do not doubt the sincerity of the great mass of those who have been deluded into these lodges. I believe the mass of all parties to be honest; but I also believe that the great majority of their leaders are impelled by the hope of obtaining from a new organization the political promotion which they despaired of receiving from the old ones. What faith can we have in the sincerity of the men, now so zealous in their anti-Catholic professions, who but a few months ago made the air redolent with their cries against our present worthy Executive [President Pierce], because the constitution of New Hampshire excluded Catholics from office?⁸

You perceive, I have treated the movement of the "Know-Nothings" as a direct attack upon the Constitution itself, because I really regard the plea which acknowledges that the Catholics are to be excluded by voluntary associations bound by oaths, but denies that any "legislative enactment" is to be resorted to for that purpose, as *beneath criticism*. Why, my dear sir, if the exclusion be justifiable and necessary, should it not be engrafted upon our Constitution? If the people of these States should ever receive this bastard "Americanism" as true republicanism, what should prevent that opinion from being organized into law? Is law in this country anything else but organized public opinion? It is a weak and miserable design which seeks by indirection to effect the disfranchisement of a portion of our

⁸ Franklin Pierce of New Hampshire was attacked by his political enemies because the constitution of New Hampshire excluded Catholics from office. Pierce, however, had denounced this clause in the state constitution (*Myers, op. cit.*, p. 189).

citizens, while it cowardly admits that the law which denounces this disfranchisement should be preserved unaltered.

I confess to you, my friend, that a few months ago I looked with feelings almost of despair upon the downward course of our political affairs. My confidence, however, is restored; the South, always conservative, always jealous of power, and comparatively free from those sudden excitements to which the denser populations of the North are subject, will vindicate the character which she has nobly earned. Virginia, the oldest of the sisters, has led the way to triumph;⁹ and Alabama, one of the youngest and fairest, will come out of her impending struggle radiant in victory, and with garments undefiled.

Let, however, the result be what it may, if the present brings no thanks to you and others, who have stood by the principle of religious equality and freedom, the future, the not distant future, will be yours.

Yours, most truly,

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⁹ In the Virginia election of May, 1855, the Know-Nothings were defeated (J. F. Rhodes, *History of the United States, etc.*, II, 88-89).