

AMERICAN CONSTITUTIONALISM  
VOLUME II: RIGHTS AND LIBERTIES  
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Supplementary Material

Chapter 5: The Jacksonian Era – Individual Rights/Religion

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*Philip Phillips, On the Religious Proscription of Catholics (1835)*<sup>1</sup>

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*Philip Phillips (1807–84) was a prominent southern lawyer, politician, and one-term member of the House of Representatives. Phillips was Jewish and a pro-Union Democrat. He worked closely with Stephen Douglas when in Congress. He later became an active litigator before the Supreme Court of the United States.*

*Phillips wrote “On the Religious Proscription of Catholics” just after he completed his single term in the House of Representatives. His public letter responded to the 1855 national convention of the American Party, better known as the Know-Nothings.<sup>2</sup> The Know-Nothings were organizing as a national political force. In many states, Know-Nothings displaced the Whigs as the primary opposition to the Democrats. The Phillips letter was part of the Democratic Party’s counterattack. The essay denied that Christianity was integral to American constitutionalism and accused the Know-Nothings of advocating a de facto religious test for political office. Alabama Democrats running on this inclusive platform were successful. They won a decisive victory over the Know-Nothings for state and federal offices. The American Party went into rapid decline after the 1856 elections in Alabama and across the country.*

*Compare the excerpt below to the Samuel Morse’s Foreign Conspiracy against the Liberties of the United States. On what basis did Morse and Phillips disagree? Did Phillips challenge or ignore Morse’s depiction of Catholics? Why did Phillips believe Catholics were entitled to equal political rights? Phillips was a Democrat. Do you perceive connections between his defense of religious equality and the Jacksonian attack on exclusive privileges? Can you explain why the party most supportive of religious equality was the party least supportive of racial equality? Compare Phillips to James Madison and Roger Williams. What are the major similarities and differences in their defenses of religious freedom?*

. . . 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 republican government. . . . 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 . . . 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. 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

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<sup>1</sup> Excerpt taken from Philip Phillips, *Letter of Hon. P. Phillips, of Mobile, Ala., on the Religious Proscription of Catholics* (Mobile, AL: Register, 1855).

<sup>2</sup> See *Principles and Objects of the American Party* (New York: American Party, 1855).

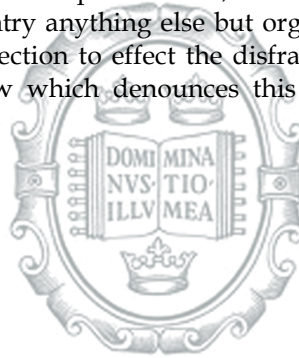
Mr. Sherman, who declared it as “unnecessary, the prevailing liberality being a sufficient guarantee against such a test.” . . .

. . . Let us once admit that [Christianity] 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*.

. . . 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. . . . No great change in government was ever accomplished by the full development of its principles in the inception of the movement. . . .

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

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