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Reviving a Spirit of Controversy: Roman Catholics and the Pursuit of Religious Freedom in Early America

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REVIVING A SPIRIT OF CONTROVERSY: ROMAN CATHOLICS AND THE
PURSUIT OF RELIGIOUS FREEDOM IN EARLY AMERICA

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ABSTRACT

Reviving a Spirit of Controversy: Roman Catholics and the Pursuit of Religious Freedom in Early America

By

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Few subjects in American history have elicited as much scholarly attention as religious freedom. Yet, no study has looked at the long tradition of Catholic dissent in America. That story has been limited to narrow articles and monographs on Maryland or Catholic history even though American Catholics have participated in discourses about religious liberty since the Lords Baltimore founded Maryland in 1632. Andrew White, Thomas Copely, and Charles Carroll the Settler advocated for Catholic rights in the seventeenth century. Peter Attwood, Joseph Beadnall, and Charles Carroll of Annapolis followed in their footsteps in the beginning of the eighteenth. By the end of that century, a new cast of characters was pursuing Catholic religious freedom in the newly established United States. John Carroll, Mathew Carey, Francis Fleming, and John Thayer engaged in controversies in Washington, Baltimore, Philadelphia, New York, and Boston that posed sharp questions about what religious freedom meant in the United States, and how one's religious beliefs related to notions of citizenship. During the nineteenth century, yet another generation of American Catholics pressed against conventional understandings

and applications of religious liberty. John England, William Gaston, and John Hughes, among others, continued to redefine what religious freedom meant in the United States half a century after the First Amendment declared that “Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof.” Even after many states disestablished their churches and rescinded laws prohibiting Catholics from holding political office, Catholics continued to speak out against cultural prejudices that lingered throughout the country.

This long tradition of Catholic dissent was not inconsequential to the shaping of American religious freedom. Catholics held their Protestant neighbors accountable for the liberal and congratulatory rhetoric they used to describe the church-state model in America, noting that certain religious minorities did not possess equal rights under the law and suffered from discrimination and prejudices in the culture. By viewing that story through a Catholic lens, this dissertation argues that the development of religious liberty has been a process of negotiation from early in the seventeenth century, and that even after the establishment of the United States, religious minorities were working to make American culture more tolerant. At the same time, the experiences of American Catholics suggest that even religious minorities often celebrated and appreciated the robust freedoms that the United States offered. As the first study to look at the Catholic dissenting tradition in early America, I conclude that historians can learn from those experiences and apply their findings to wider discussions of American religious freedom, the relationship between church and state in the United States, and citizenship.

ACKNOWLEDGMENTS

This project began as a desire, long ago, to know the capital “T” Truth about the history of American religious freedom. Since then, I have realized just how ambitious my initial goal was. Yet, I have not entirely abandoned that pursuit. While I do not entertain the idea of a “final word” in history or a perfectly “correct” interpretation of the past, this dissertation is my humble attempt to shed new light on old questions and to provide alternative ways of looking at the history of American religious liberty. While much of that history is riddled with irony and comes with caveats and nuances, I hope the reader will walk away with a more complete understanding of the American experiment in general and the story of religious freedom in particular. I know I have. This dissertation, then, has helped me grow as a scholar, a thinker, and as a citizen. For that, I have many to thank.

First, my intellectual mentor through this process has been David Holland. I came to UNLV not yet settled on what narrow part of history I wanted to focus, but I did know that I wanted to work with David. His classes were always thought-provoking and our discussions outside of the classroom always left me wanting to know more. For stimulating that intellectual hunger, I have him to thank. His departure to Boston two years ago might have seriously compromised the structure and integrity of this project, but David was always willing and able to send feedback or offer criticisms in a timely fashion. Although his name is not formally associated with this project, David’s influence is on every page. When one David left, another stepped in. David Tanenhaus

magnanimously accepted the task of becoming the chair to this project and has offered incisive critiques throughout the process.

My experiences at UNLV far exceeded my expectations heading into the program. There was not a single class that I did not enjoy. Every one of my professors taught me lessons that I used to help write this dissertation, even Joseph Fry. Colin Loader, Greg Brown, Greg Hise, Elizabeth Nelson, Eugene Moehring, and Cian McMahon helped me better understand not only history, but what it meant to think like and become an historian. A number of scholars outside of UNLV read my work and helped mold this project. I thank Chris Beneke, Chris Grenda, Steven Green, and the anonymous editors at the *New England Quarterly* and *American Catholic Studies* for offering thoughtful criticism and encouragement to different chapters.

This project was funded by a number of fellowships and grants. Special thanks go to the UNLV Foundation, which provided me with the assistance I needed to spend the last two years of this project outside of the classroom and inside of the archives. I also wish to thank the Massachusetts, Virginia, and Maryland Historical Societies for offering me fellowships to conduct research in their archives. Frances Pollard and the staff at the Virginia Historical Society, Conrad Wright, Kate Viens, and the staff at the Massachusetts Historical Society, as well as Alison Foley and Tricia Pyne at the Associated Archives at St. Mary's Seminary and University were instrumental in helping me track down sources and discover those I didn't know existed. The staff at the Library Company of Philadelphia, the Historical Society of Pennsylvania, the Rare Book and Manuscript Reading Room at the Kislak Center at the University of Pennsylvania, and

the Woodstock Theological Library at Georgetown University was equally valuable throughout this whole process.

A special thank you goes to Jordan Watkins, who has read several versions of nearly everything I have written since I began this project in 2011. Throughout our graduate studies, his thoughtful criticism and intelligent advice has only been outmatched by his companionship. My peers in the history department helped maintain my sanity through crisis and conflict. Thanks to Kendra Gage, David Christensen, and Alex Leonard for helping me laugh through the difficulties and navigate my way to the finish line. A final thank you goes to my family, who has supported me throughout this long process and even feigned interest in my studies from time to time.

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CHAPTER 1: INTRODUCTION

In the autumn of 1633 passengers aboard the *Ark* and *Dove* set sail to establish Maryland colony. The proprietor, Cecilius Calvert, instructed those making the voyage to ensure that “Acts of Romane Catholique Religion” be performed “privately,” and that Catholics be “silent upon all occasions of discourse concerning matters of Religion.” A young but ambitious Roman Catholic Englishman, Calvert was not attempting to restrict his coreligionists’ religious freedom. Rather, he merely sought to “preserve unity & peace among all the passengers” who participated in the expedition because he realized that societies with religious diversity had a long history of enflaming passions.¹ He therefore asked that they practice their faith with humility and avoid public controversy.

Given the condition of current church-state scholarship, one might think that American Catholics followed these instructions. One might believe that Catholics meekly acquiesced to the laws in Maryland and other colonies which at times forbade their public worship, prohibited them from constructing chapels or schools, imposed special taxes on their property, and denied them participation in the political culture. Far from remaining “silent upon all occasions of discourse concerning matters of Religion,” however, Catholics often ignored Calvert’s advice and demanded equal rights under the law, using public discourse as a means to that end. They wasted no time asserting themselves on the colonial landscape. Father Andrew White, S.J., upon his arrival in Maryland, reported that on March 25, 1634, he “erected a trophy to Christ the Saviour,” celebrated a Mass

¹ Cecilius Calvert, Lord Baltimore’s Instructions to Colonists, *The Calvert Papers* (Baltimore, Maryland: John Murphy & Company, 1889), 1:132.

“with great emotion,” and “with devotion took solemn possession of the Country.”² It did not take long before neighboring Protestants protested against what they considered displays of idolatry and superstition. But instead of laying supine before suspicious Protestants, Roman Catholics like White defended their civil and religious rights to worship in public, proselytize, vote in elections, and hold office, beginning a trend in American political culture that has continued to the present day.³

After White’s seventeenth century example, Catholics composed “A Petition of Roman Catholics of Maryland Against a Bill Depriving Them of all Civil and Religious Rights” in the 1750s, a decade in which the French and Indian War heightened anxieties over the Catholic menace. In the early nineteenth century, a group of Catholics in Maine asked for the “rights which were given by our Creator to every citizen,” noting that they were not “in the remotest degree unfriendly to republican institutions,” and that “on the contrary,” they were “strenuous asserters and heroic defenders of the equal rights of man.”⁴ Although this dissertation does not consider American Catholics after the Civil War, in the twentieth century, Bishop Fulton J. Sheen and John Courtney Murray responded to critics like the secular-humanist Paul Blanshard and the reformed Protestant Reinhold Niebuhr. Blanshard warned against Rome’s “antidemocratic and social policies,” often using words like “intolerant,” and “un-American” to describe the Mother Church and her American adherents. Niebuhr similarly questioned “the presuppositions

² Andrew White, A Brief Relation of the Voyage Unto Maryland, in Clayton Colman Hall, *Narratives of Early Maryland, 1633-1684* (New York: Barnes & Nobles, Inc., 1910), 40.

³ American Catholics have been some of the most prominent voices in defending what they consider infringements on religious freedom from the contraception mandate in the Affordable Care Act and other political and cultural issues. See Sherif Girgis, Robert P. George, and Ryan T. Anderson, “What is Marriage?” *Harvard Journal of Law & Public Policy* 34, no 1 (Winter 2011): 245-287.

⁴ See A Petition of Roman Catholics of Maryland Against a Bill Depriving Them of all Civil and Religious Rights, in *The American Catholic Historical Researches* 25 (1908): 263-264; Petition of Catholics of Maine, *Maine Catholic Historical Magazine* 8 (October 1919): 13.

of a free society” like that in the United States, “and the inflexible authoritarianism of the Catholic religion.”⁵ Sheen and Murray were fighting against currents in their own church that, as one contemporary observer has notes, seemed “to frown on American ideas of religious liberty.”⁶ But they also responded to Protestant and secular critics like Blanshard and Niebuhr, publishing a number of tracts illustrating the compatibility between Catholicism and American institutions as well as defenses of Catholic religious freedom.⁷ A columnist for the *New York Times* and critic of American religious culture, Ross Douthat has continued this tradition into the twenty-first century. Douthat has argued that Catholic religious freedom, along with sincere believers of many faith traditions, are at risk in the present day. Modern public policy, Douthat concedes, “protects freedom of worship. But a genuine free exercise of religion, not so much.” In recent years he has joined a chorus of writers who have criticized government agencies for fining “Catholic hospitals for following Catholic teaching,” among other infringements on what he and his allies consider religious freedom.⁸

Despite the actions of White and those who followed in his footsteps, among historians a relative silence remains on what early Catholics had to say about toleration, religious liberty, and the separation of church and state.⁹ In the prevailing historiography

⁵ Quoted in Ross Douthat, *Bad Religion: How we Became a Nation of Heretics* (New York: Free Press, 2012), 42.

⁶ Douthat, *Bad Religion*.

⁷ Fulton J. Sheen, *Whence Come Wars* (New York: Sheed & Ward, 1940); John Courtney Murray. *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed and Ward), 1960.

⁸ Ross Douthat, “Defining Religious Liberty Down,” *New York Times*, July 28, 2012.

⁹ These terms have been conflated for a number of reasons – mainly because those calling for these rights used them interchangeably. For difference between toleration and religious liberty, see Chris Beneke, *Beyond Toleration: The Religious Origins of American Pluralism* (New York: Oxford University Press, 2006). Modern historians usually use toleration to refer to begrudging willingness by the state to permit others to worship according to the dictates of their conscience. Tolerance, however, refers to cultural attitudes rather than legal norms. For the distinction between the two, see Andrew R. Murphy, “Tolerance, Toleration, and the Liberal Tradition,” *Polity* 29 (1997): 595-602; Ned C. Landsman, “Roots, Routes, and Rootedness: Diversity, Migration and Toleration in Mid-Atlantic Pluralism,” *Early American Studies* 2

on the rise of American religious liberty, which often focuses on the actions of Protestants and deists, Catholics do not take an active role until the education debates of the mid-nineteenth century. Even the most accomplished historians have either tacitly or explicitly denied Catholics a meaningful role in church-state debates until the antebellum period – and even then they are treated primarily as passive victims of America’s rising anti-Catholic crusade. Philip Hamburger’s fine study on the *Separation of Church and State* shows how anti-Catholicism transformed church-state relations in America and yet ignores actual Catholics until the middle of the nineteenth century.¹⁰ Steven Green’s insightful monographs similarly discount Catholic voices until the “School Question” debates in the 1840s.¹¹ One recent survey reinforced this historiographical trend by concluding that the Catholic population in America “had been small enough to be ignored or even treated as a merely theoretical issue,” until “their increasing numbers and particularly their entrance into the public schools” changed America’s church-state

(2004): 273; Christopher Grasso, “The Boundaries of Toleration and Tolerance: Religious Infidelity in the Early American Republic,” in Beneke and Grenda, *The First Prejudice*, 268; Scott Sowerby, “Toleration and Tolerance in Early Modern England,” in Chris Beneke and Christopher S. Grenda, eds., *The Lively Experiment: Religious Toleration in America from Roger Williams to the Present* (Lanham, Maryland: Rowman & Littlefield, 2015), 53-63. For a reversal of the terms, see Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Belknap Press of Harvard University Press, 2010), 8-11. “Religious liberty” went beyond mere toleration and meant something closer to “religious equality” for those who appropriated the term. It was usually associated with rights in the Lockean sense. The terms are used advisedly throughout this essay. For more distinctions on these terms, see Anson Phelps Stokes, *Church and State in the United States* (New York: Harper & Brothers, 1950), 1:22-33 and Gordon J. Schochet, “From Persecution to ‘Toleration,’” in J. R. Jones, ed. *Liberty Secured?: Britain Before and After 1688* (Stanford, California: Stanford University Press, 1992), 127. As Philip Hamburger, John Witte, and Daniel Dreisbach have shown, “separation of church and state” took on a much more radical meaning for those who used the term by the middle of the nineteenth century. See Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation between Church and State* (New York: New York University Press, 2002), 51; Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002), 9-14, 89-107; John Witte Jr., “Facts and Fictions about the History of Separation of Church and State,” *Journal of Church and State* 48 (2006): 29-34.

¹⁰ Hamburger, *Separation of Church and State*.

¹¹ Steven K. Green, *The Second Disestablishment: Church and State in Nineteenth-Century America* (New York: Oxford University Press, 2010); Green, *The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine* (New York: Oxford University Press, 2012).

settlement in the 1840s.¹² Echoing Calvert's instructions, historian Michael S. Carter concludes that "For the entire Colonial era in British North America, Catholics were forced to remain silent regarding their religion."¹³ In one of the most celebrated analyses of American religious freedom, Thomas Curry reinforces these claims by noting that Catholics were irrelevant to church-state development. "Catholics," he argues, "never exerted much influence on the development of relationships between Church and State, either by direct contribution or by provoking the larger society into any attempts to embrace them."¹⁴ David Sehat's work on *The Myth of American Religious Freedom* purports to give minority religions a voice in America's church-state debates in order to demonstrate the persistent restrictions on religious freedom in the new Republic.¹⁵ But his otherwise valuable study fails to consider how Catholics participated in those debates at the end of the eighteenth century. Finally, perhaps the most astute scholar writing on religious freedom today, Chris Beneke, categorically dismisses the Catholic contributions to the discourse of religious freedom by insisting that "inherited prejudice against them" forced Catholics to remain silent on the issue "as diverse groups of Protestants worked out the agreements that comprised the revolution in religious liberty."¹⁶

¹² James S. Kabala, *Church-State Relations in the Early American Republic, 1787-1846* (New York: Pickering & Chatto Limited, 2013), 10.

¹³ Michael S. Carter, "Mathew Carey and the Public Emergence of Catholicism in the Early Republic," (PhD Dissertation, University of Southern California, 2006), 235.

¹⁴ Thomas J. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* (New York: Oxford University Press, 1986), 80.

¹⁵ David Sehat, *The Myth of American Religious Freedom* (New York: Oxford University Press, 2011).

¹⁶ Chris Beneke, "The 'Catholic Spirit Prevailing in Our Country': America's Moderate Religious Revolution," in Beneke and Grenda, *The First Prejudice*, 277. This trend of focusing on certain groups like Puritans in early America has been identified more broadly. See Charles L. Cohen, "The Post-Puritan Paradigm of Early American Religious History," *The William and Mary Quarterly* Third Series, 54, no. 4 (October 1997): 695-722.

To be sure, there are elements of truth in this cumulative narrative. Sehat and Curry are correct in asserting that Protestants dominated America's religious freedom discourse. Carter accurately notes that legal and cultural pressures convinced many Catholics to stay quiet in the face of discrimination. Beneke rightly suggests that Catholics played a secondary role in advancing the cause of religious liberty. Hamburger and Green likewise properly trace Catholic involvement at its height, during the "School Question" of the 1840s. But, benefits of the existing scholarship notwithstanding, the historiography has effectively silenced Catholics who directly participated in debates about religious liberty prior to the middle of the nineteenth century. Even historians who have recognized this tendency and have sought to give Catholics an earlier voice in discourses about religious freedom, like the late Jon Gjerde, have failed to consider Catholics in colonial America or during the early Republic. Gjerde rightly insists that Catholics "challenged the normative ideas that constituted the nation," which included conceptions of religious freedom, but does not begin his analysis until the 1820s.¹⁷

One of the reasons that historians have overlooked how Catholics participated in discourses over church and state that they have been pre-occupied with deist and Baptist contributions to religious liberty, narrating the story as a tale between two strange bedfellows. For decades, they have engaged in an ongoing debate about which of these

¹⁷ Jon Gjerde and S. Deborah Kang, *Catholicism and the Shaping of Nineteenth-Century America* (New York: Cambridge University Press, 2012), 12. For studies that consider Catholics slightly earlier, see Elwyn A. Smith, *Religious Liberty in the United States; The Development of Church-State Thought Since the Revolutionary Era* (Philadelphia: Fortress Press, 1972), 158-170; Patrick W. Carey, "American Catholics and the First Amendment: 1776-1840," *The Pennsylvania Magazine of History and Biography* 113, no. 3 (July 1989): 323-346; James R. Stoner, "Catholic Politics and Religious Liberty in America," in *The Founders on God and Government*, eds. Daniel Dreisbach, Mark D. Hall, and Jeffrey H. Morrison. (Lanham, Maryland: Rowman & Littlefield, 2004), 251-271; Michael S. Carter, "What shall we say to this liberal age?": Catholic-Protestant Controversy in the Early National Capital," *U.S. Catholic Historian*, 27, no. 2 (Spring 2008): 79-95; Margaret Abruzzo, "The Apologetics of Harmony: Mathew Carey and the Rhetoric of Religious Liberty," *The Pennsylvania Magazine of History and Biography* 134, no. 1 (January 2010): 5-30.

two historiographically favored groups deserves the most credit for the establishment of religious liberty in the United States.¹⁸ These scholars have not noticed how Catholics celebrated, reinforced, challenged, and in some ways, helped redefine American understandings of religious freedom because they have concluded that Catholics lacked the political, cultural, and social capital necessary to meaningfully participate in America's church-state debates. But as this dissertation shows, Catholics had a continuous presence in discourses about religious freedom – whether in colonial Maryland, Revolutionary Philadelphia, turn-of-the-century Boston, or antebellum New York. Denying Catholics the public agency they in fact exercised throughout American history, historians have missed an opportunity to examine old questions in new light.

This study therefore heeds Philip Hamburger's call to construct cultural and social histories of American religious freedom that transcend "great men" such as Roger Williams and Thomas Jefferson, as well as great texts such as the U.S. Constitution or opinions of the Supreme Court.¹⁹ In addition to official decrees emanating from Rome and Baltimore, as well as federal, state, and local legislation that Catholics had a hand in

¹⁸ For works that emphasize the deist or rationalist contributions, see Perry Miller, "The Contribution of the Protestant Churches to Religious Liberty in Colonial America," *Church History* 4, no. 1 (March 1935): 57-66; William Lee Miller, *The First Liberty: Religion and the American Republic* (New York: Knopf, 1986); Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge: Harvard University Press, 1990); Leonard Levy, *The Establishment Clause: Religion and the First Amendment* (Chapel Hill: University of North Carolina Press, 1994); Isaac Kramnick and R. Lawrence Moore, *The Godless Constitution: The Case against Religious Correctness* (New York: W.W. Norton & Company, 1996), Frank Lambert, *The Founding Fathers and the Place of Religion in America* (Princeton: Princeton University Press, 2003). For works that emphasize the Protestant or religious contributions, see William G. McLoughlin, *New England Dissent, 1630-1833: The Baptists and the Separation of Church and State* (Cambridge: Harvard University Press, 1971); James H. Hutson, *Religion and the Founding of the American Republic* (Washington D.C.: Library of Congress, 1998); John Witte Jr., *Religion and the American Constitutional Experiment* (Boulder, Colorado: Westview Press, 2000); Daniel Dreisbach, *The Founders on God and Government*; Phillip Muñoz, *God and the Founders: Washington, Madison, and Jefferson* (New York: Cambridge University Press, 2009); Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010); John Ragosta, *Wellspring of Liberty: How Virginia's Religious Dissenters Helped Win the American Revolution and Secured Religious Liberty* (New York: Oxford University Press, 2010); Nicholas P. Miller, *The Religious Roots of the First Amendment* (New York: Oxford University Press, 2012).

¹⁹ Hamburger, *Separation of Church and State*, 17.

crafting, I utilize the pamphlets, sermons, newspaper articles, private letters, journals, dairies, and books that Catholics composed as they struggled to redefine religious freedom as Americans understood that ideal. As a religious minority, Roman Catholic experiences present scholars with an opportunity to provide fresh answers to questions about the relationship between church and state, attitudes toward religious diversity, and understandings and applications of toleration and religious freedom.

Showing how Catholics were an unrecognized minority group in early America, this dissertation fills a historiographical gap; but it also shows how the narrative landscape of American religious freedom changes if one begins in Baltimore instead of Boston and considers dissenting Catholics alongside Baptists, deists, and other reformers. Other scholars have alluded to this point without developing the idea or tracing the implications across time and space. As Maura Jane Farrelly argues, “While the prolific Calvinist founders of a colony that hanged Quakers and held onto its state-supported church until well into the nineteenth century have been widely depicted as having come to North America for ‘religious freedom,’ the men whose ideas and actions inspired the first act of real religious toleration in the British world,” by which she means the Calvert family’s Maryland experiment, “have been relegated to a footnote – or at best a few casual sentences – in the traditional national narrative.”²⁰ While exploring what she calls the creation of “an American Catholic identity,” Farrelly never connected her analysis to larger trends in the history of religious freedom or shed light on what I call the American Catholic dissenting tradition.²¹ She instead has left that task to other historians.

²⁰ Maura Jane Farrelly, *Papist Patriots: The Making of an American Catholic Identity* (New York: Oxford University Press, 2012), 49-50.

²¹ The Catholics under investigation here shared much in common, but with notably differences, with those discussed in Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America*,

Although this dissertation acknowledges that demographic and political realities during the colonial era and early Republic ensured that Catholics would be secondary actors in American church-state relations, it suggests that they nevertheless played a valuable role within church-state development. As Farrelly suggests, Catholics were not only the first to cultivate pluralism (as they understood it) as a social ideal or to bring widespread toleration to the shores of British America. They also kept the issue of religious freedom alive in American culture long after most of their countrymen believed they had solved the “problem” of religious diversity. Their persistent demands for equal religious rights incited important discussions about the proper relationship between the church and the state, engendered expansive conceptions of American citizenship and religious liberty, and contributed to the growth of a pluralistic society. More than anything, this dissertation argues that by considering Roman Catholics’ experiences, scholars may provide a fresh perspectives on otherwise hackneyed discussions pertaining to the rise of American religious freedom. Although Beneke, Curry, and others are right to point out Catholics’ limited – though not non-existent – influence on church-state development, by looking at their public activity more closely we can use Catholics as a case study to assess the degrees of coercion and freedom that the American settlement placed on religious minorities. In other words, even if they did not have a deep influence on the political culture, American Catholic experiences with religious freedom can

1788-1828, (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 1999).

inform how scholars approach some of the most pressing historical questions dealing with tolerance, identity, and citizenship.²²

Since Englishmen—on both sides of the Atlantic—continued to deny Catholics many religious and civil rights even after they offered those rights to other dissenters, it is important to see how Catholics responded to their sustained discrimination and what strategies they used to gain their rights. As Patrick Carey notes in one of the few studies to consider this topic, “Catholics accepted neither the Protestant evangelical nor the exclusively rationalist arguments for religious liberty; nonetheless, they shared much with both traditions.”²³ Catholics relied on an eclectic assortment of arguments for religious liberty that included those appealing to history, logic, reason, economics, natural law, and revelation. The tactics changed as contexts around them shifted, especially in the wake of the Revolution of 1688 and the American Revolution. By the end of the eighteenth century, Catholics had created a usable past that exaggerated Cecilius Calvert’s intentions in founding colonial Maryland as well as the extent of religious freedom afforded to Catholics throughout the colonial period. Just as Baptists like Isaac Backus wrote histories of New England in order to make their neighbors aware of the Baptists’ plight, so too did Catholics use history as a means to acquiring equal civil and religious liberty.

The Anglo-American record suggests that many Catholics were as interested in religious freedom as any other denomination. Not only did they affirm a desire for their own religious liberty – a universal practice among the religiously marginalized – but

²² This trend appears in monographs on the wider American political culture as well, which has essentially ignored Catholics, who are essentially ignored in Nathan O. Hatch, *The Democratization of American Christianity* (New Haven: Yale University Press, 1989).

²³ Patrick W. Carey, “American Catholics and the First Amendment: 1776-1840,” *The Pennsylvania Magazine of History and Biography* 113, no. 3 (July 1989), 331.

some moved beyond self-interest and demanded that others, even non-Christians, have equal access to civil rights and public worship.²⁴ They sought religious freedom not only for politically, economically, or socially expedient reasons, but because they developed a republican ethos that cherished liberty and equality as derived from Catholic ecclesiology and natural law.²⁵

These liberal attitudes transcended both time and space. English and Irish Catholics living in the aftermath of the English Reformation learned through the experiences of their own suppression that the state was the enemy of the church. They passed those lessons on to their descendants who made the arduous journey to the New World.²⁶ American Catholics retained their bonds with family, friends, and other correspondents across the Atlantic. While the focus of this dissertation is on America, Catholics there frequently communicated with those in England, Ireland, and Continental Europe by sharing local and regional news so their peers could be informed of distant social and political developments relating to their religious freedom. They also used those transatlantic contexts to inform their appeals for religious freedom under American law.

²⁴ Catholics who specifically argued for toleration or religious liberty for non-Christians include Arthur O’Leary in Ireland and Bishop John England in America. See Patrick W. Carey, *An Immigrant Bishop: John England’s Adaptation of Irish Catholicism to American Republicanism* (New York: U.S. Catholic Historical Society, 1982), 48. Although rare figures like Roger Williams and William Walwyn advanced this notion in the seventeenth century, few others embraced this kind of unbridled religious freedom until the late eighteenth century. See Edmund Morgan, *Roger Williams: the Church and the State* (New York: W.W. Norton & Company, 1967); Jack R. McMichael and Barbara Taft, eds., *The Writings of William Walwyn* (Athens, Georgia: University of Georgia Press, 1989). Moreover, distinguishing between truly universal and qualified proposals for religious liberty is difficult because reformers often wrote in universal terms but had only certain groups in mind. For example, despite the high restrictions Martin Luther placed on religious freedom for those with whom he differed, he insisted in 1523 that “each must decide at his own peril what he is to believe” because God would not send others “to heaven or hell on my behalf... How he believes is a matter for each individual’s conscience [to decide].” See Martin Luther, “On Secular Authority: How Far Does Obedience Owed to it Extend?,” in Harro Höpfl, ed. *Luther and Calvin on Secular Authority* (New York: Cambridge University Press, 1991), 12, 25.

²⁵ Stokes, *Church and State in the United States*, 1:87-89; Joseph P. Chinnici, *The English Catholic Enlightenment: John Lingard and the Cisalpine Movement, 1780-1850* (Shepherdstown, [West Virginia.]: Patmos Press), 1980.

²⁶ Maurice O’Connell, *Daniel O’Connell: The Man and his Politics* (Dublin: Irish Academic Press, 1990), 32.

In fact, almost every major figure who advocated for Catholic rights in America had transatlantic connections.²⁷ From the Calverts to the Carrolls and from Mathew Carey to John England, Catholics created a broad network of reformers who read and edited each other's work before transmitting materials and advice to their local communities. Pro-Catholic pamphlets written in London appeared in Dublin, New York, Baltimore, Philadelphia, and Boston while tracts composed in America found an audience in Europe.²⁸ This dissertation therefore invites historians to integrate events and actors across the Atlantic into the historiography of religious freedom. Even the most quintessentially American narrative, I argue, has an important transatlantic component that deserves greater attention. Importantly, one of the most prominent cultural traits connecting the Atlantic world is what one scholar has aptly called "anti-popery."²⁹

An Uphill Struggle: Anti-Catholicism in Anglo-American Culture

No analysis of Catholic encounters with religious freedom can ignore the long history of anti-Catholicism that pervaded the English-speaking world. Protestant Anglo-Americans from the sixteenth through nineteenth centuries projected their inability to separate religion from politics onto Catholics by insisting that it was Catholics who were unable to separate their loyalty to Rome from their civic obligations. Many English

²⁷ It is therefore important to analyze church-state issues in America in a way that includes developments across the Atlantic, something the scholarship has failed to do in recent years. Although Perry Miller long ago argued for the importance of British monarchical and parliamentary influence on the development of religious liberty in America, few scholars have heeded his advice. Those who have done so often only trace this influence until the American Revolution. But if the Catholic experience is indicative of the larger narrative, transatlantic ties remained strong until well into the nineteenth century. See Miller, "The Contribution of the Protestant Churches to Religious Liberty in Colonial America," 57-66.

²⁸ See Joseph M. Finotti, *Bibliographia Catholica Americana: A List of Works Written By Catholic Authors, and Published in the United States, Part I, 1784-1820* (New York: The Catholic Publication House, 1872).

²⁹ Frank Cogliano, *No King, No Popery: Anti-Catholicism in Revolutionary New England* (Westport, Connecticut: Greenwood Press, 1995).

Protestants believed that there was no separating theological belief from political ideology and that concessions on church-state matters might undermine social stability. In other words, they believed that the political health of England depended on a nearly universal adherence to the Protestant faith; or, more specifically, the Anglican Church's version of the Protestant faith. As the seventeenth-century Anglican bishop Edward Stillingfleet explained, "Universal Toleration is a *Trojan Horse* which brings in our *enemies* without being seen."³⁰ Another Englishman voiced similar sentiments in the eighteenth century, noting that, "to tolerate all [religions] without controul is the way to have none at all."³¹ The celebrated English jurist William Blackstone (1723-1780) more specifically enunciated the dangers that Catholic doctrine posed to England. Catholicism, he argued, necessarily undermined civil and political freedom anywhere it was practiced. He insisted that as long as Catholics "acknowledge a foreign power, superior to the sovereignty of the kingdom, they cannot complain if the laws of that kingdom will not treat them upon the footing of good subjects."³²

To Blackstone and others, liberty was an inherent part of Protestantism, and those who opposed the one necessarily opposed the other. For this reason, they believed that tyranny was built into Catholicism, which, if tolerated, would corrupt the body and enslave the mind. As one scholar has summarized, Englishmen long held that Catholicism "was paradigmatic of unfreedom itself."³³ Protestants, in brief, seldom separated Catholicism from tyranny or Protestantism from freedom, thereby linking

³⁰ Edward Stillingfleet, *Fifty Sermons Preached Upon Several Occasions...* (London: J. Heptinstall, 1707), 299.

³¹ Mr. Talbot to the Secretary, January 10, 1707/08, quoted in George Morgan Hills, *History of the Church in Burlington, New Jersey* (Trenton, New Jersey: W. S. Sharp, 1876), 78.

³² William Blackstone, *Commentaries on the Laws of England* (San Francisco, California: Bancroft-Whitney Company, 1916), 55.

³³ Clement Fatovic, "The Anti-Catholic Roots of Liberal and Republican Conceptions of Freedom in English Political Thought," *Journal of the History of Ideas* 66, no. 1 (January 2005): 40.

politics and religion together as a complementary, coherent whole. It is impossible to understand the development of religious liberty in America or Catholic calls for equality without appreciating the role that this anti-Catholicism played in British culture.³⁴

As these examples suggest, anti-Catholicism was a theological, ideological, and cultural construction that pervaded Anglo-American societies. English political and theological leaders going back to John Wycliffe did not hesitate to warn against the dangers of the Catholic Church or equate the Papacy with the anti-Christ. By the seventeenth century, anti-Catholicism emerged as a central component to English national identity.³⁵ Ironically, many of the most ardent anti-Catholics were also the most

³⁴ The literature on anti-Catholicism in England and America is vast. Some of the best interpretations on different aspects of English history include J. D. C. Clark, *English Society, 1660-1832: Religion, Ideology and Politics during the Ancien Régime* (Cambridge: Cambridge University Press, 1984); Colin Haydon, *Anti-Catholicism in Eighteenth-Century England, C. 1714-80: A Political and Social Study* (Manchester: Manchester University Press, 1993); Linda Colley, *Britons: Forging the Nation, 1707-1837* (Yale University Press, 1994); Anthon Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought, 1600-1640* (Cambridge: Cambridge University Press, 1995); Tony Claydon, and Ian McBride, eds., *Protestantism and National Identity: Britain and Ireland, c. 1650-c. 1850* (Cambridge, United Kingdom: Cambridge University Press, 1998); Patrick Fagan, *Divided Loyalties: The Question of the Oath for Irish Catholics in the Eighteenth Century* (Dublin, Ireland: Four Courts Press, 1997); Fatovic, "The Anti-Catholic Roots of Liberal and Republican Conceptions of Freedom in English Political Thought," 37-58; Ethan H. Shagan, *Catholics and the 'Protestant Nation': Religious Politics and Identity in Early Modern England* (Manchester, United Kingdom: Manchester University Press, 2005); Owen Stanwood, "The Protestant Moment: Antipopery, the Revolution of 1688-1689, and the Making of an Anglo-American Empire," *Journal of British Studies* 46, no. 3 (July 2007): 481-508. For a sampling of the scholarship on different areas of American history, see Sister Mary Augustina Ray, *American Opinion of Roman Catholicism in the Eighteenth Century* (New York: Columbia University Press, 1936); Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study on the Origins of American Nativism*. New York: Rinehart & Company, 1952 [1938]; Thomas More Brown, "The Image of the Beast: Anti-Papal Rhetoric in Colonial America," in Richard O. Curry and Tomas M. Brown, eds., *Conspiracy: The Fear of Subversion in American History* (New York: Holt, Rinehart, and Winston, 1972); Timothy W. Bosworth, "Anti-Catholicism as a Political Tool in Mid-Eighteenth Century Maryland," *Catholic Historical Review* 61 (1975): 539-563; Joseph Casino, "Anti-Popery in Colonial Pennsylvania," *Pennsylvania Magazine of History and Biography* 105 (1981): 279-309; Pauline Maier, "The Pope at Harvard: The Dudleian Lectures, Anti-Catholicism, and the Politics of Protestantism," *Proceedings of the Massachusetts Historical Society* 97 (1985): 16-41; Jenny Franchot, *Roads to Rome: The Antebellum Protestant Encounter with Catholicism* (Berkeley: University of California Press, 1994); Cogliano, *No King, No Popery*; Jason Duncan, *Citizens or Papists?: The Politics of Anti-Catholicism in New York, 1685-1821* (New York: Fordham University Press, 2005); Robert Emmett Curran, *Papist Devils: Catholics in British America, 1574-1783* (Washington, D.C.: Catholic University of America Press, 2014).

³⁵ Clark, *English Society*; Colley, *Britons*, 54; Tony Claydon, "'I love my King and my Country, but a Roman Catholic I hate': Anti-Catholicism, Xenophobia and National Identity in Eighteenth-Century

vocal champions of certain kinds of freedom.³⁶ Thomas Hobbes, John Milton, John Locke, John Trenchard, and Thomas Gordon all contributed to the development of English liberalism, but none defended the rights of Catholics and all of them held antipathies toward the Catholic Church. These political theorists consistently linked Protestantism with liberty, truth, and enlightenment, and tied Catholicism to slavery, mendacity, and ignorance, making rights in large measure a function of what theological beliefs one professed. Milton mocked English Catholics by noting that “the lower orders” of British society were more likely to practice that faith. They were “stupefied by the wicked arts of priests” who made them “incapable of governing and ordering” themselves.³⁷ Locke argued that Protestants could unite around their fear and hatred of Catholicism in order to advance social stability. In his *Essay on Toleration* he explained that England would “be much improved by the discountenancing of popery among us.” Referring to “papists,” he wrote that “the differing parties will sooner unite in a common friendship with us, when they find that we have separated from, and set ourselves against, the common enemy.”³⁸ In *Cato’s Letters*, Trenchard and Gordon posited that Catholics were “enslaved” by the “tricks and juggles of heathen and popish priests.” They concluded that Catholicism created a kind of servitude; that is, “the servitude of the body, secured by the servitude of the mind, oppression fortified by delusion.” It was, they

England,” 50, and Jeremy Black “Confessional State or Elect Nation? Religion and Identity in Eighteenth-Century England,” 55, 72 in Clayton and McBride, *Protestantism and National Identity*.

³⁶ Even William Penn, whose name is rightly celebrated by historians for his views on religious liberty, worried about the presence of Catholicism in his colony. See William Penn to James Logan, July 29, 1708, in Deborah Logan and Edward Armstrong, eds., *Correspondence between William Penn and James Logan* 2 vols. (Philadelphia: J.B. Lippincott & Company, 1872) 2:294. Penn voiced his discontent over a “complaint against your Government,” when writing to the secretary, “that you suffer publick Mass in a scandalous manner. Pray send the matter of fact, for ill use is made of it against us here [in London].”

³⁷ John Milton, *Areopagitica*, in John Alvis, ed. *Areopagitica and Other Political Writings of John Milton*, (Indianapolis: Liberty Fund, 1999), 317, 412.

³⁸ John Locke, *An Essay on Toleration* (London, 1667), in Mark Goldie, ed. *Locke: Political Essays* (New York: Cambridge University Press, 1997), 153.

concluded, “the height of human slavery.”³⁹ With this view in mind, Trenchard and Gordon—the great advocates of republican liberty—argued that Catholics should not have the same rights as Protestants.

As anti-popery became and remained a cultural and moral category in English life and letters, Catholics faced barriers when attempting to engage in public debates of any kind, especially those concerning civil or religious freedom. Their voice, already softened by demographic realities, was further muted by overt restrictions in political and social life. Not only did Catholics constitute a mere fraction of the population in America and England,⁴⁰ but English monarchs prohibited imports of any historical or theological books that presented Catholicism in a positive light.⁴¹ In addition to cultural discrimination, Parliament and colonial assemblies intermittently imposed penal laws on Catholics that denied them the right to vote, the ability to hold public office, forced them to take oaths of allegiance against their conscience, prohibited their inheritance of property, saddled them with special taxes, and even mandated that orphans and children of widowed women be raised in Protestant homes.⁴² Notwithstanding these obstacles, every generation of Anglo-American Catholics had a number of representatives fighting for civil and religious liberty. In fact, as was true for dissenting Protestants, the penal laws against them had the unintended consequence of pushing Catholics to advocate for religious liberty in America, Ireland, and England.

³⁹John Trenchard, Thomas Gordon, and Ronald Hamowy, ed. *Cato's Letters* 3 vols. (Indianapolis: Liberty Fund, 1995), 2:678, 3:573, 2:907

⁴⁰ Population estimates are always difficult, but the general point of a small minority surrounded by those of another faith seems certain. For the population of England, see David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 609. For Catholic population estimates, see John Bossy, *The English Catholic Community, 1570-1850* (New York: Oxford University Press, 1976), 298.

⁴¹ Billington, *The Protestant Crusade*, 3.

⁴² William Hand Browne *et al.*, eds., *Archives of the Maryland Legislature, 1635-1789* (hereafter *Maryland Archives*) 72 vols. (Baltimore, 1883-1972), 2:497, 30:334, 612-617, 33:109-110, 288.

Catholics who advocated for religious freedom in the United States did so in large part because those reformers were mostly of English or Irish ancestry and had direct experience with religious oppression before moving to America. It is helpful, then, to widen our analytical lens to include English and Irish Catholics in the story of American religious freedom. Not only did those who led the American Catholic dissenting tradition in the late eighteenth and early nineteenth centuries grow up under the penal laws in England and Ireland – like Mathew Carey, John England, and John Hughes. Many of the questions that historians have asked of American Catholics – such as the extent to which the penal laws disrupted their daily lives – have also been debated among historians of English and Irish Catholicism. Engaging that literature sheds light on the biographical experiences that many American Catholics brought to bear on the fight for religious liberty as well as the larger intellectual, cultural and legal context in which that fight played out.

Partially because of the perverse incentives created by the penal laws, English Catholics only comprised a small percentage of the population by the middle of the eighteenth century, which has led many scholars to write declensionist histories of Roman Catholics in eighteenth-century England.⁴³ In an important article penned in 1966, however, R. W. Linker challenged that narrative. He affirmed that “Catholics of the eighteenth century found themselves in a sort of limbo, midway between proscription and toleration, with the full blessings of the Constitution just beyond their reach.” Linker pointed to the support that many Catholics received from Protestants who were

⁴³ Bernard Ward, *The Dawn of the Catholic Revival in England, 1781-1803* (New York: Longmans, Green, and Co., 1909); David Mathew, *Catholicism in England: The Portrait of a Minority: Its Culture and Tradition* (London: Eyre and Spottiswoodie, 1948); Basil Hemphil, *The Early Vicars Apostolic of England, 1658-1750* (London: Burns and Oates, 1954).

sympathetic to their plight and who were embarrassed that in an “Enlightened Age,” liberty-loving Britons were still persecuting – to one degree or another – members of other faiths.⁴⁴ Many historians who followed his lead pressed his argument even further than he was willing.⁴⁵ One of the leading scholars on the subject, John Bossy, has emphasized revival, rather than survival, within the English Catholic community during the eighteenth century. He claims that despite the penal laws, Catholics were “not on any reasonable judgment an oppressed minority,”⁴⁶ even though other scholars continue to emphasize the “inert, defensively-minded and intellectually negligible” position Catholics held in England.⁴⁷ Linda Colley strikes the right balance when she notes that “Catholics were often able to live tranquil and respected lives...socialising with their Protestant neighbors, entering the professions and in some towns, even attending mass openly,” even though they “could still encounter personal abuse and physical injury at the hands of Protestants.”⁴⁸ Most scholars of English Catholicism, like those who study colonial Maryland, argue that Catholics adapted to their circumstances and made the best of a less-than-favorable situation.⁴⁹ Scholars of Catholicism in Ireland have, like those

⁴⁴ R. W. Linker, “English Catholics in the Eighteenth Century: An Interpretation,” *Church History* 35 (1966), 310.

⁴⁵ See J. C. H. Aveling, *The Handle and the Axe: The Catholic Recusants in England from Reformation to Emancipation* (London: Blond and Briggs, 1976); Edward Norman, *Roman Catholicism in England: From Elizabethan Settlement to the Second Vatican Council* (New York: Oxford University Press, 1985), 40.

⁴⁶ John Bossy, “English Catholics after 1688” in Peter Ole Grell, Jonathan I. Israel, and Nicholas Tyacke, eds., *From Persecution to Toleration: The Glorious Revolution and the Religion in England* (Oxford, UK: Clarendon Press, 1991), 370. See also John Bossy, *The English Catholic Community, 1570-1850* (New York: Oxford University Press, 1976), 295.

⁴⁷ J. R. Jones, *The Revolution of 1688 in England* (London: Weidenfeld and Nicolson, 1972), 80.

⁴⁸ Colley, *Britons*, 22.

⁴⁹ Chinnici, *The English Catholic Enlightenment*; Gabriel Glickman, *The English Catholic Community, 1688-1745: Politics, Culture and Ideology* (Rochester, New York: Boydell Press, 2009); John Saward, John Morrill, and Michael Tomko, eds., *Firmly I Believe and Truly: The Spiritual Tradition of Catholic England: An Anthology of Writings from 1483 to 1999* (Oxford: Oxford University Press, 2011); Anna Battigelli and Laura M. Stevens, “Eighteenth-Century Women and English Catholicism,” *Tulsa Studies in Women's Literature* 31, no. 1-2 (Spring/Fall 2012): 7-32.

studying Maryland and England, moved away from declension and instead emphasized growth.

Penalties against Irish Catholics, as in England, began when Queen Elizabeth issued a number of statutes and oaths in the 1570s. But even then, authorities only periodically enforced the penal codes.⁵⁰ All that changed with the 1641 Rebellion, an event that took on considerable importance in Irish-Catholic historical memory. In October of that year, a theretofore historically inconsequential man named Rory O'More convinced a number of frustrated Catholic gentlemen that they could reclaim their lost property by starting a riot in Ulster. O'More persuaded the gentry that foreign and domestic support was waiting for them if they took up arms. For several months, Catholics razed Protestant property and claimed many estates as their own. Although the Catholic-Protestant divide was previously complicated by a division between, on the one hand, Old-English "natives" who shared a cultural identity with the Anglo-Protestant Englishmen, and on the other, the Gaelic Irish majority who harbored religious, cultural, and territorial grievances against their Protestant ruler, the 1641 Rebellion united Irish Catholics of both backgrounds in opposition to Anglo-Protestant authority. This alliance only reinforced the century-old stereotype that Catholics were uniformly and inherently suspect, and would turn traitorous at a moment's notice. The lesson to be learned from this episode, most Protestant Irishmen reasoned, was that if left to their own devices, Catholics would deprive liberty-loving Britons of their property, rights, and freedoms. Soon after the most intense violence subsided, King Charles I signed legislation that granted Catholic land to those who helped suppress the revolt. Over the next half-century Irish and English Parliaments passed several other statutes that restricted Catholics of

⁵⁰ Thomas Bartlett, *Ireland: A History* (New York: Cambridge University Press, 2010), 137-142.

their civil and religious rights, including those affecting education, commerce, public worship, inheritance, and taxation.⁵¹

These new penal statutes drove Catholics off their land and forced them to migrate to the western shores of the island where, Protestants assured them, land was just as valuable. According to one account, due to redistribution policies, Catholics went from possessing nearly sixty percent of the land in Ireland in 1641 to under twenty-five percent during Oliver Cromwell's reign. Under his tenure, Catholics lost many of their most basic civil and religious liberties, including the right to worship in public and educate their children in their faith. Many Protestants too, were driven off of their land for one reason or another, but Catholics suffered at vastly disproportionate rates relative to dissenting Protestants.⁵² Although they experienced moments of optimism, such as the restoration of Charles II and then James II's ascension to the throne in 1685, Catholic hopes of recovering their rights were short-lived.⁵³ After the failed Williamite-Jacobite War (1689-1691), authorities consolidated their efforts to create a Protestant state within a largely Catholic nation, and for the next half-century, Catholics endured institutionalized discrimination.⁵⁴

⁵¹ Ronald Hoffman, *Princes of Ireland, Planters of Maryland: A Carroll Saga, 1500-1782* (Chapel Hill, North Carolina: University of North Carolina Press, 2007), 19-22, 26. For a quick overview of the Irish penal laws in the seventeenth and eighteenth centuries, see Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1690-1830* (Savage, Maryland: Barnes and Noble Books, 1992), 18-21. For further reading, see Maureen Wall, *The Penal Laws, 1691-1760: Irish History Series* (Dundalk, Ireland: Dundalgan Press, 1976); T. P. Power and Kevin Whelan, eds., *Endurance and Emergence: Catholics in Ireland in the Eighteenth Century* (Dublin: Irish Academic Press, 1990); S. J. Connolly, *Religion, Law, and Power: The Making of Protestant Ireland, 1660-1760* (New York: Oxford University Press, 1995); Connolly, *Priests and People in Pre-Famine Ireland, 1780-1845* (Dublin: Four Courts Press, 2001); Karen J. Harvey, *The Bellevs of Mount Bellev: A Catholic Gentry Family in Eighteenth-Century Ireland* (Dublin: Four Courts Press, 1998); Bartlett, *Ireland*, 137-142.

⁵² Bartlett, *The Fall and Rise of the Irish Nation*, 10.

⁵³ Hoffman, *Princes of Ireland*, 27-28; Bartlett, *The Fall and Rise of the Irish Nation*, 11.

⁵⁴ Bartlett, *Ireland*, 79-142 argues that the institutionalization began earlier. However, other historians argue that after the Williamite War another attempt was made to turn the country into a Protestant state. They point to William King's, *The State of the Protestants of Ireland under the late King James's*

As one scholar has summarized, when examining the eighteenth century, historians of Ireland have failed to reach consensus on nearly “everything” related to the penal laws, including “the purpose of the laws, their effectiveness, the degree to which they were enforced, and their consequences.”⁵⁵ Although most nineteenth-century historians of Ireland viewed this period as one characterized by declension, scholars have recently challenged that view.⁵⁶ J. C. Beckett’s work shows how the state, rather than targeting Catholics as a religious community, instead aimed at Catholic gentlemen who possessed considerable wealth. Although the Catholic gentry lost large swaths of land and property as a consequence of the penal laws, there was almost no effort, Beckett concludes, to suppress religious worship or to discriminate against Catholics with little or no wealth. Some wealthy Catholics fled the island (many, like those discussed in the following chapters, to Maryland) while relatively few left their faith.⁵⁷

In the 1970s, Maureen Wall produced a number of works that posed a serious challenge to this interpretation. She insists that although Beckett was right about the gentry being targeted by the penal laws, he overstated their impact. Wall instead argues that officials found it too onerous to enforce the laws and that they did not see Catholics as a problem worth addressing in their local communities. She presents evidence suggesting that priests had much more freedom of movement than previously realized,

Government (Dublin, 1691) as the primary text that made that case. In one telling passage, King insisted that Catholic claims for “liberty of conscience” were “designed to destroy the established church.” King, of course, had a century of precedent upon which to draw. Another dominant text from the period after the 1641 Rebellion was Sir John Temple, *The Irish Rebellion* (Dublin, 1646). Both of these texts went through multiple printings well into the nineteenth century. See J. C. Simms “The Establishment of Protestant Ascendancy, 1691-1714” in T. W. Moody and W. E. Vaughn, *A New History of Ireland* (New York: Oxford University Press, 2006 [1986]), 1-30; Bartlett, *The Fall and Rise of the Irish Nation*, 13.

⁵⁵ Bartlett, *The Fall and Rise of the Irish Nation*, 18.

⁵⁶ For the classic declensionist narrative, see W. E. H. Lecky, *A History of Ireland in the Eighteenth Century* (London: Longmans, Green, and Co., 1892).

⁵⁷ J. C. Beckett, *A Short History of Ireland* (London: Hutchinson’s University Library, 1952).

that Catholics defiantly constructed new chapels throughout the country, and that the decline in Catholic wealth has been exaggerated due to superficial assessments of wealth narrowly defined as mere property-ownership.⁵⁸ Other historians have argued that although the Catholic gentlemen were more or less destroyed, clergymen quickly filled that power vacuum by administering to the spiritual needs of their flock, which mitigated the effect of the penal laws for middling and peasant Catholics.⁵⁹ No consensus has appeared, but S. J. Connolly has summarized a position to which most historians subscribe. After “a serious attempt to enforce this legislation” in the first few decades of the eighteenth century, Connolly concludes that “the period of enforcement” was “relatively short” and that by the middle of the century, penal laws against Catholics “had largely fallen into disuse.”⁶⁰ As a result, a sustained tradition of Catholic dissent against the penal laws may have stalled in Ireland until the middle of the eighteenth century when John Curry and Charles O’Conor gave Catholics a voice in Irish political culture. In the 1740s and 1750s they wrote books revising understandings of the 1641 Rebellion (or, as Protestants called it, the 1641 Massacre) and other historical and contemporary events that traditional Protestant histories used to portray Catholics as superstitious, boorish, and incapable of self-government.⁶¹ While Irish Catholics struggled to gain traction in

⁵⁸ Wall, *The Penal Laws*. For other historians who have emphasized this point, see T. P. Power and Kevin Whelan, eds., *Endurance and Emergence: Catholics in Ireland in the Eighteenth Century* (Dublin: Irish Academic Press, 1990); Connolly, *Religion, Law, and Power*; Harvey, *The Bellevs of Mount Bellew*.

⁵⁹ See Patrick J. Corish, *The Catholic Community in the Seventeenth and Eighteenth Centuries* (Dublin: Helicon Limited, 1981); Corish, *The Irish Catholic Experience: A Historical Survey* (Dublin: Gill and MacMillan, 1985); J. L. McCracken, “The Ecclesiastical Structure, 1714-1760,” in Moody and Vaughn, *A New History of Ireland*, 84-104; Lawrence J. McCaffrey, *The Irish Question: Two Centuries of Conflict* (Lexington: The University Press of Kentucky, 1995), 14.

⁶⁰ Connolly, *Priests and People in Pre-Famine Ireland*, 36. Thomas Bartlett points out that Catholics were one among many thorns in the side of the Anglican majority and that by the early eighteenth century, Presbyterians were equally as threatening to Irish stability. See Bartlett, *The Fall and Rise of the Irish Nation*, 31.

⁶¹ These writings are discussed in greater detail in chapter seven. Notable examples include John Curry, *A Brief Account from the Most Authentic Protestant Writers of the Causes, Motives and Mischiefs of the Irish*

politics, their coreligionists in England began a sustained and organized assault against the Anglican establishment.

English-Catholic dissent in response to the penal laws dates to the middle of the seventeenth century, but it did not develop a strong organizational influence until the Exclusion Crisis in the 1680s, wherein a group of Protestant Whigs proposed a bill that would have excluded Catholic heirs from inheriting the throne.⁶² Scott Sowerby has recently argued that Catholic dissent during this interval was part of a larger effort by “the Repealers” – a group composed of Catholics, liberal Anglicans, and non-conformists – to eradicate the penal laws from the statute books.⁶³ Catholics relied on others to help them make their case for religious freedom, but the focus in this dissertation is on the most influential Catholic tracts. Prominent English-Catholics such as John Gother, Hugh Tootell (Charles Dodd), Edward Hawarden, and Robert Manning composed important essays for their community that instructed Catholics in their religion, answered charges against Protestant abuse, and had lasting influence on later generations of American Catholics, who read, copied, and referenced their arguments when making their own

Rebellion on the 23rd October 1641 (Dublin, 1747); *Seasonable Thoughts Relating to our Civil and Ecclesiastical Constitution, Wherein is Considered the Case of the Professors of Popery* (Dublin: George Faulkner, 1751); *Historical Memoirs of the Irish Rebellion* (Dublin, 1758); Charles O’Conor, *Dissertations on the Antient History of Ireland* (Dublin: James Hoey, 1753); *The Case of the Roman Catholics of Ireland, Wherein the Principles and Conduct of that Party are Fully Explained and Vindicated* (Dublin: Patrick Lord, 1755).

⁶² This emergence of organizational dissent among Catholics overlapped with the rise of the public sphere in England. See Juen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge: M. I. T. Press, 2001 [1962]). For a comprehensive list of early Catholic apologetics and dissenting publications see Joseph Gillow, *A Literary and Biographical History, or Biographical Dictionary of the English Catholics* 5 vols. (London: Burns & Oates, 1885-1902). The most influential publications not discussed here include John Dryden, *The Hind and the Panther: A Poem, in Three Parts* (London, 1687) and [Thomas Godden], *A Letter in Answer to Two Main Questions of the First Letter to a Dissenter* (London, 1687).

⁶³ Scott Sowerby, *Making Toleration: The Repealers and the Glorious Revolution* (Cambridge, Massachusetts: Harvard University Press, 2013).

appeals for religious freedom.⁶⁴ Gother's *A Papist Misrepresented and Represented* (1686) was the most widely distributed book of its type until the nineteenth century and best represents the literature coming from Catholic dissenters. It provoked dozens of responses from Protestant writers including Edward Stillingfleet, William Sherlock, Abednego Seller, and William Claggett.⁶⁵ Several other Catholic apologetic works by

⁶⁴ John Gother, *A Papist Misrepresented and Represented* (London, 1686); Gother, *Nubes Testium: Or a Collection of the Primitive Fathers, Giving Testimony of the Faith Once Deliver'd to the Saints* (London, 1686); Gother, *An Agreement Between the Church of England and Church of Rome, Evinc'd from the Concertation of Some of Her Sons with their Brethren the Dissenters* (London, 1687); Gother, *Good Advice to the Pulpits, Deliver'd in a Few Cautions For the Keeping Up of the Reputation of Those Chairs, and Preserving the Nation in Peace* (London, 1687); *A Discourse of the Use of Images: In Relation to the Church of England and the Church of Rome* (London, 1687); Gother, *The Pope's Supremacy Asserted, From the Considerations of Some Protestants* (London, 1688); Hugh Tootell, *The History of the English College at Doway, From Its First Foundation in 1568, To the Present Time* (London, 1713); Tootell, *Remarks on Bishop Burnet's History Of His Own Time* (London, 1723); Tootell, *The Secret Policy of the English Society of Jesus* (London, 1715); Charles Dodd, *Certamen utriusq; Ecclesiae: Or, A List of All the Eminent Writers of Controversy, Catholicks and Protestants, Since the Reformation. With An Historical Idea of the Politick Attempts of both Parties in every Reign, in order to support their respective Interests* ([London], 1724); Dodd, *The Church History of England, From the Year 1500, to the Year 1688, Chiefly with regard to Catholicks* (Brussels, 1737); Dodd, *Apology for the Church History of England, From 1500 till 1688* (London, 1742); Edward Hawarden, *The True Church of Christ* (London, 1714); Hawarden, *Four Appendixes To the Book entitled The True Church of Christ* (London, 1715); Hawarden, *The Rule of Faith Truly Stated, In a New and Easy Method; Or a Key to Controversy* ([London], 1721); Hawarden, *Charity and Truth: Or, Catholicks not uncharitable, in saying, that none are sav'd out of the Catholick Communion Because the Rule is not universal*, (Brussels and [London], 1728); Hawarden, *Wit Against Reason: Or, The Protestant Champion, the Great, the Incomparable Chillingworth, Not Invulnerable* (Brussels, 1735); Robert Manning, *The Shortest Way to End Disputes About Religion. In Two Parts* (Brussels: 1716); Manning, *Modern Controversy: Or, a Plain and rational Account of the Catholick Faith* (London, 1720); Manning, *The Case Stated between the Church of Rome and the Church of England in a Second Conversation betwixt a Roman Catholick Lord, and a Gentleman of the Church of England* ([Rouen?], 1721); Manning, *The Reformed Churches Proved Destitute of a Lawful Ministry* (Rouen, 1722); Manning, *A Single Combat or, Personal Dispute Between Mr. Trapp and His Anonymous Antagonist* (Antwerp, 1728); Manning, *England's Conversion and Reformation Compared* (Antwerp, 1725).

⁶⁵ Edward Stillingfleet, *The Doctrines and Practices of the Church of Rome Truly Represented; In Answer to a Book Intituled, A Papist Misrepresented, and Represented, & c.*, The Third Edition Corrected (London, 1686); William Sherlock, *A Papist Not Misrepresented By Protestants. Being a Reply to the Reflections Upon the Answer to [A Papist Mis-Represented and Represented]* (London, 1686); Abednego Seller, *Remarks Upon the Reflections of the Author of Popery Mis-Represented, & c. On His Answer; Particularly As to the Deposing Doctrine. In a Letter to the Author of the Reflections. Together with some New Animadversions on the Same Author's Vindication of His Reflections* (London, 1686); William Claggett, *A View of the Whole Controversy between the Representer and the Answerer, With an Answer to the Representer's Last Reply: In Which are Laid Open some of the Methods by which Protestants are Misrepresented by Papists* (London, 1687). For the debate, see Christopher Chatlos Strangerman, "Strange Allies? English Catholicism and the Enlightenment," (PhD Dissertation: Southern Illinois University, 2007), 76.

Tootell, Hawarden and Manning also evoked rebuttals from Protestants such as Francis Hutchinson, Clerophilus Alethes, and George Reynolds.⁶⁶

These Catholic authors focused on how Protestants misperceived their religion, its theological tenets, and the political consequences to adherence to the Catholic faith. Writing at the height of the Exclusion Crisis, Gother opined that a “Papist,” in the Protestant imagination, was “so deform’d and monstrous, that it justly deserves the hatred” it receives. But Gother insisted that he and his coreligionists rightly condemn “all such Popish Principles and Doctrines” that are erroneously appropriated to them.⁶⁷ He protested against those who drew a “Parallel...between the Orders of Popes and Civil Powers, as to the Obedience due to them from their Subjects.”⁶⁸ Gother instead maintained that there was no “comparison between Civil and Ecclesiastical power” because “Civil Respects are confined to this World,” while men have “no Intercourse with the other World, but what is Religious.”⁶⁹ Catholic apologists turned anti-Catholic historical narratives on their head. One of Gother’s books, *Papists Protesting against Protestant Popery*, gave away his thesis in the title. The objective was to associate Anglicans and their church with the crimes often ascribed to Catholics. These early tracts

⁶⁶ Francis Hutchison, *A Compassionate Address to Those Papists, Who Will Be Prevail’d with to Examine the CAUSE for Which They Suffer* (London, 1716); Clerophilus Alethes, *A Specimen of Amendments Candidly Proposed; To the Compiler of a Work, which he Calls, The Church-History of ENGLAND, from the Year 1500, to the Year 1688* (London, 1741); George Reynolds, *An Historical Essay Upon the Government of the Church of England, From the Earliest to the Present Times* (London, 1743). Anonymous authors from Ireland and England similarly responded to Manning’s work. See *The Mission of the Clergy of the Church of England and Ireland Vindicated* (Dublin, 1728) and *A Treatise of Infallibility, Shewing That the Church of Rome’s Claim to that High Privilege is without Foundation in SCRIPTURE, ANTIQUITY, or REASON: In Answer to A Paper of that Subject Sent by a Popish Missionary* (Edinburgh, 1752).

⁶⁷ Gother, *A Papist Misrepresented and Represented*, 7.

⁶⁸ John Gother, *Reflections Upon the Answer to the Papist Misrepresented* (London, 1686), 16.

⁶⁹ Gother, *Reflections Upon the Answer to the Papist Misrepresented*, 66. For another example of the distinction between civil and religious realms in Gother’s writings, see *Papists Protesting against Protestant Popery* (London, 1687), 33.

garnered considerable attention from Protestant authors and laid the foundation for more Catholic dissenting literature in the eighteenth century.

By the middle of that century English Catholics had developed a blueprint for their dissenting tradition. As did their contemporaries in Ireland and America, they focused on history as a way to change perceptions about their faith. They challenged historiographical norms by depicting members of their own faith as victims of “jealous” Protestants who oppressed those with whom they differed. The Vicar Apostolic of London, Richard Challoner, composed tracts like *Memoirs of Missionary Priests* (1741), which chronicled the persecution that Catholics faced under the English state. As one of Gother’s students at Douai College, Challoner documented the murder of almost three hundred Catholics whose “only guilt was their religion.”⁷⁰ Perhaps the leading intellectual figure within English Catholicism in the eighteenth century, Challoner intended his book to serve as a “supplement to English history.” He criticized “English historians” who ignored “the trials and executions of catholics, on religious accounts.” Perhaps flattering himself, Challoner naively hoped that “lovers of history, of what persuasion soever they might be in matters of religion,” would “be pleased” with “the following memoirs.”⁷¹ Challoner tried not to associate his work with strictly apologetic tracts. “[W]e pretend not to act the apologist, but only the historian,” he wrote.⁷² His intention, of course, was to fill both roles. On the one hand, Challoner sought to hold up a mirror to Englishmen who were unaware of the historical persecutions that their own church and state inflicted on religious minorities. On the other hand, he wanted to alter

⁷⁰ Richard Challoner, *Memoirs of Missionary Priests, and other Catholicks of both Sexes that have suffered Death in England Religious Accounts, from the year 1577 to 1684* (Philadelphia, 1839 [1741]), xi.

⁷¹ Challoner, *Memoirs of Missionary Priests*, lx.

⁷² Challoner, *Memoirs of Missionary Priests*, x.

Britons' perceptions of the Catholic faith. He accomplished his goals by depicting his martyrs as peaceable, liberty-loving Englishmen who were hunted down by an over-zealous Protestant state.

Challoner was highly influential for a number of reasons, not the least of which was due to his position as Vicar Apostolic of the London District (which encompassed the American colonies), but also because he was a professor of theology at Douai, the leading institution of Catholic higher education in the English-speaking world.⁷³ His writings were reprinted in London, Manchester, Dublin, Philadelphia, Baltimore, Boston, New York, and Charleston well into the nineteenth century. His books appear in the libraries and works of prominent Anglo-American Catholics such as Charles Carroll of Annapolis, Charles Carroll of Carrollton, Bishop John Carroll, Mathew Carey, John England, Charles Butler, John Milner, and John Lingard.⁷⁴ Upon Challoner's death in 1781, John Carroll, writing to a fellow ex-Jesuit Edmund Plowden in England, insisted that Challoner's "writings, & particularly his *Catholick Christian* [book], do infinite service here [in America]."⁷⁵ Historian James O'Toole argues that American Catholics

⁷³ Douai's cultural influence can hardly be overstated to English Catholicism. A moderate school that blended Catholic, scholastic, and Enlightenment learning, every Vicar Apostolic of the London district from 1737 through 1827 was a Douai graduate. See Strangerman, "Strange Allies," 36.

⁷⁴ See, for example, Ronald Hoffman, Sally D. Mason, and Eleanor S. Darcy, eds., *Dear Papa, Dear Charley: The Peregrinations of a Revolutionary Aristocrat, as Told by Charles Carroll of Carrollton and His Father, Charles Carroll of Annapolis, with Sundry Observations on Bastardy, Child-Rearing, Romance, Matrimony, Commerce, Tobacco, Slavery, and the Politics of Revolutionary America*, 3 vols. (Chapel Hill: University of North Carolina Press, 2001), 1:192 n20, 301, n20, 21; Thomas O'Brien Hanley, ed., *The John Carroll Papers*, 3 vols. (hereafter *JCP*) (Notre Dame, Indiana: University of Notre Dame Press, 1976), 1:66, 1:348; John England, *The Works of the Right Reverend John England: First Bishop of Charleston* (Baltimore: John Murphy & Company, 1849), 1:496, 4:30; Charles Butler, *Historical Memoirs Respecting the English, Irish, and Scottish Catholics, from the Reformation, to the Present Time* (London: John Murray, 1821 [1819]), xxxix; Butler, *Reminiscences of Charles Butler* (London: John Murray, 1822), 243; John Milner, *Supplementary Memoirs of English Catholics* (London: Keating and Brown, 1821), 19; Milner, *The End of Religious Controversy* (New York: Edward Dunigan, 1846 [1818]), 209. Milner also delivered the sermon at Challoner's funeral. For Lingard's intellectual debt to Challoner, see John Lingard, *A True Account of the Gunpowder Plot* (London: C. Dolman, 1851), 38; Martin Haile and Edwin Bonney, *Life and Letters of John Lingard, 1771-1851* (St. Louis, Missouri, B. Herder, 1911), 10-17, 28.

⁷⁵ John Carroll to Charles Plowden, February 20, 1782, in *JCP*, 1:66.

read more of his books than any other author in the eighteenth century.⁷⁶ What made his writings and the Catholic dissenting narrative of religious freedom so uncomfortable for Protestant readers was that it undermined the heart of the story Protestants told themselves. As this dissertation shows, perceptions of the past were vitally important to discussions about religious freedom in early America. Protestants congratulated themselves for overcoming the barbaric and superstitious tendencies of the European world that Catholicism had created. But if, as Catholics contended, that world was not as benighted as it seemed – indeed, if Protestantism in fact promoted persecution as much or more than many Catholic rulers – than the enlightened age Protestants thought they created was perhaps only a continuation of Catholic liberty, or, even worse, a regression from the advances Catholics instituted in the Middle Ages.⁷⁷

Challoner's students followed his lead and penned numerous tracts on behalf of Catholic freedoms. Unlike their instructor, however, who indirectly fought against Catholic disabilities, the next generation directly confronted the English state. In 1764, for example, Charles Howard, the Duke of Norfolk – who studied under Challoner at Douai – penned a work which argued for the abrogation of the penal laws.⁷⁸ His essay was one of many during the middle of the eighteenth century that attempted to ease the penal laws by challenging popular conceptions of the theological tenets of Catholicism, by revising historical assumptions, or, when appropriate, by shaming those opposed to

⁷⁶ James M. O'Toole, *The Faithful: A History of Catholics in America* (Cambridge: Belknap Press of Harvard University Press, 2008), 28.

⁷⁷ Carter, "Mathew Carey and Catholicism in the Early Republic," 22.

⁷⁸ The work is anonymous, but has been accredited to Norfolk. See Joseph Gillow, ed. *A Literary and Biographical History, or Biographical Dictionary of the English Catholics. From the Breach with Rome, in 1534, to the Present Time* (London: Burns & Oates, 1885), 5:184; [Charles Howard] *A Country Gentleman, Considerations on the Penal Laws against Roman Catholics in England and the New-Acquired Colonies in America* (London, 1764).

Catholic freedoms into supporting Catholic rights.⁷⁹ Catholic writers continued to make their case during the 1770s and 1780s, when the English Parliament realized the need for Catholic support in their war against the American colonies. In the midst of that campaign, Joseph Berington wrote a book that deeply influenced how American Catholics would respond to new political dynamics that were emerging in the United States.⁸⁰ Situated in the context of rising calls to end penal restrictions, Berington's *State and Behavior of English Catholics* pushed notions of toleration, religious freedom, and disestablishment as far as any major work of the eighteenth-century. As discussed in chapter six, it had considerable influence on John Carroll, who led the movement for Catholic equality in the newly established United States. English and Irish reformers, then, cast a large shadow on their American counterparts, who advocated for religious freedom in the American colonies and later, the United States. This dissertation explores that advocacy, simultaneously giving voice to a disenfranchised minority and recasting the story of American religious freedom in unfamiliar terms.

Toward an Inclusive History of Religious Freedom

This study expands and challenges the historiography of American religion and church-state scholarship in a number of ways. First, it gives voice to an often neglected group of Catholic reformers whose stories have been relegated to monographs and

⁷⁹ For similar works surrounding this one, see Richard Challoner, *A Short History of the Protestant Religion* (London, 1733); Challoner, *A Specimen of the Spirit of the Dissenting Teachers* (London, 1736); Challoner, *The Catholic Christian Instructed* (London, 1737); Challoner, *Remarks on Two Letters against Popery* (London, 1752); Charles Howard, Duke of Norfolk, *Thoughts, Essays, and Maxims, Chiefly Religious and Political* (London, 1768); Robert Berkeley, *Considerations on the Oath of Supremacy* (London, 1778); Berkeley, *Considerations on the Declaration against Transubstantiation* (London, 1778); Joseph Berington, *A Letter to Dr. Fordyce, in Answer to his Sermon on the Delusive and Persecuting Spirit of Popery* (London, 1779); Berington, *The State and Behaviour of English Catholics from the Reformation to the year 1780 with a view of their Present Number, Wealth, Character* (London, 1780).

⁸⁰ John Tracy Ellis, *Catholics in Colonial America* (Baltimore, Maryland: Helicon Press, 1965), 418.

articles on Maryland history. The key actors in these works – Charles and John Carroll – have received passing reference in all but the most exhaustive accounts of American religious freedom. Recent scholarship has been particularly prone to overlook Catholics’ involvement in this story, often ignoring the Carrolls and other important Catholic figures altogether.⁸¹ In addition to the scholars discussed above, like Hamburger and Sehat, who have either implicitly or explicitly dismissed Catholic agency until the middle of the nineteenth century, accomplished historians such as Frank Lambert and Steven D. Smith have also failed to consider any of the Carrolls, Mathew Carey, or John Thayer in their studies of religious freedom even though all of these actors engaged in sensationalized and widely-distributed national debates over Catholic rights.⁸² Thomas Kidd’s recent religious history of the American Revolutionary era is a bit better, giving Charles Carroll three sentences, but Kidd did not mention Carroll’s discourses over religious freedom.⁸³ Considering that Daniel Carroll was on the committee that drafted the First Amendment to the Constitution, that John Carroll engaged in a number of nationally published debates about the rights of Catholics in the United States, and that Carey – who corresponded with icons of American religious liberty like Thomas Jefferson and George Washington – spent much of his public career advancing the cause of Catholic religious freedom, the historiographical silence is deafening.

Second, this dissertation suggests that historical memory played an important role by informing how many reformers understood religious freedom in America. The

⁸¹ The most attention any recent scholar has given to Catholics in a general history of religious freedom is Michael I. Meyerson, *Endowed by Our Creator: The Birth of Religious Freedom in America* (New Haven, Connecticut: Yale University Press, 2012), 189-190.

⁸² Lambert, *The Founding Fathers and the Place of Religion in America*; Steven D. Smith, *The Rise and Decline of American Religious Freedom* (Cambridge, Massachusetts: Harvard University Press, 2014).

⁸³ Kidd, *God of Liberty*.

writings and memories of Catholics in Maryland who fought for that ideal during the colonial period, such as Charles Carroll the Settler and Father Peter Attwood had an important influence on many of those who continued that tradition after independence. References to the Catholic tradition of toleration in colonial Maryland pervade the writings of Catholic reformers during the late eighteenth century and continue well into the nineteenth. These reformers saw themselves as part of a long and continuous tradition of Catholic dissent that was fighting to restore the reputation of their church and regain their lost freedoms. Arguing that Catholics had a long history of toleration toward others, which undermined persistent Protestant claims of Catholic intolerance, they insisted that the historical record proved that Catholic doctrine was compatible with civil and religious freedom. While the principle remained consistent, over time this argument changed according to social and political contexts. In the wake of the American Revolution, Catholic reformers like John Carroll posited that his coreligionists' participation in the War of Independence proved, alongside their history in Maryland, that Catholics posed no threat to the civil and religious freedom for which Americans recently fought. Shaming his countrymen into augmenting the rights of Catholics – whose blood, he repeatedly claimed, saturated battlefields during the American Revolution – Carroll tried to redefine acceptable forms of public discourse and freedom of religious expression.

Third, this dissertation argues that by continuing to raise questions about the limitations on religious freedom long after many Americans thought the issue had been settled, American Catholics were part of the movement for disestablishment. Although it is difficult to trace their influence on the disestablishment of any particular church except that in North Carolina (for which scholars have long credited the Catholic jurist William

Gaston), Catholic efforts to disestablish state churches has been ignored in the historiography in favor of Baptist, Presbyterian, and deist activism.⁸⁴ Like Baptists and other dissenting Christians, the main characters in this dissertation appealed to the core values professed in Christianity and, in time, the American Revolution. They did this in order to add substance to their appeals for disestablishment. Because they were farther outside the Protestant-Christian mainstream than all other Christian dissenters, Catholics provided an important critique of the hegemonic Protestantism that shaped American institutions and laws.⁸⁵ Their consistent critiques of what for many Americans appeared to be the ideal church-state relationship – a multiple establishment wherein the state encouraged and supported Protestantism generally construed – deserves a place in the historiography of American religious freedom because it has ramifications on how scholars understand not only discourses about religious liberty, but American's' ideas about citizenship.

Catholics did not neatly fit into any of the prescribed religious categories that underlay notions of citizenship. Consequently, Catholics found themselves on different sides of debates over the place of religion in America. In some instances, they helped reinforce links between religion and citizenship by circumscribing the nation's religious identity in a way that excluded non-Christians, but included themselves. Elsewhere, they rejected the claims of those who sought to link American values to a Protestant ethos. In those cases, Catholics insisted that religious affiliation had no bearing on citizenship. Catholics therefore helped democratize conceptions of American identity even while

⁸⁴ I am not suggesting that Catholics were the controlling force behind disestablishment; only that their presence alongside these other groups deserves more attention.

⁸⁵ On the influence of Protestant Christianity in the new Republic, see James H. Hutson, *Religion and the Founding of the American Republic* (Washington D.C.: Library of Congress, 1998).

limiting citizenship to those within the Christian tradition. In the process, they lent credence to the idea that America was a Christian nation.⁸⁶

Another way in which this dissertation adds to the existing scholarship on American religious liberty, mentioned above, is by incorporating actors and events across the Atlantic into the traditional narrative. American Catholics received assistance in their public discourses from correspondents in England and Ireland such as Edmund and Charles Plowden, Joseph Berington, Arthur O’Leary, John Troy, and John Fletcher. Bishop Carroll, for instance, admitted to having read Fletcher’s *Reflections on Religious Controversy* “at least four times” and had it reprinted in America because he believed it was invaluable for the promotion of Catholic rights.⁸⁷ He thanked Troy for writing essays “which vindicate us Catholics so completely from many groundless charges.”⁸⁸ Scholars have documented many ways in which Europeans influenced American Catholics, but have not applied their findings to matters of church and state.⁸⁹ This project hopes to open up new channels of inquiry by introducing heretofore overlooked individuals and documents.

Chapters two through four explore the boundaries of religious freedom for Catholics in colonial America. Because the great majority of Catholics lived in Maryland, it focuses on that colony, but it also considers those in Pennsylvania, New York, and

⁸⁶ On the idea of the United States as a Christian Nation, see Mark A Noll, George M. Marsden, and Nathan O. Hatch. *The Search for Christian America* (Colorado Springs: Helmers & Howard, 1989); John Fea, *Was America Founded as a Christian Nation?: A Historical Introduction* (Louisville, Kentucky: Westminster John Knox Press, 2011).

⁸⁷ John Carroll to Charles Plowden, December 5, 1808 and February 21, 1809 , in *JCP*, 3:73, 3:82. In the latter letter, Carroll claimed that it “has had a great effect on Cath. and Protestants” in the United States.

⁸⁸ John Carroll to John Troy, July 12, 1794, in *JCP*, 2:120.

⁸⁹ See, for example, Patrick W. Carey, *People, Priests, and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeship* (Notre Dame, Indiana: University of Notre Dame Press, 1987); Jay Dolan, *In Search of an American Catholicism: A History of Religion and Culture in Tension* (New York: Oxford University Press, 2003).

elsewhere in the British Empire. Chapter two begins with the founding of colonial Maryland and concludes with the Glorious Revolution of 1689, an event which marked the beginning of the end for Catholic religious freedom in the colonial era – insofar as that freedom ever existed. This chapter argues that although they had greater liberties than elsewhere in the English-speaking world, Maryland Catholics seldom enjoyed the kind of freedom that they later claimed existed there. Modern historians have debated the extent of religious freedom in that colony, but many overstate the practical liberties Catholics enjoyed because they focus too closely on the law rather than the culture. Michael Meyerson recently asserted that with its Toleration Act of 1649, colonial Maryland represented “a major step forward in the history of religious freedom” where “Protestants and Catholics alike were protected” by the state.⁹⁰ Often depicted by contemporaries and historians alike as a haven for Catholics and other Christians to worship without interference from the state, closer examination suggests that religious liberty in Maryland was frequently contested and hardly secure.⁹¹

Chapter three traces the thirty years it took to remove Catholic rights in Maryland from 1689 to 1720, a process exacerbated by elite Catholics in the colony and led by an Irish immigrant named Charles Carroll the Settler. Committed to protecting and restoring the rights for which he initially migrated to Maryland, Carroll pushed the local government farther than it could tolerate, unintentionally dooming his coreligionists to a

⁹⁰ Meyerson, *Endowed by Our Creator*, 25. See also, Stokes, *Church and State*, 1:189.

⁹¹ For an alternate view, showing the economic or political motivations of the founding of the colony and the insecurity of religious freedom during the colonial period, see James Hennesey, “Roman Catholicism: The Maryland Tradition.” *Thought* 51 (1976): 284-295. Dolan, *American Catholic Experience*, 69-97; Curry, *First Freedoms*, 33-38; John D. Krugler, *English and Catholic: The Lords Baltimore in the Seventeenth Century* (Baltimore, Maryland: Johns Hopkins University Press, 2004); Farrelly, *Papist Patriots*, 50-56.

half-century of discrimination. I argue that Catholics in this case inadvertently retarded the expansion of religious freedom in America.

Chapter four covers the middle decades of the eighteenth century and ends after the conclusion of the French and Indian War, an event that presented new challenges to American Catholics. During this war, as they had in the aftermath of the Glorious Revolution, Catholics appealed to the past in order to shape the present. Even when few were willing to listen, they continued to couch their demands for civil and religious rights in legalistic and constitutional terms, citing the original Maryland charter of 1632 and what I call the Catholic dissenting tradition to bolster their case. As the Maryland Assembly inflicted new taxes on the Catholic population, the latter petitioned to largely unsympathetic local and foreign officials. Charles Carroll of Annapolis led the resistance, but had learned from his father's mistakes. Under his guidance Catholics emerged from that era in a position to win back their lost rights when their countrymen launched a Revolution in 1776. By the eve of that event, Maryland Catholics had developed a century-long tradition of dissent that emphasized civil and religious liberty.

Chapters five through eight consider the period of the American Revolution. Chapter five argues that although political and diplomatic expediencies beginning in 1776 are most responsible for the advances in religious liberty at that time, American Catholics such as Charles Carroll of Carrollton played an important role in earning the respect and admiration of their countrymen just as Americans were expanding rights to new groups. Catholic actions during the war, I conclude, turned their newfound religious freedom, which might have been a short-term concession, into a permanent and fundamental right. Chapters five through eight cover the Critical Period of American

history and the first few years after the ratification of the Bill of Rights – a moment of transition for American Catholics and the nation. Borrowing a methodology from Jeffrey Pasley, who argues that religious liberty in the new Republic should be treated locally, these chapters are situated into geographical settings that cover events in Baltimore, Philadelphia, New England, and New York, respectively.⁹² Using leading Catholics John Carroll, Mathew Carey, and John Thayer as exemplars of Catholic thought and practice in those cities, these chapters shed new light on some of the most enduring historiographical questions within the scholarship of American religion as well as church-state relations. They show how American Catholics conflated religious freedom with freedom of speech. Carroll, Carey, and Thayer, among others, launched a rhetorical war on those who had the temerity to publicly (and sometimes distastefully) attack the Roman Catholic faith. They argued that civil speech was a necessary precondition to the full exercise of that freedom. However, in order to address charges against their faith, Catholics employed the same tactics with which they charged their adversaries. Using sometimes provocative and vitriolic language, Catholics criticized Protestant church-state establishments throughout history and accused Protestants of committing violent and gross injustices against religious minorities.

Chapter six focuses on Bishop Carroll. In several public debates that began in Baltimore but quickly received attention all over the country, Carroll criticized those who attacked his creed, slandered his coreligionists, or attempted to institutionalize Protestantism on top of the new republic's constitutional framework. His rebuttals show

⁹² Jeffrey L. Pasley, "The Cheese and the Words: Popular Political Culture and Participatory Democracy in the Early American Republic," in Pasley, Andrew W. Robertson, and David Waldstreicher, eds., *Beyond the Founders: New Approaches to the Political History of the Early American Republic* (Chapel Hill, North Carolina: University of North Carolina Press, 2004), 31-56.

that the myth of Maryland's unbounded religious freedom continued to play an important role in how Catholics viewed their place in American culture until the turn of the nineteenth century. Chapter seven centers on an Irish-Catholic immigrant named Mathew Carey who moved to Philadelphia in 1784 and became the most prodigious printer and publisher in the young republic. With Carroll's encouragement, Carey participated in similar public debates in order to defend his faith from calumny and abuse. This chapter argues that Carey – whose lived experiences in Ireland taught him the dangers of church-state intercourse – undertook a number of printing projects in the national capital in the hopes of changing Americans' attitudes toward the Catholic religion. He raised awareness of the continued restrictions on Catholic rights in several states and initiated or reprinted a number of nationally publicized debates in the wake of the ratification of the Bill of Rights. Those debates give scholars a number of texts from which they may examine what Americans thought about religious liberty at the time the First Amendment was ratified. Carroll's and Carey's behavior during this period, I argue, suggest that religious minorities fought an uphill battle in their efforts to acquire full rights under the law even while they acknowledged their relative freedom in the United States.

Chapter eight moves from Philadelphia to Boston. Its main character is John Thayer, a convert to the Mother Church who provoked controversy in New England after he returned from Europe in 1790. Unlike Carroll and Carey, whose behavior was often defensive and usually more measured, Thayer looked for confrontation by challenging his fellow New Englanders to theological debates. He was less interested in promoting religious liberty for Catholics than he was in converting souls, but his provocative writings and sermons nevertheless elicited discussions over the rights of religious

minorities in the United States. Thayer's most controversial debate also coincided with the ratification of the First Amendment, again providing scholars with texts that allow them to assess how Americans viewed the extents of, and limitations on, religious freedom at a critical juncture in American history.

These four chapters suggest that many Roman Catholics were grateful for the rights they gained during the American Revolution, but also recognized their second-class status in the culture and under state law. The Maryland tradition informed many of their ideas on church and state, but they usually harnessed the rhetoric and values of the Revolution to acquire equal civil and religious rights. In other words, the Revolution replaced the founding of Maryland as the most useful rhetorical device in their arsenal. But Catholics were aware of the distinctions between the constitutional protections under the First Amendment and state laws that restricted their rights in New England, New Jersey, and North Carolina, often refraining from making narrow legal arguments for their cause. Instead, they appealed to the spirit of the law, the values of the American Revolution, and the long history of Protestant persecution against Catholic freedoms in America, Ireland, and England, to bolster their case.⁹³

Chapter nine begins with Revolutionary New York but moves into the second decade of the nineteenth century. Unlike those detailed in the previous four chapters, Catholics in New York made direct appeals to change the constitutional and statutory laws that discriminated against their coreligionists. But they, too, like their counterparts

⁹³ Their consistent appeals to the spirit of the law might be read as an prologue to Sarah Barringer Gordon's *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2010), which argues that religious minorities insisted that the spirit of the law protected their freedom of conscience despite the rather clear wording of the constitution that relegated those matters to the states. See also, Akhil Reed Amar, *The Bill of Rights: Creation and Reconstruction* (New Haven: Yale University Press, 1998).

in New England, ran afoul of the larger society, provoking heated debates in local and regional newspapers and attracting negative comments in private correspondences. Chapter nine also considers the actions of several pro-Catholic Protestant and deist sympathizers, without whom Catholics were unlikely to rescind anti-Catholic legislation in that state. Finally, it moves into the first years of the nineteenth century, when a number of public outbursts against Catholics in New York led Mathew Carey—from afar—to run to Catholics' defense. Carey published a series of essays in New York newspapers in response Reverend John Mason's anti-Catholic screed in 1808. There he repeated many of the themes found in his writings from the late eighteenth century. By the War of 1812, Catholics were fighting on behalf of their liberty in the press, the state assembly, and even the courts, when a priest named Anthony Kohlmann sued to protect his sacred rights as a man of the cloth. There again, Catholics were pushing against the boundaries of religious freedom in the new Republic.

Chapter ten considers what historians have called the trustee controversy. When Catholic laymen purchased property upon which they later erected churches, they insisted that their ownership of the land entitled them to make decisions about the selection and dismissal of priests. They also claimed the right to manage the economic, temporal, and even ecclesiological functions of the church independent from the local bishop. While Patrick Carey has argued that this movement had its roots in European soil,⁹⁴ the trustees at St. Mary's parish in Philadelphia utilized rhetoric straight out of the American Revolution to make their case. Chapter ten therefore examines the battle for sovereignty in the church between the trustees and the bishops. Both sides claimed that the other was restricting their civil and religious liberty, often bringing their grievances to the secular

⁹⁴ Carey, *People, Priests, and Prelates*, 5, 17-31.

public and local and state courts. Using St. Mary's as an exemplar of the larger trends in churches in New York, Baltimore, Norfolk, and Charleston, I argue that their internal disturbances not only hindered the reputation of Catholicism, but that their conflicts are an overlooked episode in the history of religious freedom in the United States. The courts ruled that religious liberty was a corporate, rather than individual, matter, as the episcopacy won victories in the courts by arguing that the state had no authority to tell the bishops how to manage their churches. Internal disturbances here, as in early national Boston, suggest that the Protestant majority in Philadelphia tolerated the unruly behavior of Catholics in their neighborhoods. Catholics again, in other words, were pressing against the boundaries of religious liberty in the United States, at times taking their cases to the state supreme courts and even the White House.

This project closes with a conclusion that considers American Catholic discourses about religious freedom during the antebellum period, an era in which scholars have found a significant role for Catholics in American church-state development. It shows the continuities within the American Catholic dissenting tradition while noting the different ways that this later generation of reformers appealed to their countrymen when making their case for Catholic equality. New political and religious cultures, of course, contributed to that change. In the Age of Jackson, a virulent strand of anti-Catholicism swept the nation, giving birth to the most violent interreligious conflicts in all of American history. Throughout that period, Catholics continued to advocate for their equality before the law and within the culture. They pointed to the liberal experiment in colonial Maryland, emphasized their contributions during the American Revolution, and cited the patriotic role that those like Charles and John Carroll played in the creation of

the United States. By then, champions of Catholic freedom had a chorus of non-Catholic supporters, which helped them win an important victory at the North Carolina Constitutional Convention in 1835 and allowed them to carry their tradition into the era of the Civil War.

Theoretical Approaches and Methods

As one of the leading historians on American church-state relations, Steven Green argues that scholars need to adopt a longitudinal approach to this subject because concepts like toleration, religious freedom, and church-state separation have changed with marked celerity. The development of religious freedom as an ideal in America has been and continues to be a process of cultural negotiation.⁹⁵ That is one of the reasons why this dissertation covers several centuries, tracing the continuities and changes to discourses about American religious liberty since the early seventeenth century. Although it concentrates on Catholic experiences, it also considers the views of Protestant, deist, and unorthodox reformers over this time period in order to put Catholics into dialogue with their contemporaries. Particular ideas or laws about religious liberty, however, are not the main focus of this project. I am instead interested in the intersection of those ideas with the daily negotiations that Catholics made in early America.

Just as Green and others have emphasized longitudinal methods with regards to time, so too, this dissertation takes a longitudinal approach with regard to space. The historiography of religious freedom has seen many advances in recent decades, but few scholars have explored the ways in which actors and events from across the Atlantic have influenced what appears to be a quintessentially American narrative of religious freedom.

⁹⁵ Green, *Second Disestablishment*, 8.

While the story of religious freedom (or lack thereof) in America often begins with the Puritans' voyage to the New World, scholars have been slow to look abroad during the late colonial and early national periods. My arguments are mostly domestic, but I also incorporate Atlantic history and early modern European historiography into my analysis, in addition to drawing from political theory and church-state scholarship.

By inserting Catholic voices into the development of religious liberty in America, this dissertation is careful to avoid a reductive Protestant-Catholic dichotomy that ignores the diversity of both religious traditions. Even though lawmakers crafted penal statutes in some degree to create cultural divisions between religions, a simplistic Protestant-Catholic binary obscures church-state history in Anglo-America for many reasons. First, dissenting Protestants often complicated church-state and Protestant-Catholic relations. Protestantism has been anything but monolithic.⁹⁶ Presbyterians, Methodists, and Baptists of all kinds each fought against Protestant establishments – whether Congregational, Anglican, or otherwise – throughout early American history. These Protestant dissenters became some of the Catholic reformers' closest allies in their calls for the end of religious privilege. That alliance alone complicates any neat Protestant-Catholic dichotomy that positions Protestants on one side of America's church-state relations and Catholics on the other.

Second, Catholic reformers were not monolithic in their understandings or applications of religious freedom. No Catholic thinker developed a systematic treatise on

⁹⁶ The divisions created by the splintering of the Catholic Church have been interpreted from a variety of angles. Some of the most insightful include, Edmund S. Morgan, *The Puritan Dilemma: The Story of John Winthrop* (Boston: Little, Brown, and Company, 1958); Diarmaid MacCulloch, *The Reformation: A History* (New York: Penguin Group, 2003), 207-306; Alister McGrath, *Christianity's Dangerous Idea: The Protestant Revolution – A History from the Sixteenth Century to the Twenty-First* (New York: Harper One, 2008); Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge: Belknap Press of Harvard University Press, 2012).

the subject and no Pope released any encyclical addressing religious liberty until the middle of the nineteenth century.⁹⁷ The absence of a declarative statement from Rome or elsewhere made it difficult for Catholics to unite behind a single message. Instead, Catholics constructed diverse arguments based on personal experience, reason, history, and revelation, and applied them to specific historical or cultural contexts. Some wanted civil law to extend unbridled religious freedom universally while others limited their appeals to fellow Christians.

As Catholicism expanded in early America, it also became more diverse. Catholics became polarized over issues of ethnicity and language as Irish, German, and French Catholics yearned for priests who spoke their native tongue and shared their cultural values.⁹⁸ Divisions between secular and regular clergy as well as competing religious orders such as the Jesuits, Dominicans, and Franciscans, further democratized American Catholicism. The pages that follow therefore include a variety of ethnic groups and those holding different political or ecclesiological positions. But it focuses on those who dedicated substantial time, effort, and resources to Catholic rights. Irish and English Catholics led the charge, often drawing from the oppression that they faced under the penal laws. Among religious orders, Jesuits are disproportionately represented here because individuals trained in the Society of Jesus held most positions of authority in the American Church. Although Enlightenment teachings that stressed the compatibility of ideas like democracy, individual liberty, and religious toleration appear in the writings of

⁹⁷ Carey, "American Catholics and the First Amendment," 331.

⁹⁸ Dolan, *In Search of an American Catholicism*, 13-70. The German and French Catholics who came to the United States fled from countries that allowed far greater religious liberty than did the Irish and English Catholics. I attribute their experiences in Europe to the different approaches they used in the United States. Catholics from all these countries, it seems, intensified the values with which they had already been instilled.

the Carrolls, Carey, England, and others, those holding conservative theological and political beliefs at odds with many Enlightenment ideas also spoke out against anti-Catholic injustices.

I employ the term “liberal” to describe the individuals in this story because they advocated for policies that extended religious freedom to more groups than the status quo would have allowed. They fought for the rights of Catholics first and foremost, but at times defended Jews and others when their citizenship was called into question. These “liberal” Catholics saw, first, Maryland, and eventually, the United States, as a haven for religious freedom, where Christians of denominations and a range of religious beliefs had protection under the law. These liberals often held “conservative” theological or political beliefs, but they made distinctions between theology and civil law, arguing that the former should not influence the latter. As John Carroll wrote to the Archbishop of Dublin, he distinguished “between *theological* or religious intolerance,” on the one hand, and “*civil* intolerance” on the other. Religious intolerance, he wrote, was “essential to true religion.” Civil intolerance, however, he associated with a species of bigotry reminiscent of the benighted European past.⁹⁹ That is why even the most conservative Catholic bishops of the nineteenth century—including John Hughes and John Purcell—could be in the vanguard of the movement for religious freedom in the United States.

This dissertation also avoids a Protestant-Catholic binary because, as the following chapters suggest, other intellectual and political traditions deeply influenced the course of religious liberty in America. Catholics such as the Carrolls and Mathew Carey, who take center stage in the pages that follow, were schooled in moderate Enlightenment thought, which had a significant influence on where and how they drew

⁹⁹ John Carroll to John Troy, July 12, 1794, in *JCP*, 2:121.

the boundaries of religious freedom. Perry Miller, among others, long ago showed how secular-minded reformers pushed ideas of toleration in directions that few Catholics or Protestants anticipated, and even fewer desired.¹⁰⁰ The secular tradition itself, of course, was divided as well. Scholars from many disciplines have complicated earlier interpretations that placed heavy emphasis on either liberalism or republicanism as the ideology that guided the spirit of 1776. They now focus on a variety of intellectual traditions such as radical Whig, High Enlightenment, Low Enlightenment, Natural Law, and Common Sense philosophy, all of which shared relatively liberal commitments to civil and religious freedom, and which helped influence the course of early American political and religious development.¹⁰¹ The blending of these ideas is perhaps best seen in the individual who has become the exemplar of American religious freedom – Thomas Jefferson.

The Sage of Monticello hardly fits into any Protestant-Catholic dichotomy. Due to his eclectic education, however, Jefferson has also avoided specific placement within any

¹⁰⁰ Miller, “The Contribution of the Protestant Churches to Religious Liberty,” 56-66.

¹⁰¹ For the classic liberal approach, see Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution* (New York: Harcourt Brace, 1955). The early works on Republicanism include Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1967); Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill North Carolina: University of North Carolina Press, 1969); J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, New Jersey: Princeton University Press, 1975). Bailyn and Wood place more importance on radical Whig thought than the previous historiography. For the development since then, see Daniel T. Rodgers, “Republicanism: The Career of a Concept,” *The Journal of American History* 79, no. 1 (Jun., 1992): 11-38. For another, more broad synthesis, see Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (New York: Cambridge University Press, 2008). Important work has kept intellectual historians’ heads out of the clouds as well. See for example, Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York: New York University Press, 1984); John Patrick Diggins, *The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism* (New York, 1984). For the Scottish Common Sense school, see Henry F. May, *The Enlightenment in America* (New York: Oxford University Press, 1978); Daniel Walker Howe, *Making the American Self: Jonathan Edwards to Abraham Lincoln* (Cambridge: Harvard University Press, 1997); Sophia Rosenfeld, *Common Sense: A Political History* (Cambridge: Harvard University Press, 2011).

secular tradition.¹⁰² The same goes for James Madison, George Washington, and most of the Founding Fathers. As it happened, the Founders were a diverse group of men who had conflicting and evolving ideas on religion and its proper relationship to the state. The men who crafted America's laws on church and state were also highly influenced by Enlightenment ideas in politics, economics, natural philosophy, morality, and religion. The Founders who institutionalized American religious freedom were complex historical figures who reached political and religious positions based on a lifetime of experience and education. Since the Revolution holds such a pivotal place in the story of religious liberty in America, and the Founders were such puzzling figures, it is important to keep in mind how easily individuals transcended labels like "Protestant," "Catholic," and "deist," or "Whig," "democrat," republican," and "liberal."¹⁰³ While I focus on Catholics qua Catholics here, it would be foolish to assume that a variety of intellectual traditions did not inform these actors. Even Bishop John Carroll, who receives considerable attention in Part II and who affirmed an orthodox theology throughout his life, was influenced by his Jesuit instructors who instilled in him classical and moderate Enlightenment conceptions of religious freedom.¹⁰⁴

¹⁰² For various interpretations, see Gary Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Doubleday, 1979); Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America*, (Chapel Hill: University of North Carolina Press, 1980); Charles B. Sanford, *The Religious Life of Thomas Jefferson* (Charlottesville: University of Virginia Press, 1984); Edwin Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, Michigan: W.B. Eerdmans Publishers, 1996); Joseph Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York: Alfred A. Knopf, 1998); Peter Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville: The University Press of Virginia, 2001); John Ragosta, *Religious Freedom: Jefferson's Legacy, America's Creed* (Charlottesville: University of Virginia Press, 2014).

¹⁰³ For these labels, see Wood, *The Creation of the American Republic*, 8, 441-445; May, *Enlightenment in America*, 279-304; Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence: University Press of Kansas, 1985), 158, 235. Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Alfred A. Knopf, 1996), 20.

¹⁰⁴ See Phillip Gleason, "The Main Street Anchor: John Carroll and Catholic Higher Education," *Review of Politics* 38, no. 4 (October 1976): 576-613; T. G. Holt, "Americans at St. Omer's, Bruges and Liege," *Stonyhurst Magazine* (1976): 243-427.

Carroll's experiences perhaps best illustrate the ways in which Catholics simultaneously reacted to events around them and helped mold and manipulate those events to suit their own interests. One of the goals of this dissertation is to show how Catholics were agents in the cultural and political construction of America's church-state settlement rather than passive victims to a hegemonic Protestantism. But I am careful not to overstate Catholic influences in that arena. In his book *Islands of History*, cultural anthropologist Marshall Sahlins argues that there is a dialectical relationship between structures and events.¹⁰⁵ I consider Carroll's experiences – and those of other Catholics in America – through that prism. They actively attempted to modify cultural norms within American society in order to assimilate in to the culture. At the same time, they used events such as the American Revolution, which posed challenges to cultural imperatives, to stimulate cultural and legal change. In Sahlins' terms, Catholics recognized that while the deep structures within American culture were undergoing rapid change, they had an opportunity to expand and shape those structural changes to suit their own interests. Those interests were at odds with what social critic Jonathan Rauch has called "hidden law," which he defines as the deep structures that underlay cultural mores, expectations and realities.¹⁰⁶ In other words, if Catholics wanted to pursue equal religious freedom, they needed to look beyond statutory or constitutional laws and instead transform the cultural mores that cast their religion as incompatible with English, and then, by the late eighteenth century, American, values. In order to change legal codes, American Catholics had to first galvanize public opinion in favor of their equal status. Once they made their countrymen aware that their state or locale was discriminating against a class of citizens

¹⁰⁵ Marshall Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1987).

¹⁰⁶ Jonathan Rauch, "Conventional Wisdom: Rediscovering the Social Norms that Stand between Law and Libertarianism," *Reason Magazine* (February 2000).

equally committed and entitled to full civil and religious liberty, Catholic reformers could then petition for changes in the law. Even if they did not always succeed, these reformers used their social and political capital to force those in Baltimore, Philadelphia, New England, and New York to confront the chasm separating the rhetoric and reality of America's discourses about religious freedom.

Since Catholics comprised only one percent of the population during the period under examination, I have relied on a select number of individuals who represented the general beliefs and values of their coreligionists. As Gordon Wood argues, it stands to reason that leaders within a certain community – be it regional, ethnic, political, social, or religious – usually articulate widely accepted ideas within the general populace. Years of research into social and cultural history, Wood argues, have shown that “when we thoroughly contextualize the thinking” of leaders within a community, “we find that they were expressing ideas that grew out of and had great resonance in the culture of their time and place ... If they were not products of their society and culture,” Wood concludes, it is likely that they “would have been ignored, or not listened to. Elite thinkers, in other words, are only refined extensions of other more popular thinkers in the culture.”¹⁰⁷ This same reasoning applies to early American Catholics like the Carrolls and Carey, who received widespread admiration and respect from Catholics and remained connected to the popular culture through their sermons and writings.¹⁰⁸ Although I refrain from

¹⁰⁷ Gordon Wood, *The Idea of America: Reflections on the Birth of the United States* (New York: The Penguin Press, 2011), 15. Wood has made a similar point in relation to religion and the Scottish Common Sense tradition, writing that ideas do not “come from a few books written by a few Scotsman...or...a few Englishmen. In fact, a few great minds do not by themselves invent such ideas; the great thinkers of an age merely conceptualize and work into theoretical consistency thoughts and impulses that are prevalent in the culture.” See Gordon Wood, “Religion and the American Revolution,” in Harry S. Stout and D.G. Hart, eds., *New Directions in American Religious History* (New York: Oxford University Press, 1997), 187.

¹⁰⁸ Carey, “whose public funeral procession through the streets of Philadelphia in September 1839,” according to one scholar, “was the largest in the history of the city save for Stephen Girard’s in 1831.” This

making sweeping claims about *the* Catholic position on religious freedom for the reasons discussed above, the documentary record suggests that whatever differences existed among Catholics, they were not significant enough to fundamentally divide or disrupt Catholic efforts to attain political and religious equality.¹⁰⁹

Finally, one of the imperatives of the historian's craft is to consider the individuals he or she studies on his or her own terms – to do justice to historical contexts that separate the past from the present. Even though the line connecting the Maryland Catholic dissenters in the seventeenth century and the movement for disestablishment in the late eighteenth appears uneven – or perhaps broken – to historians in the twenty-first century, many individuals discussed here saw the latter movement as a seamless extension of the former. In other words, although readers are likely to see marked political, social, and cultural differences between the generation of American Catholics who appealed for religious freedom in the 1630s and those in the 1790s, the latter insisted on the continuity of their cause. My task is to emphasize that continuity as Catholics understood it and to suggest ways in which scholars might use Catholic experiences—and their perceptions of those experiences—in early America to assess the limits and evolutions of American religious liberty.

suggests that the ideas and values he articulated were greatly admired by his coreligionists. See Carter, "Mathew Carey and Catholicism in the Early Republic," 7. David Hall has made a similar point in the New England context – namely, that priests in the seventeenth century were beholden by the marketplace of public opinion and therefore needed to reinforce the values of those whom they served. The public careers of Bishop John Carroll and printer and publisher Mathew Carey reinforce the same idea. See David D. Hall, *Worlds of Wonder, Days of Judgment: Popular Religious Beliefs in Early New England* (Cambridge: Harvard University Press, 1990), 11, 43-46.

¹⁰⁹ Catholics indeed squabbled over how religious freedom would influence internal ecclesiological issues relating to power relationships between the laity, clergy, and episcopacy. Chapter ten considers that dynamic. For full treatment, see Carey, *People, Priests, and Prelates*.

Chapter 2: THE MYTH OF MARYLAND'S RELIGIOUS FREEDOM

History matters. The ways in which individuals and societies interpret history have lasting and significant effects on cultural development. Eighteenth- and nineteenth-century Anglo-American Catholics, for example, tried to redefine notions of religious freedom partly because of how they understood seventeenth-century Protestant-Catholic relations. Time and again, they argued for their religious and civil rights by appealing to the past. For that reason, if one wants to understand the position of Catholics in later periods, it is critical to understand the past to which they referred. That past constitutes the beginnings of the liberal tradition within Anglo-American Catholicism that this dissertation traces. That tradition was marked by the establishment of religious freedom for all Christians in colonial Maryland in the 1630s by the Lords Baltimore. It was followed by generations of American Catholics who pointed to Maryland to prove that their religion was compatible with first British, then American, values.

In the late seventeenth and eighteenth centuries, Maryland Catholics depicted their history as one unmarked by religious strife; one wherein Protestants and Catholics engaged in an ecumenical experiment where they enjoyed unfettered religious harmony. The reality, however, was not so harmonious. Early Maryland history was marked by almost constant conflict, repeated challenges to the Catholic proprietor's authority, and multiple coups. The gap between later Catholics' rhetoric and the historical reality appears as early as the late seventeenth century, only fifteen years after a successful coup overthrew the government during the 1650s. Maryland Catholics buried the chaotic reality around them by highlighting Lord Baltimore's purportedly liberal intentions in founding the province and appealing to their rights under the Maryland charter. They

believed that if they could convince their opposition that they had enjoyed “fundamental rights”—not just enumerated, but actually exercised—under the original Maryland settlement, they could retain or earn back the religious freedom they believed they once held. This chapter will consider those claims.

It begins by placing the first Anglo-American Catholics into historical context through a brief exploration of post-Reformation English Catholicism. It will then discuss the experiment in American religious freedom in colonial Maryland until the Glorious Revolution disrupted church-state policy in that colony. That experiment, from the 1630s to 1689, informed American-Catholic cultural memory into the nineteenth century and therefore deserves considerable attention before exploring that later period. Despite their claims, the religious liberty that Catholics enjoyed—even in the earliest days of Maryland’s founding—was never absolute and hardly secure. Due to a combination of self-inflicted wounds by the Baltimores’ administration as well as a number of external forces beyond their control, almost constant discord plagued the Maryland experiment in religious freedom from the moment the first settlers arrived in 1634 until the Protestant revolution in 1689.

Post-Reformation English Catholicism

The ideas that prompted the Protestant Reformation forever changed Europe’s religious and political culture. Hundreds of years of Catholic hegemony in Europe began unraveling when Protestant reformers challenged the authority of the church. The blood of countless martyrs—on both sides of the theological divide—stained the European landscape as religious wars ravaged both rural areas and urban centers. Monarchs

instituted a policy of *cuius regio, eius religio* in most of Europe after the Peace of Augsburg in 1555, but that proposed solution did little to remedy the “problem” of increasing religious diversity.¹¹⁰ At the same time, Queen Mary I had ascended to the English throne. A generation after her father, Henry VIII, officially separated from Rome by placing himself at the head of the Anglican Church, she committed herself to turning a now largely Protestant England back into a Catholic country. Although Mary achieved some of her goals by stomping out dissent, she also created a sense of martyrdom among Protestants that became an important part of English identity during the early-modern period. After her death in November of 1558, Mary’s half-sister, Elizabeth, made England an officially Protestant country once again. She ruled for the next forty-five years, which helped consolidate the Protestant establishment that Henry VIII began in the 1520s. Never again would an English monarch attempt to force Catholicism on a Protestant people.¹¹¹

Elizabeth’s reign was especially important for English Catholics. Her Parliament passed the Acts of Supremacy and Uniformity in 1559 and, by 1571, made adherence to the Thirty-Nine Articles a legal requirement. These acts subordinated ecclesiastical to civil authority and forced English citizens to attend weekly services, thereby institutionalizing Protestantism in England. In addition to these legal developments, English culture under Elizabeth became increasingly hostile to Catholics. John Foxe’s *Book of Martyrs*, for example, went through five printings from its first publication in 1563 to the end of the century. That book highlighted the massacres of Protestant Englishmen under the rule of “Bloody Mary” during the 1550s. Its popularity reinforced

¹¹⁰ Diarmaid MacCulloch, *The Reformation: A History* (New York: Penguin Books, 2005), 160.

¹¹¹ MacCulloch, *The Reformation*, 272-282. James II promoted religious freedom, not coercive Catholicism.

and strengthened the anti-Catholic sentiments that many Britons had for those professing the “Romish” faith. Foxe linked Catholicism with treason through the use of the word “popery,” which connoted loyalty to a foreign pontiff and disloyalty to the English throne. His book, like the laws of the kingdom, suggested that if granted equal rights, Catholics would subjugate all of Protestant England under a tyrannical and foreign rule. Because of these legal and cultural developments, for the next several centuries, Protestant Englishmen believed that in order to enjoy their freedoms, they needed to deny Catholics their own liberty. Herein lay the central paradox of religious freedom in the early modern Anglophonic world: to protect the rights of the majority, English officials felt the need to suppress those of a minority.

Catholics of course did their part to exacerbate tensions with Protestant Englishmen. In the autumn of 1569, a group of English-Catholic gentlemen staged an ineffective coup. Known as the Rising of the North, the gentlemen planned to topple Queen Elizabeth and replace her with Mary, Queen of Scots. That move convinced many Englishmen that English Catholics were traitors waiting to strike, that Rome was trying to overthrow the English government, and that penal measures favoring Protestants and making life more difficult for Catholics was necessary to protect English liberty.¹¹² Rather than extend an olive branch to the Virgin Queen, Pope Pius V excommunicated the following year with the bull *Regnans in Excelsis*. It declared Elizabeth a “pretended Queen of England and servant of crime” before it demanded that all English Catholics “not dare obey her orders, mandates and laws.”¹¹³ This bull became the foundation for the

¹¹² Arnold Pritchard, *Catholic Loyalty in Elizabethan England* (Chapel Hill: University of North Carolina Press, 1969), 4.

¹¹³ Patrick McGrath, *Papists and Puritans under Elizabeth I* (Poole, England: Blandford Press, 1967), 69; <http://www.papalencyclicals.net/Pius05/p5regnans.htm>

centuries-long Protestant belief that English Catholics were pardoned from following the laws of the realm.

The institutionalization of Protestantism helped create a cycle in English-Catholic history that led to increased tensions during the next three centuries. Several laws isolated the Catholic community by prohibiting them from sitting in parliament, practicing law, or inheriting property. These actions provided incentive for conversion and limited the growth of the Catholic population while the rest of England expanded. By the middle of the seventeenth century, Catholics only constituted between one and two percent of the population.¹¹⁴ Around this same time, the Society of Jesus – an evangelizing religious order within the Roman Catholic Church informally known as the Jesuits – began its missionary work in England, which won a number of converts but in the process further increased tensions between the two religious groups. After the failed Gunpowder Plot in 1605, which aimed to murder James I and blow up the House of Lords in order to make way for a Catholic ascendancy, more anti-Catholic legislation further restricted Catholics' civil liberties.¹¹⁵

Historians long insisted that, as a result of these political and cultural developments, English Catholicism all but died during the seventeenth century. What

¹¹⁴ See John Bossy, *The English Catholic Community, 1570-1850* (New York: Oxford University Press, 1976), 182-194 for detailed analysis on calculations. See E. A. Wrigley and R.S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (Cambridge UK: Cambridge University Press, 1981), 208-209, for all Britons. Bossy estimates Catholics totaled around 60,000 by 1646 and Wrigley and Schofield place the total population at 5,228,000 by 1651. John Miller, *Politics and Popery, 1660-1688* (New York: Cambridge University Press, 1973), 9-11 agrees that 60,000 is a reasonable estimate for mid-century. John Krugler, "With promise of Liberty in Religion": The Catholic Lords Baltimore and Toleration in Seventeenth-Century Maryland, 1634-1692," *Maryland Historical Magazine* 79, no. 1, (Spring 1984): 21-43 argues that Catholics' "numbers grew significantly during the reigns of James I and Charles I."

¹¹⁵ Although the parliament did not pass any of the "penal laws" against non-conformists until the second half of the seventeenth century, during this early period Catholics faced legal, social, professional, and cultural disabilities. See John D. Krugler, *English and Catholic: The Lords Baltimore in the Seventeenth Century* (Baltimore, Maryland: Johns Hopkins University Press, 2004); 12-27.

little remained of the English Catholic community, they argued, was due to the missionary efforts of the Jesuits, who brought to England a type of Catholicism different from that preached and enforced in the church's medieval past. Most such interpretations focused on the institutional presence of the church to measure its persistence in England. But as historian John Bossy insists, to destroy the Catholic Church was not to destroy Catholicism. The Jesuits stressed an inward, individualistic, and private piety that previous scholastic seminaries had not. Thus, at the very moment when English Catholic institutions were suppressed, English Catholics had new, more internal ways to express their Catholicism. These teachings fulfilled the needs of the English Catholic population because several restrictions and regulations on Catholic behavior made public worship almost impossible in most areas.¹¹⁶ A new form of English Catholic, many scholars argue, developed by the end of the century as a response to the legal and cultural challenges coming from all directions.¹¹⁷ More recently, scholars have argued that although the post-Reformation period posed many barriers to English-Catholic life, there was more continuity than change.¹¹⁸ These scholars focus on the lived experiences of individual Catholics and examine their responses to larger shifts in English culture and politics. Scholars have recently described post-Reformation English Catholicism as “vital, popular, innovative, flexible, [and] responsive” because they have discovered an

¹¹⁶ Bossy, *The English Catholic Community*, part I; Christopher Chatlos Strangeman, “Strange Allies? English Catholicism and the Enlightenment,” (PhD Dissertation: Southern Illinois University, 2007), 44.

¹¹⁷ A. G. Dickens, *The English Reformation* (University Park: Pennsylvania State University Press, 1991 [1964]); J. C. H. Aveling, *The Handle and the Axe: The Catholic Recusants in England from Reformation to Emancipation* (London: Blond and Briggs, 1976). For a fine historiographical outline of post-Reformation English Catholicism, and on which this brief sketch is based, see Shona Johnston, “Papists in a Protestant World: The Catholic Anglo-Atlantic in the Seventeenth Century,” (PhD Dissertation, Georgetown University, 2011), 2-10.

¹¹⁸ Christopher Haigh, “The Continuity of Catholicism in the English Reformation,” *Past and Present* 93 (1981): 37-69; Haigh, “Revisionism, the Reformation and the History of English Catholicism,” *Journal of Ecclesiastical History* 36 (1985): 394-405; Eamon Duffy, *Stripping the Altars: Traditional Religion in England, c.1400-c.1580* (New Haven, Connecticut: Yale University Press, 1992). Marie B. Rowlands, ed., *English Catholics of Parish and Town, 1558-1778* (London: Catholic Record Society, 1999).

English-Catholic subculture that developed close networks with neighbors in order to support local clergymen and Catholic friends and families in need.¹¹⁹ Perhaps their most important finding, however, has been the fluidity with which people identified as Catholic or Protestant. Individuals slipped in and out of various faith traditions for theological, economic, political, social, and cultural reasons. Despite the divisive rhetoric and legislation coming from Parliament, many Englishmen saw much more harmony than conflict between the competing Christian faiths, especially at the level of popular practice, which still incorporated elements of superstition and magic that most intellectuals by the end of the seventeenth century associated with the backwardness of primitive paganism.¹²⁰ The fluidity of religious identity is seen when one considers the aristocratic Howard family between 1570 and 1850. Bossy summarized the family history by observing that within this time period, with only one exception, “every son succeeding his father in the headship of the family adopted a different religion.”¹²¹

However, if the Howards are instructive in demonstrating the fluidity of the Protestant-Catholic identity, this example also has the potential to mask the real differences that many Englishman saw between the two faiths. The persistent importance of this division derived partly from the fact that there was a confluence between temporal and spiritual authority in the seventeenth century that both church and state had an interest in maintaining. Divine Providence, Englishmen insisted, appointed particular

¹¹⁹ Lisa McClain, *Lest We Be Damned: Practical Innovation and Lived Experience among Catholics in Protestant England, 1559-1642* (New York: Routledge, 2004), 8.

¹²⁰ For the importance of superstition and magic during this period, see Keith Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth Century England* (London: Weidenfeld and Nicolson, 1971); David Hall, *Worlds of Wonder, Days of Judgment: Popular Religious Belief in New England* (Cambridge, Massachusetts: Harvard University Press, 1990), 71-117. On the struggle between Enlightenment and Providential epistemologies among intellectuals and the laity, see Michael P. Winship, *Seers of God: Puritan Providentialism in the Restoration and Early Enlightenment* (Baltimore, Maryland: The Johns Hopkins University Press, 1996).

¹²¹ Bossy, *English Catholic Community*, 151.

monarchs to rule nations and judged the heretical and unorthodox in both this world and the next. God punished individuals as well as nations, a belief that married religious belief to citizenship. As one scholar summarized, “Citizenship, social order, and religion thus went hand-in-hand” because accepting those outside of God’s favor invited punishment of the community or nation as a collective whole.¹²² These ideas linking rewards and punishments to communal beliefs helped early modern Europeans justify persecutory policies against religious outsiders. In brief, it gave a mandate to government officials to sanction religious coercion.

Such was the context into which George Calvert (1579-1632) – the founder of Maryland colony – was born. His father identified as a Catholic, and as a consequence, suffered from harassment by the civil authorities for failing to attend Anglican services and for sending his two sons to a school that used a “popish primer.” After several minor incidents in 1592, the Yorkshire High Commission prohibited anyone in the Calvert family from housing Catholic servants, owning Catholic publications, relics or idols, and required the family to purchase a number of Anglican publications which were “to ly open in his house for everyone to read.” Young George was forced to attend a Protestant school and ordered to undergo quarterly progress reports to ensure he was conforming to the Anglican Church. Although his father followed these strict orders, Calvert’s step-

¹²² Nicholas Atkin and Frank Tallet, *Priests, Prelates and People: A History of European Catholicism Since 1750* (London: I. B. Tauris, 2003), 8-9. This idea was of course one of the pillars of Puritan covenant theology. For the classic interpretation, see Perry Miller, *The New England Mind: The Seventeenth Century* (Belknap Press of Harvard University Press, 1983 [1939]). For alternative interpretations on covenant theology, see Edmund Morgan, *Visible Saints: The History of a Puritan Idea* (New York: New York University Press, 1963); Theodore Dwight Bozeman, *To Live Ancient Lives: The Primitivist Dimension in Puritanism* (Chapel Hill, North Carolina: The University of North Carolina Press, 1988); Harry S. Stout, *The New England Soul: Preaching and Religious Culture in Colonial New England* (New York: Oxford University Press, 1988). Finally, Jonathan D. Sassi, *A Republic of Righteousness: The Public Christianity of the Post-Revolutionary New England Clergy* (New York: Oxford University Press, 2001) and Nicholas Guyatt, *Providence and the Invention of the United States, 1607-1876* (New York: Cambridge University Press, 2007) argue that the covenant idea of God rewarding and punishing nations continued well into the nineteenth century.

mother was incarcerated after refusing to attend services in 1593. By that time, young George Calvert had adopted the established Anglican Church as his own, but there remains little evidence to suggest that he experienced a religious awakening or underwent a conversion process.¹²³ He may have felt the brute force of discrimination based on religious belief from a young age, but he left few written records explaining what kind of an influence those experiences had on his decisions as an adult.

In explaining Calvert's religiosity, John Krugler argues that the "Roman Catholic umbrella in England covered a large spectrum of commitments" during the sixteenth and seventeenth centuries. He classifies Catholics under four general labels, ranging from "public Catholics, or recusants" who wore their Catholicism on their sleeve in an act of defiance to the civil powers, to "crypto-Catholics" who sometimes concealed their Catholicism so well that their families were left unaware of their beliefs. Krugler has labeled Calvert as a "schismatic" Catholic, which fell somewhere between those two extremes. Calvert outwardly conformed to the established church – even taking communion on occasion – but might have privately maintained his Catholic beliefs until, by 1624, he had acquired enough social and political capital that he could safely make his Catholicism publicly known without risking his political power or his fortune.¹²⁴ By then, Calvert had attained high-ranking positions in the King's Court by artfully making use of his legal training, fluency in several languages, and close relationship with Sir Robert Cecil, one of the most influential men in James I's court. King James, who provided a measure of relief to Catholics when he inherited the throne in 1603, created an atmosphere wherein "schismatic" Catholics could attain respectability by earning

¹²³ Krugler, *English and Catholic*, 28-30.

¹²⁴ Krugler, *English and Catholic*, 16-17, 71-75.

positions of high stature in his court, provided they proved their loyalty. Calvert took advantage of this opportunity and was appointed Secretary of State in 1619. Even after James eased many other restrictions, however, Calvert had to swear a number of oaths of allegiance that barred conscientious Catholics from holding positions of power. Nevertheless, there are no records to indicate that he voiced any concerns about the oaths or that anyone suspected he might not be a faithful Anglican. Based on what we know about his early life and his later conversion, however, Calvert's refusal to join those who objected to the oath—and many did—suggests that he might have prioritized political and economic opportunity over religious concerns.¹²⁵

Historians have assessed the Maryland experiment in religious freedom by weighing the competing religious, political, and economic ideals that motivated Calvert to found his colony in 1632. While some analysts have lauded his commitment to religious liberty by arguing that, along with his son who carried out his ambitions, Calvert “deserves to be ranked among the most wise and benevolent lawgivers of all ages,” others sought to correct this “wholly erroneous view of the Religious Toleration stated to have been declared by Lord Baltimore.”¹²⁶ These competing views split along denominational lines, with Protestant historians like C.E. Smith ascribing the most deceitful and self-interested motives to Calvert and his heirs, and Catholic historians such as Bishop William T. Russell celebrating Calvert's magnanimous plan. Most recently, however, scholars of various persuasions have found a more nuanced way to explain the motivations behind the Maryland experiment. Thomas McAvoy, for instance, includes both interpretations in his studies of early Maryland without assessing the relative

¹²⁵ Krugler, *English and Catholic*, 33-40.

¹²⁶ Sanford H. Cobb, *The Rise of Religious Liberty in America: A History* (New York: Noble Offset Printers Inc., 1968 [1902]), 366; *The American Catholic Historical Researches* 3, no. 4 (1907): 388.

importance of one over the other.¹²⁷ Perhaps the leading historian on the subject, John Krugler concludes that although “Religious freedom was the *modus operandi* of the ‘Maryland designe,’” it was “not the purpose of the founding of Maryland. It was a means to an end, which was the creation of a prosperous society.”¹²⁸ Prioritizing economic and political ambitions fails to explain why – if only interested in a successful colonial enterprise – both Calvert and his son converted to a religion which undoubtedly posed economic and political barriers that could have been otherwise avoided, why they chose to dissuade potential settlers by allowing more liberal policies that tolerated Catholics, and why they provided the first settlers with Jesuit priests, the most distrusted of all English Catholics. Leaving out political and economic motivations entirely, however, similarly fails to explain why Cecilius Calvert chose to stay in England throughout his life, rather than bask in the religious freedom in Maryland that he purportedly sought. In short, the Calverts were motivated by a number of impulses, but ultimately envisioned not a secular society devoid of religious practice, institutions, or obligations, but a voluntary religious culture which provided the foundation for economic growth, political stability, and social harmony.¹²⁹

¹²⁷ C. E. Smith, *Religion Under the Barons Baltimore* (Baltimore, Maryland: E.A. Lycett, 1899); William T. Russell, *Maryland: The Land of Sanctuary: A History of Religious Toleration from the First Settlement until the American Revolution* (Baltimore, Maryland: J. H. Furst, 1907); Thomas T. McAvoy, *A History of the Catholic Church in the United States* (South Bend, Indiana: Notre Dame University Press, 1969), 9. For more on the early historiography, see John D. Krugler, “Puritan and Papist: Politics and Religion in Massachusetts and Maryland before the Restoration of Charles II,” (PhD dissertation, University of Illinois, 1971), 253; Krugler, “Lord Baltimore, Roman Catholics, and Toleration: Religious Policy in Maryland During the Early Catholic Years, 1634-1649,” *Catholic Historical Review* 65 (1979): 49-50. One prominent church-state historian concludes that “Some historians have argued that Calvert’s principal purpose in colonizing Maryland was to make money ‘since he wrote constantly of profit and loss and of prospects for future gain,’ an observation that would apply with equal force to William Penn,” although the Quaker’s motivations have “never been challenged.” James H. Hutson, *Church and State in America: The First Two Centuries* (New York: Cambridge University Press, 2008), 18.

¹²⁸ Krugler, *English and Catholic*, 154.

¹²⁹ In this way, the “Maryland designe” was quite similar to the American experiment in religious freedom wherein a secular government was detached from a religious culture.

The Founding of Maryland

George Calvert, Lord Baltimore, began his Maryland enterprise after his first colonial venture failed in Newfoundland in the 1620s.¹³⁰ By 1630, Baltimore believed he had learned from his mistakes and wanted another opportunity to set up a colony in the New World. Seeking a more temperate climate, Baltimore petitioned King Charles I for a charter that would colonize the land on the southern border of Virginia colony along the Chesapeake Bay in 1631. His unexpected death the following year did little to stymie the plan because Baltimore's eldest son, Cecilius Calvert (1605-1675), the second Lord Baltimore, assumed all administrative and legal responsibilities on June 20, 1632.¹³¹ Baltimore was a business partner with his father on many projects and served as his secretary through much of his early adulthood. He, too, converted to Catholicism in the 1620s after being raised, along with his nine siblings, in the Anglican faith. He was not merely fulfilling the desires of his deceased father, but was sincerely committed to establishing a successful colony in America.¹³² As the Catholic proprietor of the colony, Baltimore was of course not about to create a legal code wherein Catholics were themselves incapable of holding office, unable to vote, or barred from the legal profession. Considering the religious and political climate of early seventeenth-century

¹³⁰ For his experiences and the role it played in his decision to found Maryland colony, see R. J. Lahey, "The Role of Religion in Lord Baltimore's Colonial Enterprise," *Maryland Historical Magazine* 72 (1977): 492-511.

¹³¹ Thomas J. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* (New York: Oxford University Press, 1986), 31; Maura Jane Farrelly, *Papist Patriots: The Making of an American Catholic Identity* (New York: Oxford University Press, 2012), 62. We can conclude that George Calvert's death was unexpected from the fact that he updated his will for the first time in five years on April 14, 1632, the day before he died. In his will he granted authority to Cecilius for the administration of his colonial ambitions.

¹³² Krugler, *English and Catholic*, 31, 130. Although his exact motivations remain uncertain, like his father, Baltimore did leave some indications that his ultimate aim was to live away from England where he and his wife could practice their religion in a more hospitable climate. See *Calvert Papers* (Baltimore, Maryland: Maryland Historical Society, 1889), 1:134-137.

Europe and England, however, his goal of allowing Catholics and Protestants to have equal religious and civil rights seems to have been too ambitious. As his father drafted the Maryland charter in 1632, Europe was in the throes of the Thirty Years War, the most brutal of the many religious wars in the post-Reformation era. In attempting to expand on accepted levels of toleration while Europe was at the height of religious conflict, Baltimore's vision proved short-sighted. Nevertheless, he began his colony with all the hopes of a wide-eyed and energetic businessman.

Baltimore started recruiting for his colony by publishing advertisements in newspapers and writing his own defense of the colony. He even had English Jesuits prepare a pamphlet in order to calm fears that "popery" would run rampant in Maryland after a group of Protestants petitioned the courts to block his colonial venture. His advertisements demonstrated the variety of purposes – religious, economic, and national – for the colony's founding. In a line that took on considerable importance in later American Catholic culture, it affirmed, for example, that the "expresse and chiefe intention" of the colony was to "bring to CHRIST that and the Countreys adjacent, which from the beginning of the World to this day never know GOD." The advertisement also mentioned secular concerns, including the expansion "of his Majesties Empire and Dominions" before concluding that the region was destined "to receive the Law of Christ."¹³³ None of this would have provoked controversy had the proprietor been a good Anglican. Because he was not, several of those opposed to the expedition claimed that the mere idea of a colony governed by Catholics would dissuade the most pious Protestants from making the journey, thereby inviting lewdness, corruption and vice. Moreover, the noble colonists in surrounding Virginia would be endangered if the Maryland Catholics

¹³³ Matthew Page Andrews, *The Founding of Maryland* (New York: Appleton Century, 1933), 51.

came “down upon them with the help of the Spaniards.”¹³⁴ Protesting the venture, Baltimore’s opponents took the colonial enterprise to the courts.

At the court’s request, Baltimore had a pamphlet drawn up answering his critics’ main challenges. Titled *Objections Answered Touching Maryland*, it addressed a series of five charges, including one that suggested that the colony would inevitably lead to fewer Catholic conversions to the “true” Protestant faith. Baltimore responded by arguing that “Conversions in matters of Religion, if it bee forced, should give little satisfaction to a wise State” because “those who for worldly respects will breake their faith with God doubtlesse will doe it, upon a fit occasion much sooner with men, and for voluntary conversions, such Lawes could be of no use.”¹³⁵ Baltimore also presented economic arguments for why the foundation of the colony, even if it permitted Catholics, was beneficial to the surrounding Virginia settlers. Virginia’s planters would be “much advantaged, because their Cattle and many other commodities which they abound in and have no vent for” would now have a “market for” sale.¹³⁶ Another charge, this one cautioning against the revenue lost by allowing recusants to avoid discriminatory taxes, met with stern opposition. The pamphlet explained that the reason for recusant laws was “not the King’s profit,” but a matter of alleged safety. It continued to note that if safety was indeed the reason for those statutes, then the removal of the Catholic population should delight the English nation. Indeed, Calvert concluded, “the King and State would both desire it.”¹³⁷ Although the pamphlet did little to change cultural prejudices against

¹³⁴ Thomas Hughes, S. J., *History of the Society of Jesus in North America, Colonial and Federal, Documents, Part 1* (New York: Longmans, Green, and Co., 1907), 1:257.

¹³⁵ *Objections Answered Touching Maryland*, (London, 1634), in Bradley T. Johnston, *The Foundations of Maryland and the Origins of the Act Concerning Religion* (Baltimore, Maryland: Peabody Publication Fund, 1883), 25.

¹³⁶ *Objections Answered Touching Maryland*, 30.

¹³⁷ *Objections Answered Touching Maryland*, 27.

Catholicism, it did convince enough members of the council to approve his voyage, which began during the fall of 1633.

When the two ships that carried the first passengers to Maryland, the *Ark* and *Dove*, set sail to America, Baltimore stayed in England in order to attend to administrative issues that precluded his departing to Maryland.¹³⁸ In order to attract settlers, he distributed a narrative that an English Jesuit, Father Andrew White, penned of his voyage across the Atlantic and his initial impression of the province. Although his original Latin version emphasized both the treachery of the voyage to Maryland and the providential role God played in directing his ship to safety, the English version underscored the tranquil climate and good harvests enjoyed by all.¹³⁹ For English Catholics, Maryland represented a land of opportunity to practice freely one's faith. For Jesuits in particular, it was even more than that; Maryland was their chance to spread the good word to the Natives. One Jesuit, Lawrence Worsly, after having read White's report, decided that he, too, would travel to the colony in order to begin the "glorious enterprise of converting soules to God." He described his initial reaction to White's report in emotive rhetoric: "it hath bin like an ocean able to drowne all sorrows." Since learning of the opportunity, his "joy was so great, that no thought nor word for a long time could come from me which resounded not 'Maryland.'"¹⁴⁰ The reason he was so inspired about the mission was that, unlike in other parts of the British colonies, Catholics enjoyed equal religious freedom under the Maryland charter.

¹³⁸ The voyage began with a tacit admission that even under a Catholic proprietor, Protestants and Catholics did not have equal religious freedom. Many Catholics avoided taking an oath which would have required them to attest to Charles I's "spiritual or ecclesiastical" authority. They managed to evade the oath by arranging to board the ship farther downstream.

¹³⁹ Krugler, *English and Catholic*, 134-135.

¹⁴⁰ Hughes, *History of the Society of Jesus in North America, Text*, 1:461

King Charles approved Calvert's charter in June of 1632, a stroke that gave the proprietor perhaps unprecedented sovereignty in the colony.¹⁴¹ By law, Baltimore owned all twelve-million acres of land and held absolute authority in that region. The operative clause stated that Baltimore enjoyed all the privileges and authorities in his new colony that the "Bishops of Durham...ever heretofore hath had, held, or enjoyed." Durham was located along the northeast coast of Scotland, on the periphery of the British world, and for hundreds of years operated under a different set of codes from other English colonies. There, bishops had complete jurisdiction within their province – they could declare war, raise their own army, pardon all crimes, and establish courts without the consent of the King or Queen – because they could not effectively respond to the threats that Vikings and others posed without that level of autonomy. Living in Durham after being compelled to accept the Anglican faith as his own, George Calvert harkened back to his boyhood memories of the authority those Bishops held when drafting his charter.¹⁴² He believed that if he had as much authority as did those bishops, he could create a colony wherein Catholics and Protestants could live peaceably and benefit from each other's commercial, social, and political contributions. As Thomas Curry has argued, however, Baltimore's charter "drew upon *medieval* England as a model for a *future* colony" by imprudently using a feudal system of governance in which the proprietor enjoyed a degree of sovereignty that liberty-loving, parliamentary-minded Britons could no longer accept.¹⁴³

¹⁴¹ Andrews, *The Founding of Maryland*, 37.

¹⁴² Farrelly, *Papist Patriots*, 64. An example should suffice to demonstrate how secluded many areas of Scotland were in the sixteenth century. One scholar noted that, as late as 1723, residents of East Kilbride – about fifty miles from Durham – had not yet seen a wheel. See Daniel Walker Howe, *Making the American Self: Jonathan Edwards to Abraham Lincoln* (New York: Oxford University Press, 2009), 51.

¹⁴³ Curry, *First Freedoms*, 32. Emphasis added.

That is, Calvert wanted to exercise total control over the colony, in essence forcing the settlers to tolerate and cooperate with those of another faith.

The charter's stated purpose was for the "propagation of the Christian faith, and enlargement of our Empire and dominion." It stipulated that "any Doubts or Questions" that might "arise concerning the true Sense or Meaning of any Word, Clause, or Sentence" in the charter would be settled by the "Baron of *BALTIMORE*, his Heirs and Assigns" with the exception that "no Interpretation thereof be made, whereby GOD's holy and true Christian Religion...may in any wise suffer by Change, Prejudice, or Diminution." Like the charters for Virginia, Massachusetts Bay, and Plymouth, the Maryland charter used non-denominational language, referring to the "Christian" religion rather than "Anglican" or "Protestant." But unlike other documents, it specified that "all of the churches" in the colony had equal "Rights, Jurisdictions, Privileges, Prerogatives, Royalties, [and] Liberties," which Catholics used to argue for their equal status under the law.¹⁴⁴ More importantly, the meaning of the text was left up to Baltimore himself, who, as a Catholic, would surely not discriminate against his coreligionists. In order to maintain his own authority, Baltimore believed that he had to appoint family members and Catholic friends to the highest positions in the new Maryland government. As a consequence, he periodically met stiff resistance from the Protestant population who voiced concerns at the disproportionate representation in the Maryland assembly. But Baltimore, like Protestants in England, was less interested in persecuting or oppressing those of another religion than he was in maintaining the religious freedom of his own people. While the British believed that – because of the papal bull that instructed

¹⁴⁴ William Hand Browne, et al., eds., *Archives of Maryland* (hereafter *Maryland Archives*) (Baltimore, Maryland: Maryland Historical Society, 1883–present), 75: 9, 21.

Catholics not to obey the commands of a Protestant monarch – Protestant liberty was only possible by restricting Catholic rights, Baltimore, too, reasoned that Catholic freedom depended on a kind of benevolent autocracy of his own.

Unlike the way that English monarchs had ruled since Elizabeth's reign, Baltimore's colonial autocracy promoted negative liberty.¹⁴⁵ He ensured that no denomination received state-sponsored support in the colony. Whatever churches or schools dotted the colonial landscape had to be constructed out of private funds and, once constructed, they received none of the tax privileges to which they were accustomed. On their own then, the Jesuits quickly built a few schools and chapels, but these were intended for the conversion of the Native Americans. To serve the English settlers, Jesuit priests rode circuit each week and performed sacraments for the Catholic faithful inside the homes of wealthy Catholic families such as the Brents. There, they preached an inward, private spirituality that underscored Baltimore's *Instructions* in 1633 through homiletic books and devotions. Comprising no more than a ninth of the total population, there is little evidence that the first generation of Maryland Catholics were ostentatious in their faith. Although evangelism among the Natives was one of the primary goals of men like Fathers White and Thomas Copley, attempts to convert Englishmen were almost unknown. Nor is there much of a case to be made that Protestants either stopped Catholics from practicing their faith or attempted to leave a large Protestant imprint on the colony. Only six Anglican clergymen resided in Maryland during the first half-century of its founding and only one church was constructed before 1660. Religion, in short, did not play the formative role in Maryland that it did in New England or

¹⁴⁵ For the classic treatment of positive and negative liberty, see Isaiah Berlin, *Four Essays on Liberty* (New York: Oxford University Press, 1969).

Pennsylvania. But, as Jon Butler has noted, anti-Catholicism flourished even if Catholicism and Protestantism did not.¹⁴⁶ Although religion was not widely or publicly practiced in the first years of settlement, that in no way indicated that the province would be void of religious strife.

The first threat to Baltimore's enterprise came from within. Almost immediately, Baltimore battled Father Copley and other Jesuits over property rights, oath requirements, and taxation issues when they accepted land grants from local Native American tribes without his permission. The Jesuits had an interest in keeping some elements of civil and spiritual authority divided, but in 1637 Copley demanded that Baltimore provide special "favor to Ecclesiasticall persons," and asked the proprietor "to preserve for the church the Immunitye and priveledges, wch she enioyeth every where else."¹⁴⁷ The Jesuits' resistance to taxation posed a danger to Baltimore because if he granted them tax exemptions, he reasoned, otherwise tolerant Protestants might interpret his favoritism as an early sign of the creeping tyranny of the Roman Catholic Church. Even though Baltimore was committed to leaving the Jesuits' spiritual concerns unregulated, he expected them to pay taxes on their property like everyone else. As has proven to be the case so often in American history, the relations between church and state were unclear. The Jesuits claimed that their property was not subject to taxation because they were ecclesiastics whose sole function was spiritual. They demanded special privileges in order to perform their sacred duties. Baltimore insisted that all property was subject to

¹⁴⁶ Tricia Pyne, "The Maryland Catholic Community, 1690-1775: A Study in Culture, Region, and Church," (PhD Dissertation, The Catholic University of America, 1995), 3-6; Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge, Massachusetts: Harvard University Press, 1990), 51-52.

¹⁴⁷ Thomas Copley to Lord Baltimore, 3 April, 1638, in *Calvert Papers*, 1:163.

taxation and that ecclesiastical concerns were independent of civil matters.¹⁴⁸ Baltimore was therefore unwilling to subordinate the interests of the colony to the interests of those who shared his faith.¹⁴⁹ The confrontation dragged on until, after several appeals to London and Rome, Mutuns Vitelleschi, General of the Society, convinced the Maryland Jesuits to conciliate Baltimore's wishes in 1643. As he summarized, "I should be sorry indeed to see the first fruits which are so beautifully developing in the Lord, nipped in their growth by the frost of cupidity."¹⁵⁰ The confrontation demonstrated the larger British-American issues that would lead to rebellion in 1776. Administration of a continent by an island three-thousand miles away posed constant problems for the proprietor. More important for this study, the Jesuits' concession kept church and state separate in colonial Maryland. Baltimore refused to allow intercourse between the church and the state, even if it might help his coreligionists spread the gospel word. From the beginning of the Catholic experience in America, therefore, Jesuits and the community they served learned how to maintain their religion without relying on the aid of government support.¹⁵¹

Prior to the Jesuit conflict, the Maryland assembly began adding statutes to the constitutional law under the charter without Baltimore's approval. By the end of the first decade Baltimore had conceded the assembly's right to pass laws but continued to hold a veto power in some instances. The Maryland Ordinance of 1639 was the product of the first several assemblies. It pieced together nearly all of the statutes passed in Maryland until that time and reads more like a constitution than a code of laws. Despite the

¹⁴⁸ Andrews, *The Founding of Maryland*, 163.

¹⁴⁹ Krugler, *English and Catholic*, 166-167.

¹⁵⁰ Vitelleschi to Knott, Rome, December 5, 1643, Hughes, *Documents* 1, Part 1, 31.

¹⁵¹ Robert Emmett Curran, *American Jesuit Spirituality: The Maryland Tradition, 1634-1900* (New York: Paulist Press, 1988), 11.

assembly's resistance to Baltimore – they rejected his Code of Laws in 1637 – the two codes were more compatible than the antagonism between assembly and proprietor might suggest. The Ordinance of 1639 reflected the liberalizing trends that were showing up in New England and other parts of the Anglo-Atlantic world at this same time.¹⁵² As Thomas Hanley has noted, there were “enlightening considerations on the limitations of civil authority in the Ordinance,” which included “references to the rights of Englishmen as persons” as well as the rights of institutions like the church, which made the Ordinance one of the most liberal documents of the century.¹⁵³ The ordinance divided rights into two categories – individual and institutional. For the individual, it redacted Baltimore's suggestion that by virtue of “Being Christian,” one gained “all such rights and liberties” which “any naturall born subject of England hath or ought to have.” By omitting the descriptor, “Being Christian,” the ordinance made individual rights unrelated to religious persuasion. In fact, a Jewish man sat on the Maryland assembly during the next legislature, which would have been illegal under either the original charter or the celebrated Toleration Act of 1649.¹⁵⁴ For the church as an institution, it allowed the ambiguously worded “Holy Church” to enjoy all of its “rights and liberties.”¹⁵⁵ Like the original charter in this respect, the vague wording made the presence of Catholic

¹⁵² Although the origins have been subject to great debate, democratization during the seventeenth century is a major theme in colonial historiography. For religious origins, see James F. Cooper Jr. *Tenacious in their Liberties: The Congregationalists in Colonial Massachusetts* (New York: Oxford University Press, 1999). For political origins, see Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton & Company, 1989). For economic origins, see Joyce Appleby, *Economic Thought and Ideology in Seventeenth Century England* (Princeton, New Jersey: Princeton University Press, 1978); Appleby, *Liberalism and Republicanism in the Historical Imagination* (Cambridge, Massachusetts: Harvard University Press, 1992). For a combination of sources, see David Hall, *A Reforming People: Puritanism and the Transformation of Public Life in New England* (New York: Knopf, 2011).

¹⁵³ Thomas Hanley, “Church and State in the Maryland Ordinance of 1639,” *Church History* 26 (1957): 335.

¹⁵⁴ Andrews, *The Founding of Maryland*, 95-96.

¹⁵⁵ *Maryland Archives*, 1:40, 83.

churches permissible in a way unknown in England, Virginia, or New England. It was to this liberal tradition, which granted all Christians religious freedom in ways unknown in many other parts of the English world – present on paper but not always in practice – that both contemporaneous and later Maryland Catholics appealed.¹⁵⁶

Unraveling Religious Rights

The first serious attempt to deprive Catholics of their civil and religious rights came not long after those rights were enshrined in the Ordinance of 1639. In addition to domestic hostilities over nepotism in the colonial assembly, favoritism regarding the distribution of arable land, good old-fashioned English anti-Catholicism, and the English Civil War proved too much for Governor Leonard Calvert (1609-1647) to handle. Maryland Protestants had long been suspicious of the disproportionate representation that Catholics had in the legislature because the latter made up about half of the delegates despite totaling only ten percent of the colony's population. Some, such as William Claiborne, rallied Virginia and Maryland Protestants in an attempted coup in 1644. He was driven by economic motives as much as his distaste for Roman Catholics. Claiborne had been fighting with Governor Calvert since the Maryland charter pushed him off of land he believed was actually a part of Virginia in 1633, forcing him into difficult economic circumstances. Claiborne was followed by Richard Ingle, another Virginia Puritan, who entered St. Mary's City in 1645 brandishing a commission that purportedly allowed him to plunder all Catholic property in addition to the estates and valuables of

¹⁵⁶ Despite the concerted effort to separate church and state, the ordinance was still a product of its time. As Thomas Hughes remarked, "there was not a point of ecclesiastical jurisdiction or administration, which was not claimed for the secular arm." Priests had to attain licenses from the government for administering the sacraments of marriage and baptism, and petition the assembly if they wanted to conduct missions among the Native Americans. See Hughes, *History of the Society of Jesus in North America*, 1:428.

those who supported King Charles I.¹⁵⁷ He too, combined economic and religious motivations in his assault on Catholic liberties. After a brief trip to England, Calvert returned with a writ from Charles I ordering the seizure of all ships and property of those “in actual rebellion.” Ingle and his rebellious cohort pressed ahead, forcing Governor Calvert to escape to Virginia. The rebels pillaged the property of wealthy Catholics throughout the province. Ingle went after those who openly supported the monarchy first, but also ransacked Jesuit homes, including that of Father White and Father Copely. The latter described himself as a “peaceable man not given to contention or sedition nor any way opposing or in hostility to the King and Parliament.” But Ingle had the Jesuits dragged off to England in chains. By the end of the year, he had assumed control over the province. Ingle justified his coup by reminding his critics that his victims were “Papists and of the Popish and Romish Religion,” which, he reasoned, warranted their abuse.¹⁵⁸

During the winter of 1646, shortly after Ingles forces overran the province, Governor Calvert returned with a group of volunteers and Maryland refugees to reclaim authority. With order temporarily restored, Maryland began to attract a number of immigrants from Virginia who sought economic opportunity, or, as in the case of most Puritans, religious freedom.¹⁵⁹ Lord Baltimore, still in England, made administrative changes to make Maryland a more attractive colony by appointing several Protestants to the most influential positions in his government. Massachusetts governor John Winthrop recorded in his diary at this same time that Baltimore had offered plots of land to “any of

¹⁵⁷ For details on the coup, see Timothy B. Riordan, *The Plundering Time: Maryland and the English Civil War, 1645-1646* (Baltimore, Maryland: The Maryland Historical Society, 2003), 131-139.

¹⁵⁸ Krugler, *English and Catholic*, 179-181.

¹⁵⁹ Freedom for themselves, of course. The literature on Puritan understandings of religious freedom is as voluminous as it is controversial. The most authoritative text remains William G. McLoughlin, *New England Dissent, 1630-1833: The Baptists and the Separation of Church and State* (Cambridge, Massachusetts: Harvard University Press, 1971).

ours that would transport themselves tither, with free liberty of religion,” before exclaiming that the inhabitants had “no mind” nor “temptation that way.” Baltimore had better luck recruiting in Virginia, where Governor William Berkeley in 1639 began to impose a series of laws that mandated worship “according to the form established in the Church of England.” That law was passed after a number of dissenters formed their own congregation and petitioned New England for a clergyman. These nonconformists found in Baltimore’s offer a useful and timely solution to their spiritual needs and immigrated south to Maryland in 1648.¹⁶⁰ They were convinced that they would enjoy religious freedom not only because of the recent adjustments that Baltimore made from afar, but due to the multiple instances wherein the Maryland authorities punished Catholics who tried to curtail Protestant forms of worship. One of several examples includes when Thomas Gerard, a Catholic, stole several books and the key to a Protestant chapel. He was summarily arraigned and forced to replace the stolen items. In addition, Gerard was fined 500 pound of tobacco in order to help finance a Protestant minister for the chapel.¹⁶¹ This ability of the Catholic authorities to side with Protestants in civil matters, however, was not enough to calm all the anxieties of the new Protestant settlers.

As they did seven years earlier, events in England spilled over into the colonies. Because Baltimore lent his support to Charles and his court, the king’s trial and execution in January of 1649 had the potential to undermine Catholic civil and religious rights. An astute statesman, Baltimore anticipated the fall of the Royalists by instituting a series of oaths for officeholders that swore allegiance to the proprietor and “for the Equal Administration of Justice.” The intent was to protect religious liberties from the top-down

¹⁶⁰ Krugler, *English and Catholic*, 181-184.

¹⁶¹ John Tracy Ellis, *Catholics in Colonial America* (Baltimore, Maryland: Benedictine Studies, 1965), 334.

by limiting the ability of the local authorities to “trouble, molest, or discountenance any person professing to believe in Jesus Christ,” which included Roman Catholics. The oath included one qualifier – it pertained only to those who “remained faithful to the proprietor and did not disturb or conspire against his government.”¹⁶² After acquiring his officers’ allegiance, Baltimore felt that the existing 1639 Ordinance, which included the most robust religious freedom in the Anglophone world, needed to be updated. The combination of the arrival of the Virginia Puritans and the potential for disorder from the English Civil War primarily pushed him to feel this way. Newly arrived Protestants in Maryland also wanted to ensure their own religious freedom after suffering under the Anglican or Congregational establishments in Virginia and Massachusetts, respectively. Perhaps most important for the creation of the American Catholic dissenting tradition, Baltimore and the Maryland assembly both realized that the 1639 Ordinance was not being upheld. That statute was intended to ensure religious harmony within the colony, but by granting equal rights to Christians of all stripes before Englishmen were culturally prepared to tolerate others, it helped foment resentment and provoke backlash. The number of religious threats in a land of ostensible religious freedom compelled all parties involved to take further legislative action.¹⁶³

The result was the 1649 Act of Religious Toleration. Even though it was not as liberal as the 1639 Ordinance, this law, along with the original charter, became the foundation for religious freedom in the province. A joint Catholic-Protestant effort, the act extended to all Trinitarian Christians, thus providing as broad a toleration as existed

¹⁶² *Maryland Archives*, 3:105, 145, 174. See Krugler, *English and Catholic*, 185-186.

¹⁶³ For example, one resident expressed his hope that “there would be nere a Papist left in maryland by may day” while another wanted to “Burne them Papists Devills” when commenting on Catholic books in the colony. See *Maryland Archives*, 4:234, 431. For more examples, see Krugler, *English and Catholic*, 187.

in the seventeenth century.¹⁶⁴ It placed no restrictions on office-holding, inheritance of property, education rights, or public worship. It professed that no person who believed “in Jesus Christ, shall from henceforth bee any waies troubled...for...his or her religion nor in the free exercise thereof.” The act did, however, mandate that anyone who dared “blaspheme God...or deny our Saviour Jesus Christ to bee the sonne of God” would be “punished with death and confiscation or forfeiture of all his or her lands and goods to the Lord Proprietary and his heires.” If the death penalty for professing a non-Christian theology was not enough, the law also imposed a number of further restrictions on speech, including the prohibition of words such as “heritick, Scismatick, Idolator, puritan, Independent, Prespiterian popish prest, Jesuite, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Sepatist, or any other name or terme in a reproachfull manner related to matter of Religion.”¹⁶⁵ Although historians once ascribed the less tolerant clauses to the Puritan influence in the colony, recent scholars have noted that while it is true Baltimore’s original draft did not include those clauses, the Maryland assembly that voted for it was dominated by Catholics.¹⁶⁶ The act was therefore the product of an eclectic group of Marylanders who valued religious freedom, but also believed that this pluralist experiment needed to be constrained and regulated.

The guarantee of religious freedom was too much for the most zealous Englishmen. Not only did they see Catholics as undeserving of the rights of Englishmen and as a danger to their own liberties, but as unwanted competition in political and

¹⁶⁴ The Catholics who helped write the act in the legislature were John Pile, William Bretton, Walter Peake of Newton, Robert Clarke, Thomas Greene, Cutbert Fenwick, George Manners, and John Mansell. See Edwin Warfield Beitzell, *The Jesuit Missions of St. Mary's County, Maryland* (Abell, Maryland: Beitzell, 1976), 27-28.

¹⁶⁵ *Maryland Archives*, 1:244-246.

¹⁶⁶ See Krugler, “Puritan and Papist,” 275-276.

economic affairs. Catholics held offices that Protestants wanted and purchased land that Protestants desired. As economic downturns hit Maryland in the 1640s, Protestants became more aware of the economic and political influence that Catholics held in the colony. That began to change when Oliver Cromwell appointed William Claiborne and Richard Bennet as colonial commissioners in 1651. Their duties included the enforcement of loyalty and obedience to the Lord Protector. Long at odds with Baltimore over a land grant on Kent Island, the anti-Catholic Claiborne used his new commission as a pretext for launching an assault on the province. He and others seized Catholic property and gained control over the colony by 1655.¹⁶⁷ The rebels passed a law affirming that “none who profess and Exercise the Popish Religion” were any longer “protected in this Province by the Lawes of England formerly Established.”¹⁶⁸ The Jesuits’ *Annual Letter* to Rome in 1656 related the change in policy by referring to the “great difficulties” and “many unpleasant things” they endured. They reported that the Jesuits were among the first casualties of the new government. Their “books, furniture, and whatever was in the house, fell prey to robbers” before they were “secretly carried into Virginia” and maintained under the most treacherous conditions.¹⁶⁹ Claiborne and others justified their behavior by re-writing the colony’s history. One pamphleteer responded to Baltimore’s public appeal to regain sovereignty over his colony by claiming that the Catholic administration had constructed “an establishment of the Romish Religion onely,” which “suppressed the poor Protestants” of Maryland. Another author criticized the laws of Maryland for creating a “Nursery for Jesuits,” and accused them of forcing Protestants to

¹⁶⁷ Ellis, *Catholics in Colonial America*, 338.

¹⁶⁸ *Maryland Archives*, 1:340-341.

¹⁶⁹ Persecution of the Maryland Catholics, 1656, in John Tracy Ellis, ed., *Documents of American Catholic History* (Milwaukee, Wisconsin: The Bruce Publishing Company, 1962), 115-116.

“countenance and uphold Antichrist.”¹⁷⁰ Fortunes turned when the Royalists once again asserted their authority after Cromwell’s death and helped restore Lord Baltimore as proprietor in May of 1660. With that, the Toleration Act of 1649 was reinstated.¹⁷¹

In hindsight, the first generation of Maryland settlement experienced as much turmoil as most contemporaries predicted, although for different reasons than they anticipated. Considering that the major conflicts were rooted not in religion but in politics and economics, it is more likely that competing interests simply proved too high a barrier to overcome. Nevertheless, the presence of a Catholic administration played an important role in escalating those tensions. English culture by the middle of the seventeenth century was apparently incapable of producing a pluralistic experiment in religious freedom without running into a number of obstacles along the way. Anti-Catholicism was quickly becoming a dominant element in English culture. The Thirty Years’ War, which was raging when the colonists first set sail for Maryland, only reinforced those prejudices. In addition to religious conflict, economic and political interests alongside high mortality rates and poor harvests divided the Maryland community, and not always along denominational lines. The clash between the Jesuits and the proprietor showed that Baltimore faced problems coming from within his own religious tradition. Trans-Atlantic events, like the English Civil War, rippled across the ocean to help spark Ingle’s attempted coup. That rebellion, which was quickly suppressed, foreshadowed later uprisings that became more frequent and intense during the second half of the seventeenth century. Then, as earlier, both internal and external events posed serious

¹⁷⁰ Virginia and Maryland, or the Lord Baltimore’s Printed Case Uncased and Answered, (London, 1655), in Clayton Colman Hall, ed., *Narratives of Early Maryland, 1633-1684* (New York: Barnes and Noble, Inc, 1910), 190, 195, 236.

¹⁷¹ Ellis, *Catholics in Colonial America*, 338.

challenges to the religious freedom that the charter and the statutory laws supposedly guaranteed.

The Glorious Revolution and the Protestant Ascendancy

Both Catholics and Protestants were responsible for the Toleration of Act of 1649. Under that law, Maryland engaged in a protracted experiment of religious freedom that, while the colony no longer allowed non-Christians to hold public office, theoretically pushed the boundaries of toleration as far as any place in the English-speaking world.¹⁷² For comparison, a Virginia law in 1642 outlawed “any popish priest” from living in the colony. A statute in Massachusetts Bay a few years later permitted “no Jesuit or ecclesiasticall” priest from stepping foot into that colony.¹⁷³ In other areas of the British Empire, such as Ireland, the 1641 Massacre elicited a reactionary impulse that deprived Catholics of voting rights, confiscated their property, banned them from schooling, and denied their rights of inheritance. In England itself, Cromwell showed more leniency towards religious minorities during the Interregnum, but Catholics still had more rights and privileges in Maryland than in the mother country. During the seventeenth century, only Roger Williams’ Rhode Island and William Penn’s “Holy Experiment” in Pennsylvania afforded Catholics the opportunity to participate in political culture and worship freely, but the latter commonwealth was not established until 1681, and it is

¹⁷² Despite the restrictions on non-Trinitarians, as one scholar has noted, “Maryland toleration in practice was broader than the letter of the law, for, in the 1660s, under the Calverts, a Jew sat on juries and was given license to trade with the Indians.” See Gerald P. Fogarty, “Property and Religious Liberty in Colonial Maryland Catholic Thought,” *Catholic Historical Review* 72 no. 4, (October 1986): 582.

¹⁷³ William Waller Hening, ed., *The Statutes at Large: Being a Collection of all the Laws of Virginia* (Richmond, Virginia: Samuel Pleasants Jr., 1809), 1:269; Ellis, *Documents*, 111.

unclear if even a single Catholic lived in Rhode Island until the late eighteenth century.¹⁷⁴ Historians have recently shown how toleration and religious liberty in Maryland after the Claiborne rebellion became more dependent on loyalty to the proprietor than perhaps any other factor.¹⁷⁵ The case of Jacob Lumbrozo provides scholars with a window into how contingent, but also broad, Maryland's religious freedom could be.

Lumbrozo arrived in Maryland after sailing from Portugal in 1656, just as Baltimore was attempting to restore order in his colony. A Jewish physician, Lumbrozo swore allegiance to Baltimore the following year, which helped him gain the proprietor's trust. Even though he lived as a Catholic in Europe, once he arrived in Maryland he openly practiced his Judaism while earning the respect and admiration of Protestant and Catholic alike. According to the Toleration Act of 1649, those who denied the divinity of Jesus were supposed to be "punished with death and confiscation or forfeiture of all his or her lands." When a Quaker named Josiah Cole provoked Lumbrozo with the question, "what hee was that was Crucifyed att Jerusalem," he was testing the boundaries of religious freedom in the colony. Although Lumbrozo attempted to defuse the confrontation through obfuscation, Cole pressed ahead until he forced Lumbrozo to admit that he believed Jesus performed his miracles through "Magick," and that his ascension into heaven was likely the result of "his Disciples [who] stole him away."¹⁷⁶ Lumbrozo

¹⁷⁴ That made Rhode Island's toleration entirely theoretical. There is no record of any publicly professing Catholic until the American Revolution and no Catholic Church until St. Mary's was constructed in Newport in 1828. See Albert West, "Rhode Island." *The Catholic Encyclopedia* 13 (New York: Robert Appleton Company, 1912). 2 Mar. 2013 <<http://www.newadvent.org/cathen/13020a.htm>>. Maryland's liberal experiment had a gendered element to it as well. The authorities in 1648 were entertaining the idea of women's suffrage in some isolated cases. Margaret Brent, after being appointed as executor of Governor Leonard Calvert's estate, received permission, contrary to law, to act as his attorney in court. Satisfied with one victory, she continued to press ahead by petitioning the court to allow her to "vote in the howse for her selfe and voyce allso," but was ultimately denied. See *Maryland Archives*, 1:215.

¹⁷⁵ See Farrelly, *Papist Patriots*; Krugler, *English and Catholic*.

¹⁷⁶ *Maryland Archives*, 41: 203.

was at that point in direct violation of the law and was brought up on charges of blasphemy. While waiting for trial, the only Jewish physician in colonial Maryland received a pardon from Governor Josias Fendall, who claimed that he was acting on behalf of the proprietor. The letter of the law, it seems, was less important than loyalty to Baltimore because, in this case, the defendant was clearly in violation of a widely-known statute and there was no question about his guilt. As one scholar has recently summarized, laws only protected persons “willing to swear his allegiance to the proprietor,” regardless of one’s religious persuasion.¹⁷⁷

The Lumbrozo case shows how contingent religious freedom was in post-Claiborne Maryland. The wrong answer to a theological question could lead to arrest. Simultaneously, this case demonstrates how tolerant colonial Maryland could be in comparison to other places in the Atlantic world. Lumbrozo at least felt comfortable enough to identify himself as a Jew in Maryland. After the Cole confrontation, he never again faced opposition for his religious beliefs. These observations should give students of colonial Maryland pause when making generalizations about how tolerant or intolerant life was for Catholics, Jews, or other religious minorities. Although Maryland offered Catholics the most equitable and liberal environment within the rising British Empire, cultural prejudices sometimes spiraled into abuse or punishment. The best guarantor against religious or civil discrimination continued to depend not on religion, or even race (Lumbrozo was black), but on one’s relationship to the proprietor.¹⁷⁸ The Lower House

¹⁷⁷ Farrelly, *Papist Patriots*, 110.

¹⁷⁸ Race did not become a distinguishing feature in American life until just after the Lumbrozo affair. For that development in Maryland, see Jordan Winthrop, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, (1968), 71-82; Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge: Cambridge University Press, 2010), 457-462.

recognized this tendency and decided to alter that system. Even though Baltimore tried to consolidate his power, by exercising it somewhat arbitrarily, he undermined his intent. Middling Protestants saw nepotism and favoritism as paradigmatic of all they had learned about the “arbitrary” doctrines issued from Rome. Baltimore, by trying to stamp out disorder within his colony, fanned the flames of anti-Catholicism by appearing as a symbol of everything Protestant Englishmen despised – authoritarian, corrupt, and unjust. To make matters worse, as Baltimore was undermining his own and his heir’s authority, the Jesuits and local Catholic communities began erecting chapels, schools, and other public buildings, all of which pointed to the rise of popery in America.¹⁷⁹

As the Catholic community became increasingly visible and acquired more wealth after 1660, the Calvert administration faced greater scrutiny. This more visible Catholic presence coincided with the atrophy of Protestantism, an error-prone proprietorship after 1675, disproportionate Catholic influence at the highest levels of government, and political revolution in England. If all this was not enough, several historians have argued that during this period, anti-Catholicism intensified as a dominant political theme in England. First, Charles II declared war on the Dutch, who were allied to Catholic France. He then granted toleration to Protestant dissenters, which further marginalized Catholics from the body politic. By 1678, it was clear that James II, heir to the throne, was an avowed Catholic. Generating what came to be known as the “Exclusionary Crisis,” this revelation coincided with the “Popish Plot” fabricated by Titus Oates. Oates, an Oakham-born Anglican who feigned a Catholic conversion in 1677, wrote an inflammatory tract purportedly exposing a “jesuitical” plot to assassinate Charles II in order to get James II

¹⁷⁹ Edward F. Terrar, *Social, Economic, and Religious Beliefs among Maryland Catholic Laboring People during the Period of the English War, 1639-1660* (San Francisco, California: Catholic Scholars Press, 1996), 213, 186.

onto the throne. The ultimate objective, Oates contended, was to withhold all British subjects of their civil and religious rights. These inflammatory factors – foreign and domestic – each helped lead to the unraveling of the Maryland experiment.¹⁸⁰

During this period, intra-Protestant animosities began to fade from public view in England and America, as Puritans, Separatists, Baptists, and traditional Anglicans learned how to look beyond their theological differences. One of the ways they did so was by focusing on their common enemy – the Church of Rome.¹⁸¹ That is why, despite his best intention, Baltimore’s attempt to legislate his way to religious liberty was failing. As early as 1661, the Lower House – dominated by Protestant freemen – tried to provide public funding for Anglican clergymen, but the Senate – stacked with Catholics loyal to Baltimore – refused.¹⁸² At the same time, Baltimore began to exercise his veto powers at an alarming rate, which undermined the loyalty he desperately needed from his legislature. He refused to acquiesce to petitions to reform the tax code or to grant the local assemblies more control over their own affairs. As a result, the lower house of the assembly drafted a list of “Public Grievances” against the proprietor, and tensions

¹⁸⁰ John Miller, “Crown, Parliament, and People” in J. R. Jones, ed., *Liberty Secured?: Britain Before and After 1688* (Stanford, California: Stanford University Press, 1992), 60. The Popish Plot, though widely believed throughout England, seems particularly unpersuasive today given that of the 2,325,000 Englishmen in 1676, only 12,500 (.05%) were Catholic. See Anne Whiteman, ed., *The Compton Census of 1676: A Critical Edition*, Records of Social and Economic History, n.s., 10 (London: Oxford University Press, 1986): app. F, 223-24. Other scholars claim that there were closer to 60,000 Catholics at that time. See R. K. Webb, “From Toleration to Religious Liberty” in Jones, *Liberty Secured?*, 193. Oates was later found guilty of perjury before dying as a Baptist in 1705, but not before almost one hundred Catholic priests were arrested, seventeen hanged, and another two dozen left to perish in prison. See Edward Norman, *Roman Catholicism in England: From Elizabethan Settlement to the Second Vatican Council* (New York: Oxford University Press, 1985), 39.

¹⁸¹ The theory that intolerance is at the root of tolerance is outlined in Richard H. Dees, “Establishing Toleration,” *Political Theory* 27, no. 5 (October, 1999): 667-693. For more historical approaches, see Miller, “Crown, Parliament, and People” who also notes that anti-Catholicism became a dominant political theme by 1672, just as tensions became unbearable for Baltimore in Maryland. Anti-Catholicism uniting Protestants to expand toleration in America has also been explained in Owen Stanwood, “Catholics, Protestants, and the Clash of Civilizations in Early America,” in Chris Beneke and Christopher S. Grenada, *The First Prejudice: Religious Tolerance and Intolerance in Early America* (Philadelphia: University of Pennsylvania Press, 2011), 234.

¹⁸² Curry, *First Freedoms*, 43.

between the Lower House and the “proprietary party” that dominated the Senate remained until the Revolution of 1688.¹⁸³ The “Public Grievances” were the first in a series of steps that dismantled religious freedom for Catholics in colonial Maryland.

Baltimore’s death in 1675 coincided with a downturn in the economy that helped lead to Nathaniel Bacon’s rebellion in neighboring Virginia the following year. The decisions by Governor Charles Calvert, the third Lord Baltimore (1637-1714/15), to contract suffrage qualifications and limit each county to only two representatives further agitated the laboring population. If this was not enough, rumors had been circulating which suggested that recent tax increases were deposited into the personal accounts of the Calvert family and their close associates. At the same time as Bacon’s Rebellion, “a great many” Virginia laborers traveled into Maryland and helped draft a “Complaint from Heaven with a Huy and Crye and a Petition out of Maryland and Virginia.” The petition addressed problems in both colonies, including the nepotistic appointments within the Upper House of the Maryland assembly. The authors pointed to Baltimore, whose chief aim, they argued, was to “overturn England” and “drive us Protestants to Purgatory.” They highlighted the arrogance of the new proprietor, who “puts himself in equal computation with...the King’s majesty” by governing as if “he is an absolute Prince in Maryland,” and concluded by requesting “That our souveraigne Lord and Emperiall Majesty: may bee pleased to take the Government of Maryland unto his gracious selfe; appointing protestant Gov[ernors].”¹⁸⁴ Rather than addressing these concerns, Baltimore all but ensured Maryland’s collapse by continuing to restrict the rights of those who

¹⁸³ Farrelly, *Papist Patriots*, 114.

¹⁸⁴ *Maryland Archives*, 5:134, 137-139, 148; Farrelly, *Papist Patriots*, 118-119.

opposed him, by making use of his veto powers, and by ignoring the mounting animosity of the Protestant population.

Perhaps no example better illustrates the problems that Baltimore himself partially created than the controversy that began after John Yeo, an Anglican minister, charged Maryland authorities with discrimination against adherents of the Anglican Church. Yeo wrote a letter to the Archbishop of Canterbury, William Sancroft, which decried the horrendous state of affairs for Anglicanism in the colony. Although the “Popish Priests & Jesuits” were “incoraged & Provided for” by their congregations, Yeo lamented that “noe care is taken or Provision made for the building up [of] Christians in the Protestant Religion.” To Yeo, the reason for Maryland’s social disruption was clear. The “Deplorable estate & condition of the Province of Maryland” was due to the lack “of an established Ministry here.” Disestablishment, and the religious freedom that came with it, in short, made Maryland a “Sodom of uncleanness” where “the lords day is prophaned, Religion despised, & all notorious vices committed.” The people of Maryland, Yeo insisted, were “very godless and profane. They listen neither to God nor his commandments.” Realizing that the “absolut Proprietor of Maryland being dead & Charles lord Barron of Baltimore & our Governour being bound for England this Year,” Yeo recommended that the Archbishop take steps toward establishing a larger Anglican presence in the colony.¹⁸⁵

This letter and several others like it succeeded in rallying Anglicans to the cause of Maryland Protestants within the colony and in England. The Committee for Trade, with which both Archbishop Sancroft and the third Lord Baltimore had close ties, was so moved by Yeo’s letter that it requested legislative action to address the issues Yeo raised.

¹⁸⁵ *Maryland Archives*, 5:130-131.

In particular, they asked Baltimore to “propose a meanes for the support of a convenient number of [Anglican] Ministers” because “in Mariland... there is noe settled maintenance for Ministers at all.”¹⁸⁶ But Baltimore resisted proposed changes to the current church-state model. To satisfy the demands of public pressure, he recommended a Protestant clergyman named Paul Bertrand who, though French, would “be very serviceable to the Protestants in the execution of his function.”¹⁸⁷ If the trouble stemmed from a lack of ministers, Baltimore had no problem supplying his colonists with men of the cloth. He refused, however, to provide Bertrand, or any minister of any faith, with public support. He grounded his position by appealing to the Maryland tradition of religious liberty as stated in both the original charter and the Toleration Act of 1649. Baltimore insisted that support of clergymen would violate the religious liberty his grandfather and father had worked so tirelessly to uphold. In his letter to the Committee for Trade, Baltimore defended his current policies by pointing to the “Act of Religion,” which provided all inhabitants “freedom in point of Religion and Divine Worship and noe penalties or payments imposed upon them.” He posited that since Anglicans constituted the smallest minority of faiths represented in the province (which was untrue), it would be “a most difficult task to draw such persons to consent unto a Law, which shall compel them to maintain Ministers of a contrary persuasion to themselves.”¹⁸⁸

The next year, Baltimore reiterated the points he made in 1676 to the Committee for Trade, again appealing to the “condicions my ffather agreed,” which gave him “an Absolute Liberty” to construct the laws during the “first planteing of this Provyunce.” He

¹⁸⁶ *Maryland Archives*, 5:261.

¹⁸⁷ *Maryland Archives*, 5:461.

¹⁸⁸ *Maryland Archives*, 5:133. By the 1670s, Anglicans comprised a greater percentage of the population than Catholics.

also noted that giving public funding to any church would undermine what attracted individuals to Maryland in the first place. Baltimore insisted that Marylandians “declared their Wyllyngness to goe and Plant themselves in this Provynce soe as they might have a Generall Toleraccon” and the “Liberty to Worshipp God in such Manner as was most agreeable with their respective Iudgm^{ts} and Consciences.” Indeed, without “complying with these condicons in all probability,” Baltimore suggested, “This Provynce [would] never [have] beene planted” in the first place. The people of Maryland owed their success to this “strict observance” to religious freedom, which was enshrined in the colony’s founding documents. In fact, Baltimore maintained that, moving forward, the “preservation of their Peace, Their Propertyes, and their Libertyes” depended on upholding the Maryland tradition.¹⁸⁹ Providing a general assessment would undermine their liberty of conscience and thus break the contract that attracted settlers in 1633 and continued to draw Englishman into the province in the 1670s. Although he did so from a position of authority, Baltimore essentially articulated what later became the main arguments in the American Catholic dissenting tradition. He answered Yeo’s charges by appealing to his father’s intentions and the motivations of the people who migrated to the colony from England and Ireland. For the time, he had a winning argument, but other objections soon overwhelmed the governor.

The Yeo controversy was only the beginning of Baltimore’s problems. In the years leading up to the Glorious Revolution, Josias Fendall, the governor of Maryland during the Puritan uprising from 1656 to 1660, and John Coode, an Anglican clergyman and member of the lower house of the assembly, stoked the flames of class and religious warfare in hopes of overthrowing the “papist colony.” After Fendall insisted in 1679 that

¹⁸⁹ *Maryland Archives*, 5:267-268.

the colonists were “Fools to pay any Taxes” to the corrupt Baltimore, noting how “easie a matter it was to overturn the Government here,” Baltimore effectively prohibited Fendall from holding public office but failed to take further measures against the influential former governor.¹⁹⁰ By 1681, Fendall had made connections with Coode through a group of mutual friends who supported Nathaniel Bacon and his uprising in neighboring Virginia. Coode was, as one scholar called him, a “perennial rebel” who, after he delivered a series of inflammatory sermons while living in England, was dismissed from his sacred duties. In 1681, Coode began what became a decade-long commitment to overthrowing the proprietor.¹⁹¹ Fendall and Coode at this time emerged as leading critics of the Baltimore family. They helped spread rumors that the Calverts were misappropriating revenues for private gain and they accused Catholics in general of committing a series of atrocities against a number of Protestant field workers who were in fact killed by Native Americans.¹⁹² After rumors spread that Fendall and Coode were conspiring “to raise a Mutiny in Maryland,” Baltimore had each arrested. Maryland authorities banished Fendall from the colony but acquitted Coode. Despite their hostility to the Baltimore proprietorship, there was precious little evidence to convict either man of the charges upon which they were arrested – endangering “the public peace.” The

¹⁹⁰ *Maryland Archives*, 20:xiii.

¹⁹¹ David W. Jordan, “John Coode, Perennial Rebel,” *Maryland Historical Magazine* 70 (1975): 1-28. Coode went on to lead several attempted coups in colonial Maryland in 1681, 1683, 1693, 1696-98, and 1708 by which time he had lost his offices and the public trust that went along with it. See Edward C. Papenfuse, *A Biographical Dictionary of the Maryland Legislature, 1635-1789* (Baltimore, Maryland: Johns Hopkins University Press, 1979), 223; *Maryland Archives*, 19:436-40, 478-482. Coode was unsatisfied with any religious basis for government – he once declared “all Religion to be a sham” – and many of his enemies might not have been off the mark when calling him an atheist. See *Maryland Archives*, 20:492.

¹⁹² Ellis, *Catholics in Colonial America*, 338. False rumors of Catholics abusing their power appeared throughout the period. See *Maryland Archives*, 8:v-vi, 90-91, 341-509.

banishment, therefore, like so many of Baltimore's decisions, backfired because it made his administration look like it was persecuting Protestants in the colony.¹⁹³

Despite his efforts to justify his church-state policy through open letters and his attempts to suppress the most radical voices in his colony, Calvert's administration remained suspect until the Revolution of 1688 put an end to it entirely. The third Lord Baltimore, then proprietor and governor of the province, traveled to England in 1682 to address these issues, but his family name had been so soiled at that point that he was not able to meet with anyone of significance in the royal court to solve his problems. More importantly, he was too late. Although Baltimore had no intention of suppressing the religious practice of any of his settlers, Englishmen had difficulty understanding what the policies he enacted were designed to accomplish. When Protestant clergymen juxtaposed Anglican apathy (which was due to mismanagement and poor communication) with the relatively small but vibrant Catholic Church structures (which were due to the presence of the Jesuits), they did not see a policy of church-state separation, but a Catholic establishment. Once those in England began calling for the overthrow of their "Popish Prince" in 1688, those sentiments rippled across the Atlantic and provided Maryland Protestants with an opportunity to remove their own Papist menace from power.¹⁹⁴

Although James II was a practicing Catholic, and, moreover, pamphleteers employed anti-Catholic rhetoric to justify and explain the Revolution of 1688, the King's policies during his brief tenure on the English throne helped contribute to the Revolution as much as his religious persuasion. During his forty-six month reign, James II made a

¹⁹³ *Maryland Archives*, 20:xiii.

¹⁹⁴ For more detailed accounts of the Revolution in Maryland, see Michael G. Kammen, "The Causes of the Maryland Revolution of 1689," *Maryland Historical Magazine* 55 (1960): 293-333; Lois Green Carr and David William Jordan, *Maryland's Revolution of Government 1689-1962* (Ithaca, New York: Cornell University Press, 1976), 1-45.

series of blunders, not the least of which included dissolving both Parliament and the local colonial assemblies in New England. He also violated one of the most cherished English civil liberties by expanding his standing army from fewer than 9,000 to more than 34,000 soldiers in this brief period. To throw salt on the wound he had inflicted, James replaced several high-ranking Protestant lieutenants with Roman Catholics after relaxing the penal laws. Finally, in 1686, James granted Catholics residing on or near the estate of George Brent an exemption to the penal laws.¹⁹⁵ The royal note stated unequivocally that all inhabitants of the land were granted “the free exercise of their Religion, without being persecuted or molested upon any penall laws for the same.” The Declaration of Right written by the English Convention stated that these actions proved that James II was attempting to “subvert and extirpate the Protestant religion” by arming English Catholics “contrary to law.” When William of Orange decided that he would invade the island, he exploited England’s anti-Catholic culture in order to distract Britons from his Puritanism, a movement which had by then gained a rather ignominious reputation due to its tendency to disrupt political, social, and religious norms. To accomplish this task, he launched a propaganda campaign that was unmatched until the late eighteenth century.¹⁹⁶

Printers published more than two-thousand political broadsides, pamphlets, tracts, and other advertisements in 1689 in order to convince Britons that James planned to

¹⁹⁵ Most historians have interpreted James as a blundering, detached monarch who misunderstood the political and religious culture as well as the extents of his sovereignty. For a challenge to that view, and which suggests James was a man who sacrificed his power because he was so committed to religious liberty, see Scott Sowerby, *Making Toleration: The Repealers and the Glorious Revolution* (Cambridge: Harvard University Press, 2013).

¹⁹⁶ Farrelly, *Papist Patriots*, 120. For the grant to the Brent estate, see “A Grant of ‘The Free Exercise of their Religion’ to Catholics on the Brent Patent in Virginia, 1686” in *ACHR* 1 (1905): 303.

usurp their Protestant liberties.¹⁹⁷ Like political advertising today, this media blitz was designed to play on the fears and emotions of its audience. Typical broadsides included pictures of the French monarch and the Pope with captions that celebrated the “Wonderful deliverance from French tyranny and Popish oppression.” Others denounced “The French King, murdering his owne Subjects,” alongside a picture of Louis XIV whispering into James II’s ear. James’ crown was placed precariously on his head with an orange falling from a tree that is certain to remove it.¹⁹⁸ This kind of propaganda made explicit what had been widely acknowledged since the Elizabethan era – the Catholic Church and its adherents were the embodiment of slavery, and, more to the point, hell-bent on spreading their superstition, oppression, and backwardness onto the English people. Catholicism, in short, was antithetical to the most basic of British values and posed an existential threat to all of British culture.

This message, as one scholar has recently observed, “resonated with particular force in Maryland” because, in addition to housing a large and powerful Catholic minority, “English anti-Catholicism was mixed with growing class antagonism, anti-proprietary politics, and Protestant disenfranchisement.”¹⁹⁹ Just as important, Baltimore mismanaged his reaction to the Revolution. As a Catholic, he should have been acutely aware of his vulnerability in 1688, but he hesitated to lend his support to the revolution until after William and Mary assumed the throne. The delay reinforced the basic theme of the Revolution – that Catholics were opposed to liberty – and led many to conclude that Baltimore was a Jacobite. That he denied the charges, of course, only reinforced their

¹⁹⁷ Jonathan Israel, ed., *The Anglo-Dutch Moment: Essay on the Glorious Revolution and its World Impact* (New York: Cambridge University Press, 1991), 6-7.

¹⁹⁸ Farrelly, *Papist Patriots*, 125-126.

¹⁹⁹ Farrelly, *Papist Patriots*, 126-127. Estimates suggest there were 3,000 Catholics in a Maryland population of 25,000 in 1689. See Curry, *First Freedoms*, 44.

conspiratorial outlook.²⁰⁰ By the summer of 1689, John Coode, who had been acquitted on charges that he had fomented rebellion in 1681, led another rebellion against the established authorities.²⁰¹ His “Protestant Association” was comprised of anti-proprietary members of the Lower House who gathered popular support by claiming that they were acting on behalf of their new monarchs and the Protestant religion. They overthrew the government and within days they released a *Declaration of the reason and motive for the present appearing in arms of His Majesty’s Protestant Subjects in the Province of Maryland*. The pamphlet repeated what those opposed to the Baltimore proprietorship had been exclaiming since 1660 – Maryland was governed by a cruel nepotism and abusive and tyrannical absolutism wherein the rights, liberties, and welfare of Protestants were subordinated to the greed of the Catholic elite. Warnings of “popish Idolatry and superstition” taking over the colony accompanied comparisons between Protestant liberty and Romish slavery.²⁰² Within a year, Baltimore had lost his seat as governor, his proprietorship, and his colony.

The new administration was widely, but not universally, supported by the Protestant majority, and began slowly unraveling the church-state model that had

²⁰⁰ This conspiratorial outlook was by 1688 already hardened by the Popish Plot and Exclusionary Crisis just years earlier. See Miller, *Popery and Politics in England*, 154-188. This conspiratorial outlook became an important part of the movement away from the monarchy by the end of the eighteenth century as well. See Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1967), 94-96. For conspiracy theory in early America, see David Brion Davis, *From Homicide to Slavery: Studies in American Culture* (New York: Oxford University Press, 1960), 137-154. Of course Richard Hofstadter’s classic 1964 essay shows how endemic conspiracy-theories have been in American history. See Richard Hofstadter, *The Paranoid Style in American Politics: And Other Essays* (Cambridge, Massachusetts: Harvard University Press, 1996).

²⁰¹ The anti-Catholic backlash in Maryland was developing throughout the Anglo-American world. Jacob Leisler, for example, engaged in the same kind of tactics in New York as did Coode did in Maryland. Even Cotton Mather began employing vitriolic anti-Catholic rhetoric in New England in order to support the Revolution in 1689. The events in Maryland, therefore, were not isolated. This observation should help show how fruitful a transatlantic approach might be to church-state issues. See Owen Stanwood, “The Protestant Moment: Antipopery, the Revolution of 1688–1689, and the Making of an Anglo-American Empire,” *Journal of British Studies* 46, no. 3 (July 2007): 481-508, especially 498.

²⁰² *Maryland Archives*, 8:102.

intermittently governed Maryland since the 1630s. The new royal governor, Lionel Copley, sailed to Maryland in 1692 and immediately instituted oaths for those holding public office. The wording left conscientious Quakers and Catholics unable to serve in local or provincial offices, but at that time, there was as yet no public demand to officially establish the Anglican Church. As a royal colony, Maryland was subject to the rule of the governor who was bound to interpret and enforce laws according to the English monarch. That meant that the Maryland assembly had a limited ability to control its own government. It also meant that King William – perhaps the most committed of all European monarchs to liberty of conscience – chose its policies.²⁰³ His presence largely removed from the equation the anti-Catholic elements that initiated the Maryland revolution in 1689. As it happened, Copley was under orders to leave the laws “as now are in force,” but also had explicit commands to “permit a liberty of conscience” to Catholics, which partially explains why the establishment took a decade to implement.²⁰⁴

Conclusions

At the beginning of the seventeenth century, English Catholics became outsiders to what was by then a Protestant nation. For a variety of reasons – political, economic, and religious – George Calvert attempted to inaugurate a new era in English-Catholic and church-state history when he received a charter for Maryland in April of 1632 that granted equal rights to Catholics. The charter provided all Christians the right to practice

²⁰³ Tricia T. Pyne, “A Plea for Maryland Catholics Reconsidered,” *Maryland Historical Magazine* 92, no. 2 (1997):163-164. For the powers of royal governors under English law, see Bernard Bailyn, *The Origins of American Politics* (New York: Vintage, 1970), 67-70. For William’s liberality on this issue, see Jonathan Israel, “William III and Toleration,” in Ole Peter Grell, Jonathan Israel, and Nicholas Tyacke, eds., *From Persecution to Toleration* (Oxford: Clarendon Press, 1991), 129-170.

²⁰⁴ *Maryland Archives*, 8:263-264; Pyne, “A Plea for Maryland Catholics Reconsidered,” 164.

their religion freely, but despite Baltimore's intentions, those rights and liberties were hardly secure for the Catholic population. This is perhaps the most important lesson many scholars have noted, but de-emphasized in their work. If historians depict the Maryland experiment in religious liberty as collapsing in 1689, they distort the colony's early history by suggesting that religious freedom was secure in the first place. Yes, Maryland offered a more liberal church-state model than anywhere else in seventeenth-century Anglo-America, but the colony's early history was nevertheless plagued with discontent, animosity, and rebellion. Baltimore himself tacitly acknowledged how precarious he thought Catholic freedoms would be in 1633 when he admonished the Catholics aboard the *Ark and Dove* to "be very carefull" to "preserve unity & peace among all the passengers" by remaining "silent upon all occasions of discourse concerning matters of Religion."²⁰⁵ His admonition, of course, was prescient considering the intermittent turmoil in the colony over the next half-century. Almost immediately after the first Catholic travelers arrived in Maryland, they faced a number of obstacles – partially self-inflicted – to openly practicing their faith. The authoritarian hand of the proprietor, the Ingle Rebellion, the Puritan exiles from Virginia who led a coup in the 1650s, the Coode-led rebellions in 1676 and 1681, the multiple threats coming from internal actors like dissatisfied Jesuits, and social and economic downturn during the 1670s and 1680, all challenged the vitality of Baltimore's "Maryland design" long before its official demise in 1689.

These events notwithstanding, Maryland Catholics created a political, cultural, and historical framework from which later generations of Americans drew in order to

²⁰⁵ Cecilius Calvert, Lord Baltimore's Instructions to Colonists, in *The Calvert Papers* (Baltimore, Maryland: John Murphy & Company, 1889), 1:132.

expand the boundaries of religious freedom long after most Americans believed that ideal had been realized. Later generations of Catholics and even some non-Catholics, such as the Revolutionary-era statesman James Wilson, followed the path of Charles Calvert, the third Lord Baltimore, when he defended his system of religious freedom from internal and external criticism by pointing to the charter and the original intent of the colony.²⁰⁶ Although the “Maryland design” never developed the way any of the Baltimores hoped, the ideal soon became more important than the reality. As Protestants erected the Anglican establishment in the beginning of the eighteenth century, Maryland Catholics embellished the Baltimores’ motives for the founding and overstated the tranquility of Protestant-Catholic relations in order to stymie the Protestant ascendancy. But in doing so, they romanticized a past that never was with the hope of forming a present that could not be. In order to retain what rights remained, Maryland Catholics – consciously or not – began to construct a more useful past than the one their ancestors experienced.²⁰⁷ To understand Catholics’ later use of the past in the fight for religious freedom, one must understand both the real history of conflict and persecution they had faced, as well as their own imperfect memory of that past. But the Catholic dissenting tradition only arose in reaction to the real examples of conflict within the colony; events that their historical narrative all too often ignored. In that way, both the reality and the myth of Maryland shaped the course of American church-state relations.

²⁰⁶ In his famous law lectures in 1790 Wilson lamented his countrymen’s “ungracious silence” toward Calvert for his experiment in religious freedom, which I discuss in chapter seven. See Kermit L. Hall and Mark David Hall eds., *Collected Works of James Wilson* (Indianapolis: Liberty Fund, 2007), 1:401-402.

²⁰⁷ For Catholics who sought to reform the present by evoking a past that never was, see Darrin M. McMahon, *Enemies of the Enlightenment: The French Counter-Enlightenment and the Making of Modernity* (New York: Oxford University Press, 2001), 14. On the construction of a usable past, see Wyck Brooks, *America's Coming of Age* (Nabu Press, 2010 [1915]). For a more historical treatment, see Warren Susman, *History and the American Intellectual: Uses of a Usable Past* (New York: Bobbs-Merrill Publishers, 1963); Susman, *Culture as History: The Transformation of American Society in the Twentieth Century* (New York: Smithsonian Books, 2003 [1986]), 20-21.

CHAPTER 3: THE MAKING OF AN AMERICAN CATHOLIC DISSENTING TRADITION

Born into a respectable Irish-Catholic family in central Ireland in 1661, Charles Carroll (1661-1720) studied history, rhetoric, canon law, and philosophy as a youth at Douai College in French Flanders. He finished his schooling in civil law in London just before his twenty-fifth birthday. Barred from practicing law in his native land, Carroll nevertheless made connections with influential figures in James II's royal court. William Herbert, First Marquess of Powis, one of James II's closest advisors, informed Carroll that the future looked bleak for English Catholics who planned to stay on the island. Powis recommended that the young man journey to Maryland, where, despite considerable political turmoil, as long as he had the right connections, his Catholic faith would not constrain his economic or political ambition. After receiving a commission from Baltimore to serve as the colony's Attorney General during the summer of 1688, Carroll accepted the appointment and began what promised to be a successful political career. As the grandson of Daniel O'Carroll, who saw his property confiscated by Protestants during the Irish Rebellion of 1641, Carroll's Irish-Catholic family history was an important part of his own identity; so much so that during his expedition to America, he changed his family crest from *In fide et in bello forte* (Strong in faith and war) to *Ubi cum libertate* (Anywhere so long as there be freedom). The irony of that change, though apparent in hindsight, was difficult to predict.²⁰⁸

Many historians have since called Charles Carroll the Settler, to distinguish him from his son and grandson of the same name, moved to Maryland because, as his new

²⁰⁸ There is no full biography of Charles Carroll the Settler. The best treatment of his life is Ronald Hoffman, *Princes of Ireland, Planters of Maryland: A Carroll Saga, 1500-1782* (Chapel Hill: University of North Carolina Press, 2000), chapters 1-2.

crest suggested, he believed it provided him the freedom to begin a successful political career and to earn back the fortune that Protestant authorities confiscated from his grandfather. Unfortunately for Carroll, a political revolution in England that began shortly after he arrived undercut his ability to realize the prestigious political career he had envisioned. In 1689, John Coode and the Protestant Association overthrew the Baltimore proprietorship and, with it, the very privileges that attracted Carroll to Maryland in the first place. Just as his grandfather's history became an important part of his own identity, so too would Carroll's experiences under a Protestant government shape how the next two generations of Carrolls responded to political changes in colonial Maryland. But Carroll's actions had an immediate impact as well. His confrontation with Governor John Hart from 1715 to 1718, which was intended to expand Catholic freedoms, had the unintended consequence of contracting Catholics' rights in colonial Maryland – rights that they would not gain back until another revolution in 1776.

This chapter argues that the legal disabilities imposed on their community from 1689 to 1718 allowed Maryland Catholics to develop a discourse of religious freedom that was couched in a conservative liberalism based on their interpretation of Maryland's founding. By "conservative liberalism," I mean a tendency to promote reforms to Maryland's church-state policies which argued for a *restoration* of Catholic rights, rather than an *initiation* of them. In other words, Catholics advocated for more liberal laws about religious freedom by appealing to what they considered the original policies that guided the Maryland settlement – even though, as chapter two suggested, those original liberal policies were less secure than Catholics were willing to admit. In brief, Maryland

Catholics were innovative in their conservatism and conservative in their liberalism, promoting substantial legal changes to religious freedom even while denying it.²⁰⁹

In the aftermath of the Glorious Revolution, the colony experienced three separate waves of anti-Catholic legislation. The first lasted from 1689 to 1692; the second short-lived wave was in 1704; and the third, which imposed the most severe penalties on Catholics, lasted from 1715 to 1718. Although all three coincided with important events in Ireland and England, Maryland Catholics had a hand in losing their own civil and religious rights.²¹⁰ The anti-Catholic legislation enacted during the third wave, I argue, was partly engendered by the actions of Catholics like Carroll, who stopped at nothing to gain back the rights they had already lost. While trying to preserve and even expand religious freedom in the colony, their actions unintentionally led to the disenfranchisement of all Catholics and the enactment of England's penal laws. The history of the Catholic dissenting tradition, then, is one riddled with irony. Through their campaigns for the restoration of one set of rights, Catholics lost others. With these defeats, however, American Catholics developed a discourse that they used to argue on behalf of their civil and religious liberty for the next two centuries. This chapter concludes by arguing that because most restrictions on Catholics' political rights only affected wealthy individuals like Carroll, the dissenting tradition was born of, and managed from, the top-down. As Carroll continued to press for the restoration of his

²⁰⁹ This is a trend explored at length in Michael Kammen, *People of Paradox: An Inquiry Concerning the Origins of American Civilization* (New York: Knopf, 1972).

²¹⁰ See Ronald Hoffman, "'Marylando-Hibernus': Charles Carroll the Settler, 1660-1720," *The William and Mary Quarterly* 45, no. 2 (April 1988): 226.

rights, however, the anti-Catholic backlash that he unleashed eventually disenfranchised, and therefore involved, the entire Catholic population.²¹¹

The “Revolution” of 1689

The Glorious Revolution ushered in a new Protestant king and queen rather quickly in England, but as several historians have argued, the transition to Protestant authority in colonial Maryland was less abrupt than previously believed. They argue, in short, that the religious and civil rights of Maryland Catholics gradually wore away from 1689 to 1718.²¹² First, in November of 1689, Catholics lost their ability to hold public office. In 1692 the assembly prohibited them from practicing law in the colony. Almost eight more years passed before the legislature began to reflect the measures being taken in England to curb the growth of the Catholic population. Still transitioning from a servant to slave economy, Maryland placed special taxes on “Irish Papist servants” in 1699. They renewed the law in 1704 before doubling the tax in 1717. 1704 was also the

²¹¹ Their dissent takes on further interest when one considers that Catholics in Maryland immediately following the Glorious Revolution were among the freest Catholics in the world. Catholics of course had full religious liberty (permitting that liberty never included apostasy) in officially Catholic countries like Spain and France. But those countries, English-Catholics argued, deprived the individual of political and civil liberty, which was worse than the loss of religious freedom. As Charles Carroll of Annapolis wrote to his son, in Catholic countries, “you will only exchange religious for civil Tyranny... Civil oppression has nothing to console us; religious persecutions are always attended with this consolation at least, of not going unrewarded [in the afterlife].” See Ronald Hoffman, Sally D. Mason, and Eleanor S. Darcy, eds., *Dear Papa, Dear Charley: The Peregrinations of a Revolutionary Aristocrat, as Told by Charles Carroll of Carrollton and His Father, Charles Carroll of Annapolis, with Sundry Observations on Bastardy, Child-Rearing, Romance, Matrimony, Commerce, Tobacco, Slavery, and the Politics of Revolutionary America*, 3 vols. (Chapel Hill: University of North Carolina Press, 2001), 1:150. The only other alternative for religious freedom for Catholics who also wanted a semblance of what they would have considered civil freedom at the same time was available in the Dutch Republic, especially the region southwest of Utrecht. See Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Belknap Press of Harvard University Press, 2010), 168-169.

²¹² William Hand Browne, et al., eds., *Archives of Maryland* (Baltimore, Maryland: Maryland Historical Society, 1883–present), 26:46, 340, 431; 33:109-110; 30:334; 33:288. [Hereafter cited as *Maryland Archives*]

year that the assembly prohibited Catholics from worshipping in public and saw their “Great Brick Chapel” in St. Mary’s City closed down.²¹³ Finally, in 1718, the Maryland Assembly disenfranchised all Catholics in the colony. Considering that the deprivation of Catholic civil and religious liberty took three decades to unfold, it is more useful to discuss those losses as a process than as an event.²¹⁴

While trying to deal with a hostile Protestant majority around them, Catholic made poor decisions that had the unintended but predictable consequence of turning the colonists against their faith. One such example involves an Irish-Catholic named William Joseph, who migrated to Maryland during the autumn of 1688 after Baltimore appointed him as governor. Joseph only gained this position by historical accident. The man whose position he filled was George Talbot, Lord Baltimore’s Catholic cousin. Talbot had too much to drink one afternoon and, after losing a screaming match, stabbed a tax collector in the chest before skulking his way out of the colony. Unable to foresee this episode, Baltimore had to replace Talbot without the time to consider better options than Joseph. The damage Joseph inflicted in a few short months all but ensured the Baltimore’s demise. During his first speech to the Lower House of the assembly on November 15, 1688, Joseph wanted to use the tragedy of the stabbed tax collector as a teachable moment. In the process, he spent most of the speech insulting the delegates by explaining that the colony was full of immorality, vice, lewdness, and drunkenness. He called for “the Utter Suppressing and Abolishing of the several hainous and habitual Crimes” in the colony, including “Drunkenness, Adultry, Swearing, Sabbath breaking &c.” Joseph went on to request, as a consequence of the uncertainty of the moment, that the assembly swear

²¹³ *Maryland Archives*, 8:107, 448; 20:144; 22:487; 26:289, 349; 27:371; 33:109.

²¹⁴ Pyne, “A Plea for Maryland Catholics Reconsidered,” *Maryland Historical Magazine* 92, 2 (1997): 163-181.

oaths of allegiance to the same Catholic proprietor who had been accused of “popery” and “tyranny” for the last decade. He also highlighted the “Divine” origins of the Catholic King, James II, by emphasizing that James was “by God appointed over us to Rule” and “ought to be Obeyed” by Catholics and Protestants alike.²¹⁵ Finally, he recommended a day of prayer and thanksgiving to be held on June 10 – the birthday of James’s son who was scheduled to prolong the Catholic ascendancy in England.²¹⁶

If the speech was not enough to seal his fate as governor, less than two months later, the colonists became convinced that Joseph wanted to disarm Protestants and hand their weapons over to a Catholic plutocracy. They reached this conclusion because Joseph dutifully followed King James’ instructions to defend the colony against potential attack from the Dutch, who, rumor had it, were plotting an invasion of British North America. Part of the instructions asked Joseph to conduct an inventory on gun-ownership in his colony. Joseph ordered all those in the colonial militia to submit their arms “for repair” in St. Mary’s County, which the injudicious Joseph failed to realize was a predominately Catholic county. It did not take long before rumors of a “popish enslavement” designed to “cut off all the protestants in the province” spread throughout the colony. Without specific instructions from Baltimore (which were lost in Plymouth), Governor Joseph hesitated to make any decisions for fear they would further erode his authority. These events coincided with the flood of anti-Catholic propaganda that William of Orange began circulating months earlier. This was the setting in which John

²¹⁵ *Maryland Archives*, 13:148, 150-151.

²¹⁶ Maura Jane Farrelly, *Papist Patriots: The Making of an American Catholic Identity* (New York: Oxford University Press, 2012), 130.

Coode and Nehemiah Blakiston declared Joseph's inaction as treasonous and formed the "Protestant Association."²¹⁷

The coup, like the one in London, was essentially bloodless. After releasing a public address which aimed to "undeceive those that may have a sinister account of our proceedings," the Association gained control of the colony.²¹⁸ Many colonists previously allied with the essentially Catholic "Proprietary Party" refused to take action against Coode after reading his declaration because it called for the "maintenance of the Protestant Ministry," and utilized anti-Catholic rhetoric condemning "Romish Superstition."²¹⁹ On July 25, seven hundred Protestant Associators led by Coode gathered at Baltimore's private estate, which forced Joseph, along with Catholic elites like Henry Darnall, Nicholas Sewell, Edward Pye, and Clement Hill, to surrender without a single shot fired. Although both sides agreed on declaring their loyalty to William and Mary, the sticking point in the negotiations was the role that Baltimore would have in governing the colony. Coode and his militia insisted that the reason they formed their Association was precisely because of Baltimore's treasonous behavior. The Catholic elites, however, wanted Baltimore to maintain his proprietary sovereignty. Without public support, the latter again had no choice but to concede to Coode's demands.²²⁰ The council signed a treaty on August 1, 1689, which promised the proprietary party "free and full enjoyment of yours & theirs just rights and privileges equall with the rest of their Majesties Subjects according to the Laws of England and the Province." In signing the document, Catholics

²¹⁷ Farrelly, *Papist Patriots*, 130-131.

²¹⁸ *Maryland Archives*, 8:101.

²¹⁹ *Maryland Archives*, 8:102-103.

²²⁰ The Catholic population comprised about twenty-five percent of the Maryland population by the late 1680s. See *Maryland Archives*, 20:81; 25:358-359. For more on population estimates, see Evarts B. Greene and Virginia D. Harrington, *American Population before the Federal Census of 1790* (New York: Columbia University Press, 2004, [1932]).

had reason to believe their property, as well as their civil and religious rights (with the exception of holding public office) would be protected under the law.²²¹

But the treaty marked the beginning of what was a long series of unfavorable changes for the Catholic population. Coode's Association tried to prohibit the Catholic elites from sending letters to, or leaving for, England. It even detained Captain Richard Smith until his scheduled ship for departure had already left. Eventually, Henry Darnall and Nicholas Sewall absconded to "Pensylvania to endeavor to get a passage" to England, but soon learned that developments in Maryland reflected what was happening elsewhere in colonial America. Emigration therefore offered Maryland Catholics little relief. Until more specific orders arrived from England, Catholics would have to wait and see what their future entailed, especially because Coode's Association took increasingly authoritative steps to ensure their coup remained a success. One frightened Catholic, for instance, was under the impression that "if any body should contradict anything" that the new government instituted, "they should have all their braines knockt out."²²² The threat was enough to keep most potential counter-revolutionaries in check, but there is little evidence the Association wanted to turn to violence after a peaceful and successful coup. For the most part, Catholics continued to worship in public, engage in commerce, marry, and live their lives as they did before the Revolution. Some chapels were closed down, but, with the exception of the elites who dominated the Senate and other prominent

²²¹ *Maryland Archives*, 8:108; Lois Green Carr and David William Jordan, *Maryland's Revolution of Government 1689-1962* (Ithaca, New York: Cornell University Press, 1976), 59-60.

²²² *Maryland Archives*, 8:154, 157-8.

positions in the government, almost all of Maryland's Catholics who lived on the Western shore in either St. Mary's or Charles counties remained unmolested.²²³

Official instructions on how to manage the colony did not arrive in Maryland until June of 1691, and by then the Associators had already held elections and began governing the colony. The commission, which arrived with Colonel Lionel Copley, instructed the government to maintain the "reasonable Laws and Statutes as now are in force or hereafter shall be made and agreed upon by You with the Advice and Consent of the Councill and Assembly."²²⁴ This order gave both Copley and the assembly great latitude in governing the colony. But Copley also received a specific order on how to manage the colony in terms of religious freedom. All other colonial governors received orders to "permit a liberty of conscience to all persons EXCEPT PAPISTS," but King William instructed Copley to "Omit EXCEPT PAPISTS" from the language of the law.²²⁵ Under William, therefore, Catholics in Maryland retained almost all of the rights they previously held under the Baltimore proprietorship. Except for the handful of associates closest to Baltimore – such as those in the Maryland Senate in 1688 – life remained relatively unchanged during the first few years after the revolution. But for Catholic gentlemen connected to Baltimore, who fled their native land precisely because of the unique opportunities that Maryland afforded, it seemed as if the penalties that compelled them to escape the Old World had followed them into the New.²²⁶

²²³ Pyne, "A Plea for Maryland Catholics Reconsidered," 167; Hoffman, "Marylando-Hibernus," Charles Carroll the Settler, 1660-1720," 212.

²²⁴ *Maryland Archives*, 8:264.

²²⁵ Leonard Woods Labaree, *Royal Instructions to British Colonial Governors 1670- 1776* (New York: Octagon Books, 1967), 2:494. Pyne, "A Plea for Maryland Catholics Reconsidered," 164, 178.

²²⁶ Hoffman, "Marylando-Hibernus," 212.

Gentlemen such as Richard Bennett, Charles Carroll, Richard Hill, Henry Darnall, and Richard Smith drew up petitions and letters that they sent to Lord Baltimore and King William as soon as the Revolution commenced.²²⁷ During the summer and autumn of 1689, they sounded an alarm about what had recently transpired in the province. They lamented the recent developments and protested against the new government. For example, after noting the happiness he enjoyed “under my Lords^{ps} just Government,” Hill bemoaned “the late fatall mischiefs befallen us here by which myselfe and thousands more are deprived of such happiness.” His letter focused on the essential rights and liberties that Catholics held during the previous six decades. Conveying what became the organizing theme in the Catholic dissenting tradition, Hill exaggerated the security of the religious freedom that Catholics possessed under the proprietary government and overstated the restrictions that they faced in the immediate aftermath of the Glorious Revolution. In doing so, he grounded his plea for a restoration of those rights in historical terms. Hill had claimed that Catholics “*always* enjoyed our free libertie in the exercise of our religion...and all other rights & properties that a free Englishman could desire or wish to enjoy.” Furthermore, as a result of the Revolution, Catholics could not “but lament and condole our late losse of all those priviledges of which we are now utterly deprived.” Hill concluded that the Revolution would lead to “nothing lesse than the inevitable ruine and destruction not only of us and ours but alsoe of your Lordships peaceable Governm^t.”²²⁸

²²⁷ One letter was composed by Smith’s wife, Barbara. Petitions and letters on religious freedom were almost an exclusively male-affair in the seventeenth century. Despite a flood of social and cultural history that has found ways to give women a voice in political culture during the last half-century, church-state relations and the history of religious freedom continues to be a man’s world. For her letter, see *Maryland Archives*, 8:153. For the other petitions, see *Maryland Archives*, 8:114-122, 147-162.

²²⁸ *Maryland Archives*, 8:122. Emphasis added.

Like Hill's protest, Carroll's petition announced his refusal to concede his rights without a fight. He did not hide the contempt with which he held Coode and his Associators. In a letter to Baltimore, Carroll described them as "profligate wretches and men of scandalous lives" who were "without Commission or order from any superior power."²²⁹ He took calculated steps to retain the rights and liberties he enjoyed, and did so, like Hill and others, by appealing to Maryland's unique history as an asylum for persecuted Catholics. Carroll noted that "contrary to an express act of Assembly," by which he meant the Toleration Act of 1649, the revolutionary government recently passed legislation which excluded "Roman Catholiques from bearing any office whatsoever." He continued to insist that in addition to contradicting that law, "your Lordship's charter" – which was "not such a trifle as to be annulled by" the "fooles" who led the rebellion – similarly protected the rights and liberties of Catholics.²³⁰ Another irate Catholic, Thomas Bland, had the temerity to admonish the Protestant Associators during the rebellion about the consequences they would face when Baltimore learned of their coup. Their behavior constituted "treason in the highest Degree to act so against the Lord Baltemore & therefore you will Lose both your Life & Livings from your heirs for ever if you desist not from your Rebellion." Articulating the Maryland Catholic interpretation of the settlement, Bland told William Hopkins, one of the Associators in Anne Arundel County, that the province "was freely given to my Lord [Baltimore] for an absolute place of Refuge for the papists &," Bland continued, adding a twist to the traditional narrative, "you are all but Intruders into their priveledges & my Lord is not bound by his Charter to maintain the Protestant Religion...[F]or your rebellion against

²²⁹ *Maryland Archives*, 8:124-125.

²³⁰ *Maryland Archives*, 8:125.

the Lord Baltimore,” Bland provocatively predicted, “you will all be hanged.”²³¹ In brief, Hill, Carroll, Bland, and other Catholics used a conservative interpretation of the Maryland charter to validate their liberal ideals. They argued that even the changes wrought by the Revolution of 1689 could not displace the charter as the “fundamental law” of the land.

As Thomas Hanley, Tricia Pyne, and others have claimed, these letters constitute the developing stages of Maryland Catholic’s “counter-revolutionary” mentality.²³² Just as important, these examples demonstrate the lens through which the Catholic gentry viewed the Revolution of 1689 and illustrate how much importance their community placed on the legislative history of seventeenth-century Maryland. Finally, it is instructive to note that at this early stage of protest Catholics did not formulate theological arguments to protect their religious and civil freedom the way that Baptists, Anabaptists, Rogerenes, or other schismatics did in neighboring Virginia and farther north in New England, instead preferring to use historical and political lines of defense. As they lost more rights during the first years of the eighteenth century, they found a variety of ways to fight for their liberties. But even if the future looked dim in 1689, when the Catholic gentry was lamenting the “strange rebellion [of these] ungrateful people,” all hope was not lost.²³³ For all their anxiety over their lost rights, Catholic gentlemen still maintained their ability to overcome the barriers that the new Maryland government had recently erected.

²³¹ *Maryland Archives*, 8:553.

²³² Thomas O’Brien Hanley, *Charles Carroll of Carrollton: The Making of a Revolutionary Gentleman* (Washington, D.C.: The Catholic University of America Press, 1970), 16-18; Tricia T. Pyne, “The Politics of Identity in Eighteenth-Century British America: Catholic Perceptions of their Role in Colonial Society,” *U.S. Catholic Historian* (Spring 1997): 5-6; Farrelly, *Papist Patriots*, 256-257.

²³³ *Maryland Archives*, 8:125.

Wealthy Catholics continued to resist the new government well into the 1690s, even after most Catholics acceded to the changes in the new government and resumed their lives. Arrested in 1691 for giving “several reflecting speeches and discourses against the Governmt” and again in 1693 for “uttering several mutinous & seditious speeches in derogation to the present Government,” Carroll’s behavior suggests that there were elements within the Catholic community who remained unwilling to accept even moderate changes within Maryland’s political culture. But he might have been more willing to continue his resistance because on the one hand, unlike most Catholics, he migrated to Maryland in order to pursue a career in politics that was no longer possible. On the other hand, Carroll also had incentive to continue his protests because he possessed the economic and social capital to challenge the newest laws in the colony. After his second arrest, Carroll displayed his power and influence by calling on his connections in London to release him from detainment.²³⁴ First threatening his captors if they did not release him on his own word, Carroll mocked the guards by wagering that he could secure bail for “a bottle of cider for an imprisoned Catholic of lower status” than he. As he promised the guards, Carroll’s social and economic status within the colony earned him release shortly thereafter.²³⁵ This episode suggests that, despite legal disabilities on Catholics, gentlemen like Carroll still had recourse to other authorities in the years after the Revolution.

Another example of unorthodox Catholic dissent occurred in the year between Carroll’s arrests. In 1692, a number of otherwise “respectable” Catholics foolishly

²³⁴ *Maryland Archives*, 8:495.

²³⁵ Hanley, *Charles Carroll of Carrollton*, 3. Carroll’s petition to London took on a more serious tone. He pleaded for his release on grounds that “the Orphans whose Concerns I have in charge” were suffering as a result of his imprisonment. See *Maryland Archives*, 8:508-9.

expressed their grievances in public. Richard Bennett, who was born in Maryland in 1667 to a prominent family of mixed Protestant-Catholic ancestry, led the public disturbance. A practicing Catholic his entire life, Bennett, like Carroll, suffered from the new laws that prohibited Catholics from holding public office. Bennett became so frustrated by these new laws that he decided to demonstrate his disapproval with a handful of friends at the Talbot County Court. The official report noted that Bennett “and his associates were Drinking” from the time they arrived on a Tuesday morning until the “tumultuous meeting and disturbance” ended by Friday afternoon. A man named Griff Jones testified that after sarcastically placing “their heads into the Pillory,” the group of intoxicated men “took their Horses and rid into the Court and did carry their Horses upon the Bench.”²³⁶ The objective was to mock the system of justice currently reigning in the colony that deprived good Catholic citizens – which apparently included those who defaced the courthouse – of their rights. Though it did not immediately punish any of the offenders, the assembly responded by prohibiting all Catholics from practicing law during the following legislative session.²³⁷ The actions of Carroll, Bennett, and others were of course stimulated by the restrictions placed on Catholics’ civil and religious rights in 1689. Although there is no question that between 1689 and 1692 Catholics who owned large estates or held public offices suffered under similar penalties as those they once fled, they still enjoyed as many social, economic, political, and religious rights as any Catholics in Anglo-America.²³⁸

²³⁶ *Maryland Archives*, 8:372. Other testimonies follow but only reinforce the drunkenness and desecration described in the first account. See *Maryland Archives*, 8:373-8.

²³⁷ *Maryland Archives*, 8:448. Several of the accused were trained in law. For full treatment of Bennett and this affair, see Beatriz Betancourt Hardy, “A Papist in a Protestant Age: The Case of Richard Bennet,” *Journal of Southern History* 60 (1994): 207.

²³⁸ For comparison of the treatment of Catholics under British law at the end of the seventeenth century, see Beatriz Betancourt Hardy, “Papists in a Protestant Age: The Catholic Gentry and Community in Colonial

Even if Catholics were barred from holding office, and sometimes engaged in behavior that served their opponents' purposes, the first few royal governors of Maryland treated Catholics relatively well, ensuring that they were unmolested and protected in the rights they still possessed. In brief, the first governors followed King William's instructions to "permit a liberty of conscience" to Catholics residing in the colony. This trend continued until King William's death in 1702, when Queen Anne instructed Maryland's Governor Seymour to reinsert "except papists" into the clause pertaining to religious freedom.²³⁹ Religious liberty for Catholics during the 1690s was therefore delineated by royal, rather than local, authorities. This top-down management made the religious climate in Maryland almost as liberal between 1692 and 1703 as it was prior to the Coode Rebellion in 1689. King William essentially handed down the policy on toleration during those years, and, because he needed to keep Catholic Spain out of his current war with France, he allowed religious freedom for Catholics in Maryland. The king even received a petition from Don Manuel Coloma, the Spanish ambassador to William's court, on behalf of the Maryland Catholics who, in 1691, brought to Coloma's attention the events in Maryland. The petition chronicled the discriminatory policy under Coode's leadership and gave examples of chapels being shut down, property confiscated,

Maryland, 1689-1776," (PhD Dissertation, University of Maryland, 1993), 6-12, 24-25. For Catholics in Ireland, see Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1690-1830* (Savage, Maryland: Barnes and Noble Books, 1992), 18-29; Lawrence J. McCaffrey, *The Irish Question: Two Centuries of Conflict* (Lexington, Kentucky: The University Press of Kentucky, 1995), 14; S. J. Connolly, *Priests and People in Pre-Famine Ireland, 1780-1845* (Dublin: Four Courts Press, 2001), 35-36. For Catholics in England, see John Bossy, *The English Catholic Community, 1570-1850* (New York: Oxford University Press, 1976), 295; J. C. H. Aveling, *The Handle and the Axe: The Catholic Recusants in England from Reformation to Emancipation* (London: Blond and Briggs, 1976); Edward Norman, *Roman Catholicism in England: From Elizabethan Settlement to the Second Vatican Council* (New York: Oxford University Press, 1985), 40. Gordon Rupp, *Religion in England, 1688-1791* (New York: Oxford University Press, 1987), 180-203.

²³⁹ *Maryland Archives*, 23:542, 22:286, 372.

and priests who were forced to leave the colony.²⁴⁰ The Spanish diplomat's outside influence suggests that the events in Maryland did not develop in a vacuum. Indeed new policies caused disruptions for Catholics all over the Anglo-American world.

Despite the real changes that Catholics faced in Maryland from 1689 to 1692, the backlash against them was not as severe as it was elsewhere. In Virginia, prominent Catholic families like the Brents lost much of their fortune. As recently as 1686, James II had granted a patent to the Brent family and all who lived on their 30,000 acres of land. It guaranteed these Catholics "the free exercise of their Religion, without being prosecuted or molested upon any penall laws or other account for the same."²⁴¹ The grant was unique in seventeenth-century Anglo-America, so it should not be seen as representative of a larger move towards religious freedom for Catholics, but it does show how dramatic the consequences of the so-called Glorious Revolution could be for American Catholics outside of Maryland.²⁴² After the Toleration Act was passed in May of 1689, these Catholics lost their patent and were subject to more severe laws, including restrictions on their property rights and their ability to vote – neither of which happened in Maryland for another three decades.²⁴³ Even New England – although there are no records of any Catholics residing there – experienced a moment of brief toleration for Catholics during the 1680s. After James consolidated New York, East and West Jersey, Massachusetts, and Rhode Island into the Dominion of New England in 1686, he issued an order of

²⁴⁰ The petition is reprinted in David W. Jordan, "A Plea for Maryland Catholics," *Maryland Historical Magazine* 67 (1972): 434-435.

²⁴¹ A Grant of the "Free Exercise of their Religion" to Catholics on the Brent Patent in Virginia, 1686, *The American Catholic Historical Researches* 1 (1905): 303.

²⁴² For James II as a misunderstood reformer, ahead of his era regarding religious liberty, see Scott Sowerby, *Making Toleration: The Repealers and the Glorious Revolution* (Cambridge, Massachusetts: Harvard University Press, 2013).

²⁴³ William Waller Hening, *The Statutes at Large; Being a Collection of All the Laws of Virginia, from the First Session of the Legislature in the Year 1619* (Charlottesville: Published for the Jamestown Foundation of the Commonwealth of Virginia by the University Press of Virginia, 1969), 3:172.

religious toleration the following year, the only such time Catholics were by law tolerated throughout New England's colonial history. Without excluding any particular denomination, it granted "all persons" their "liberty of conscience in matters of religion" permitting that they were "contented with a quiet and peaceable enjoyment of it."²⁴⁴ But once again, after 1689, England's so-called Toleration Act reversed these gains rather quickly. "An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and Appointing Other Oaths" in that year forced Englishmen, and, by extension, Americans, to "abjure as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the pope or any authority of the see of Rome may be deposed or murdered by their subjects." The oath concluded by forcing English subjects to "declare that no foreign prince, person, prelate, state or potentate hath or ought to have any power, jurisdiction, superiority, preeminence or authority, ecclesiastical or spiritual, within this realm, so help me God."²⁴⁵ This final clause would have violated a sincere Catholic's conscience since official Catholic doctrine held that the pope was the spiritual head of the church.

Even the relatively tolerant colonies like Pennsylvania and New York experienced the same kind of backlash, or worse, that Maryland Catholics faced in 1689.²⁴⁶ Pennsylvania passed a law in November of that year which removed Catholics from their public offices and then passed another law in 1692 that barred Catholics from holding future offices in the colony.²⁴⁷ Although they still retained the ability to worship in

²⁴⁴ Francis X. Curran, ed., *Catholics in Colonial Law* (Chicago: Loyola University Press, 1963), 56-57.

²⁴⁵ Curran, *Catholics in Colonial Law*, 60.

²⁴⁶ For anti-Catholic persecution in William Penn's province on the eve of the revolution, see the case of John Tatham in Shona Johnston, "Papists in a Protestant World: The Catholic Anglo-Atlantic in the Seventeenth Century," (PhD Dissertation, Georgetown University, 2011), 257-261.

²⁴⁷ Curran, *Catholics in Colonial Law*, 62, 67.

public, Catholics in Pennsylvania, like those in Maryland, saw some of their rights taken away between 1689 and 1692. In New York – the only colony other than Maryland and Pennsylvania with a sizeable Catholic population – the backlash took on a violent strain that far surpassed Coode’s Rebellion and which reflected a pattern of violence seen in England, where riots that responded to the Jacobite uprisings in Ireland and Scotland led to social disruption not seen since the 1640s.²⁴⁸ In 1689, instructions to the royal governor of New York, Henry Sloughter, barred Catholics from “liberty of conscience.” By 1691, official laws in New York excluded Catholics from the most basic forms of toleration. One law demanded that no one “give liberty for any persons of the Romish religion.” Another statute gave New York Catholics even fewer rights than those in England after James was chased out of the country. New York saw perhaps the most hostile religious climate against Catholics in colonial America. There, a friend of William Coode named Jacob Leisler led a group of Protestants in rebellion against the New York government, which, like the one in Maryland, had a disproportionate number of Catholics in high offices, including the governor, Thomas Dongan. Leisler successfully roused public animosities in order to strip Catholics of all of their civil and religious rights in the colony. By May of 1691, they were no longer allowed to hold office, vote, retain their arms, or even worship in public. Catholic schools and chapels were summarily closed, destroyed, or turned into Protestant houses of learning. Proselytizing too, was a criminal offense under New York law.²⁴⁹ New York later followed Massachusetts’ lead by banishing priests from stepping foot in the colony in 1701. Although Maryland instituted

²⁴⁸ John Bossy, “English Catholics after 1688,” in Ole Peter Grell, Jonathan I. Israel, and Nicholas Tyacke, eds., *From Persecution to Toleration: The Glorious Revolution and Religion in England* (Oxford: Clarendon Press, 1991), 369-387.

²⁴⁹ Jason Kennedy Duncan, *Citizens of Papists?: The Politics of Anti-Catholicism in New York, 1685-1821* (New York: Fordham University Press, 2005), 2.

some of these same laws, the anti-Catholic legislation in New York was strictly enforced and became so successful in making daily life intolerable for its Catholics that, although they comprised five percent of the population in 1689, there were only twenty Catholics still living in the colony by 1700.

Leisler met with such success partly because he was responding to a deep-seated anti-Catholicism already present in New York. Like Coode in Maryland, he shrewdly raised the fears of the Protestant population, who were already “much against [the] papists,” at precisely the time when anti-Catholic propaganda reached its climax. Leisler contacted Coode and the Protestant Association in Maryland, warning them that Governor Dongan was attempting to organize a Catholic counter-Revolution. But he went too far even for Coode and the Associators. Leisler capitalized on the threat that New Yorkers faced coming from the northwest – French Canadians and a number of hostile Native American tribes who, during the winter of 1689-90, had conducted a raid on Schenectady, a small but important trade post just west of Albany. He used this event to arrest Dongan and his closest advisors. From there, the New York legislature was poised to pass and enforce a series of anti-Catholic laws from 1689-1691. Leisler eventually lost control of the colony because he was unable to limit his discrimination to only Catholics and instead charged anyone “who did not favour his designs” with treason. By the spring of 1691, Leisler was no longer a populist demagogue who enjoyed sympathy from his fellow colonists. Instead, his behavior posed a threat to the stability of the colony, which compelled many of his former supporters to question his ability to lead in peacetime. After he continued to charge high-ranking officials with sabotage and conspiracy, English authorities in New York had him tried for treason and hanged as a

rebel on May 16 of that year.²⁵⁰ Yet, the anti-Catholic climate that he helped foment did not die with him. New York Catholics would not gain back their lost rights until the adoption of their Revolutionary Constitution in 1777.²⁵¹

Anti-Catholic backlash was not confined to the American colonies. Catholics in Ireland, already suffering under various forms of discrimination for the better part of a century, faced a new round of disabilities after they lost the Williamite War in 1691. In that same year, Catholics were forced to swear loyalty oaths to William and a “declaration against transubstantiation.” A year later, officials passed another law “for [the] encouragement of Protestant strangers to settle in this kingdom of Ireland.” By 1695, the legislature passed laws restricting Catholic education, prohibiting them from owning arms, and forced them to pay special taxes. By 1697, they instituted the first of many statutes banning priests from entering or residing in the country, prohibited intermarriage between faiths, and refused to allow Catholics who journeyed to France to return.²⁵² Catholics in Ireland continued to face further disabilities once the Act to Prevent the Further Growth of Popery was passed in 1704. So effective were these laws that, by 1710, three-fourths of the Carroll family had fled their native Ireland.²⁵³ Unlike Catholics in New York and the rest of America who received a general relief in 1776, Catholics in Ireland did not gain emancipation until 1829, and even then did not have full rights to citizenship.

²⁵⁰ Duncan, *Citizens of Papists*, 6-18.

²⁵¹ Curran, *Catholics in Colonial Law*, 116. Even then, it was not until 1806 when Irish-immigrants were able to be naturalized into citizenship.

²⁵² Bartlett, *The Fall and Rise of the Irish Nation*, 21. On the penal laws, see J. G. Simms, “The Making of a Penal Law, 1703-1705,” *Irish Historical Studies* (October 1960): 105-118; Simms, “The Bishops’ Banishment Act of 1689,” *Irish Historical Studies* (September 1970): 185-199.

²⁵³ Hoffman, “Maryland-Hibernus,” 208.

The events in these other American colonies and Ireland should help show how, on the one hand, the Maryland story is one part of a much larger transatlantic episode, but on the other, the Maryland experience was relatively mild and unique. This was because King William gave Maryland Catholics special privileges unknown elsewhere in his dominion, but also because Maryland's Royal Governors, like Francis Nicholson, who served from 1694 to 1699, had no intention of persecuting the substantial Catholic population or driving them out of the colony. Instead, the royal governors sought to limit Catholics' political influence by removing the nepotism that did in fact dominate the Maryland government prior to 1689. This interpretation helps explain why Nicholson, for instance, passed laws allowing Catholics to worship in public, to own and carry arms, and re-opened a chapel in St. Mary's City that had been closed during the rebellion.²⁵⁴ Catholics in Maryland in the first decade after the Glorious Revolution, then, with few exceptions, continued to enjoy their civil and religious freedom even while the gentry petitioned on behalf of their lost rights. They developed a conservative discourse that couched their liberal ideals in historical exegesis. For some time, their petitions seemed to accomplish their task. But with the arrival of new administrations in Maryland and London, their sacred liberties once again came under assault.

The Penal Era Begins

Governor Nicholson followed instructions emanating from London to create a workable relationship with the Maryland Catholic community, but by 1697, his patience with one group of Catholics had worn thin. The Society of Jesus formed the nucleus of the Catholic community due to the ecclesiastical and spiritual functions that they alone

²⁵⁴ *Maryland Archives*, 19:36-37, 20:224; Pyne, "A Plea for Maryland Catholics Reconsidered," 167.

performed. As loyal as they were to the Pope, they had a defiant strain that detested secular authority when it interfered with their efforts to do God's work. Just as they gave Lord Baltimore all he could handle in the 1630s, so too did they continue to challenge the authority of the royal governors after 1689. But through their proselytization efforts, they helped undermine the freedom that they most desired. Although they were never well-received by their Protestant neighbors, the Society of Jesus was nevertheless responsible for more than a few conversions during the seventeenth century. Bedside conversions were perhaps the most common of any kind, so when Governor Nicholson was notified of a rumor during a particularly deadly flu epidemic in March of 1696/7 that a number of "Romish Priests have made it their Business to go up & down & insinuate themselves into protestant houses, perverting severall persons in their Extremity & weak condition to the Romish faith," he decided to take action.²⁵⁵

In 1698, Nicholson accused the Jesuits of taking advantage of innocent Protestants at their most vulnerable moments and charged a group of "zealous Papists" with inhibiting the Protestant faithful from attending Sunday services. To ensure that word reached the whole colony, he ordered municipal authorities "to publish this my Proclamation in all Churches, Chapels, and other places of public worship and meeting." He also arranged for his secretary to hand-deliver the proclamation to William Hunter, the Superior of the Society. The order demanded that Hunter inform his missionaries of its contents, which bluntly insisted that the Jesuits had to abstain from attempting "to seduce, delude, and persuade divers of His Majesty's good Protestant subjects to the Romish faith." These actions, according to Nicholson, constituted an "open violation of His Majesty's known laws." Not long after, a "proclamation prohibiting Romish Priests

²⁵⁵ *Maryland Archives*, 23:396.

&c: from drawing ov^r his Maj^{ties} Subjects in this Governm^t to the Romish faith” went through the Lower House and Senate.²⁵⁶ As Tricia Pyne has argued, by limiting their proselytization efforts, Nicholson was clarifying what “liberty of conscience” meant as it was stated in the royal instructions he received from King William. He was attempting to impose a more narrow reading of that phrase than that seen in previous years, but only narrow by Maryland standards. In England, Scotland, Ireland, Jersey, New York, Virginia, and New England – everywhere in the British Empire outside of Pennsylvania and Maryland – Catholic priests were either banned from that region or barred from evangelizing. This episode was therefore the first time in Maryland’s history that someone with legitimate provincial authority suggested that the penal laws in England applied to Maryland.²⁵⁷ The Jesuits, however, knew Nicholson had a limited capacity to enforce his threats and continued to proselytize to “good Protestants” in the aftermath of the proclamation. Even though Nicholson pledged “to put all the Rubs I can, in their [the Jesuits’] way,” he had already lost the support of John Coode and his followers. The Associators drafted bitter letters complaining that the governor was showing favoritism toward the Catholics in the colony and attempted to paint Nicholson as an anti-Protestant papist. Because Nicholson was merely following royal orders emanating from London, the petitions were of no consequence, but Nicholson’s days were numbered in Maryland anyway. He was relieved from his duties and appointed governor of Virginia in 1698.²⁵⁸

The Jesuits therefore knew they could continue to make bedside appeals to assent to the Roman Catholic Church without suffering from any meaningful consequences.

However, between 1698 and 1703, several important developments took place which

²⁵⁶ *Maryland Archives*, 22:48.

²⁵⁷ Pyne, “A Plea for Maryland Catholics Reconsidered,” 168-169.

²⁵⁸ Pyne, “A Plea for Maryland Catholics Reconsidered,” 170.

began to set in motion the further erosion of Catholic civil and religious liberties. First, the Lower House of the assembly continued to complain about the number of conversions to Catholicism. The flu epidemic subsided, but the rate of conversions, though still modest, remained too high for respectable Protestants to tolerate. Second, against King William's wishes, the English Parliament passed "An Act for the Further Preventing the Growth of Popery" in 1700.²⁵⁹ The statute included no substantial changes to Catholic rights, but was instead a symbolic measure meant to stamp out dissent.²⁶⁰ Third, and perhaps most important, King William died in 1702, taking with him to his grave the policy of toleration that he began in 1692. When Queen Anne ascended the throne, she was less interested in appeasing Catholic diplomats than her brother-in-law. She began to change the policies toward Catholics just as anti-Catholic sentiment began to rebuild within Maryland itself. Next, in that same year, the new governor, Nathaniel Blakiston, formally established the Anglican Church.²⁶¹ Maryland became an official Anglican colony at the very moment that a new monarch, who, perhaps eager to show her commitment to the faith (she was the daughter of the deposed papist, James II), revoked liberty of conscience for Catholics in Maryland. Finally, another new governor, John Seymour, arrived on the Chesapeake wearing his anti-Catholicism on his sleeve. When he arrived in Maryland during the autumn of 1704, he made his intentions clear in a letter to the Council on Trade and Plantations. "My instructions in this point are different from what other Governors here have had," Seymour told his audience, "theirs being to admit

²⁵⁹ John Bossy, "English Catholics after 1688," 372-373. Bossy insists that William was losing control of the parliament by the turn of the century and that much of the intolerant legislation that result from 1699 until the time of his death reflects that political change, not a change of character. The continuation of anti-Catholic laws after his death supports Bossy's thesis.

²⁶⁰ Curran, *Catholics in Colonial Law*, 72.

²⁶¹ *Maryland Archives*, 24:265, 273.

liberty of conscience to all who behaved themselves...but mine to all such but Papists.”²⁶²

Governor Seymour wasted no time in creating a climate of intolerance in the colony. In one of his first actions as governor, he summoned two of the most influential Catholics in the colony to appear in court. The first was William Hunter, the superior of the Jesuit mission, and the second was Robert Brooke, a fellow Jesuit whose father, Major Thomas Brooke, migrated to Maryland in 1650 after converting to Catholicism. Hunter had considerable influence due to his position in the Society and Brooke inherited economic and social capital from his father. Both figures were revered by the Catholics they served, so their selection was intended to send a message to that community. Seymour charged the “two Popish Priests” with “consecrating the Chappel” at St. Mary’s, which had the legal effect of questioning whether or not Catholics could perform their pastoral functions in the colony. In other words, Seymour was challenging clerical rights to hold Sunday services in public chapels. This charge was meant to alarm Maryland Catholics because it would have restricted their religious freedom to a degree not seen since William Claiborne seized control of the colony in the 1650s. Seymour, in short, was attempting to impose the English penal statutes on the Maryland Catholic community, which had the unintended effect of providing Maryland Catholics with another opportunity to voice their dissent.²⁶³

Charles Carroll accompanied Hunter and Brooke to help them with legal advice even though by 1704 Catholics were prohibited from serving as “councillor at law either

²⁶² Pyne, “A Plea for Maryland Catholics Reconsidered,” 171; Governor Seymour to the Council of Trade and Plantations, September 29, 1704, in Cecil Headlam, et al., eds., *Calendar of State Papers, Colonial Series, America and West Indies, 1704-1705* (London: Longmans, H. M. S. O., 1916), 22:264.

²⁶³ Pyne, “A Plea for Maryland Catholics Reconsidered,” 172.

in public pleading or otherwise.”²⁶⁴ None of them anticipated the tone that the governor took from the beginning of their exchange. After the Jesuits’ initial apology for any disruptions they might have caused, Seymour quickly turned on the offensive. He noted, regretfully, that it was “the unhappy Temper of you and all your Tribe to grow insolent upon Civility,” which, he argued, gave “greate offence and scandall to H.M. Government.” He suggested that the “arrogant,” Jesuits henceforth “live quietly as you may and let the Exercise of your Superstitious Vanities be confined to yourselves without proclaiming them at publick Times and in publick places.” Here Seymour was informing them that public forms of worship would no longer be tolerated in the colony, although no legal provisions had yet been made. He left no doubt about his meaning: “In plain and few words Gentlemen if you intend to live here let me hear no more of these things for if I do and they are made good against you be assured I'll chastize you... Therefore as I told you I'll make but this one Tryal and advise you to be civil and Modest for there is no other way for you to live quietly here.”²⁶⁵ Seymour threw down the gauntlet. He was attempting to make religious freedom for Catholics in Maryland a relic of the past.²⁶⁶

During the next legislative session, Seymour had the “Great Brick Chapel” in St. Mary’s City closed on grounds that it was “scandalous and offensive to the government” because it was too close to “a Protestant church and the said country court.”²⁶⁷ The governor literally locked the chapel’s door, which was an important symbolic structure since it was one of the oldest Catholic edifices in the colony. During the same session, the

²⁶⁴ *Maryland Archives*, 8:448.

²⁶⁵ *Maryland Archives*, 26:45.

²⁶⁶ It is worth noting that although this study is focused on religious freedom, Governor Seymour also attempted to restrict the Jesuits’ property rights. Sitting on almost 10,000 acres of land by 1700, the Jesuits wielded considerable economic influence in the colony that Seymour, in addition to Nicholson before and Hart after, wanted to attain. See Thomas Hughes, S. J., *History of the Society of Jesus in North America, Colonial and Federal, Text* (New York: Longmans, Green, and Co., 1917), 2:475-476.

²⁶⁷ *Maryland Archives*, 26:46.

assembly drafted a bill modeled on the one passed by the English parliament in 1700 which called for the “Further Preventing of the Growth of Popery.” Although the language in this bill made it problematic, an even more punitive bill passed shortly after. This bill, the Act Against Popery, was signed into law on October 3, 1704, but was short-lived because it far exceeded the measures taken even in England and Ireland. The law prohibited priests from proselytizing, teaching in schools, and even barred them from holding private services for their community in their own homes. The punishment was exile to England, whereupon said priests would then be liable to further penalties.²⁶⁸ This law was more than the Maryland Catholic community could bear. They organized and petitioned for their religious and civil rights immediately following its passage. The majority of the Protestant legislators and the royal court supported the petition, which built off of Baltimore’s letters to the Council on Trade and Plantations in 1677 and the several letters that were written in the summer and autumn of 1689 – all of which insisted that the original charter protected Catholics from the penal laws.

The petition’s opening sentence appealed to the Maryland tradition of religious freedom. It wasted no time exaggerating the ecumenical spirit that ostensibly dominated the previous half-century. The authors noted that Catholics were “much surprized to find themselves...deprived of that liberty in point of religious worship wch. they and their ancestors have *without interruption constantly enjoyed* from the first seating of this Province.” The signatories were eager to emphasize that for Catholics, along “with the rest of their fellow-subjects of different persuasions,” religious freedom was the law of the land. This point was critical to combat the distortive documents that had emerged in the 1650s which claimed that the colony set up a “popish establishment” and persecuted

²⁶⁸ *Maryland Archives*, 26:340.

Protestants from the moment of its founding. Next, they claimed that religious freedom for Catholics was critical to the prosperity that others enjoyed in the colony. In fact, they argued, the toleration Marylanders enjoyed had “contributed very much to the peopling of the country, and the firme settlement of a friendly and sincere union between all the people towards carryeing on the common interest.” One did not have to be a Catholic to acknowledge that reality. They declared that “in this Assembly are severall persons who cannot be ignorant that the said Roman Catholicks or their ancestors have allwayes been as active and forward in hazarding their lives and fortunes for the common interest.”

The Catholic community continued to insist that stripping them of their civil and religious rights was particularly cruel because “they or [their] forefathers... chiefly transported themselves hither” precisely because Catholics were “deprived of that liberty and freedom” elsewhere. The remonstrance repeatedly went back to “The Charter which laid the foundation of this Province” on the basis of religious freedom. Rather than appeal to the actual text of the document—which was much more ambiguous than the petitions suggested—they maintained that “it cannot in reason be conceived” that a Catholic would found a colony wherein he would not “allow a tolleration and freedom of conscience as well to such of his owne perswasion.” From this principle they concluded “that in all justice and conscience the covenant ought to continue to posterity.” Finally, the Act Against Popery was not “suitable to the originall constitution,” because it never intended “to restraine them [Catholics] in their liberty as the words of the [new] Act doe.” Meekly, they asked to “be left in the same circumstances they have hitherto been” since the founding of the colony.²⁶⁹

²⁶⁹ Remonstrance of the Roman Catholicks of Maryland to the House of Delegates, in Headlam, *Calendar of State Papers*, 22:735-736. Emphasis added.

After they received the petition, a delegation in the Lower House “inclined to indulge the Roman Catholicks in the private exercise of their Religion in their own houses.” They never commented on the historical accuracy of the claims found in the remonstrance, but there was enough public commotion (the petition was signed by several prominent Protestant planters) that they revoked the most egregious parts of the Act Against Popery. On December 8, 1704, the governor and the assembly recommended that “a Bill should be brought in to suspend the prosecution of any Romish priest incurring the penalties of the late Act by exercising their function in a private” manner.²⁷⁰ The assembly acknowledged they had exceeded “the true Intent of the said Act [which] was only to restrain some exorbitant Actions [actions of] the said Popish Bishops... who, it is hoped, are thereby made sensible of their Extravagant Demeanour in their Pernicious and Indirect practices.” But before Catholics could celebrate, the assembly also made it clear that the revocation “shall in no wise be Construed to extend to defeat, rescind, abrogate or Suspend the force, vigour or Effect of the said Act for preventing the Growth of popery in any other Matter or thing whatsoever, or for any longer time than what is in and by this Present Act expressed and Declared.”²⁷¹ The final clause of this statement noted that the anti-Catholic laws would not be further suspended. This referred to the eighteen-month timetable on the suspension of the original act.²⁷² This meant that by the spring of 1706, unless new laws were passed, Catholics would again be unable to perform religious rituals even in the privacy of their own homes.

²⁷⁰ Remonstrance of the Roman Catholicks of Maryland, 22:736.

²⁷¹ *Maryland Archives*, 26:431-432.

²⁷² The eighteen-month window was the result of a compromise in the assembly after they agreed that a year and a half would allow sufficient time for a response from England amidst other, more pressing matters afflicting the British Empire.

Maryland Catholics had to wait and see if the anti-Catholicism that reared its head in the Maryland Assembly in 1704 would come back eighteen months hence. When the suspension of the Act Against Popery neared expiration in 1706, Catholics were still waiting for word from Queen Anne. Even though she eventually approved the repeal of the act on grounds that it was too severe, they did not receive her instructions until 1707. During the window of time after the Act Against Popery was reinstated and the time the Queen put an end to it permanently, Catholics constructed another remonstrance to suspend the act.²⁷³ This petition, signed by Charles Carroll, Richard Bennett, and the leading Catholics in the colony, requested that the act be ignored “until her Majesty’s Pleasure should be knowne.”²⁷⁴ Citing the history of the province, they pleaded for “the Toleration and Freedom of Conscience allowed here since the first settling [of] this Plantation.” After consideration, the assembly agreed to suspend the law for another twelve months, or until her majesty’s decision arrived.²⁷⁵ When the assembly finally received her orders during the spring of 1707, most of the Catholic population – those who were not privy to daily proceedings in the assembly – was thoroughly confused about what type of behavior was liable to prosecution under the law.²⁷⁶

After surviving the turmoil of 1689, Maryland Catholics experienced much of the same religious, economic, political, and cultural freedom to which they had become accustomed since 1634. Although the first half-century of the Maryland experiment in religious freedom was not the model of ecumenism that Catholic petitions beginning in

²⁷³ Pyne, “A Plea for Maryland Catholics Reconsidered,” 176

²⁷⁴ *Maryland Archives*, 26:544.

²⁷⁵ *Maryland Archives*, 26:591-592, 597.

²⁷⁶ The title of the act that negated the original law suggests how confused Catholics in rural Maryland must have been about their legal rights under the law: “An Act Declaring An Act Entituled An Act Entituled An Act for Suspending the prosecution of any Priests of Communion of the Church of Rome incurring the penaltys of An Act of Assembly Entituled An Act for preventing the Growth of Popery.” *Maryland Archives*, 26:630-1.

1704 suggested, that policy of toleration – what King William called “liberty of conscience” – largely obtained in the latter years of the century. However, the policy essentially followed the deceased monarch to the grave. Under a new administration at home and abroad, Catholics became subject to penal laws that made their very existence suspect. In the decade following Queen Anne’s simultaneous abrogation of the dreaded Act Against Popery and the enactment of the penal laws, prominent Catholics led by Charles Carroll fought to gain back their cherished freedoms, unfortunately unleashing the backlash of Governor Seymour and his successor, John Hart.

Backlash

Charles Carroll tried his best to weather the storm that he sailed into when he decided to move to Maryland to pursue a prestigious political career. Once in Maryland, Carroll had the good fortune of marrying into wealth, although he was widowed less than a year after his wedding. Carroll first betrothed and married Martha Ridgely Underwood in 1689. Underwood had inherited two estates from her deceased father in 1681 which totaled 1,300 acres and were worth £500. From her first marriage, she inherited an additional 2,000 acres and another £550. Within six months of the time of her first husband’s death, she married Carroll, who, by Maryland law, inherited his wife’s assets. Tragically, Martha and her infant both died during childbirth only twelve months after she wed Carroll. This left Carroll emotionally broken and alone, but his inheritance enabled him to invest in lucrative business projects that made him one of the wealthiest and well-connected men in Maryland.²⁷⁷ His legal training played an important role in his rise to power as well, even though Catholics were barred from practicing law in the

²⁷⁷ Hoffman, “Marylando-Hibernus,” 216-217.

colony. Lord Baltimore frequently asked Carroll for legal advice and recommended him to Henry Darnall, the wealthiest and most influential Catholic in America. Carroll took a fancy to Darnall's eldest daughter, whom he wed in February 1693/4. With his second marriage, he acquired more than the 1,400 acres in Prince George County. Even more important, he also became Henry Darnall's protégé. With Darnall's help, by 1710 Carroll surpassed his father-in-law as the wealthiest man – Protestant or Catholic – in the colony. The connections he made between his two marriages and the fortune he created thereafter gave Carroll tremendous economic, social, and cultural capital by the time Governor Hart began to roll back Catholic rights in 1715. With all this capital, Carroll believed that could exert his influence over even the highest ranking members of the provincial government.²⁷⁸

Carroll was able to amass such wealth because from 1704 until 1715, Catholics faced almost no cultural or legal disabilities in financial matters. Those years, as one scholar recently commented, “were quiet ones for Catholics in Maryland.” Although they were daily reminded that the religious liberty they believed once existed had long since passed, “after 1704, the Assembly left Catholics alone and did not consider additional measures against them until 1716.”²⁷⁹ That is almost true; in actuality, new measures against Maryland Catholics appeared a bit earlier. When a new governor, John Hart, came to the colony in 1714, he began to take measures to thwart the influence of men like Carroll and coerce Catholics into either leaving the colony or converting to Protestantism. One of Hart's first actions as governor was to pass a law that allowed the government to

²⁷⁸ Hoffman, “Marylando-Hibernus,” 218-219.

²⁷⁹ Farrelly, *Papist Patriots*, 196.

remove children from Catholic widows and place them into Protestant homes.²⁸⁰

Although the law was never enforced, it enraged and frightened the Catholic community.

Other events coincident with that law—both domestic and foreign—appeared to give

Catholics a chance to reclaim some of their lost rights. When Carroll saw this

opportunity, he inadvertently set Catholics in Maryland on a path that ultimately

rescinded what remained of the religious freedom. They would not recover those rights

until Carroll's grandson helped foment another revolution in 1776.

Carroll's opportunity materialized after the fourth Lord Baltimore, Benedict

Leonard Calvert (1679-1715), converted to Anglicanism in 1713, which helped the

Calvert's gain back their proprietorship two years later.²⁸¹ With that change, Catholics

began to reassert themselves in the colony with Carroll – by then the most influential

Catholic in the province – leading the charge. Baltimore appointed Carroll, who had

offered him legal advice for the last twenty years, as his Agent and Receiver General.

Although the fourth Lord Baltimore only lived for a year after he became proprietor, his

son, the fifth Lord Baltimore, Charles Calvert (1699-1751), who was also Anglican,

respected Carroll and appointed him as Naval Officer, Keeper of the Great Seal, and

Register of the Land Office.²⁸² The appointment poised Carroll to wield as much political

power any individual in the colony, including Governor Hart.

Although conditions seemed to favor Carroll by 1714, troubling events in England

again rippled across the Atlantic as newspaper reports warned about the “Stuart

Pretender” James I, the reigning Prince of Wales, conspiring to find his way onto the

²⁸⁰ *Maryland Archives*, 30:334

²⁸¹ Edward C. Papenfuse, *A Biographical Dictionary of the Maryland Legislature, 1635-1789* (Baltimore, Maryland: Johns Hopkins University Press, 1979), 1:186.

²⁸² Hanley, *Charles Carroll of Carrollton*, 7; Papenfuse, *Biographical Dictionary of the Maryland Legislature*, 1:193-194.

English throne after Queen Anne's death. During this "Fifteen Rebellion" which first broke out in Scotland, a number of prominent Catholics in Maryland celebrated the birthday of the Stuart Pretender along with 150 of their indentured servants.²⁸³ The celebration happened just as instability within the Maryland government gave way to rumors about a popish plot. Anxieties had escalated when the Calverts reclaimed their proprietorship earlier that year. Governor Hart responded by exploiting anti-Catholic sentiments in the colony in order to garner support for his attack on Carroll's growing influence. But from Carroll's perspective, he believed that these events – public support in Maryland for the Catholic Pretender, a vacant throne, and new proprietors who were sympathetic to him, if not all Catholics – presented him with his best opportunity to regain the rights and liberties that brought him to Maryland in the first place.²⁸⁴ That might explain why Carroll was so willing to defy authority when his own experiences in the colony provided such clear evidence of how relatively free Catholics remained in Maryland.

Hart and Carroll had few interactions since the former arrived in Maryland in 1714, but both recognized the potential influence that the other possessed over their conflicting agendas. Hart made the first move to stymie Carroll's plans when, on the day the proprietorship was formally given back to the Baltimores, he demanded that Carroll resign from his public offices. Knowing that he had no legal standing upon which to challenge the governor, Carroll immediately informed Hart that he intended to travel to London to win back Catholics' right to hold office. Hart explained that Carroll "shewed me a Representation, which was to be presented to their Lordships on behalf of the

²⁸³ Farrelly, *Papist Patriots*, 196.

²⁸⁴ Hoffman, "Marylando-Hibernus," 227-228.

Roman Catholics of this Province,” that intended to restore “what they alledged was their Right of being Qualified for Offices in the Government, as they formerly had been... I plainly told M^r Carroll that It was against the Laws of Great Britain & the Acts of Assembly of this Province, & that I would Oppose it to the Utmost of my Power.” They engaged in a cantankerous debate wherein Hart “Demanded of M^r Carroll by what Claim of Right” he supposed that Catholics could hold office. According to Hart, Carroll “answered that they Claimed from an Instrument, Granted by the Lord Cecilus, but that he believed it was burnt in the State house.” The instrument to which Carroll referred was of course the original Maryland charter from 1632 – the same charter that had brought him to the American continent twenty-five years earlier. Hart summarized his interpretation of these events to the assembly, which largely agreed with his conclusion that it was “Obvious to all (who are not wilfully blind) what Steps the Roman Catholics were takeing to Introduce themselves Again into the Administration of this Governm^t.” That the colony treated its “papist subjects” so well only reinforced long-standing Protestant prejudices against the Roman Catholics. Hart insisted that they should have been “Contented and Easy, under the Protection of the Government, as they were pmitted to be, but on the Contrary the Roman Catholics, Indefatigable in their designes, Turned all their Rage and Fury of Disappointment, to Calumniate my Conduct, and by heaping of Indignities upon me, used their Utmost Efforts, thereby to Remove me from this Station.”²⁸⁵ The Governor’s message was clear: Catholics could not be trusted with the liberties they currently possessed because, like all papists, they grasped at every opportunity to assert

²⁸⁵ *Maryland Archives*, 33:120-121.

themselves. The only way to ensure that Catholics did not overrun the government was to roll back their remaining political rights.

Carroll sailed to London and met with the Calverts' guardian, Lord Guilford, to plead his case. There is no record of what was said, but the available evidence suggest that he used the same historical and constitutional arguments he had been espousing for the last two decades. Carroll must have been persuasive because he returned to Maryland with a new commission in hand. It granted him control of the revenues of Baltimore's private estates and also the finances that supported the government and its officials – including Governor Hart's salary. As he later informed the governor, it granted him the power “to inspect into, Order, Manage & Account for all & every other Branch or Branches of our Revenue within our said Province.”²⁸⁶ This position gave Carroll enormous political power in the colony in addition to his economic influence, but Carroll waited to exercise his new powers until later that summer, when he needed to put them to good use.

That day finally came in the summer of 1716. On June 10, a number of drunken Catholics celebrated the hated Prince of Wales' birthday by firing two of Annapolis' “Great Guns on the Court House Hill.” Once Hart received word of this event, he condemned the “Traiterous Wicked Audacious & Insolent Action” of the drunkards. He summarily punished all parties involved, which included Thomas Fitzredmond, Carroll's nephew. A month after the June 10 incident, Carroll exerted his authority to help his nephew. He explained to Hart that he possessed “a Commission from the Lord Proprietary” that allowed him to “discharge those Fines which the Sherriff of Ann

²⁸⁶ *Maryland Archives*, 33:375-376.

Arundel County was directed to receive.”²⁸⁷ In other words, he was pardoning Fitzredmond and undermining Hart’s authority in the colony.

Hart’s hands – for the moment – were tied. The commissions superseded anything the governor or anyone else in Maryland could immediately do, but history would show that this was a Pyrrhic victory for Carroll. Hart immediately began to organize support for a new bill in the legislature that would force Catholics to swear an oath of allegiance that no conscientious Catholic could withstand. He justified his actions by reasoning that “Mr Carrol has deceived the Lord Proprietary in his tender age & also his Guardian in imposing upon them to grant him such a Commission contrary to the [said] Acts of Parliament.”²⁸⁸ More important, Hart questioned whether or not Carroll was fit to hold his offices without swearing the oath of abjuration. All but one of the delegates in the Maryland Senate agreed with Hart on the first point, that Carroll manipulated a teenage-proprietor and his detached guardian into granting him a commission. The response was unanimous on the second and more important point because they concluded that the oath was consistent with the laws of England and that any individual unable to conform posed a threat to those around him. As Ronald Hoffman has summarized these events, Carroll made two miscalculations when he challenged Hart. First, he underestimated the commitment of his adversary to respond to Carroll’s initial push. Second, he believed the commissions were more powerful than they proved. Hart, Hoffman argues, “struck at the Achilles heel of the newly Protestant proprietorship,” by focusing on the oath, which was outside the reach of the commission. Furthermore, after struggling to gain control of the

²⁸⁷ Hoffman, “Marylando-Hibernus,” 230.

²⁸⁸ *Maryland Archives*, 30:378.

colony since 1690, it stands to reason that Baltimore and Guilford were not likely to fall on the sword for “a stubborn Irish-Catholic Jacobite” like Carroll²⁸⁹

Authorities in Maryland summoned Carroll to appear in front of the assembly and answer a series of questions about his commissions. He failed to successfully persuade any of the delegates over to his side during the proceedings.²⁹⁰ As it became clear to everyone involved except Carroll that his days were numbered, the intractable Irishman refused to concede defeat. The week after his summons, Carroll provoked Hart by writing him a contemptuous letter poorly disguised as an administrative memo asking for that year’s inventory. Carroll took the liberty of granting Hart permission to take his “Sallary” before warning him to use “Caution” when “assenting to [the anti-Catholic] laws” being debated in the legislature. Hart complained to the assembly that Carroll’s letter was “Insnareing and Insolent” because a salary was “a Terme too mean and base to accept” from a man of his stature. Hart insisted that the instructions were void because Carroll refused to take the oath and, he added, even if they were legitimate, he resented being told by “a Virulent Papist” when his “family may have leave to Eat.”²⁹¹ The governor rushed the letter to the assembly, which likewise condemned Carroll’s tone. The assembly agreed that Carroll had “used a very indecent freedome with his Exncy in assumeing to himself the liberty of Directing him in so Generall a manner.” It was “a ffreedome wee have never heard used before by any Subject to a Gov’,” which, the

²⁸⁹ Hoffman, “Marylando-Hibernus,” 231-232. Hoffman suggests additional reasons why Carroll believed he could win this battle in Hoffman, *Princes of Ireland*, 86-88.

²⁹⁰ See *Maryland Archives*, 30:544-549 for the full transcript.

²⁹¹ *Maryland Archives*, 30:599; Hoffman, *Princes of Ireland*, 89.

assembly declared, warranted “reprimanding him after such manner as you shall see fit.”²⁹²

The assembly responded with “An Act for the better Security of the Peace and Safety of his Lordship's Government, and the Protestant Interest within this Province.” The law mandated that office-holders swore fealty to King George and, most controversially, required them to swear that no “foreign Prince, Person, [or] Prelate” possessed any “Ecclesiastical or Spiritual” authority “within the Kingdom of Great-Britain, or any of the Dominions thereto belonging. So help me God.”²⁹³ This final clause was abhorrent to the Catholic conscience because they believed that the Pope held spiritual authority on Earth. English Catholics denied the Roman pontiff’s *civil* authority outside of Rome, but his spiritual authority was and is a basic tenet of Catholicism. The law went much further than this oath, however. It accelerated the institutionalization of Protestantism in the colony.²⁹⁴ The law offered rewards of up to £250 for anyone who found a current office-holder who was unable to re-swear the oaths of allegiance, abhorrence, and abjuration in addition to prohibiting anyone from holding future offices who refused the oaths. It also stipulated that anyone who “shall afterwards be present at any Popish Assembly, Conventicle or Meeting... shall not only forfeit his Office... but

²⁹² *Maryland Archives*, 30:602-603

²⁹³ *Maryland Archives*, 30:614.

²⁹⁴ Christianity had been institutionalized from the earliest days of the colony. The charter’s stated purpose was “for extending the *Christian Religion*” and the Toleration Act of 1649 mandated that those who “deny our Saviour Jesus Christ to be the sonne of God” suffer death. See *Maryland Archives*, 75:7; 1:244. From 1715-1735, laws in almost every colony became vehemently anti-Catholic. In 1715, North Carolina prohibited Catholics from “the right of religious liberty” and New York excluded Catholics from naturalization. A year later, South Carolina banned the immigration of “Irish servants that are Papists.” In 1722, New Jersey passed a law that “adjudged” those unwilling to swear an anti-Catholic oath “Popish Recusant Convict[s]” outside of the full protection of the law. Even tolerant Pennsylvania passed a bill in 1729 that levied a special tax on its Irish-Catholic population, though it was repealed a year later. Virginia deemed Catholics unfit to be guardians in 1730 and Delaware, otherwise tolerant, banned Catholics from holding office. See Curran, *Catholics in Colonial Law*, 90-100. But in Maryland laws which provided incentive to make life intolerable began much earlier. See John Tracy Ellis, *Catholics in Colonial America* (Baltimore, Maryland: Benedictine Studies, 1965), 345.

also be incapable of taking, holding or executing any Commission or Place of Trust within this Province, until he shall be fully reconciled to the Church of England, and receive the Communion therein.”²⁹⁵

Between 1715 and 1718 the assembly passed a series of laws that restricted Catholics’ civil and religious rights, which in turn generated more Catholic calls for the restoration of their civil and religious rights.²⁹⁶ Hart received notice during the winter of 1717 from London that Baltimore had rescinded Carroll’s commission and all of the offices that came with it, whereupon the governor immediately worked to rescind Catholic suffrage. Hart did not equivocate about the motivations for such a law. He contended that the law disenfranchising Catholics in 1718 was a reaction to “the Leading men of the Romish Community,” who, alongside Carroll, “went as Emissaries to London And were very Active there against me, and Exclaimed in bitter Terms of my prosecuteing the Papists in this Province and how Cruel a manner they were Treated.”²⁹⁷ The assembly justified Catholic disenfranchisement by claiming that the “restless Spirit of those People” who were “not Content with the favour and Indulgence of the Governm^t,” were “Very busy in making Interest and Partys for Votes att the Election of Delegates to serve in Assembly.”²⁹⁸ The Catholic gentlemen who attempted to garner support within the assembly unintentionally lost their right to vote. By doing so, they invited Catholics beyond their elite circle of associates to begin protesting alongside them.

²⁹⁵ *Maryland Archives*, 30:615-617.

²⁹⁶ *Maryland Archives*, 30:334; 33:19-110; 33:228. For Catholic responses to the new penal legislation, which doggedly maintained that the new laws were “contrary to the liberty granted by the [Maryland] charter,” see Headlam, *Calendar of State Papers*, 29:237-238.

²⁹⁷ *Maryland Archives*, 30:121.

²⁹⁸ *Maryland Archives*, 33:279; Hoffman, “Marylando-Hibernus,” 234.

The Last Stand for Liberty

The Catholic community refused to lie supine before Hart and the assembly. As the proceedings from the following session document, “The Claim made by the Papists of a right to hold all Offices in this Government in an Equall degree with the Protestants seems still to be kept on foot by them.”²⁹⁹ The assembly knew that Catholics continued to write letters and petition Lord Baltimore for the reinstatement of their right to vote and hold public office, but their pleas fell on deaf ears. For the same reasons that Baltimore was unwilling to help Carroll earlier, the proprietor was still unwilling to risk his political career for the sake of a few rebellious Americans. Even though the petitions were unsuccessful in achieving their goal, they are an important part of the Catholic dissenting tradition in America. They had an impact, for instance, on one of the most respected Catholics in colonial Maryland, Peter Attwood (1682-1734). The Superior of the Jesuit mission who migrated to Maryland in 1712, Attwood received an elite education at St. Omer’s College. An ambitious proselytizer and learned theologian, Attwood’s extensive library suggests that he was a polymath of sorts, and well-read in English, Catholic, and Maryland history.³⁰⁰ He wrote a treatise that articulates the conservative liberalism that by 1720 pervaded the Maryland Catholic community and which advocated for reforms to Maryland’s policy of religious freedom by pointing to the initial settlement. His willingness to participate in political dissent also demonstrates how deep of an impact

²⁹⁹ *Maryland Archives*, 33:479.

³⁰⁰ For Attwood’s biography, see Henry Foley, S. J., ed., *Records of the English Province of the Society of Jesus* (London: Burns & Oates, 1882), 7:23. For his library, see The Papers of Peter Attwood, Early Maryland Jesuit Papers, SCGU. For his family background, see MS 246, Geneology, Attwood Family, October 1, 1805, Digges of Warburton Papers, Maryland Historical Society.

events in Maryland had on even typically apolitical members of the Roman Catholic Church.³⁰¹

While historians of Maryland have incorporated Attwood's writings into their narratives, none have situated it within the context of Catholic religious freedom. It seems clear, however, that Attwood's treatise is steeped in historical and constitutional argumentation, designed to restore Catholic's lost civil and religious rights.³⁰² It was published in the colony and circulated widely within both the Catholic and Protestant communities. The pamphlet, "Liberty and Property or the Beauty of Maryland Displayed," argued that the original Maryland charter and its "Fundamental Laws and Constitution" guaranteed Catholics their religious and civil freedom *in perpetuity*. Basing his claims on a close reading of historical documents, Attwood continued to promote the conservative liberalism that dominated Catholic dissenting opinion throughout the remainder of the century.³⁰³ A slim twenty-four pages, the treatise began by asserting that "a fundamental law" gave "equally liberty of conscience and an equal share in all rights and privileges...to all christians...by strictly forbidding ...another's religion or way of worship."³⁰⁴ Attwood pointed to several lines of evidence in making this assertion. First,

³⁰¹ Curran, *American Jesuit Spirituality*, 73. Tricia Pyne argues that Attwood's pamphlet suggests that the Jesuits were not as apolitical as historians have claimed. See Pyne, "The Maryland Catholic Community, 1690-1775: A Study in Culture, Region, and Church," (PhD Dissertation, The Catholic University of America, 1995), 205.

³⁰² Scholars have debated the influences on Attwood as he composed this pamphlet. For those who point to Robert Bellarmine, Thomas More, and Robert Persons, see Thomas O'Brien Hanley, *Their Rights and Liberties: The Beginnings of Religious and Political Freedom in Colonial Maryland* (Chicago: Loyola University Press, 1959) and Gerald P. Fogarty, "Property and Religious Liberty in Colonial Maryland Catholic Thought," *Catholic Historical Review* 72 (1986): 573-600. Tricia Pyne, "The Maryland Catholic Community," 209-218 argues that William Penn was most influential. I contend that local contexts were more important to Attwood than any of these thinkers.

³⁰³ Thomas O'Brien Hanley documents this strain of thought in Charles Carroll of Carrollton during the revolutionary crisis in the 1760s and 1770s. See Hanley, *Charles Carroll of Carrollton*, 16-18.

³⁰⁴ The treatise has missing sections, but was reprinted and edited as: A Lover of his Country [Peter Attwood], "Liberty and Property or the Beauty of Maryland Displayed," in John Gilmary Shea, ed., *United States Catholic Historical Magazine* 3 (1890): 237-261.

he reasoned that because Lord Baltimore “was known to be and professed himself a Roman Catholick, before, at and after the granting of his charter...it is supposed that the Crown designated that they who were to be the hereditary governors of Maryland should have ye free use of their Religion.”³⁰⁵ By virtue of the proprietors’ Catholic faith, it stood to reason that Catholics were of course not intended to be second-class citizens.

Attwood also pointed to the advertisements that Baltimore had printed in order to attract settlers to his colonial enterprise. He maintained that Baltimore “publishe[d] a declaration, throughout all England and other ye King’s dominions, that whosoever of his Majesty’s subject would go and settle in Maryland, should...there enjoy all Rights and Priviledges equally without distinction.” Just as important to his larger argument, he insisted that “it was upon this prevailing encouragement, that many Roman Catholics transported themselves and [their] families” to Maryland.³⁰⁶ Indeed, “liberty of conscience” was the very “reason behind the peopling of this province.”³⁰⁷ As the pamphlet continued, Attwood narrated the founding and first two generations of Maryland history as Catholics understood it. After covering the advertisements, he moved on to the first series of laws passed by the assembly. Those enticed by the lure of religious liberty “were no sooner settled [before] they began to consider how they should insure not only to themselves, but to their late posterity, that for which they had bid adieu to their beloved native soil, I mean the liberty in the enjoyment of each one’s Religion.”³⁰⁸ In this rendition of the colony’s history, the first series of laws (the Ordinance of 1639), along with the Toleration Act of 1649 served as more than mere

³⁰⁵ [Attwood], “Liberty and Property,” 238.

³⁰⁶ [Attwood], “Liberty and Property,” 238-239.

³⁰⁷ [Attwood], “Liberty and Property,” 242.

³⁰⁸ [Attwood], “Liberty and Property,” 239.

statutory or legislative action to be changed by later assemblies. Those laws, along with the charter, to Attwood and Catholics in Maryland, constituted not only the political but also the social and moral foundation for the colony's past, present, and future success. Indeed, in providing evidence for his claim that "Liberty of Conscience was what our first Adventurers had most at heart," the English Jesuit insisted that a "Law of Religion...appears to be the first Authentic Act of his infant Colony." The intention, Attwood reasoned, was to "perpetuate the same to after ages, and this they did after the most solemn and sacred manner, by enacting a fundamental and stable law to confirm and secure this Liberty unto all christians and that forever as the chiefest of their Priviledges, and ye most material branch of our Constitution."³⁰⁹

The colony, which enjoyed "the greatest peace, order and concord imaginable," owed its success to nothing more than its unprecedented religious freedom. "[F]rom ye first settlement of this Province, for above sixty years without ye least alteration," Attwood claimed, Catholics, Protestants, and Quakers engaged in commerce, industry, and agriculture.³¹⁰ He quoted another author, who, Attwood was quick to point out, was not "partial to ye Roman Catholics...or ignorant of the History of the Province" because, in fact, he "scarcely ever treats" Roman Catholics "with humanity" in his other writings.³¹¹ The priest relied on yet another non-Catholic authority, Robert Morden, to explain how religious liberty was responsible for the moral and economic success of the

³⁰⁹ [Attwood], "Liberty and Property," 240. Attwood repeated this claim in different language throughout the essay. For example, "The Law was not for a time only, but to continue forever, and consequently to be an unchangeable and essential condition of this Plantation." See [Attwood], "Liberty and Property," 241.

³¹⁰ [Attwood], "Liberty and Property," 242, 248.

³¹¹ [Attwood], "Liberty and Property," 240. The author was John Ogilby, a Scottish cartographer and translator. Attwood was at pains to prove his objectively so he selected the *Atlas Geographicus* and other similar titles, including Robert Morden's *Geography Rectified* (1700) and Herman Moll's *System of Geography* (1701). As demonstrated in later chapters, Catholics consistently appealed to Protestant and non-Catholic authorities to make their case.

province as well. Quoting Morden, he wrote that ““the impeopleling and trade of this Province...And that which keeps them together...is the Liberty of conscience which his Lordship in prudence allows to persons [who] profess Christianity, tho’ of different persuasions.”” Attwood, again quoting Morden, concluded that because of its religious freedom, ““every man [in Maryland] live[d] quietly and secretly with his neighbor neither molesting nor being molested for different judgment in Religion.””³¹² But the new series of laws emanating from the assembly risked losing these benefits because they stripped away the colony’s moral and civic foundations. Attwood warned that if enacted, these laws would “destroy our foundation, and reduce this flourishing Colony to ruin and confusion.”³¹³

Of course, Attwood was not interested in narrating the internal struggles between the Jesuits, Catholic gentry, and the proprietor, each of whom vied for control of the colony during the 1630s and 1640s. Also missing from this narrative were the Ingle Rebellion, the overthrow of the government by Puritan exiles from Virginia in the 1650s, when Catholics were barred from the most basic civil and religious rights, and the flurry of attempted coups by John Coode during the 1670s and 1680s. Instead, Attwood expressed his nostalgia for “those halcyon days, when neither his Lordship nor ye People were debarred” from their civil or religious rights. Attwood tried to convince his audience that “Under ye protection of this fundamental law, christians of all persuasions lived, intermixed, in ye Province, in Peace and good neighbourood.” Indeed, “for sixty years and upward; during which time all christians enjoyed not only ye free use of their religion, but an equal share, in all their Rights, Places and Privileges,” all Christians

³¹² [Attwood,] “Liberty and Property,” in Shea, *United States Catholic Historical Magazine* 3 (1890): 241.

³¹³ [Attwood,] “Liberty and Property,” 248.

prospered.³¹⁴ The laws that made this prosperity possible, Attwood maintained, were “religiously observed from ye first settlement of this Province, for above sixty years without ye least alteration.”³¹⁵ For the Catholic community, the first half-century of Maryland history was, in short, a golden age of religious harmony. Maryland was the “envy as well as admiration of her neighbouring Colonies,” until, of course, the Glorious Revolution put an end to the Baltimore’s “Maryland designe.”³¹⁶ According to Attwood, both Protestants and Catholics enjoyed “peace and plenty during the civil wars in England and amidst all [those] unhappy changes we alone were unchangeable and still the same until the revolution, when our unhappy country could not escape the common deluge.” 1689 marked an unmistakable end to religious liberty in Maryland, but also did damage to political cooperation, civic virtue, and social cohesion. “From this epoch we may date our changes, not only in Government,” Attwood mourned, “but in manners, love, and union, to and with each other; then it was prejudice and party” that dominated the political culture and “Religion which till then lay quiet and undisturbed, was discountenanced.”³¹⁷

The final section of the treatise posited that no one throughout the first sixty-five years of the colony’s existence even once advanced the notion that the penal laws in England applied to Maryland precisely because the charter and the “fundamental laws” passed by the colonial assembly superseded those statutes. According to Attwood, it was evident that when the colony was first founded and advertised for settlement, Baltimore made it clear that Catholics would enjoy the same religious freedom as Protestants. His

³¹⁴ [Attwood], “Liberty and Property,” 249-250.

³¹⁵ [Attwood], “Liberty and Property,” 243.

³¹⁶ [Attwood], “Liberty and Property,” 253.

³¹⁷ [Attwood], “Liberty and Property,” 254.

ads were “printed in and diffused thro’ all England” without meeting “any countermand, check or opposition from ye crown or government of England.” Even when the throne was usurped during the “days of Oliver Cromwell, who, altho’ he used his utmost endeavours to extirpate, both ye Church of England and Popery out of ye whole kingdom, did nevertheless permit both to enjoy their ancient privileges here in Maryland.”³¹⁸

Furthermore, Attwood contended that as recently as 1704, “Governor Seymore nor our Assembly were of opinion that ye penal laws of England extended hither.” His evidence for this claim lay in the fact that, if they had, the assembly would have attempted to pass laws in Maryland that were ostensibly already a part of Maryland law. Finally, he again insisted that the constitutional principle upon which the colony was founded and which therefore made it immutable, was inconsistent with the laws disenfranchising Catholics. He insisted that equal religious freedom “was made to be perpetual, [and] is an inherent birthright of each Marylandian.”³¹⁹ Although he never explained why the laws passed by one assembly were perpetual and those passed by another not, Attwood nevertheless concluded based on these premises that the “Penal Laws of England do not extend to Maryland, and that there neither is a law of Maryland, nor can be made, to debar any of ye use of their religion.”³²⁰

Attwood’s pamphlet provoked a response from Governor Hart, who gave a long speech to the assembly answering these historical and legal arguments.³²¹ It demonstrates the vastly different historical understandings that Protestants and Catholics had formed in the colony’s brief history. Even though Hart mentioned that he would “not now Entertain

³¹⁸ [Attwood], “Liberty and Property,” 243.

³¹⁹ [Attwood], “Liberty and Property,” 249.

³²⁰ [Attwood], “Liberty and Property,” 261.

³²¹ The legislative proceedings suggest that others felt compelled to respond to the Attwood argument as well. See *Maryland Archives*, 33:494-496.

you with an Historical relation of Obtaining the first Grant of this pvince,” by the end of his speech he had done precisely that.³²² The governor outlined the basic argument that Attwood and others had been making since the penal legislation began, but could not do so without mocking their ideas. “The Pretence of the Papists that Maryland was granted as an Asylum to them from the Rigour of the Penal Laws in England,” the governor informed the assembly, “is a Position of theirs which has long Amused the World.” Hart asserted that he was “the first [person] that has Discovered or at least maintained it was an Imposition, for they Cannot have a better right than what the Charter Admitts them to.” His conclusion was devastating to the Catholic interpretation of the charter. In Hart’s “Opinion there is so farr from a pvision being made therein that the Government should be in their hands in any Degree that there is not even an Exception made for the ffree Exercise of their Religion.”³²³ In short, Hart claimed that the charter contained no mention of religious freedom for Catholics. Regarding the clause which claimed “God’s Holy and truly Christian Religion” would be protected, Hart reasoned that, since King Charles was a good Protestant, and was responsible for enacting the charter, he “could not Intend this Provisoe in favour of any other Religion than that of which he was a zealous Professor.” Moreover, “to make this more Evident It is Expressly Stipulated in the Body of the Charter that all Churches Chappels and Oratories be dedicated and Consecrated according to the Ecclesiasticall Law of the Kingdom of England. This so well Explains itself, that It wants no Coment.”³²⁴

In contrast with Attwood’s interpretation of the colony’s history – which made it out to be the envy of the entire world from 1632 until 1689 – Hart turned this narrative on

³²² *Maryland Archives*, 33:480.

³²³ *Maryland Archives*, 33:483.

³²⁴ *Maryland Archives*, 33:484.

its head. The governor explained that it was an injustice that “Papists had more than an Equall Share with the Protestants in holding Judiciall and Ministeriall Offices.” Once William and Mary sat on the throne, “Maryland Continued happily Governed for 24 years,” until George I, “his present Sacred Majesty Condescended to restore the now Lord Propr^y” to the Calvert family, whereupon “the Papists Instantly laid in their Claim to be also restored to their former Pretended Privileges.”³²⁵ Hart then went on to explain that, in response to Catholic agitation for their rights, as well as a number of incidents which included the firing of the Great Guns of the Court House and the celebration of the Stuart Pretender’s birthday on June 10, 1717, he was advised to take precautionary measures in order “to Check and restrain their” machinations. Hart’s primary complaint was Charles Carroll’s trip to London to attain a commission, which, he assured the assembly, was “Expressly Contrary to the Laws of the Province.”³²⁶ He continued to focus on their feud and contended that Carroll and his associates provided the impetus for the anti-Catholic legislation.

Hart concluded his oratory by challenging Catholics to answer his case before asserting that if they could not, “lett their Silence be taken as an Acknowledgment that their Pretensions are groundless and their Exclamations most Unreasonable.”³²⁷ If all this was not enough, Hart summoned Carroll, Attwood, and other influential Catholics to defend themselves in front of the assembly by April 16, 1720. For reasons not entirely known, none of those summoned appeared to defend themselves or their writings. And so, at least for a moment, Catholics, for the first time in Maryland’s history, followed Cecilius Calvert’s advice by remaining “silent upon all occasions of discourse concerning

³²⁵ *Maryland Archives*, 33:480.

³²⁶ *Maryland Archives*, 33:480-481.

³²⁷ *Maryland Archives*, 33:485.

matters of Religion.”³²⁸ But by this time, it was too late. By defending the rights they believed were a “perpetual and inherent birthright of each Marylandian,” Attwood, Carroll, and others succeeded only in their removal.

Conclusions

On July 1, 1720, Charles Carroll died an embattled, beaten man. He tried to win back his religious and civil rights, but he, perhaps more than any other figure, ensured their demise. What he lost for his Catholic community in political rights, however, he may have made up for in historical memory. As Ronald Hoffman explains, Carroll may have contributed to the repeal of many Catholic freedoms, but he also created “a fierce tribal loyalty, and a tenacious memory” that towered over Catholic’s collective memory well into the nineteenth century.³²⁹ 110 years after his death, at the request of a friend in Europe, Carroll’s grandson penned an account of his grandfather’s life. There, one can see how well the conservative liberalism that underscored the Catholic interpretation of Maryland history was passed down from one generation to the next. In 1830, the younger Carroll explained that his grandfather “selected Maryland chiefly because toleration was by Royal Charter extended to it, and afterwards confirmed by Provincial Statute.” After commenting on his namesake’s changing the family crest to “Anywhere so long as there be freedom,” he lamented the “revolution in Maryland” which destined his grandfather

³²⁸ Cecilius Calvert, Lord Baltimore’s Instructions to Colonists, *The Calvert Papers* (Baltimore, Maryland: John Murphy & Company, 1889), 1:132.

³²⁹ Hoffman, “Marylando-Hibernus,” 235.

“to experience even in the asylum he had selected, the evils of that religious persecution from which he had so recently fled.”³³⁰

As the younger Carroll’s words suggest, the events that took place in seventeenth-century Maryland influenced how Catholics thought and wrote about religious freedom in America by providing them with a liberal tradition upon which to draw. Even though Attwood and Carroll romanticized the harmonious relationships between Protestants and Catholics and the motivations of the Catholic founders of the province, the myth became more important than the reality. The fiction of Catholic religious freedom provided Carroll, Attwood, and later generations of American Catholics like Carroll’s grandson with a golden age story that they used to form a tradition of Catholic dissent in early America. Their narratives contained none of the subtleties described in this chapter. Nor did they explain the thirty years it took for Catholic rights to unravel beginning in 1689, or that Carroll was chiefly culpable for undermining his coreligionists’ interests. Just as Protestant persecution of Carroll’s grandfather in Ireland informed how he acted and responded to the events around him, so too would the son and grandson act based on their family’s experiences.³³¹

³³⁰ Kate Mason Rowland, *The Life of Charles Carroll of Carrollton, 1737-1832: With His Correspondence and Public Papers* (New York: G.P. Putnam’s Sons, 1898), 1:8.

³³¹ For a fine account of this family tradition over these three generations, see Hoffman, *Princes of Ireland*.

CHAPTER 4: AGENCY AND RESISTANCE IN MID-EIGHTEENTH-CENTURY AMERICA

With Charles Carroll's death, the opening chapter of the American Catholic dissenting tradition came to a close. After a third wave of anti-Catholic legislation swept through the Maryland legislature between 1715 and 1718, the colony experienced few religiously motivated outbursts. For the next three decades, Catholics again adjusted to their new circumstances and continued to live relatively quiet, peaceable lives alongside their Protestant neighbors. Despite their disenfranchisement, even the Catholic gentry refrained from writing pamphlets at home or petitioning authorities abroad. Yet, they remembered the version of history that Peter Attwood had articulated so clearly in 1720. Indeed, they found new ways to bring attention to the injustices that afflicted their community while they instructed a new generation of Maryland Catholics in their dissenting tradition. But when another wave of anti-Catholicism crashed on the Maryland shores during the 1750s, they once again used their pens to remind authorities in Annapolis and London that Maryland law, properly understood, entitled them to equal civil and religious freedoms. Domestic and foreign events made that decade the most tumultuous period for Maryland Catholics in that colony's history. But the darkness that descended upon them was the dusk before the dawn. By the middle of the next decade, Americans had begun to turn their attention away from the Catholic menace and toward a Protestant tyrant, George III.

If, as I argue in this dissertation, historians have much to learn about early American religious freedom from Catholic experiences, it is critical to situate their

discourses of religious liberty within the larger story of American Catholicism. This chapter begins by surveying the historiography of what scholars have called the “penal era” from 1720 to 1776 in order to contextualize the behavior of Catholics during that time. From there it dives into the next phase of the American Catholic dissenting tradition by examining the rise of anti-Catholicism in the 1750s during the French and Indian War and the Catholic response to the new penal legislation that the war engendered. This section of the chapter argues that Catholics implemented old forms of dissent alongside new ones and that by the end of the war, they saw moderate success in limiting the draconian policies advanced by the Lower House of the Maryland Assembly. The final section of this chapter argues that the struggles Catholics faced during this period inspired another generation of American Catholics to actively defend their civil and religious freedom. Finally, it suggests that, by 1765, once Rome began to pay closer attention to the American mission in the wake of the Treaty of Paris, the Catholic dissenting tradition faced encroachments from both their church and their state.

The Penal Laws

As the previous chapter showed, although Maryland Catholics at times officially held more rights during the seventeenth and early eighteenth centuries than Catholics elsewhere in the British Empire, they rarely had the practical freedom to exercise those rights. Once most of their rights were rescinded, they found themselves in a comparable situation to Catholics in England, Ireland, and other American colonies. Indeed, they were at a considerable disadvantage compared to their coreligionists living just north in Pennsylvania. Before exploring Catholic discourses of religious liberty during the middle

of the eighteenth century, this chapter begins with a brief analysis of the competing interpretations of the treatment of Catholics under the penal laws, a subject of lasting historiographical debate.³³²

Historians have typically fallen into one of three interpretive camps when examining American Catholics' experiences in the mid-eighteenth-century. The first camp insists that Protestants viewed and treated Catholics as inferior members of the community on a regular basis. They argue that Catholics endured hardships imposed on them by others, including frequent attacks in newspapers, magazines, sermons, books, and classrooms.³³³ This interpretation has been advanced most convincingly by denominational historians Thomas Hughes, Peter Guilday, and Sister Mary Augustina Ray, all of whom wrote during the first half of the twentieth century.³³⁴ More recent monographs have largely accepted this view as well. The eminent historian of American Catholicism, John Tracy Ellis, for example, argues that a "long dark night of penal

³³² Eighteenth-century scholars have spilled considerable ink over the enforcement of these laws not only in Maryland but throughout Anglo-America. For a quick overview of laws in Ireland, see Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1690-1830* (Savage, Maryland: Barnes and Noble Books, 1992), 18-21. For further reading, see Maureen Wall, *The Penal Laws, 1691-1760: Irish History Series* (Dundalk, Ireland: Dundalgan Press, 1976); T. P. Power and Kevin Whelan, eds., *Endurance and Emergence: Catholics in Ireland in the Eighteenth Century* (Dublin: Irish Academic Press, 1990); S. J. Connolly, *Religion, Law, and Power: The Making of Protestant Ireland, 1660-1760* (New York: Oxford University Press, 1995); Karen J. Harvey, *The Bellevs of Mount Bellev: A Catholic Gentry Family in Eighteenth-Century Ireland* (Dublin: Four Courts Press, 1998); S. J. Connolly, *Priests and People in Pre-Famine Ireland, 1780-1845* (Dublin: Four Courts Press, 2001); Thomas Bartlett, *Ireland: A History* (New York: Cambridge University Press, 2010), 137-142. For laws in England, see R. W. Linker, "English Catholics in the Eighteenth Century: An Interpretation," *Church History* 35 (1966): 288-310; John Bossy, *The English Catholic Community, 1570-1850* (New York: Oxford University Press, 1976), 295; Edward Norman, *Roman Catholicism in England: From Elizabethan Settlement to the Second Vatican Council* (New York: Oxford University Press, 1985), 40; John Bossy, "English Catholics after 1688" in Ole Peter Grell, Jonathan I. Israel, and Nicholas Tyacke, eds., *From Persecution to Toleration: The Glorious Revolution and the Religion in England* (Oxford, UK: Clarendon Press, 1991), 370.

³³³ For an overview, see Howard R. Marrarow, "Rome and the Catholic Church in Eighteenth-Century American Magazines," *The Catholic Historical Review* 32 no. 2 (July 1946): 157-188.

³³⁴ Thomas Hughes, ed., *History of the Society of Jesus in North America: Colonial and Federal, Text* (London: Longmans, Green & Co., 1917); Peter Guilday, *The Life and Times of John Carroll, Archbishop of Baltimore (1735-1815)* (New York: Encyclopedia Press, 1922); Sister Mary Augustina Ray, *American Opinion of Roman Catholicism in the Eighteenth Century* (New York: Columbia University Press, 1936).

legislation...descended upon them [Catholics] during the eighteenth century.” Until the American Revolution, Ellis continues, Catholics “had been entirely excluded from public affairs.”³³⁵ He and others have maintained that the persecution of Maryland Catholics in the eighteenth century was as bad as or worse than that faced by any other denomination in colonial America.³³⁶

The second school of scholars argues that the sources these historians used distort the historical record because Catholics were rarely subjected to the full enforcement of the law. These scholars do not deny the existence of an anti-Catholic climate, but instead insist that Catholics found ways to overcome cultural and legal disabilities. One scholar forthrightly asserts that even during the most tumultuous periods in Maryland’s colonial history, “Catholics rarely, if ever, incurred the full rigor of the law.”³³⁷ Thomas O’Brien Hanley argues that Catholics in positions of authority consolidated their influence to help Catholics manage through difficult periods. He holds that the Catholic gentry allied with the Jesuits, which enabled Catholics to practice their faith by attending services in private homes – a move that allowed Catholicism to steadily grow during the penal era. Furthermore, argues Hanley, several Protestant gentlemen who were business associates or married into Catholic families shielded Maryland’s Catholic community from the full force of the Lower House’s proposed anti-Catholic laws. Rather than see their lands confiscated and their priests outlawed from the province, as happened in New York,

³³⁵ John Tracy Ellis, *American Catholicism* (Chicago, Illinois: University of Chicago Press, 1969), 33.

³³⁶ See, for example, Timothy W. Bosworth, “Anti-Catholicism as a Political Tool in Mid-Eighteenth Century Maryland,” *Catholic Historical Review* 61 (1975): 539-563; Raymond Kupe, ed., *American Catholic Preaching and Piety in the Time of John Carroll* (Lanham, Maryland: University Press of America, 1995). Both of these studies, however, insist that depressed tobacco prices, resentment of the proprietary government, and international politics contributed to the treatment of Catholics, thereby qualifying the influence of anti-Catholicism alone.

³³⁷ Bernard C. Steiner, “The Restoration of the Proprietary of Maryland and the Legislation against Roman Catholics during the Governorship of Captain John Hart (1704-1720),” *American Historical Association Annual Report* 1 (1899): 291.

Maryland Catholics continued to enjoy the fundamental freedoms necessary not only to survive, but grow.³³⁸

With the emphasis on social history in the 1960s and 1970s, historians of American Catholicism began approaching old questions from new angles. Jay Dolan, Tricia Pyne, and others, found an independent strain within Maryland Catholicism by looking at new sources which suggested that the dire circumstances Guilday, Ray, and Ellis documented overlooked the perseverance within the community. Dolan, among others, added a few wrinkles to Hanley's argument by insisting that the Jesuits stressed an inward, individualistic piety that embraced their position as religious outsiders during this period. Dolan asserts that because of the wealth that the Jesuits accumulated from the farm land they inherited during the colony's founding, Maryland clergymen did not have to burden their community with donations for their own survival. Their financial independence allowed them to attend to the needs of the Catholic faithful despite the laws on the statute books. He boldly concluded that "Catholicism did not just survive in eighteenth-century Maryland, it prospered."³³⁹

A third group of scholars has taken a position in between these two camps.

Drawing from Guilday and Ellis, they acknowledge the disabilities that Catholics faced in

³³⁸ Thomas O'Brien Hanley, "The Catholic and Anglican Gentry in Maryland Politics," *Historical Magazine of the Protestant Episcopal Church* 38 (June 1969): 143-151; Hanley, *The American Revolution and Religion* (Washington D.C.: The Catholic University of American Press, 1971); 174; Owen Stanwood, "Catholics, Protestants, and the Clash of Civilizations in Early America," in Chris Beneke and Christopher S. Grenada, eds., *The First Prejudice: Religious Tolerance and Intolerance in Early America* (Philadelphia: University of Pennsylvania Press, 2011), 234. For the colonies that did not house a significant number of Catholics but which nonetheless passed laws against them, see Sanford H. Cobb, *The Rise of Religious Liberty in America: A History* (New York: Cooper Square Publishers, Inc, 1968 [1902]), 108, 276, 420, 500.

³³⁹ Jay Dolan, *American Catholic Experience: A History of Colonial Times to the Present* (Notre Dame, Indiana: Notre Dame University Press, 1992), 90; William W. Warner, *At Peace with All Their Neighbors: Catholics and Catholicism in the National Capital, 1787-1860* (Washington, D.C.: Georgetown University Press, 1994), x; Tricia T. Pyne, "Ritual and Practice in the Maryland Catholic Community, 1634-1776," *U.S. Catholic Historian* 26 (2008):17-46; Maura Jane Farrelly, *Papist Patriots: The Making of an American Catholic Identity* (New York: Oxford University Press, 2012).

colonial Maryland, but they are quick to emphasize the importance of Hanely's and Dolan's work. Although there is no consensus view among them, these historians argue that the Maryland government sought to restrict Catholics' political agency and to place moderate barriers on their ability to acquire economic and social capital. Rather than persecute them into submission, the government wanted to isolate Catholics into political and cultural irrelevance. These historians argue that Catholics might not have experienced the revival that other denominations enjoyed during the Great Awakening of the 1740s, 1750s, and 1760s, but they certainly did not dwindle into insignificance. Instead, they used the religious leadership of the Jesuits and the economic power of their gentry to sustain their community as a whole. Finally, these scholars claim that in the countryside, where neither ecclesiastical nor financial resources were available to help Catholics, Protestants were often quite tolerant of their Catholic neighbors. This third camp of historians, in short, acknowledges the real disabilities that Catholics faced in under the penal laws and within a hostile culture, but tend to spotlight their ability to adapt to and overcome the challenges placed before them.³⁴⁰

Although Maryland was home to the majority of American Catholics during the eighteenth century, historians have also analyzed how they were treated elsewhere in America, especially because many of them considered emigrating from the colony to a

³⁴⁰ See Michael J. Graham, "Lord Baltimore's Pious Enterprise: Toleration and Community in Colonial Maryland, 1634-1724," (PhD Dissertation, University of Michigan, 1983); James Hennessey, "Roman Catholicism: The Maryland Tradition," *Thought* 51 (1976): 282-295; Gerald P. Forgarty, "Property and Religious Liberty in Colonial Maryland Catholic Thought," *Catholic Historical Review* 72 (1986): 584-600; Thomas W. Spalding, *The Premier See: A History of the Archdiocese of Baltimore, 1789-1989* (Baltimore: Johns Hopkins University Press, 1989), 5-6; Beatriz Betancourt Hardy, "Papists in a Protestant Age: The Catholic Gentry and Community in Colonial Maryland, 1689-1776," (PhD Dissertation, University of Maryland, 1993), 11-14; Ronald Hoffman, *Princes of Ireland, Planters of Maryland: A Carroll Saga, 1500-1782* (Chapel Hill, North Carolina: University of North Carolina Press, 2000), 268. Some of the monographs described in the second camp might have been placed in this school as well. The division was selected for conceptual purposes and should not be interpreted in absolutist terms.

more tolerant climate. The only other colony where Catholics lived in significant numbers was Pennsylvania. Scholars have varied on estimates, but by mid-century, most agree around 1500 Catholics resided there, the great majority of whom lived near the Maryland-Pennsylvania border or in Philadelphia.³⁴¹ Catholics enjoyed the free exercise of their religion in that colony, but after 1705, office-holders had to swear a series of oaths abjuring basic tenets of Catholic doctrine. In 1728, Lieutenant Governor Patrick Gordon delivered a message to the assembly asking them to pass a law restricting “Irish Papists” and other “Foreigners” from immigrating into the colony. Soon after, the representatives passed the proposed legislation on grounds that failure to do so would endanger the “Religious and Civil Rights of the People.”³⁴²

Even though the Pennsylvania assembly did not pass nearly as many anti-Catholic laws as did the Maryland legislature during the eighteenth century, it did enact a number of statutes that disqualified Catholics from naturalization. But, like in Maryland, for most Pennsylvania Catholics, life was relatively quiet except for the years during the French and Indian War. Outside of that window, Catholics engaged in commercial enterprise, attended public functions, and intermarried with Protestants. That tolerant atmosphere allowed Catholics in Pennsylvania to construct a number of churches in and around Philadelphia, Conewago, and Goshenhoppen between 1710 and 1757. Some churches, like the small chapel erected on Walnut Street in Philadelphia in 1733, even received donations from Protestants. Although he might have overstated his case, a young Jesuit

³⁴¹ Jay P. Dolan, *The American Catholic Experience: A History from Colonial Times to the Present* (Notre Dame: University of Notre Dame Press, 1992), 87, puts the figure at 6,000 by 1765. John Tracy Ellis, *Catholics in Colonial America* (Baltimore, Maryland: Helicon Press, 1965), 376, claims that by 1757 there were only 1365 Catholics in the colony.

³⁴² *The American Catholic Historical Researches* (hereafter *ACHR*) 18 (1901): 101. The author of this article notes that this is the only piece of anti-Catholic evidence he ever found in assembly’s minutes and emphasizes that the law was rarely enforced.

named Henry Neale summarized the tolerant climate in Pennsylvania when he visited the chapel in 1741. He joyfully reported to a friend that Catholics “have at present all liberty imaginable” and were “not only esteemed, but revered, as I may say, by the better sort of people” in Philadelphia.³⁴³

Despite Neale’s encouraging report, even in tolerant Pennsylvania eighteenth-century American Catholics did not enjoy equal protections, freedoms, or rights under the law. Although the “better sort of people” publicly showed Catholics respect by the 1740s, many of that same “sort” contemporaneously passed legislation curtailing their liberties and infringing on their rights. As many scholars have noted, this usually occurred only when events in other parts of the British Empire provoked action in local assemblies in order to protect themselves against perceived threats.³⁴⁴ The Jacobite Rebellion of 1745 and the French and Indian War offer the best examples. But Neale’s statement was not entirely off the mark. From 1720 to 1750 most Catholics in America (because they lived in Maryland and Pennsylvania) enjoyed their liberty of conscience and suffered few economic disabilities. Although they were essentially shut-out from politics, Catholics retained robust economic and social opportunities. Rather than persecute Catholics, the Maryland Assembly merely sought to remove them from political and cultural influence.³⁴⁵ That is one of the reasons why Catholics such as Richard Bennett, Thomas Brooke, Charles Carroll of Annapolis, Henry Darnall, Ignatius Digges, Clement Hill, Henry Rozer, and Basil Waring were able to financially thrive during these decades. Denied their political rights, Catholics turned their attention toward commercial and

³⁴³ Hardy, “Papists in a Protestant Age,” 12; Ellis, *Catholics in Colonial America*, 374. The laws against naturalization in Pennsylvania were passed in 1708, 1729, 1730, 1734, 1737, and 1742. See *ACHR* 27 (1900): 137-138.

³⁴⁴ Bosworth, “Anti-Catholicism as a Political Tool in Mid-Eighteenth Century Maryland,” 544.

³⁴⁵ Graham, “Lord Baltimore’s Pious Enterprise,” 340.

business ventures. As one scholar has argued, unlike the gentry in Ireland and England, Catholics in America, by comparison, “emerged from the era of the penal laws in good shape.”³⁴⁶ Most important, the reason why they were able to emerge from the penal period in a position to assert and later gain their economic, political, and religious freedom is that they took calculated measures to do so. Rather than continue to nuance the historiographical debate about how well or poorly Catholics fared during this period, this chapter seeks to explore the ways in which they continued to defend and demand their rights.

The Calm before the Storm

Maryland Catholic activism, which rushed like a raging river in the second decade of the eighteenth century, slowed to a trickle after Charles Carroll died in 1720. For the next several decades there were few traces of active political dissent of the kind that Carroll, Bennett, and Attwood conducted during the first twenty years of the century. The Maryland archives, which are filled with proceedings explaining Catholic involvement in the political process up until that time, provide few examples of lay or clerical participation in politics until around 1750. There are several reasons for this shift. First, and most obvious, Catholics were recently removed from formal participation in the political culture. Second, while structural limits to Catholic participation remained in place, interconfessional tensions seemed to ease in the period, providing less incentive for Catholics to challenge those limits explicitly. After John Hart left the colony, the new governor, Charles Calvert (1688-1734), harbored Catholic sympathies. By all accounts, Calvert, a cousin to Lord Baltimore, sincerely wanted to promote good will between

³⁴⁶ Hardy, “Papists in a Protestant Age,” 31.

those of different faiths in the colony. Upon his arrival, in 1721, Calvert carried with him a letter from Baltimore stating his desire “to Bury those seeds of Rancour and Jealousie” between those of the mother church and those “Dissenting from our Blessed Establishmt both in Church and State.” In the next legislative session, the Maryland Assembly declared its intention to encourage “Peace & Tranquility in this Province” by, among other measures, “Readily Indulg[ing] our Dissenting Brethren in Church and State.”³⁴⁷ Finally, there were no major international wars to exacerbate tensions between Catholics and Protestants until the 1745 Jacobite Rebellion. Without events from abroad engendering fears of another “popish plot,” few colonists felt compelled to fan the flames of anti-Catholicism, and, consequently, Catholics tended not to challenge the status quo.

Noting these changes, several scholars have insisted that “peaceful cooperation in virtually all areas of life characterized Catholic-Protestant relations from 1720 until the 1740s.”³⁴⁸ However, even though relations improved, Catholics continued to voice their dissent in new ways. Rather than compose pamphlets and petitions that highlighted their supposed ecumenical experience in the seventeenth century, they engaged in a more passive form of resistance. Hesitant to challenge the boundaries of religious freedom in the province, Catholics obsequiously highlighted their loyalty to both local and foreign governments while reminding colonial officials of the colony’s historical foundations.³⁴⁹

One example of this new form of political dissent is evident in a letter from 1732 that was occasioned by the appointment of Benedict Calvert as governor. Although letter-

³⁴⁷ William Hand Browne *et al.*, eds., *Archives of the Maryland Legislature, 1635-1789* (hereafter *Maryland Archives*) 72 vols. (Baltimore, 1883-1972), 34:4, 55. See Hardy, “Papists in a Protestant Age,” 177.

³⁴⁸ Hardy, “Papists in a Protestant Age,” 175. Other historians have agreed. See Dolan, *American Catholic Experience*, 85; Farrelly, *Papist Patriots*, 191.

³⁴⁹ Farrelly, *Papist Patriots*, 208. Writing these kinds of letters and petitions, as one authority has noted, “reaffirmed loyalty to the government in the very act of complaining.” Richard Bushman, *King and People in Provincial Massachusetts* (Chapel Hill: University of North Carolina Press, 1992), 47.

writers in the eighteenth century tended to exaggerate their gratitude for Maryland's generousities, given the context, one cannot help but conclude that the authors wrote in a hopeful, but sardonic tone.³⁵⁰ In a line that must have caught the proprietor off-guard, the Catholic authors of the letter made direct reference to Baltimore's great grandfather's policies and compared them to his own. They emphasized the "affection your illustrious ancestors cherished [in] this young colony so 'tis the utmost pleasure and satisfaction to us to see your Ldp [Lordship] tread so closely in their Glorious footsteps." The letter concluded by reminding Baltimore that Catholics had been remarkably loyal to both "your Ldp and your most noble ancestors."³⁵¹ Upon the proprietor's arrival, the Catholics penned another letter, this one too, celebrating Baltimore's magnanimity toward his loyal subjects. They assured Baltimore of their "constant Allegiance to His Most Sacred Maty, Our Dutiful Regard for His Royal Family and our obedience to your Ldps favourable Government." It once again compared his tenure to that of his ancestors by candidly asserting that the Catholics of Maryland "have undoubted reason to conclude" that "your L'dship's character will be no less conspicuous for carrying on what they [his ancestors] so nobly and wisely began."³⁵²

This kind of subtle dissent continued into the 1740s, which was one of the calmest decades during the eighteenth century for Catholics in Maryland. Even though the Jacobite uprising in England and Scotland in 1745 momentarily provoked fears of a Catholic resurgence, the Maryland Assembly reacted without the impulsivity which previously characterized that body. From 1745 to 1747 the *Maryland Gazette*, for its part,

³⁵⁰ For letter-writing in the eighteenth century, see Clare Bryant, *Eighteenth-Century Letters and British Culture* (New York: Palgrave Macmillan, 2006).

³⁵¹ Maryland Catholics in Penal Days, in John Gilmary Shea, ed., *United States Catholic Historical Magazine* 3 (1890), 212.

³⁵² Maryland Catholics in Penal Days, 213.

did what it could to provoke fears within the colony by publishing a number of articles warning Protestants about the dangers of popery. In a letter composed in 1747 by “Z. L.,” for example, the author claimed to be a Catholic whose conscience compelled him to confess that his priest swore the congregation into secrecy about a “Catholic Conspiracy” to establish the authority of the pope in the province. The author surmised that the “Catholick Cause... may Prove fatal to this Province” if left unchecked and begged the Maryland Assembly to take active measures against it “till the Storm be over.”³⁵³ But because no Catholics, as they did in 1715, fired canons commemorating the Stuart Pretender’s birthday or departed for London to challenge the governor’s authority, the assembly ignored Z. L.’s admonition.

This more responsible behavior on the part of Catholics had the intended consequence of not giving the Maryland Assembly reason to enact new laws restricting Catholic freedoms. During the 1740s, several Jesuits believed that relations between denominations were stable enough to publicly challenge a number of Anglican clergymen to theological debates without sparking any anti-Catholic backlash. Citing this example and other evidence, Beatriz Betancourt Hardy has concluded that “On the whole... Catholics experienced very mild treatment during the 1740s.” She notes that laymen, gentry, and Jesuits alike all mingled with Protestants without much altercation. Most Catholics during that decade, she concludes, “simply lived quietly, with many enjoying friendships, intermarriage, and business partnerships with Protestants.”³⁵⁴

So harmonious was this interlude from the 1720s to 1750 that, just as Catholics living in the wake of the Glorious Revolution insisted that the seventeenth century was a

³⁵³ *Maryland Archives*, 46:13. For anti-Catholicism in colonial Maryland during this period, see Bosworth, “Anti-Catholicism as a Political Tool in Mid-Eighteenth Century Maryland,” 539-563.

³⁵⁴ Hardy, “Papists in a Protestant Age,” 247-51.

golden age of religious harmony, so too, did Catholics after 1750 describe these three decades in romantic terms. The authors of a collective Roman Catholic petition written during the French and Indian War, for example, recalled that “from the year 1717 or 1718 to the year 1751 We were undisturbed and tho’ Deprived of our Rights & Priviledges enjoyed peace and Quiet.” The petition, like many others, was addressed to both local and foreign authorities and asked for the repeal of a tax against Catholics. Catholics delivered several similar petitions with almost identical wording to authorities in London and in the assembly. One explained that Catholics were “undisturb’d...tho’ depriv’d of our Rights and Priviledges” during those decades.³⁵⁵ Another petition, this one from 1756, recalled the “happy period” when “persons, though of different persuasions, universally agree[d] among themselves, all mutually concurred in aiming at the improvement of their country.”³⁵⁶ Charles Carroll of Annapolis, writing to his son during the summer of 1760, reinforced this historical construction. At one point in his letter, Carroll the elder claimed that from the time young Charley’s grandfather died in 1720 “to the year 1751 we were unmolested” in the province.³⁵⁷

New Challenges to Old Freedoms

³⁵⁵ Petition of the Sundry Roman Catholics of against the Imposition upon them of a Double Tax, in *Maryland Historical Magazine* 5 no. 1, (1910): 57; Petition to Lord Baltimore and Governor Sharpe, #5S1, Maryland Provincial Archives, Georgetown University Special Collections; Hardy, “Papists in a Protestant Age,” 253.

³⁵⁶ George Hunter, A Short Account of the state and condition of the Roman Catholics in the Province of Maryland, [1756], in *Woodstock Letters: A Record of Current Events and Historical Notes Connected with the Collegy and Missions of the Society of Jesus*, 98 vols. (1872-1969), 10:16.

³⁵⁷ Charles Carroll of Annapolis (hereafter CCA) to Charles Carroll of Carrollton (hereafter CCC), July 14, 1760, in Ronald Hoffman, Sally D. Mason, and Eleanor S. Darcy, eds., *Dear Papa, Dear Charley: The Peregrinations of a Revolutionary Aristocrat, as Told by Charles Carroll of Carrollton and His Father, Charles Carroll of Annapolis, with Sundry Observations on Bastardy, Child-Rearing, Romance, Matrimony, Commerce, Tobacco, Slavery, and the Politics of Revolutionary America*, 3 vols. (hereafter *CCC Papers*) (Chapel Hill: University of North Carolina Press, 2001), 1:169. For more examples of this kind, see George Hunter, *The Case of the Roman Catholics in Maryland* (1759), Hunter Collection, box 3, folder 10, Catholic Historical Manuscripts Collection, Special Collections, Georgetown University.

Carroll's end date was accurate. In 1751 the "peace and Quiet" came to a halt. Once again, his family was at the center of the disturbance even though they were not the main cause of the backlash. The issue began as a family conflict over finances. Dr. Charles Carroll, who was likely the cousin of Charles Carroll the Settler, migrated to Maryland from Ireland in 1715 because he was barred from practicing medicine under the penal laws in his home country. After converting to Anglicanism in 1738, Dr. Carroll was elected to the Maryland Assembly and served there for the next two decades. He interacted peaceably with his Catholic relatives and friends until 1751, when Charles Carroll of Annapolis accused him of embezzling money away from a relative, James Carroll, whose finances both he and Dr. Carroll were dually appointed to oversee.³⁵⁸ Guilty as charged, the doctor attempted to escape from the legal consequences of his actions by appealing to the latent anti-Catholic sentiment in the colony. He accused his kinsmen of conspiring to overturn the Maryland government and of spreading propaganda about representatives in the assembly, both of which were violations of Maryland law. To avoid legal sanctions, Dr. Carroll began a relentless assault on Catholic civil, economic, and religious rights that lasted until his death in 1755, by which time the Seven Years War was exacerbating anti-Catholic anxieties throughout the Anglo-American world. Consistent with general trends in colonial Maryland, transatlantic events combined with domestic disturbances to once again challenge Catholics' remaining civil and religious rights.³⁵⁹

³⁵⁸ Kerby Miller, et al., eds., *Irish Immigrants in the Land of Canaan: Letters and memoirs from Colonial and Revolutionary America, 1675-1815* (New York: Oxford University Press, 2003), 453. See *Maryland Archives*, 426:193-194 for biographical information on Dr. Carroll.

³⁵⁹ See Hardy, "Papists in a Protestant Age," 254-265 for further details of the Dr. Carroll episode.

That war produced the most intense anti-Catholic rhetoric of the eighteenth century. Nathan Hatch has argued that during the French and Indian War, Americans interpreted the cause and the outcome in millennial terms, positing that Protestant Christianity was engaged in a cosmic conflict with the forces of darkness. “The civil and religious liberty of British Protestants,” Hatch affirms, “became the divine standard against the antichristian foe of French popery.”³⁶⁰ Protestants believed Catholics were part of a conspiracy headed by the Pope and implemented by rulers of Catholic countries like France in an effort to enslave the world to an unthinking Catholic dogma. If Catholics were left unabated, their reasoning went, all of the civil and religious liberties Protestant Englishmen cherished most would be usurped by the “scarlet whore of Rome.” These kinds of tropes pervaded newspapers, pamphlets, diaries, and books written between 1753 and 1759. Many commentators blamed General Braddock’s infamous defeat on a “popish conspiracy” emanating from Rome.³⁶¹ On several occasions, newspapers provoked anxieties within the colony. One newspaper article declared that “POPERY is a great friend of ARBITRARY GOVERNMENT,” which was the political manifestation of a “PERSECUTING, BLOOD-SHEDDING Religion.” Accordingly, Catholics were not only “daring, insolent enemies of our Religion,” but also of “our Government, of all that is dear and valuable to us as Protestants, as Men, as Free born BRITONS.”³⁶² The war therefore rekindled the flames of anti-Catholicism after three

³⁶⁰ Nathan O. Hatch, *The Sacred Cause of Liberty: Republican Thought and the Millennium in Revolutionary New England* (New Haven, Connecticut: Yale University Press, 1977), 47. Other scholars have added to Hatch’s argument, which was limited to New England. See Ruth Bloch, *Visionary Republic: Millennial Themes in American Thought, 1756-1800* (New York: Cambridge University Press, 1985), 46; Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010), 9.

³⁶¹ Augustina Ray, *American Opinion of Roman Catholicism in the Eighteenth Century*, 231.

³⁶² *Maryland Gazette*, October 10, 1754.

relatively quiet decades. By 1754, the Lower House of the assembly was almost uniformly anti-Catholic in their voting patterns.³⁶³

The Lower House introduced a number of additional penal laws in response to increased tensions. These statutes confiscated the land of Catholic clergymen, raised taxes on Catholics, and restricted them from serving in the colonial army.³⁶⁴ Due to political differences largely unrelated to Catholic-Protestant divisions, however, the Upper House refused to pass any of these bills onto Governor Sharpe. Throughout the war, Maryland's legislature was conflicted by opposing interests that dominated the separate houses. The Senate tried to protect Maryland Catholics because they were an important part of the "Proprietary Party" that saw risks in penalizing wealthy Catholics like the Carrolls, Bennetts, Darnalls, Digges, Hills and Whartons. The Lower House meanwhile answered to the "Country Party" and sought to capitalize on the anti-Catholic sentiment within that constituency.³⁶⁵ For the first time in more than thirty years, Catholics once again found themselves on the verge of losing even more of their civil and religious rights. Although their protests had been largely passive during the previous three decades, by 1755, leaders within the Catholic community like the Jesuit George Hunter, alongside Carroll, Darnall, and Hill, decided to take active measures to protect their property and what was left of their religious freedom.

The Catholic dissenting tradition, then, took on passive form between 1720 and 1750, but, with the threat of further losses of liberty, Catholics reverted to the strategies that Charles Carroll the Settler and Peter Attwood had used a generation earlier. Catholics

³⁶³ For that development, see Bosworth, "Anti-Catholicism as a Political Tool in Mid-Eighteenth Century Maryland," 539-563.

³⁶⁴ *Maryland Archives*, 50:514-519, 548, 618.

³⁶⁵ Thomas O'Brien Hanley, *Charles Carroll of Carrollton: The Making of a Revolutionary Gentleman* (Washington: Catholic University of America Press, 1970), 37-38.

responded with a flood of petitions, pamphlets, and letters addressed to Lord Baltimore, the governor, and the Upper House of the assembly between 1755 and 1759. Even though the Lower House passed bills that attacked different elements of Catholic life – such as education, taxation, and religious worship – Catholics responded in a strikingly uniform manner. They consistently couched their letters in patriotic terms that highlighted their loyalty to Maryland and to England while simultaneously reminding their audience of the ecumenical basis upon which the colony was founded. This strategy worked against the anti-Catholic legislation in most cases, but Maryland Catholics would not escape from the war unscathed.

The only anti-Catholic bill that received support in the Senate or from the governor arrived just as French and Indian forces began to exert their pressure on the frontier. Referred to as the “double-tax” by contemporaries and historians alike, the law essentially mandated that Catholics paid twice as much on certain property taxes as everyone else. The tax did not amount to much – Charles Carroll was forced to pay only forty pounds each year on his more than 40,000 acres – but, as did the Stamp Act just nine years later, the tax became a symbol of arbitrary and tyrannical government.³⁶⁶ Likewise, just as Bostonians would later flood the colonial press with remonstrances against British authority, Catholics responded with a medley of pamphlets, petitions, and letters of their own.³⁶⁷

³⁶⁶ Hoffman, *Princes of Ireland*, 274.

³⁶⁷ See Edmund S. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill: University of North Carolina Press, 1953); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967), 99-102; Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill, North Carolina: University of North Carolina Press, 1969), 38-39.

One such petition addressed to Lord Baltimore, for example, asked the proprietor to protect the Roman Catholics as the double-tax was being debated in the assembly. It began by reminding Baltimore that their ancestors had “put themselves under the Protection of Sr Calvert Your Lordship’s Great Grandfather.” True to the conservative liberalism in which they were raised, the petitioners insisted that their great-grandfathers left “their Native Land [and] accompanied him [Cecilius Calvert] to Maryland.” According to the authors, the original settlers stated purpose was “Settlement for themselves and their Posterity as might secure them at Once the Free Exercise, Without any Penal Laws, of that Religion to which they were Taught.” Upon arrival, the petition continued, “Roman Catholics were at first Admitted to an Equal participation with All other Subjects in All Rights and Privileges.” It was “a known fact,” they erroneously insisted, that Catholics “were *for above a hundred Years after the Settling this Colony* Admitted to Officers of Magistracy and to places and preferments.”³⁶⁸ Another petition reasoned that their ancestors who migrated to the colony during the previous century “little dreamed that we should be troubled on the score of religion” on grounds that their grandparents “did not cross the Ocean [to] encounter all the difficulties they underwent for a Temporary enjoyment of Liberty of Conscience to themselves only.”³⁶⁹

Joseph Beadnall, a Jesuit who lived in Talbot County, also sent a petition to Lord Baltimore. Indicative of the anti-Catholic climate taking over the colony, the Assembly had accused Beadnall of attempting to proselytize a Quaker and of saying Mass –which they called a “crime,” even though proselytizing was in fact entirely legal in the province – in September of 1756. The Jesuit preacher asked Baltimore to order his attorney general

³⁶⁸ *ACHR* 4 (1908): 258-259.

³⁶⁹ Quoted in Hardy “Papists in a Protestant Age,” 293.

to drop the case, and in doing so, outlined the history of the colony to bolster his argument. Beadnall began his letter by reminding Baltimore that “many Roman Catholick Familys rel[ied] on the Faith of a Royal Charter that had been granted to a Lord Proprietor then of that persuasion, [and who] were induced to remove from their Native Countries of England and Ireland to Maryland.” This first generation of Catholics, Beadnall claimed, made the journey “in hopes they might live there free from Prosecutions on Account of their Religion.” Beadnall then summarized the legislative history of the colony as many Catholics understood it.

[A]s a further assurance to them... An Act of Assembly was passed in the s[ai]d Province in 1640, Entitled an Act for Church Libertys, Whereby it was Enacted that no person whatsoever within that Province, professing to believe in Jesus Christ shod. from thence forth be any ways troubled, molested or Discountenanced for or in respect of his Religion, nor in the free Exercise thereof... And which Law was Re-enacted in 1650, and Confirmed by a Subsequent Law passed in 1676.

The letter highlighted the loyalty that Catholics in Maryland had shown toward their government. Beadnall noted that a recent investigation ordered by Maryland officials that was intended to uncover disorderly behavior by either “Papists or Negroes” produced negative returns from every county in the province.

The Jesuit priest concluded by warning Baltimore of the consequences that sustained persecution of Catholics would have on his own interests. He predicted that “your Lordships intentions to forbid the Exercise of the Roman Catholick Religion in Private Familys” would, if pursued, “tend to Depopulate that Profitable Colony.” His reasoning was sound. Beadnall pointed to the fact that “at this present time the Romish Religion is not only tolerated in the Neighbouring Province of Pensilvania but the Quakers there have contributed to ye building a Chapell in the very Capital of that Province (Philadelphia) for the Roman Catholicks where they perform worship publickly.” The toleration afforded by the Pennsylvania government “encouraged Several

of that persuasion to Settle there, and must in time (if the present Spirit of persecution is not discountenanced in Maryland) invite those of that Communion, now inhabiting in the later province to remove to ye Former; as in fact, Some have already done, and others have it in contemplation to do.”³⁷⁰

One of those Catholics considering leaving the colony was Charles Carroll of Annapolis, the wealthiest man in the province. Carroll was of course more sensitive to the penalties under which Catholics in Maryland suffered because of his family background. Declension was the organizing theme in his understanding of Maryland history, which helped guide his generally pessimistic view of how Catholics would be treated in the future. As a consequence, he began to make arrangements to leave Maryland for a more hospitable religious, economic, and political climate. When he began considering a move is uncertain, but the double-tax provided him with enough incentive to pursue such a venture. Prior to the tax, he had already helped write a number of petitions to the governor, Lord Baltimore, and to the Maryland Senate on behalf of his coreligionists’ civil and religious liberties.³⁷¹ The first, composed some time in 1754 or 1755, was a personal letter addressed to the governor in response to the Lower House’s renewed anti-Catholic agenda. Like Beadnall, Carroll opened with a brief history of the colony. “[A] very great Number of Gentlemen of good and antient Families and other Roman Catholicks of the Kingdoms of England and Ireland” the letter began, were “encouraged by the Faith of a Royal Charter, granted unto Caecilius Lord Baltimore a Roman Catholic, [before] an Act of Assembly of this Province [gave] not only a Liberty of

³⁷⁰ *ACHR* 4 (1908): 259-261.

³⁷¹ For other petitions not discussed here, see *ACHR* 4 (1908): 263-264. The petition is undated, but the signatories suggest that it was composed during the 1750s. They included Edward Neale, Francis Hall, W. Digges, H. Rozer, Basil Waring, Daniel Carroll, Clement Hill, Ignatius Digges, Henry Darnall, P. Mannor, Phillip Darnall, Henry Brooke, and Charles Carroll.

Conscience, but likewise all other Benefits, and Privileges whatsoever to all persons professing the Christian Religion.” Those who abandoned “their Native Countries” did so “hoping and confiding that by such a Sacrifice they should procure to themselves and their Descendants, all the religious and Civil Rights they were deprived of in his Majesty’s Dominions in Europe.” Carroll lamented that “though their Hopes and Expectations were well founded... several Laws have been passed here on groundless Suggestions, depriving them both of their religious, and Civil Rights.” As usual, the letter closed by extolling the virtues of the Catholic population in Maryland despite the disabilities they regularly encountered. Carroll claimed that after living as an adult in Maryland for “upwards of Thirty Years” he had never once heard or seen a Catholic give “any just Ground of Complaint to the Government, or any one in it, but on the contrary have always behaved with such Decency and Regard of the Laws of the Land as any People of any religious Society whatsoever.”³⁷²

In the wake of the double-tax in 1756, Carroll, Hill, Digges, and other Catholic gentlemen signed a petition composed by Father George Hunter. The treatise likely followed Hunter across the Atlantic since he departed for London shortly after he submitted it to local officials. For the next year he tried to create awareness for the Catholic cause by pleading his case to those with connections to the royal court and in parliament. Three solicitors who accompanied Hunter helped him make a legal case to supplement his historical and moral reasoning.³⁷³ The solicitors carried copies of the Maryland charter, the Ordinance of 1639, the Toleration Act of 1649, and other

³⁷² *ACHR* 4 (1908): 261-262.

³⁷³ The solicitors were Joshua Sharpe, the governor’s brother; Richard Fitzgerald, an Irish-Catholic who converted to Protestantism but nevertheless remained sympathetic to the cause; and a Mr. Booth, of whom not much is known. See Hardy, “Papists in a Protestant Age,” 296.

legislative documents which suggested that Catholics were being denied the liberties they rightfully possessed under Maryland law. Once they arrived, Hunter made an appointment with the notoriously disengaged proprietor, Frederick Calvert, who rarely attended to his colony, preferring instead to tour the European landscape. Pleading his case with the charter that Frederick Calvert's great, great, grandfather helped compose in his hand, Hunter and his solicitors chronicled the slow erosion of Catholic liberties in the province.³⁷⁴

“The fundamental Law of the Country as to Religious Worship,” Hunter's petition began, “allows free exercise of Religion to all professing to believe in Jesus Christ, and even imposes penalties on such as shall molest any one on account of his religion.” Subsequent laws that reinforced Catholics' religious freedom were “enacted Anno 1640...reenacted Anno 1650, and confirmed Anno 1656,” after the Puritan rebels had been removed from power. Hunter noted that the oath the second Lord Baltimore instituted for his governors in 1648 also “insure[d] the Roman Catholics the full enjoyment” of their religious freedom. “Add[ed] to all these,” the document continued, was “the Lord Proprietor's solemn promise never to...repeal...the above fundamental law.”³⁷⁵ Predictably, the plea went on to remind Baltimore that “contrary to the solemn promises made to their ancestors, which induced them to quit their native soil in order to” enjoy “the free exercise of their religion,” Catholics in Maryland were presently “deprived of many means of advancing their fortunes.”³⁷⁶

³⁷⁴ For the family lineage, see Edward C. Papenfuse, *A Biographical Dictionary of the Maryland Legislature, 1635-1789* (Baltimore, Maryland: Johns Hopkins University Press, 1979), 1:186-191.

³⁷⁵ Hunter, *A Short Account*, 11.

³⁷⁶ Hunter, *A Short Account*, 15-16.

Hunter articulated historical, moral, and even economic arguments in advancing his case that discrimination against Catholics was not only unjust but unwise. “The consequence of these troubles,” Hunter predicted, “are that they create so great uneasiness and disgust in the Roman Catholics as to have already compelled some to leave that country to the great prejudice of that Province.”³⁷⁷ In his concluding paragraph, Hunter reminded the proprietor one final time that his coreligionists “contributed chiefly to the first settling” of the colony and helped bring it “to that flourishing condition in which we now behold it under your Lordship’s wise government.”³⁷⁸ Hunter stayed in England for more than a year with the hope of compelling others to voice their concern about what was happening to loyal English subjects in America. Even though he departed with orders from Baltimore that instructed the local government “not to molest the Catholics for the future,” he failed to win a repeal of the dreaded double-tax.³⁷⁹

These petitions, which essentially made the same dissenting arguments, seem to have had at least some effect in persuading influential officials against further penal laws. Governor Sharpe, for example, who defended Catholics by making economic arguments against penal legislation in the first years of the war, eventually began using historical arguments the same end. In 1758, the Lower House proposed yet another tax that penalized Catholics to fund the war. In a lengthy letter to Lord Baltimore, Sharpe stated his opposition to the bill, insisting that Catholics already lived under “extraordinary Burthens” since the double-tax had been passed. Perhaps swayed by the flood of petitions he had received since 1755, Sharpe reminded Baltimore that although “It might perhaps be unknown” to most colonists, “the People who first settled in this Province were for the

³⁷⁷ Hunter, *A Short Account*, 13.

³⁷⁸ Hunter, *A Short Account*, 21.

³⁷⁹ Hoffman, *Princes of Ireland*, 277.

most part Roman Catholics” and, moreover, “every other Sect was tolerated” until “An Act was made here for the Support of a Clergyman of the Church of England.”³⁸⁰ Sharpe briefly narrated the history of the colony, documenting the downfall of Catholic religious freedom in the process. Although Sharpe’s letter did not read like Beadnall’s, Carroll’s, or Hunter’s jeremiads, it appears that by 1758 he largely accepted the premise behind their interpretation of Maryland history.

There is evidence that Catholic petitions might have influenced other officials as well. During the same legislative session, members of the assembly affirmed that they “can’t agree...in Conscience, Justice or good Policy” to the proposed law because they were now convinced that “such a Measure must effectually banish” Catholics from the province. Elaborating further, they reasoned that because “the first Settlement of this Province was made by the Roman Catholics who had been driven from their native Country by the Severity of it's Laws,” Catholics might again leave if conditions worsened. According to some of the legislators, Catholics only stayed in Maryland in the years after the founding because “an Act for an unlimited Toleration of all Christians passed in the Year 1640.” Furthermore, “had a Spirit of Intolerance prevailed among the first Colonists the Progress in settling this Part of his Majestys Dominions...probably [would have] been retarded.” Considering “the Services those People [Catholics] have done in extending the Dominions of the Crown and settling this Country, after they have been promised and allowed an Asylum here,” the assembly concluded that further penal legislation “must have the Effect of banishing them” from the province altogether.³⁸¹

³⁸⁰ *Maryland Archives*, 9:315.

³⁸¹ *Maryland Archives*, 55:485.

Having parroted back the rationales upon which Catholics framed their case, it stands to reason that at least some of the delegates were persuaded by the Catholic arguments.

Over the next three years, the British turned the tide in the war, which essentially ended the French threat, the rabid anti-Catholicism that accompanied it, and the justification for more penal laws. The Catholic petitions therefore stemmed the tide, but without the termination of the war, the threat of further penal measures almost certainly would have continued to haunt the Catholic community. By 1760, returns showed that the original double-tax only raised £27,000 of the £40,000 that were needed to fund the war effort. A group of legislators wrote a proposal to reenact the tax, which met resistance in the Upper House as well as from abroad. The attorney general of England, for example, firmly opposed the tax on grounds that suggest he might have been influenced by the Catholic petitions. He insisted that “assembles in the Colonies are regulated by their respective Charters.” Because the Maryland charter was premised on religious freedom, and the double tax was inconsistent with that ideal, he concluded that the tax “tends to Subvert the very foundations of the Maryland Constitution.”³⁸² With support from domestic and foreign officials, then, Maryland Catholics stymied the anti-Catholic agenda that dominated the Lower House of the legislature.

In their effort to cope with the hostile culture around them, Catholics did more than petition the formal branches of the government. Several priests, for instance, gave sermons during the war years that embraced the sense of martyrdom that the penal laws engendered. In doing so, they reinforced dissenting thought to the churchgoing masses, but, unlike the petitioners, never called for a repeal of the new taxes. Father Beadnall gave a number of sermons that used the Maryland experience as a typology for the

³⁸² *Maryland Archives*, 56:203.

suffering of Jesus. “Happy are those,” he preached in 1758, “who suffer persecution for justice sake.” Paraphrasing a popular verse from Matthew 5:12, the learned priest counselled his coreligionists to “Rejoice therefore & be exceeding[ly] glad to suffer in this life that you may have your reward in the next. [Because] you seem to practice those virtues, you suffer Persecution for justice sake! You're deprived of Liberties! Debar'd from high Posts & Offices, you're reviled... Rejoice therefore & be glad for your Reward is exceeding great in Heaven.”³⁸³

Not all Maryland priests embraced the martyrdom seen in Beadnall’s sermon. Another Jesuit, Father Joseph Mosley, advised his congregation to “stick steadily to your Faith [and] adhere firmly to your Religion” because “your Enemies can only hurt ye Body, but ye Soul they can’t endamage.” He instructed his parishioners to defend themselves from religious persecution of all kinds.³⁸⁴ At the height of the war, and with the penal laws suffocating his coreligionists, Mosley encouraged the faithful to “bear firmly and steadily all calumnies and persecutions” from the “enemies of the Catholick Church...who profess this Catholick religion must be opprest, persecuted, calumniated, injured, and heavier burdens laid on them than on the rest of the nation.” He demanded that Catholics display “Courage” in the face of such assaults on their religious freedom and “fight on the battle that you are engaged in, for God will reject you if you look back, as unfit for the kingdom of heaven.”³⁸⁵ Another priest, Father James Carroll, whose family had fallen victim to the avarice of the Protestant population, demanded that his

³⁸³ James Beadnall, Blessed are They That Mourn, n.d., Be-10, American Catholic Sermon Collection, Special Collections, Georgetown University; Tricia T. Pyne, “The Politics of Identity in Eighteenth-Century British America: Catholic Perceptions of their Role in Colonial Society,” *U.S. Catholic Historian* (Spring 1997), 11.

³⁸⁴ Hardy, “Papists in a Protestant Age,” 294.

³⁸⁵ Joseph Mosley, *Vigilance in Faith*, 1758, in Raymond J. Krupke, ed., *American Catholic Preaching and Piety in the Time of John Carroll* (Lanham, Maryland: University Press of America, 1991), 140-141.

congregants “manfully defend ourselves and our holy liberties, liberties belonging to the children of God alone.”³⁸⁶

For all the troubles that they faced during the 1750s, Catholics actually enjoyed no fewer liberties at the end of the decade than they did at the beginning. The most odious of the penalties, the double-tax, was a temporary war measure that expired in 1759. Although they were proposed in the Lower House, penal laws that existed in other parts of the British Empire never gained support in Maryland. The letters, pamphlets, and petitions that Maryland Catholics composed to fend off additional legislation, along with the help of some influential Protestants like Governor Sharpe, succeeded in limiting the severity of the penal codes. But penal laws and the documents drawn up against them also served another function; they prepared a third generation of Catholics in the dissenting tradition. In doing so, they maintained the liberal impulses within their community that, once the American Revolution began, primed Catholics to support the rebel cause, and, soon after, allowed them to push the ideal of religious freedom even further than many of their Protestant countrymen were by themselves willing to do.

The Dissenting Generation

During the protests against the double-tax, on May 27, 1756, Charles Carroll of Annapolis printed an advertisement in the *Maryland Gazette* announcing that he was calling in his debts and attempting to “wind up his Affairs as soon as possible.” In private, he asked some of his closest friends if they were interested in moving to French (Catholic) Louisiana. A year later, he took out additional ads in the same paper and in the

³⁸⁶ Farrelly, *Papist Patriots*, 214.

Pennsylvania Gazette.³⁸⁷ On June 2, 1757, Carroll departed to Europe to weigh his options. First arriving in Paris, he met with a number of French diplomats to discuss his Louisiana venture. After four months of failed negotiations, Carroll left France and moved on to England, where Father Hunter had been remonstrating for almost a year. Unable to negotiate a deal to his satisfaction there, Carroll sailed back to Maryland and arrived home in March of 1758. But even though he failed in his attempt to avoid the penal laws, during this interval Carroll succeeded in preparing his eldest son for the struggles that he knew lay ahead. During his trip to Paris Carroll stayed with his son, Charles Carroll (1737-1832), who was attending school in Paris at the Collège Louis-le-Grand.³⁸⁸ Immediately following that visit, father and son began to correspond about the history of Maryland Catholics, his family background, and how they might finally enjoy both civil and religious freedom.

For the remainder of the war and thereafter, “Papa” and “Charley” frequently wrote to each other about the treatment that Catholics faced in England and America, the dangers of established religions, and the virtues of religious liberty. Carroll refrained from writing petitions or pamphlets for public consumption after he returned from Europe in 1758. He instead focused on preparing his son to fight for religious liberty in the same way his father had prepared him almost forty years earlier. But young Charley’s instruction in civil and religious freedom did not begin in 1758. Like many wealthy Catholics in Maryland (who were prohibited from attending schools in the colony),

³⁸⁷ *CCC Papers*, 1:35. This was not the first time a Carroll planned on moving to Louisiana to avoid the penal laws. Thirty years prior many Charles Carroll the Settler joined many Catholic gentlemen in conceiving a plan to immigrate to French land holdings. They include the Darnall’s, Digges’, Benjamin Hall, Clement Hill, William Fitz Redmond, Henry Wharton, Father Peter Attwood, Nicholas Sewell, and Richard Bennett. See Hunter, *A Short Account*, in *Woodstock Letters* (1881), 10:20.

³⁸⁸ Hoffman, *Princes of Ireland*, 275-277.

young Charley attended St. Omer's, a Jesuit-run school in French Flanders that was founded in 1593. There, Charley received a liberal education that stressed scholasticism, logic, reason, and Enlightenment ideals of religious toleration.³⁸⁹ The Jesuits introduced Charley to Cicero, Virgil, Tacitus, and Livy, from whom he concluded that history was driven by a dialectic between liberty and power. By adulthood, Charley concluded that "the wisest ancients" showed that "the property, Liberty, and safety of individuals cou'd not be too secure from power and its natural ally, inJustice."³⁹⁰

Carroll complemented his son's Enlightened Catholic education by writing him letters that reinforced the importance of his faith. He instructed Charley to do his "Duty to God & with a Sincere disposition to Comply with it." His son was "not to omit on any Acct yr: daily Prayers to yr Creator, such is his infinite Goodness that he never abandons us unless we first abandon him." But, he cautioned, "Prayer does not Consist in a set form of Words[,] it is the Heart the Will the Attention & intention wch accompanies them that carries them like a pure Sacrifice to the Throne of the Almighty." He also warned against falling into the ascetic life that some Jesuits advocated. A "cheerful lively easy & polite Behaviour" Carroll argued, "is no way inconsistent with Religion or yr Duty to God."³⁹¹ In response, Charley reassured his papa that "I observe my religious duties," and "trust in the mercy of God not my own merits, which are none, & hope he will

³⁸⁹ For the influence of the Enlightenment on his thought, see Thomas O'Brien Hanley, "Young Mr. Carroll and Montesquieu," *Maryland Historical Magazine* 58 (December 1963): 394-418. Hanley has no monopoly on how Carroll balanced his Catholicism with Enlightenment thought. Most authorities argue that Carroll's Catholicism "was suffused by the rationalism of the Enlightenment." See Pauline Maier, "Charles Carroll of Carrollton, Dutiful Son and Revolutionary Politician," in Maier, *The Old Revolutionaries: Political Lives in the Age of Samuel Adams* (New York: Alfred A. Knopf, 1980), 254; Hoffman, *Princes of Ireland*, 155-156. Others have questioned the authenticity of Carroll's Catholicism entirely. See Michael T. Parker, "'The Fittest Season for Reading': The Library of Charles Carroll of Carrollton" (M.A. Thesis, University of Maryland, 1990), 29. Equally slanted in the other direction is Donald D'Elia, *The Spirits of '76: A Catholic Inquiry* (Front Royal, Virginia: Christendom Publications, 1983).

³⁹⁰ Charles Carroll (hereafter CC) to CCA, May 16, 1760, in *CCC Papers*, 1:164.

³⁹¹ CCA to CC, August 30, 1758, in *CCC Papers*, 1:77-78.

pardon my daily offences... I love him tho far less than his infinite goodness deserves & I could wish to do.” Charley relayed the importance of following his father’s instruction. “If I practice what you teach,” he reasoned, “I shou’d not only be a compleat gentleman, but a good Christian, which is much the most important of the two.”³⁹² From multiple angles, Charley learned the importance of reason and Enlightenment thought while his Jesuit instructors instilled in him the tenets their faith. Papa explained that it took both “Faith and Reason [to teach] us that God is every where present & that he sees & knows all our thoughts & actions.”³⁹³ Indeed, faith was important, but had to “be kept under the Dominion of Reason” at times.³⁹⁴ Like his father, Charley came to believe that reason and faith were entirely compatible – indeed that one could not survive without other.³⁹⁵

The Carrolls’ correspondence included everything from theology to politics to women to family affairs. Discussion of religious freedom, however, did not become a common theme until after Carroll’s visit in 1758. In the first letter he wrote to his “Papa & Mama” after his father’s European trip, for example, Charley inquired if “our enimies still continue to persecute us? Their injustice and ungratefulness quite surprises me: what have we done to deserve such treatment from them? Their complaintes as well as their reasons I am convinced are entirely groundless.”³⁹⁶

References to mistreatment of Roman Catholics only increased over time. While still in college, Charley lamented from across the Atlantic that he “can’t conceive how any Roman Cathoick...can Live in England or any of the British dominions, if he is able

³⁹² CCC to CCA, January 17, 1759, in *CCC Papers*, 1:90.

³⁹³ CCA to CC, August 30, 1758, in *CCC Papers*, 1:77-78.

³⁹⁴ CCA to CCC, September 30, 1754, in *CCC Papers* 1:25-26.

³⁹⁵ See CCA to CCC, April 8, 1762, in *CCC Papers*, 1:255-258.

³⁹⁶ CC to CCA and Elizabeth Carroll, June 14, 1758, in *CCC Papers*, 1:70.

to do otherwise.”³⁹⁷ Papa wrote him a letter earlier that year that reads like it was repeated periodically throughout Charley’s childhood. Carroll instructed his son to “Remember the ill treatment [your] Grandfather met” in Maryland, and “the cruel usage of the Rom: Catholicks by the late and present Ld. Baltimore.”³⁹⁸ He went on to note that the challenges Catholics currently faced in Maryland did not exist during the first few decades after Maryland’s founding. Repeating the history his father taught him as a youth, Carroll explained to his son that “all persons believing in Jesus Christ were by the Charter promised Enjoyment not only of Religious but Civil Liberty.” Soon after, referencing the “Tolleration Act” of 1649, he insisted that “these priviledges were confirmed by a Fundamental & perpetual Law” which lasted until “a Mob Encouraged by the example” of the English Revolution of 1688 ushered in new laws that “hinder[ed] us from a free Exercise of our Religion.”³⁹⁹

In subsequent letters, Carroll continued to educate his son on the history of religious freedom in colonial Maryland. On one occasion, during the spring of 1760, Charley was scheduled to meet with Cecilius Calvert (1702-1765), then principal secretary of Maryland. This event demonstrates how deeply-instilled the Maryland tradition had become in Charley’s mind by early adulthood. Prior to the meeting, Carroll instructed his son to confront Calvert about the mistreatment of Catholics in the colony. After their meeting, Charley reported back to his father that he “reminded him [Calvert] of the unjust laws enacted in Maryland against the Roman-C-.” Charley pointed to “Laws highly iniquitous in themselves and destructive of that Liberty of conscience which had

³⁹⁷ CC to CCA, December 10, 1759, in in *CCC Papers*, 1:140.

³⁹⁸ CCA to CC, October 6, 1759, in *CCC Papers*, 1:130.

³⁹⁹ CCA to CC, July 14, 1760, in *CCC Papers*, 1:169. In this letter, Carroll gives “a Succinct Acct of Maryland as far as the present Subject [religious freedom] requires.”

been granted by the Charter of Maryland, & always exercised there without molestation from the 1st settlement of the Colony to the [1688] Revolution.”⁴⁰⁰ He also asked Calvert how he could “consent to a law which [he] knew to be an open breach of faith” and which was “subversive of the foundations of the Maryland constitution.”⁴⁰¹ Calvert, however, avoided the confrontation altogether by insisting that he in no way supported those laws and denounced the penal statutes still in force in the province, even though he refused to take action.⁴⁰²

Charley’s correspondence with his father illuminates the difficulties of being both English and Catholic on the eve of the American Revolution. As convinced as Charley was that Catholics were subjected to unjust penal laws in England, Ireland, and America, his experiences while living in France made him doubt the wisdom of his father’s plan to take the family fortune to French Louisiana. “If you repair to France there you will only exchange religious for civil Tyranny,” Charley admonished his father, “and In my opinion of the two the greatest evils. Civil oppression has nothing to console us; religious persecutions are always attended with this consolation at least, of not going unrewarded.” Despite his father’s insistence on the hopelessness of continuing life in Maryland, Charley preferred “to live under English government rather than under any other: Catholick, I mean: for I know of no Catholick country where that greatest blessing, civil liberty, is enjoyed.”⁴⁰³ Catholics, in Charley’s view, had to decide whether they wanted to live without civil or religious liberty, since no country afforded Catholics both.

⁴⁰⁰ CC to CCA, April 10, 1760, in *CCC Papers*, 1:152.

⁴⁰¹ CC to CCA, February 13, 1761, in *CCC Papers*, 1:195.

⁴⁰² Calvert also pretended not to be aware of any Catholic opposition to the double-tax once confronted about that subject. See CC to CCA, October 13, 1761, in *CCC Papers*, 1:228-229.

⁴⁰³ CC to CCA, February 30, 1760 and January 1, 1761, in *CCC Papers*, 1:150, 193.

During the French and Indian War, then, Charley became well-versed in the historical interpretation that his coreligionists had been using for almost a century to argue on behalf of their civil and religious freedom. His family was living proof that “No persecutions have ever been found effectual in suppression of any religious sect.” Indeed, “Force of all others is certainly the most improper argument to convince the mind,” Charley wrote to a Protestant friend. Coercion, he continued, only compels “those against whom it [force] is employed...to conclude that their opinions can not be confuted by other arguments.”⁴⁰⁴ In time he would become one of the most revered and influential figures within American Catholicism and American politics. But while Carroll was preparing his son for the unknown battles that lay ahead, the elder Carroll was leading a resistance movement of another kind. Instead of protesting against penal legislation from the Lower House of the assembly, Carroll garnered support from his Catholic neighbors before he wrote letters to officials within his church who, he felt, were also endangering Catholic’s civil and religious liberty.

Resistance to Rome

The Holy See had basically left the British-American mission to its own devices since Andrew White and other Jesuits sailed to Maryland in 1633. After flirting with the idea of instituting an American bishop in 1677, the Holy See opted instead to place the Vicar Apostolic of London in charge of the American church in 1757.⁴⁰⁵ Following the

⁴⁰⁴ CCC to William Graves August 15, 1774, in MS 203.2, Maryland Historical Society, as quoted in Stephen M. Klugewicz, “‘A Democratic and Republican Religion’: Catholics in American Public Life, 1765-1895,” (PhD Dissertation, University of Alabama, 2002), 130.

⁴⁰⁵ Dale B. Light, *Rome and the New Republic: Conflict and Community in Philadelphia Catholicism between the Revolution and the Civil War* (South Bend, Indiana: University of Notre Dame Press, 1996), 10.

signing of the Treaty of Paris, however, Richard Challoner, who was the current Vicar Apostolic in London, requested that since Canada and Florida had been “reduced to British sway, the Bishop of Quebec might, with the consent of our court have his jurisdiction extended by the Holy See to all English colonies and islands in America.” Challoner was aware that he would receive resistance if he exerted his influence in America. “But I foresee,” he continued, “the execution will meet with very great difficulties, especially in Maryland and Pennsylvania, where the padri have had so long possession, and will hardly endure a prefect, much less a bishop of any other institute.”⁴⁰⁶ Due to delays in communication and a desire to keep the plan secret, Catholics throughout America did not learn of Challoner’s proposal until 1765. Once they learned of Rome’s plans, true to Challoner’s prediction, they immediately began to protest the appointment. The confrontation would foreshadow events during the 1780s and 1790s, when, after Independence, Rome took steps to institute an Episcopal See in Baltimore. But for Catholics in 1765, unlike their former reasons for dissent, these were not based on legal principles, but instead focused on the personal safety of the community.

In making their case for continued independence, Catholic dissent focused on the reaction within the colonies after the Anglican Church flirted with the idea of appointing a bishop in America during the 1750s. Dissenting Protestants firmly resisted a bishop in the colonies. Congregationalists, Baptists, and other denominations warned that a “foreign bishop” would undermine Americans’ religious freedom. One historian encapsulated the response by astutely noting that “the issue of episcopacy in the colonial

⁴⁰⁶ Quoted in Thomas O’Gorman, *The History of the Roman Catholic Church in the United States* (New York: The Christian Literature Company, 1895), 248.

mind” was inextricably linked to “the hereditary fear of Rome.”⁴⁰⁷ If Americans could not stomach an Anglican Bishop, surely they would not support a Popish prelate, especially on the heels of a war that supposedly eradicated the “Romish threat” from the continent. Catholics therefore believed that if Rome appointed a bishop for America, Protestants would react by dismantling their remaining economic, civil, and religious freedoms. For these reasons, Catholic leaders drafted a petition on behalf of the civil and religious rights they believed Challoner jeopardized with his proposal. Carroll, Darnall, and Digges led a list of 256 American Catholics who signed the *Laity Remonstrance* in 1765.⁴⁰⁸

The remonstrance cited several reasons why they opposed the bishop, but the first and most important of which flatly insisted that “a bishop would furnish a new pretext for persecution.” They continued to explain that “so fatal a measure” would give “our adversaries, bent on our ruin, a stronger handle on anything they have hitherto been able to lay hold on, and consequently terminate in the utter extirpation of our holy religion.”⁴⁰⁹ They further asserted that the “legislative power in this collony is so disposed with regard to those of our persuasion, as to have made many attempts of late years to put the most pernicious penal laws in force against us.” Carroll also wrote a personal letter to Bishop Challoner expressing his concern. He too reasoned that the appointment would “create great troubles here, and give a handle to our enemies to endeavor at the total suppression of the exercise of our religion.” He pointed to the “past attempts...to establish a

⁴⁰⁷ Carl Bridenbaugh, *Mitre and Sceptre: Transatlantic Faiths, Ideas, Personalities, and Politics* (New York: Oxford University Press, 1967), 333. For reaction to the episcopacy controversy, see Rhys Issac, *The Transformation of Virginia, 1740-1790* (New York: W.W. Norton & Co., 1988), 186-198.

⁴⁰⁸ John Tracy Ellis, *Catholics in Colonial America* (Baltimore, Maryland: Helicon Press, 1965), 384.

⁴⁰⁹ Thomas Hughes, *History of the Society of Jesus in North America: Colonial and Federal, Text* (New York: Longmans, Green, and Co., 1917), 2:591.

Protestant Bishop on this continent,” which, he insisted, had been “constantly oppos’d thro the fixed aversion of ye people of America in general have to a person of such a character. If such is the aversion of Protestants to a Protestant Bishop,” Carroll asked, “with wt. an eye will they look upon an Apostl. Vicar?”⁴¹⁰ Just days after receiving the *Laity Remonstrance* and Carroll’s letter, Bishop Challoner wrote to a friend that “upon hearing the first rumor of a Bishop being designed for North America,” the Catholic gentry on that continent responded with “opposition and subscriptions they procured from the laity.” He lamented that “it would scarce be possible to fix a Bishop there.”⁴¹¹

The petitions had more success in dissuading Rome from its ecclesiastical approach to American Catholicism than the petitions with which Catholics flooded the Maryland legislature had on public policy during the previous decade. Challoner and officials in Rome did not again raise the issue for another twenty years. The success, however, was as much a function of the Holy See’s inability to influence the British-American church from across the Atlantic Ocean as it was of compelling arguments from the laity. For more than a century, Rome had been unable to make substantial progress in British-America, opting instead to devote its resources to South America and Europe, and leaving the American mission to rise or fall essentially on its own.⁴¹² By the time Rome once again began to assert itself into the ecclesiastical jurisdiction of the American church, the American Revolution had forever changed the boundaries of religious

⁴¹⁰ The full petitions are reprinted in Peter Guilday, *The Life and Times of John Carroll: Archbishop of Baltimore (1735-1815)* (New York: Encyclopedia Press, 1922), 155-156.

⁴¹¹ Quoted in Guilday, *The Life and Times of John Carroll*, 157.

⁴¹² James M. O’Toole, *The Faithful: A History of Catholics in America* (Cambridge: Belknap Press of Harvard University Press, 2008), 18. Indeed, as one survey notes, until 1908, “Rome considered the American church a missionary territory; that is, Catholicism had not been fully established.” See Chester Gillis, *Roman Catholicism in America* (New York: Columbia University Press, 1999), 48. For a different interpretation that emphasizes substantial Roman interference, see Luca Codignola, “Roman Catholic Conservatism in a New North Atlantic World, 1760-1829,” *William & Mary Quarterly* 64, no. 4 (October 2007): 717-756.

freedom and the expectations that came along with the liberties it provided. These petitions and letters suggest that in the 1760s Catholics still feared for their safety. By the end of the century, that was no longer the case.

Conclusions

The 1750s were a difficult decade for Maryland Catholics. Hopeful that thirty years of relative peace betokened better days ahead, Dr. Charles Carroll's turn against his former faith, as well as the Seven Years War, rekindled the flames of anti-Catholicism within the colony. Using allies like Governor Sharpe, delegates in the Upper House, and a few individuals abroad, Maryland Catholics continued to defend their remaining civil and religious rights until the war came to a close. Their efforts helped militate against more aggressive penal measures that might have placed them in a less propitious position in the years leading to the American Revolution. By that time, parents like Charles Carroll of Annapolis had prepared their children for the political and religious conflicts that lay ahead. But just as colonial authorities began to relax the penal laws at the close of the French and Indian War, Catholics almost immediately faced another threat coming from their church. By 1763, American Catholics came to believe that neither their church nor their state had their best interests, or their freedoms, in mind.

On the heels of their protestations against both church and state, the republican rhetoric emanating from the Stamp Act controversy swept over the colonies. The American Revolution, alongside internal developments in Rome, reinforced American Catholics' conservative liberalism which, as one recent scholar has argued, made them

particularly well-suited to embrace the ideals of republican government.⁴¹³ For American Catholics, that event would play as important a role in late eighteenth- and early nineteenth-century discourses about religious freedom as did the founding of Maryland 150 years prior. The Revolution, in short, changed the terms of debate between Catholics and their opponents. Although references to the founding charter of Maryland continued to appear in their writings, Catholics more often held American Protestants accountable to the values that they preached in 1776. Sure that the Revolution included Catholics as a part of the American family, Catholics not only in Maryland but in Pennsylvania, New England, and New York demanded political and religious equality under the laws of the United States.⁴¹⁴ If Americans were going to pride themselves on their liberal impulses, Catholics were going to be the first to make sure the citizens of the new Republic did more than pay lip service to the ideals of 1776. At the same time, their coreligionists in England and Ireland began an organizational assault on the penal laws in those countries. Disenfranchised but irresolute, Catholics all over the Anglophonic Atlantic world shared letters, pamphlets, and books with each other in a transnational movement to redefine the limitations on religious freedom. No single event would have greater influence on that movement than the American Revolution.

⁴¹³ Farrelly, *Papist Patriots*, 256.

⁴¹⁴ On the development of religious equality as a social ideal, see Irving Brant, "Madison: On Separation of Church and State," *William and Mary Quarterly* Third Series, 8 James Madison, 1751-1836: Bicentennial Number (January 1951): 5-6; Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982, 279-282; William L. Miller, *The First Liberty: Religion and the American Public* (New York: Knopf, 1996), 3-16.

CHAPTER 5: EXPANDING THE AMERICAN FAMILY: CATHOLICS IN THE AMERICAN REVOLUTION

John Adams could hardly contain himself as he surveyed the prospects of what lay ahead. At the First Continental Congress, he helped block Joseph Galloway's motion to adopt a plan of union between the colonies and their mother country. Now back in Braintree, Adams began making his case for independence. The fiery patriot saw an opportunity to rouse the rebel cause by entering a heated newspaper debate with Jonathan Sewell. Adams countered Sewell's claim that Americans would "be losers in the end" if they declared their independence from England. Loss was impossible, Adams reasoned, "because, if they live, they can but be slaves... If they die, they cannot be said to lose, for death is better than slavery." Of course, his argument was directed less to Sewell than to a general New England audience. Adams narrated a historical trajectory that nearly all of New England had been taught from childhood. The cause of independence was "in support of the Reformation and the Protestant religion; and against the worst tyranny that the genius of toryism has ever yet invented; I mean the Roman superstition." If their ancestors had not stood up for "civil liberty and the Protestant religion" when the Catholic-sympathizing King Charles I ascended the throne in 1625, "the [l]ight of science would have been extinguished, and mankind drawn back to a state of darkness and misery like that which prevailed from the fourth to the fourteenth century." In case his

message was too subtle, Adams clarified his argument: “Charles would undoubtedly have established the Romish religion, and a despotism as wild as any in the world.”⁴¹⁵

Adams’ view of Catholics, however, was more complex than this anecdote suggests. Just weeks before his exchange with Sewall, the Harvard-educated patriot met Charles Carroll of Carrollton for the first time, whereupon he described Carroll as “a very sensible Gentleman, a Roman catholic, and of the first Fortune in America.”⁴¹⁶ He included no mention of superstition, despotism, or universal darkness. Instead, Adams made a distinction between Catholics and Catholicism. He saw the latter as corrupting, benighted, and backward, while he left room for individual Catholics to be virtuous, enlightened and progressive. Reinforcing this dichotomy, Adams later described Carroll to a friend as “a professor of the *Roman* Catholick religion, yet a warm, a firm, a zealous supporter of the rights of *America*, in whose cause he has hazarded his all.”⁴¹⁷ Adams did not confine his nuanced sentiments to private correspondences. From 1776 to 1778, he headed the diplomatic talks which allied the United States with the two most powerful Catholic nations in Europe. Historians have described his apparent change of heart as pragmatism over prejudice and have argued that Americans generally followed a similar route.⁴¹⁸ But few have considered what American Catholics themselves did to encourage that change.

⁴¹⁵ [John Adams] *Novangulus, Novangulus and Massachusettensis; or Political Essays, Published in the Years 1774 and 1775, the Principal Points of Controversy, between Great Britain and her Colonies* (Boston: Hews & Goss, 1819), 13-14.

⁴¹⁶ Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams* 10 vols. (Boston: Little, Brown and Co., 1856), 2:380.

⁴¹⁷ Peter Force, ed., *American Archives: A Documentary History of the English Colonies in North America* Fourth Series, (Washington, D.C.: M. St. Clarke and Peter Force, 1837), 4:1184.

⁴¹⁸ Francis Cogliano, *No King, No Popery: Anti-Catholicism in Revolutionary New England* (Westport, Connecticut: Greenwood Press, 1995); Charles P. Hanson, *Necessary Virtue: The Pragmatic Origins of Religious Liberty in New England* (Charlottesville, Virginia: University Press of Virginia, 1998); Chris

This chapter illustrates the presence of, and the limitations on, anti-Catholicism at the outbreak of the Revolution. That event “hardly destroyed the spirit of anti-Catholicism,” wrote one acclaimed historian, “but it dealt bigotry a severe blow.”⁴¹⁹ I begin by first exploring the cultural climate that Catholics faced on the eve of the Revolution before examining the actions that American and Catholic leaders took to cool religious tensions. Drawing from the work of Charles P. Hanson and Francis Cogliano, I argue that prominent members of the Continental Congress – led by General George Washington – orchestrated a top-down effort that challenged centuries-old stereotypes about Roman Catholics. Dependent upon two Catholic allies in the war, Washington knew that leaving the Catholic community out of the push for independence was both unbecoming of an enlightened gentleman and potentially fatal to the war effort. Departing from most church-state scholarship, this chapter also considers the role that leading Catholics took during the war in order to convince their countrymen that they were devoted to republican principles. While liberal Americans of all denominations made substantial progress in altering their attitudes toward Catholics, the treaty with France in 1778, more than anything else, convinced many that, given the right circumstances, Catholics could be friends to republican government. By 1778, even the most anti-Catholic Protestant ministers, such as Connecticut’s Samuel Cooper, were working to reconfigure Protestant-Catholic relations in the United States. Although Cooper and others were primarily motivated by a desire to win the war, the consequences of their actions made possible the formation of a new church-state model in America –

Beneke, *Beyond Toleration: The Religious Origins of American Pluralism* (New York: Oxford University Press, 2006).

⁴¹⁹ Jay P. Dolan, *The American Catholic Experience: A History from Colonial Times to the Present* (Notre Dame: University of Notre Dame Press, 1992), 97.

one where Catholics were regarded, at least legally, as equal to other Christians. Together, Washington, Carroll, Cooper, and countless individuals whose actions have been lost to history, collaborated to enact a cultural transformation that granted Catholics a perhaps unprecedented, albeit incomplete, degree of religious freedom. For all the shortcomings that the following chapters narrate, Americans of all religious persuasions turned religious liberty for Catholics, which might have been a temporary concession, into an enduring right.

The Many Faces of Anti-Catholicism

Even though many Protestant Americans at the end of the eighteenth century likely never encountered a Catholic, judging from their print culture one might reasonably conclude that Catholics pervaded and haunted the colonial landscape. But a fear of Catholicism, or “popery,” was a rhetorical tent under which Americans included all things tyrannical, backward, or corrupting. It transcended the theological and included ideological, political, and cultural phenomena. For those who used the term – and most Americans did – “popery” conveniently expressed the incompatibility of the Catholic faith with the most celebrated hallmarks of English Protestant culture – constitutional rights, parliamentary government, and civil and religious liberty. Americans could justify their cultural and legal exclusion of Catholics because they believed the latter were baptized into ignorance and kept in an infantile state by their priests, which rendered them incapable of self-government. As one historian explained, the “rigid hierarchy of pope, bishops, clergy, and parishioners precluded both the independence and virtue

necessary to sustain republican citizenship.”⁴²⁰ Preachers like Jonathan Mayhew, John Brown, and Elisha Williams, for example, even when writing or preaching on behalf of religious freedom, consistently utilized anti-Catholic rhetoric in their sermons, which, over time, helped shape legal and cultural norms that reinforced anti-Catholic attitudes.⁴²¹

After reaching its apex during the French and Indian War, historians have posited that a persistent propaganda of anti-Catholic rhetoric saddled American culture well into the 1770s. As one piece of evidence to support this claim, Ray Allen Billington points to the popularity of the Duddleian Lectures held at Harvard beginning in 1750. Rotating themes every four years, one theme was dedicated to “detecting and convicting and exposing ... the idolatry of the Romish church.”⁴²² The lectures demonstrate how anti-Catholicism transcended class and status lines by uniting the urban intellectual with the yeoman farmer around a common value. John Adams, his second cousin Samuel, and other enlightened gentlemen supported and attended the lectures.⁴²³ While these intellectuals ruminated over the intolerance of the Roman Church, middling Americans digested anti-Catholic tracts like Antonio Gavin’s often reprinted *A Master Key to Popery* (1726) or played games like “Break the Pope’s Neck” with their children.⁴²⁴ In light of the pervasiveness of anti-Catholicism in the literature, sermons, and games that occupied Americans lives, it is no surprise that Englishmen of various Protestant denominations held the Catholic Church in contempt and feared its imperial ambitions. But to fully

⁴²⁰ Hanson, *Necessary Virtue*, 10.

⁴²¹ See Jonathan Mayhew, *Popish Idolatry* (Boston, 1765), 48-49; John Brown, *On Religious Liberty* (Philadelphia, 1763), iii-iv; Elisha Williams, *The Essential Rights and Liberties of Protestants* (Boston, 1744), 3-4.

⁴²² Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study on the Origins of American Nativism*. New York: Rinehart & Company, 1952 [1938]), 16.

⁴²³ Pauline Maier, “Pope at Harvard: The Duddleian Lectures, Anti-Catholicism, and the Politics of Protestantism,” *Proceedings of the Massachusetts Historical Society* 97 (1985): 16.

⁴²⁴ Billington, *Protestant Crusade*, 16.

appreciate how deeply ingrained anti-Catholicism was in American culture, we need to briefly explore the other sources from which that ideology drew its cultural strength.⁴²⁵

Many historians have argued that the Enlightenment was chiefly responsible for the promotion of the ideal of religious toleration.⁴²⁶ While Enlightenment values certainly promoted religious toleration, it is difficult to accept that claim when considering the anti-Catholic rhetoric that appears in Enlightenment tracts on religious freedom.⁴²⁷ To be sure, the Enlightenment tendency to treat religions as human institutions helped flatten the playing field among competing faiths and thereby disestablished some churches.⁴²⁸ But that was no guarantee that certain faiths – deemed too politically dangerous or culturally subversive, or too superstitious on epistemological or rational grounds – would not be excluded from the public sphere altogether, or that the adherents of said faiths

⁴²⁵ For a recent take on this subject, see Michael S. Carter, “A ‘Traiterous Religion’: Indulgences and the Anti-Catholic Imagination in Eighteenth-Century New England,” *Catholic Historical Review* 99, no. 1 (January 2013): 52-77.

⁴²⁶ See Perry Miller, “The Contribution of the Protestant Churches to Religious Liberty in Colonial America,” *Church History*, 4, no. 1, (March, 1935): 56-66; Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge, Massachusetts: Harvard University Press, 1990), 263-265; Jonathan Israel, *Radical Enlightenment: Philosophy and the Making of Modernity, 1650-1750* (New York: Oxford University Press, 2002); Frank Lambert, *The Founding Fathers and the Place of Religion in America* (Princeton, New Jersey: Princeton University Press, 2003), 3.

⁴²⁷ For those arguing that deists played only a minor role in promoting religious liberty, see Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1690-1830* (Savage, Maryland: Barnes and Noble Books, 1992), 66; Knud Haakonssen, *Enlightenment and Religion: Rational Dissent in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 1996); S. J. Barnett, *Enlightenment and Religion: The Myths of Modernity* (Manchester: Manchester University Press, 2004), 4. A study of New York Catholics during this period showed that for all their talk of toleration and condemnation of bigotry, rationalists too, did not usually want to be associated with Catholics. See Jason Kennedy Duncan, *Citizens or Papists?: The Politics of Anti-Catholicism in New York, 1685-1821* (New York: Fordham University Press, 2005), 34.

⁴²⁸ The monolithic use of the Enlightenment should, at this point, be understood as a generalization which includes many exceptions to the rule. For more than a generation, scholars have been noting the different types of Enlightenment thought. I use the singular “Enlightenment” rather than “Enlightenments” because it is linguistically more elegant. For the different strains of Enlightenment thought in America, see Henry May, *The Enlightenment in America* (New York: Oxford University Press, 1976); Darren Staloff, *Hamilton, Adams, Jefferson: The Politics of Enlightenment and the American Founding* (New York: Hill and Wang, 2005).

would not be disqualified from full citizenship.⁴²⁹ Many of the *philosophes*' writings disproportionately singled out the Catholic Church as the worst offender amongst many. Voltaire's *Candide* (1759) and Denis Diderot's *The Nun* (1760), for example, presented clergymen within the Church as knaves and fools and highlighted, with sardonic wit, the abuses of power and wealth at the highest levels of the church hierarchy. Dozens of other popular Enlightenment tracts mocked the celibacy of priests, accused the institutions of the church of promoting bizarre and indecent sexual practices, and claimed that priests actively attempted to keep their flocks ignorant of theological, social, and political alternatives.⁴³⁰

Some of the leading figures of the Enlightenment – such as David Hume, Voltaire, and Edward Gibbon – not only mocked the Catholic Church in their essays, but, when writing their histories, laid the blame for the “Dark Ages” almost squarely on the shoulders of the Church of Rome and emphasized the continued lewdness within not only the church itself, but its parishioners.⁴³¹ Hume, for example, referred to the period of Catholic hegemony prior to the Protestant Reformation as “that ignorant and superstitious age,” or the age “of darkness and ignorance.” He also referred to the tenets of the Catholic faith as little more than “ancient superstition.”⁴³² Although it is true that *philosophes* like Voltaire and Hume wrote with a political and theological radicalism that

⁴²⁹ The father of the Enlightenment, John Locke, of course, barred Catholics and atheists from full rights to citizenship. See John Locke, *A Letter Concerning Toleration* (New York: Classic Books, 2010), 37, 54, 131. For other anti-Catholic elements within various strains of the Enlightenment, see Darren McMahon, *Enemies of the Enlightenment: The French Counter Enlightenment and the Making of Modernity* (New York: Oxford University Press, 2002).

⁴³⁰ Nicholas Atkin and Frank Tallett, *Priests, Prelates and People: A History of European Catholicism Since 1750* (London: I.B. Tauris, 2003), 37-38.

⁴³¹ See J. G. A. Pocock, *Barbarism and Religion: The Enlightenment of Edward Gibbon, 1734-1764* (New York: Cambridge University Press, 1999), 371.

⁴³² David Hume, *The History of England: From the Invasion of Julius Caesar to The Revolution in 1688* (Indianapolis, Indiana: Liberty Fund, 2004 [1754-1761]), 1:46, 1:115; 4:8.

did not exist in America, even those in the moderate Enlightenment tradition belittled the Catholic Church.⁴³³ As one historian recently wrote, “the historical vision of the Roman Catholic Church as the handmaiden of superstition, authoritarianism, and intellectual darkness represented by the tropes of the presumptive cultural wasteland of the ‘Dark Ages,’” was “central to what might be called the ‘ideology’ of the Enlightenment.”⁴³⁴

Writers not associated with the Enlightenment reinforced this attitude toward Catholics. As Edwin Jones has argued, in attempting to make English history exceptional, Protestant historians pointed to the English Reformation as the controlling event that paved the way for the expansion of the British Empire. All of the intellectual, moral, social, and cultural progress that England saw was, they maintained, an outgrowth of its commitment to Protestantism.⁴³⁵ The leading figures of the American Revolution usually combined elements from both Protestant and Enlightenment thought, which equally castigated the abuses of the Holy See. Since the Founders were influenced by both Protestant and Enlightenment traditions, anti-Catholicism emerged as a consistent theme in their writings. But Americans had still another intellectual tradition that upheld the belief that Catholicism was a danger to English liberties.

Bernard Bailyn, among others, has exhaustively traced the influences of this third ideology on pre-Revolutionary Americans, what he and others call the “Country Whig” ideology.⁴³⁶ Spokesmen of this intellectual tradition – John Trenchard, Thomas Gordon,

⁴³³ May, *Enlightenment in America*, 41.

⁴³⁴ Michael S. Carter, “Mathew Carey and the Public Emergence of Catholicism in the Early Republic,” (PhD Dissertation, University of Southern California, 2006), 111.

⁴³⁵ Edwin Jones, *The English Nation: The Great Myth* (Stroud, UK: Sutton Publishing, 1998).

⁴³⁶ Herbert Butterfield, *The Whig Interpretation of History* (New York: W. W. Norton & Co., 1965 [1931]), 12; Trevor Colbourn, *The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution* (Chapel Hill: University of North Carolina Press, 1965); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Massachusetts: The Belknap Press of Harvard University

Algernon Sidney and John Hampden – did not hide their hostility to Catholics in their political treatises.⁴³⁷ Bailyn notes that Americans digested those tracts for years before applying the lessons that these English Whigs drew from their studies of history to the modern colonial context. One of the reasons that American Protestants found Whig writings so appealing, according to Mark Noll, was that they shared a historical simplicity that portrayed Catholicism as corrupting to civic virtue.⁴³⁸ Even though the colonists did not compartmentalize these traditions as neatly as do the historians who study them, this third tradition likewise reinforced the anti-Catholic impulses that Americans encountered in the pulpit and in the writings of Hume and Voltaire.

Representative of all three traditions, John Adams' *Dissertation on the Canon and Feudal Law* (1765), for example, claimed that the Catholic Church attained its influence “by reducing their [Catholics’] minds to a state of sordid ignorance and staring timidity; and by infusing into them a *religious* horror of letters and knowledge. Thus was human nature chained for ages, in a cruel, shameful and deplorable servitude, to him [the pope] and his subordinate tyrants.” He further lamented that through the machinations of the Roman Church, which formed an alliance with surrounding states, “the people were held in ignorance.” Indeed, “liberty, and with her, knowledge and virtue too, seem to have deserted the earth, and one age of darkness succeeded another, till God in his benign providence raised up the champions who began and conducted the Reformation.” Writing in the tradition of history in which he was schooled, Adams concluded that from “the

Press, 1967); Raymond D. Tumbleson, *Catholicism in the English Protestant Imagination: Nationalism, Religion, and Literature, 1660-1745* (Cambridge: Cambridge University Press, 1998), 12.

⁴³⁷ See, for example, Ronald Hamowy, ed., John Trenchard and Thomas Gordon, *Cato's Letters* (Indianapolis: Liberty Fund, 1995), 2:678, 3:573, 2:907.

⁴³⁸ Mark Noll, *Christians in the American Revolution* (Vancouver, British Canada: Regent College Publishing, 2006 [1997]), 57.

time of the Reformation to the first settlement of America, knowledge gradually spread in Europe, but especially in England.”⁴³⁹

Adams was not alone. In their collective petition known as the *Suffolk Resolves*, revolutionary-minded rebels like James Otis, Samuel Adams, and Joseph Warren claimed that Catholics favored political institutions uniting church and state, which led “directly to the worst Anarchy and Confusion, civil Discord, War and Bloodshed.” That belief allowed these patriots to use universal language in arguing for their rights but exclude Catholics at the same time. On the one hand the authors maintained that “the Right to Freedom being *the Gift* of GOD ALMIGHTY, it is not in the Power of Man to alienate this Gift and voluntarily become a Slave.” On the other hand, they situated their demands for rights in a Christian context, subtitled their second section, “The Rights of the Colonists as Christians.” They reasoned that their rights came from “the Institutes of the great Lawgiver and Head of the Christian Church, which are to be found clearly written and promulgated in the *New Testament*.” But they narrowed their understanding of “Christian” by appealing to the Toleration Act of 1689, which, they continued, rightly granted liberty of conscience “to all Christians, except Papists.”⁴⁴⁰

Several intellectual traditions, then, held Catholicism, if not Catholics, in contempt and viewed “popery” as a threat to the colonists’ God-given rights.

⁴³⁹ John Adams, *Dissertation on the Canon and Feudal Law* in *The Revolutionary Writings of John Adams* (Indianapolis, Indiana: Liberty Fund, 2000 [1765]), 29-30. Even though Adams reserved his most harsh denunciations for Roman Catholics, he also chastised oppressive Protestant establishments which he intellectually segregated from his “pure” and “equitable” brand of New England Protestantism. See John Witte Jr., “One Public Religion, Many Private Religions: John Adams and the 1780 Massachusetts Constitution,” in Daniel Dreisbach, Mark D. Hall, and Jeffrey H. Morrison, eds., *The Founders on God and Government* (Lanham, Maryland: Rowman & Littlefield, 2004), 37.

⁴⁴⁰ *The Votes and Proceedings of the Freeholders and Other Inhabitants of the Town of Boston, in Town Meeting Assembled* (Boston, 1772), 4-8. Perhaps aware of the contradictory language of universal rights and exclusion of Catholics, they cited John Locke throughout the pamphlet to defend their arguments. This document has been cited as being representative of the population at large since it was written as a communal petition. See Metzger, *Catholics and the American Revolution: A Study in Religious Climate* (Chicago, Illinois: Loyola University Press, 1962), 42.

Enlightenment, Protestant, and Whig thought each found ways to maintain deep-seated animosities towards Catholics as the Revolution approached. As one historian has argued, from the Stamp Act until the beginning of the war, “no intellectual tradition was more prominent, or more omnipresent than anti-Catholicism.”⁴⁴¹ One of the reasons for its ubiquity is that anti-Catholicism “provided a vocabulary of good and evil which they used to define their enemies and themselves and to order their world.”⁴⁴² On the eve of the Revolution, liberal Christians, enlightened gentlemen, and freedom-loving Whigs spoke and wrote with hostility toward the Catholic faith. The scorn directed toward the Catholic Church reached new heights when the British Parliament chose to extend toleration to Catholics in Quebec.

The Quebec Act

After fighting the Sugar, Stamp, Declaratory, Townshend, Tea, and Coercive Acts – all of which most colonists viewed as a conspiratorial plot to deprive them of their liberties – the English Parliament passed the Quebec Act during the summer of 1774. Coming on the heels of the detestable “Intolerable Acts,” the Quebec Act was passed, like the others, without taking into consideration the context through which it would be interpreted.⁴⁴³ Although the Quebec Act merely extended toleration to Catholics while formally establishing the Church of England in that province, most colonists interpreted the act as “establishing popery” in their backyard. Their rhetoric was exaggerated, but it

⁴⁴¹ Thomas M. Brown, “The Image of the Beast: Anti-Papal Rhetoric in Colonial America,” in Richard O. Curry and Thomas M. Brown, eds., *Conspiracy: The Fear of Subversion in American History* (New York: Holt, Rinehart and Winston, 1972), 1; Cogliano, *No King, No Popery*, 3, n3.

⁴⁴² Cogliano, *No King, No Popery*, 2.

⁴⁴³ Charles H. Metzger, *The Quebec Act: A Primary Cause of the American Revolution* (Baltimore, Maryland: The United States Historical Society, 1936). Edmund S. and Helen M. Morgan, *The Stamp Act Crisis: Prologue to the Revolution* (Chapel Hill, North Carolina: The University of North Carolina Press, 1950); Bailyn, *Ideological Origins*.

was also true that the Churches of England and Rome had overlapping ecclesiologies. To a liberty-loving Congregationalist, an Anglican bishop posed only mildly less of a threat to one's liberties than a Romish bishop. And more than a few Anglican clergymen had been attempting to settle a bishop in America in order to strengthen their presence. Americans therefore interpreted the Quebec Act as another step toward achieving that ignoble end.⁴⁴⁴ Shortly after the news arrived that the act became law, ministers like Samuel Sherwood declaimed the effects of the act in foreboding terms. Sherwood, a Congregationalist pastor in Fairfield, Connecticut, falsely insisted that "by this act all the French Laws...are restored – Popery is established and provision is made for the legal support of the popish clergy." If that was not enough, Sherwood continued, "Trials by jury [will be] taken away and the whole legislative power lodged in a council appointed by the king."⁴⁴⁵

Newspapers throughout the colonies also reported on the danger that toleration of Catholics – indeed, the "establishment" of Catholicism – posed to the essential rights and liberties of Protestants in America. An article in the *Boston Post Boy* insisted that the "Free Constitution of England abhors all ideas of Slavery...but the Bill now in Parliament, for the Government of Quebec, contradicts the Principles of our Constitution, puts all the people under the despotic Laws of France and establishes POPERY and TYRANNY."⁴⁴⁶ The *Connecticut Courant* deplored "the last Act of Parliament establishing Popery in the colony of Quebec" because it was "directly opposite to the

⁴⁴⁴ Thomas Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010), 63. Kidd and others have persuasively argued that the Quebec Act is best understood through the lens of the repeated attempts to institute an Anglican Bishop in America in addition to the political events further igniting colonial passions. See Carl Bridenbaugh, *Mitre and Scepter: Transatlantic Faiths, Ideas, Personalities, and Politics, 1689-1775* (New York: Oxford University Press, 1962); Rhys Isaac, *The Transformation of Virginia, 1740-1790* (New York: W.W. Norton & Co., 1988).

⁴⁴⁵ Quoted in Cogliano, *No King, No Popery*, 47-49.

⁴⁴⁶ *Boston Post Boy*, September 5, 1774.

British constitution, dangerous in its consequences, and threatens not only the civil but also the religious liberties of America.”⁴⁴⁷ An article in the *New York Journal* condemned the “act for establishing Popery in the province of Quebec,” which would bring “tyranny” and create “a nursery of arbitrary power” in America. Another article in the same paper decried the “establishment of popery and arbitrary power,” which “destroys the very principles of their [Englishmen’s] free constitution, and tears up by the roots all their rights and liberties.”⁴⁴⁸ A newspaper in Pennsylvania, a colony that had boasted a long tradition of toleration toward Catholics, described the Quebec Act as “subversive of the rights of Englishmen, and in favor of Popery.”⁴⁴⁹ The colony with the largest Catholic presence, Maryland, was not immune from the trends seen elsewhere. The *Maryland Journal* reported that George III desired to spread “the medium of French law and popery” into the colonies, “the one enslaving the body, the other the mind.” The *Maryland Gazette* agreed. After the act had passed, one writer pressured “protestants of all denominations...to take some effectual measures for the safety and security of their civil and religious liberties.”⁴⁵⁰

As suggested above, condemnation of Catholicism was not isolated to certain segments of society. After the Quebec Act passed through the English Parliament, many of the most prominent patriots of the Revolutionary cause bewailed the establishment of popery in a free land. Samuel Adams irresponsibly charged that the act “made law to establish the religion of the Pope in Canada.”⁴⁵¹ Still an undergraduate student at King’s

⁴⁴⁷ *The Connecticut Courant and Hartford Weekly Intelligencer*, October 17, 1774.

⁴⁴⁸ *New York Journal*, October 13, August 25, 1774.

⁴⁴⁹ *The Pennsylvania Gazette*, October 12, 1774.

⁴⁵⁰ *Maryland Journal*, September 7, October 13, December 22, 1774; Maura Jane Farrelly, *Papist Patriots: The Making of an American Catholic Identity* (New York: Oxford University Press, 2012), 239.

⁴⁵¹ Harry Alonzo Cushing, ed., *The Writings of Samuel Adams, 1764-1769*, 4 vols. (New York: G.P. Putnam’s Sons, 1904), 3:213.

College in New York, Alexander Hamilton voiced his concern by rhetorically asking if his fellow colonists' "blood run[s] cold" at the thought of "an English Parliament" passing "an Act for the establishment of Popery and arbitrary power" in America. "Your lives, your property, your religion," the young Hamilton admonished his countrymen, "are all at stake. I do my duty. I warn you of your danger."⁴⁵² Elsewhere Hamilton exclaimed that the Quebec Act enshrined "arbitrary power, and its great engine the Popish religion." Although his facts were wrong, his reasoning was sound. He correctly argued that if England could "establish" the Roman Catholic Church in Quebec, it could similarly do so in Boston, New York, or Philadelphia. There was no more clear proof, Hamilton concluded, of the dark designs of the English government than the Quebec Act.⁴⁵³ Distinguished gentlemen in the Southern colonies reacted with similar astonishment. Later a delegate at the Continental Congress, Judge William Henry Drayton of South Carolina urged those in his colony to defend "the sacred Christian Religion...from the absurdities which are inculcated, the shackles which are imposed, the tortures which are inflicted, and the fires which are lighted, blown up and fed with blood by the Roman Catholick doctrines which tend to establish a most cruel tyranny in Church and State."⁴⁵⁴

The Continental Congress also rebuked the law in full. In September of 1774 that legislative body deemed the Quebec Act "dangerous in an extreme degree to the

⁴⁵² Alexander Hamilton, *A Full Vindication of Matters of Congress from Calumnies of their Enemies* (1774), in *The American Catholic Historical Researches* (hereafter *ACHR*) 6 (1889): 160.

⁴⁵³ For his extended critique of the act, see Hamilton's newspaper columns in the *New York Gazetteer*, June 5 and 22, 1775.

⁴⁵⁴ Peter Force, ed., *American Archives: Consisting of a Collection of Authentick Records, State Papers, Debates, and Letters and Other Notices of Publick Affairs, the Whole Forming a Documentary History of the Origin and Progress of the North American Colonies; of the Causes and Accomplishment of the American Revolution; and of the Constitution of Government for the United States, to the Final Ratification Thereof*, 9 vols. (Washington, D.C.: M. St. Clair Clarke and Peter Force, 1837-1846), 1:959.

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.⁴⁵⁵ A month later it reaffirmed that the act “establish[ed] the Roman Catholic religion,” “abolish[ed] the equitable system of English laws,” and showed that the English Parliament was committed to “erecting a tyranny” in America.⁴⁵⁶ It also adopted *An Address to the Inhabitants of Great Britain*, which reiterated the widespread belief that the Quebec Act was designed to “reduce the ancient free Protestant Colonies to the same state of slavery” that existed elsewhere in Europe. Composed by John Jay, William Livingston, and Richard Henry Lee, the address finished by announcing Americans’ “astonishment” that Parliament could “consent to establish in that country a Religion, that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world.”⁴⁵⁷

For all the musings about enslavement and popery, the Quebec Act played an important role in the evolution of church-state relations in America, but not for reasons that are immediately apparent.⁴⁵⁸ The act did not alone compel colonists to accept their Catholic neighbors on equal footing. Nor did Americans begin any kind of large scale social, cultural, or commercial relationship with Catholics as a direct consequence of the law. Indeed, if the remarks of Adams, Hamilton, the Continental Congress, and

⁴⁵⁵ *ACHR* 23, no. 1 (1906): 7.

⁴⁵⁶ Continental Congress, Declaration and Resolves, October 14, 1774, in Charles C. Tansill, ed., *Documents Illustrative of the Formation of the Union of the American States* (Washington, D.C.: Government Printing Office, 1927), 5.

⁴⁵⁷ United States, Worthington Chauncey Ford, Gaillard Hunt, John Clement Fitzpatrick, Roscoe R. Hill, Kenneth E. Harris, and Steven D. Tilley, eds., *Journals of the Continental Congress, 1774-1789*, 34 vols. (Washington, D.C.: Government Printing Office, 1904), 1:87-88.

⁴⁵⁸ For the importance of the act in general, see Metzger, *Quebec Act*; John Tracy Ellis, *Catholics in Colonial America* (Baltimore, Maryland: Helicon Press, 1965); David Ammerman, *In the Common Cause: American Response to the Coercive Acts of 1774* (Charlottesville, Virginia: University of Virginia Press, 1974); Kidd, *God of Liberty*, 67-74.

newspapers all over the colonies are any indicator, it seems that the Quebec Act likely marked the climax of anti-Catholicism in colonial America. But the hyperbolic rhetoric spawned several developments which unintentionally expanded religious freedom. First, as they pointed to the Quebec Act as yet another piece of evidence revealing England's "design"⁴⁵⁹ to deprive them of their liberty, Americans gave their countrymen additional reasons to favor a war that eventually granted Catholics the civil and religious freedom they had so long desired. In other words, the Quebec Act rallied Americans to take up arms in a war against England; a conflict without which it is unlikely the states would have granted religious freedom to as many groups as they did.

As Charles Hanson notes, another way the Quebec Act worked in Catholics' favor was that the overblown rhetoric of "popery" coming to America disassociated anti-Catholic tropes from Catholicism. For all the commotion it created, the Quebec Act helped undermine the proposition that "popery," "tyranny," "enslavement," and their rhetorical relatives only emanated from a Catholic source. Although those like Samuel Adams were already using anti-Catholic language in their critiques of the English government,⁴⁶⁰ the Quebec Act allowed what was then a rare literary device – that is, applying anti-Catholic language to non-Catholic sources – to become a normative trope in American political discourse. As a consequence, the theological connection of Catholicism with the ideological characteristic of tyranny became unhinged. "Popery," in other words, lost much of its theological association with the Catholic Church because

⁴⁵⁹ For examples of the act being evidence of "design," see *The Connecticut Journal*, August 19, 23, 1774; and *The Essex Gazette*, August 23, 1774, all of which claimed that "The real design of the Quebec bill, we hear, is to make a military government" in order to suppress colonists' "proprietary rights" and to maintain the "superiority of the mother country over the colonies" See also *The Newport Mercury*, December 5, 1774; *Dunlap's Pennsylvania Packet or, the General Advertiser*, November 14, 1774; *New York Gazette*, November 7, 1774; *The New York Journal*, October 13, 1774.

⁴⁶⁰ See Cushing, *Writings of Samuel Adams*, 1:201-203.

those who used anti-Catholic discourse directed it toward a manifestly Protestant source. It became difficult to continue believing that tyranny only emanated from France, Spain, and other “papist” powers when the target of the anti-Catholic vitriol was Protestant England. That notion was compounded when Tories began to throw the same anti-Catholic tropes toward the rebels.⁴⁶¹

The Quebec Act eventually helped alleviate religious tensions in other ways.⁴⁶² The reaction in the colonies was so overblown that, for the first time, a fair portion of Englishmen began to shine a spotlight on the hyperbolic charges made about “popery in the realm.” Tory pamphleteers wasted no time beating back exaggerated claims of “establishment.” Dr. Samuel Johnson published a tract in London in 1774 that quickly made its way across the Atlantic.⁴⁶³ He dismissed the “clamorous complaints, that the Protestant religion is in danger, because Popery is established in the extensive province of Quebec.” Johnson highlighted the mendacity of that claim – “a falsehood so open and shameless, that it can need no confutation” – while explaining that there was no reason to fear Catholics’ acquisition of religious liberty. In another tract, Johnson used an old Catholic argument for religious freedom in order to show that toleration of Catholics – which was what the Quebec Act actually protected – would not lead to universal ruin. “The Maryland Charter,” he began, “was granted by Charles the First to Lord Baltimore in the year 1632, just 143 years previous to the [Quebec] act...yet the disaffected Provinces [in America] did not discover till the year 1774, that popery had ever been established in any part of British America.” From this he concluded that “representing the

⁴⁶¹ Cogliano, *No King, No Popery*, 18; Hanson, *Necessary Virtue*, 140.

⁴⁶² One scholar argues that Tories who accused patriots of popery so overstated their case that the term lost its appeal. Once employed in that context, anti-Catholic tropes that held previous meaning in colonial America became essentially useless in political discourse. See Duncan, *Citizens or Papists*, 49.

⁴⁶³ Responses to Dr. Johnson appear in many papers. See, *The Pennsylvania Gazette*, October 12, 1774.

grant of the Popish religion to the Canadians as a measure highly alarming to every Protestant in the empire” was not only irresponsible, but historically inaccurate.⁴⁶⁴ Another British writer, John Shebbeare, used satire to shed light on what he considered an apparent hysteria in the colonies. Shebbeare sarcastically acknowledged that George III was “an errant Jacobite,” who was clandestinely “preparing to surrender his crowns, kingdoms, and dominions, to the pretender” in order to “bring popery dingdong into this realm.”⁴⁶⁵ Even if these kinds of writings did not convince Americans that the Catholic Church was a harbinger of freedom, it did mark the beginning of a trend that until 1774 was extremely rare. English Protestants had begun to formulate arguments that protected the dignity of Roman Catholics, condemned those who used ungainly anti-Catholic rhetoric, and defended their historical record in America by depicting them as peaceful citizens. Most important, all of this happened years before any treaty with France, before the United States had declared independence, and before a single shot was fired during the war. The Quebec Act, then, in the most unforeseen ways, set a precedent for defending Catholic rights.

Although very few Americans voiced their support for the law, some admitted to the overwrought reaction the Quebec Act provoked. In response to a claim in the September 26, 1774 *Boston Gazette*, which warned that “the Roman Catholics of this county” were in “great spirits” because “in a few years they shall have the same privileges allowed them here as the Roman Catholics have at Quebec,” one writer cautioned Bostonians not to entertain such a “whimsical circumstance.”⁴⁶⁶ Another Boston paper downplayed the consequences of Catholics being afforded toleration in

⁴⁶⁴ [Samuel Johnson], *Hypocrisy Unmasked* (London, 1776) quoted in Hanson, *Necessary Virtue*, 87.

⁴⁶⁵ Hanson, *Necessary Virtue*, 86-88.

⁴⁶⁶ *Boston Gazette*, September 26, 1774.

Canada. “As to the Quebec Act,” one author averred, “let the Canadians go to the devil their own way. Who cares?”⁴⁶⁷ Hardly an endorsement of the Catholic faith, this kind of reasoning – which amounted to moral indifference – nevertheless suggested that affording Roman Catholics toleration in Quebec posed no threat to the religious freedom of Protestant Americans. Consequently, individuals moved away from believing that religious freedom for Catholics meant religious freedom for none.⁴⁶⁸

In addition to calling out the exaggerated responses to the Quebec Act, some went even further and used the occasion to defend the civil and religious liberties of Catholics. Dr. Johnson and Shebbeare again provide a useful lens through which to view how Protestant Englishmen defended Catholics. “Persecution,” Johnson reasoned, was “not more virtuous in a Protestant than a Papist.” Besides, Johnson wrote, turning to history to support his argument, “while we blame Lewis the fourteenth, for his dragoons and his galleys, we ought, when power comes into our hands, to use it with greater equity.”⁴⁶⁹ Shebbeare likewise told the “intellects” and “patriots” in America that, contrary to their claims, “popery and the Roman Catholic religion are not necessarily conjoined.” But this was of course the point the colonists had been making – that the Protestant King, and now Parliament, were engaged in popery. Shebbeare next attempted to hold up a mirror to America’s persecutory past. He turned to the historical record to make the self-proclaimed “advocates for universal toleration and liberty of conscience” in America

⁴⁶⁷ Metzger, *Quebec Act*, 28.

⁴⁶⁸ One recent study suggests that moral indifference of this kind is preferable to toleration in the traditional sense, and therefore marks moral progress toward equality. “Obviously, in many cases, the attitude of indifference is actually morally preferable to that of toleration: better that people should be indifferent as to their neighbors’ sexual orientation than that they should disapprove of it but tolerate it nonetheless.” See Brian Leiter, *Why Tolerate Religion?* (Princeton, New Jersey: Princeton University Press, 2012), 9.

⁴⁶⁹ Samuel Johnson, *The Patriot* (1774), in Johnson, *Political Tracts: Containing, The False Alarm, Falklands Islands, The Patriot; and Taxation no Tyranny* (Dublin: W. Whiteston, W. Watson, 1777), 152-153.

realize that the “facts alone” suggested that they were not at all times the “fast friends of freedom and the constitution.” He insisted that dissenting Protestants like those in New England were still “mixed with Calvinism,” which was the most intolerant of all religions because its adherents maintained a belief in “predestination, that tremendous weight which drives through all opposition.” Shebbeare concluded by asking his American audience “whether, from the hands of the Roman Catholics or of Presbyterians, your destruction be most likely to proceed.”⁴⁷⁰

Although they were more prevalent in England than in America in 1774, defenses of Catholic civil and religious rights did appear in American print. Jonathan Sewall’s *The American Roused in a Cure for the Spleen*, for example, narrated a story of a country parson who defended the Quebec Act by pointing to the overwhelmingly peaceable Catholic population of Quebec. Reverend Myles Cooper, president of King’s College, called for civil discourse among the “lies and misrepresentations concerning this act.”⁴⁷¹ Jonathan Boucher delivered a sermon in Prince George County in 1774 making a distinction between Catholics in America and those in continental Europe. With “all the bad principles imputed to them,” Boucher explained, Catholics “are clear of any suspicion of having begun that [disloyal behavior] in America; nor have they been found to be either refractory or turbulent subjects under a Government of which it is hardly possible that they can cordially approve.”⁴⁷² Other Tories similarly defended the Parliament’s actions, like Daniel Leonard, who debated John Adams over the Quebec Act in New England newspapers. Leonard first corrected Adams by noting that the toleration

⁴⁷⁰ Quoted in Hanson, *Necessary Virtue*, 87-89.

⁴⁷¹ Sister Mary Augustina Ray, *American Opinion of Roman Catholicism in the Eighteenth Century* (New York: Columbia University Press, 1936), 307-308.

⁴⁷² Jonathan Boucher, “On the Toleration of Papists,” in *A View of the Causes and Consequences of the American Revolution in Thirteen Discourses* (London: G.G. & J. Robinson, 1797), 244.

afforded to Catholics did not include “an exclusion of the protestant religion” before moving on to his larger point. Leonard asserted that it was a “strange kind of reasoning” to insist that because French Catholics were “tolerated in the enjoyment of the Roman Catholic religion...that therefore government intends to deprive us of the enjoyment of the protestant religion.”⁴⁷³

Other Tories like Peter Oliver made similar arguments,⁴⁷⁴ but those looking for whiggish Americans who defended the act will search in vain. None of the leaders of the patriot cause defended the religious freedom of Catholics in the American press in 1774.⁴⁷⁵ Washington, Adams, Thomas Jefferson, Benjamin Franklin, John Hancock, and Richard Henry Lee never wrote a public or private word in defense of the Quebec Act.⁴⁷⁶ Even Charles Carroll of Carrollton, who attended the First Continental Congress, refused to defend the toleration of his own faith. Remarkably, none of his esteemed family members – father Charles, brother Daniel, and cousin John, all of whom were definitively on the patriot side of the war by 1774 – criticized or championed the act in public or private correspondence.⁴⁷⁷ Although some delegates were more concerned with it than

⁴⁷³ [Daniel Leonard], *Massachusetts: or a Series of Letters, Containing a Faithful State of Many Important and Striking Facts, which Laid the Foundation of the Present Troubles in the Province of Massachusetts-Bay* (Boston: J. Matthews, 1776 [1775]), 73-74.

⁴⁷⁴ Peter Oliver, “An Address to the Soldiers of Massachusetts Bay,” in Douglass Adair and John A. Schutz, eds., *Peter Oliver’s Origin and Progress of the American Rebellion: A Tory View* (San Marino, California: The Huntington Library, 1961), 165.

⁴⁷⁵ The only exception, found below, is the *Address to the Inhabitants of the Province of Quebec*, which was of course a politicized document that failed to convince its recipients anyway. See John Tracy Ellis, *Documents of American Catholic History* (Milwaukee, Wisconsin: The Bruce Publishing Company 1962), 135.

⁴⁷⁶ For one of the few responses to the act that was not laced with hostility toward the Mother Church, see George Washington to Bryan Fairfax, August 24, 1774, in Worthington Chauncey Ford, ed., *The Writings of George Washington*, 14 vols. (New York: G.P. Putnam’s Sons, 1889), 2:429-436 and Paul F. Boller, “George Washington and Religious Liberty,” *William and Mary Quarterly*, Third Series, 17 (1960): 491, arguing that Washington “criticized the Quebec Act, but at no time did he join Alexander Hamilton and other patriot leaders in charging that its purpose was to establish ‘Popery’ in the colonies.”

⁴⁷⁷ One scholar, without evidence, definitively concluded that Charles Carroll of Carrollton “opposed the Quebec Act.” See Hanley, *Revolutionary Statesmen: Charles Carroll and the War* (Chicago, Illinois: Loyola University Press, 1983), 50.

others, the Continental Congress universally disapproved of the Quebec Bill. Charles Carroll, the only Catholic delegate in attendance during the Philadelphia convention, however, may have had mixed feelings because he left for Annapolis the day that the Congress debated how they would respond to the act.⁴⁷⁸

Yet, despite all the newspaper reports, pamphlets, and congressional statements against the Quebec Act and the Catholic faith, there is another side to this story. There was not a single documented act of violence committed against a Catholic in the colonies during the reaction to the act.⁴⁷⁹ Furthermore, it is clear that there was a movement to appeal to Canadian Catholics as early as October of 1774. The delegates at the convention knew that tapping into the seemingly bottomless pit of anti-Catholic sentiment in English culture was a valuable rhetorical tactic in garnering support for the war. But those responsible for prosecuting the war began to take active measures to harness the support of American Catholics, Canadians, and, by 1776, the dreaded “French papists” across the Atlantic. Just days after the Continental Congress adopted an address which cited the “deluge” of “blood” that Catholics had inflicted “in every part of the world,” it sent an *Address to the Inhabitants of the Province of Quebec*, which, after outlining the rights for which Americans were fighting, assured the Canadians that “These are rights *you* are entitled to” as well. Addressing the issue of religious freedom

⁴⁷⁸ CCC to CA, September 12, 1774, Ronald Hoffman, Sally D. Mason, and Eleanor S. Darcy, eds., *Dear Papa, Dear Charley: The Peregrinations of a Revolutionary Aristocrat, as Told by Charles Carroll of Carrollton and His Father, Charles Carroll of Annapolis, with Sundry Observations on Bastardy, Child-Rearing, Romance, Matrimony, Commerce, Tobacco, Slavery, and the Politics of Revolutionary America* (hereafter *CCC Papers*) 3 vols. (Chapel Hill: University of North Carolina Press, 2001), 2:738. Carroll was not elected as a delegate but he was asked by the delegates to attend. His intensive legal training in English law made him a valuable asset in determining the correct course of action moving ahead. The congress met on September 5, 1774 and adjourned October 26. Carroll arrived September 6 and departed on September 17. It is unclear if Carroll absconded back to Maryland to avoid what might have been for him an uncomfortable situation, or if the Congress took up the issue that day because they knew Carroll was not present. The timing, of course, might have also been entirely coincidental.

⁴⁷⁹ Augustina Ray, *American Opinion of Roman Catholics*, 309.

head on, Congress reasoned that the Quebec Act did not provide “Liberty of conscience” to Canadians because, in fact, “God gave it to you.” Dismissing the act as a tautology was meant to demonstrate the Americans’ deep commitment to the principle of religious freedom. The Congress then attempted to win over the Canadians through flattery. “We are too well acquainted with the liberality of sentiment distinguishing your nation,” the letter continued, “to imagine, that difference of religion will prejudice you against a hearty amity with us.” After all, “the transcendent nature of freedom elevates those” like the Canadians, “who unite in her cause, above all such low-minded infirmities.” Tacitly acknowledging the negative way Americans viewed their northern neighbors, the Congress counted on Canadians to show more tolerance toward the colonists than the colonists had shown toward them.⁴⁸⁰

Like good politicians, they wanted to have it both ways. On the one hand, Congress fed into the animus that many Americans felt toward the Church of Rome. On the other, they assured Catholics in Quebec that religious differences were inconsequential because Americans believed in the God-given right to religious liberty. Unfortunately for the rebel cause, the Catholics in Quebec were not characterized by the illiteracy or “popish ignorance” that Americans attributed to them. Canadians had been reading reactions to the Quebec Act in the American press for several months. Most important, Canadian Catholics also read the Continental Congress’s *Address to the Inhabitants of Great Britain*, which accused Catholics of “bigotry, persecution, murder, and rebellion.” An anonymous author from Montreal reported that, after initially considering the American pleas for cooperation, Canadians “could not contain their

⁴⁸⁰ Ellis, *Documents*, 134-35.

resentment, nor express it but in broken curses,” which they directed at the “perfidious double-faced Congress.”⁴⁸¹

Two centuries of hostility toward Catholics was too much for a single letter to undo. But if the congressional overtures failed to woo Canadian Catholics into the war, they also marked the beginning of an orchestrated effort to tone down the anti-Catholic rhetoric and to reach out to Catholics in America and Europe. By February of 1778, Catholic France had become an official ally of the United States. Shortly after, Spain followed suit. Those alliances, more than anything, helped undermine the notion that Catholics could not fight on behalf of liberty and republican government. Within just a few years, then, American culture underwent a fundamental transformation in its attitude toward members of the Catholic faith.⁴⁸²

Yet, just because that change occurred quickly does not mean it happened easily (or thoroughly). A number of moving parts were all working to achieve such an end. Catholics were themselves participating in American political culture in order to gain the cultural respectability they believed they needed to attain legal equality under the law. Political leaders in the Continental Congress were pressuring their subordinates to look beyond hackneyed theological rivalries to accomplish the goals of the Revolution. Finally, Catholic soldiers from America, France, and Spain were fighting and dying side-by-side with Protestants for the sacred cause of liberty. All of these actions helped liberalize American conceptions of religious freedom by bringing Catholics into the American family.

⁴⁸¹ Quoted in Cogliano, *No King, No Popery*, 64.

⁴⁸² The most insightful interpretation of the degree to which attitudes changed is Chris Beneke, “The ‘Catholic Spirit Prevailing in Our Country’: America’s Moderate Religious Revolution,” in Chris Beneke and Christopher S. Grenda, eds., *The First Prejudice: Religious Tolerance and Intolerance in Early America* (Philadelphia: University of Pennsylvania Press, 2011), 266-285.

Catholics Embrace Independence

At the end of the nineteenth century John Gilmary Shea and Peter Guilday, two of the eminent historians of American Catholicism, wrote that during the American Revolution, “there were no tories, no falterers and final deserters” within the Catholic ranks. Less concerned with nuance and complexity than historians of today, Shea insisted that “every Catholic hand, every Catholic heart...gave its aid to the cause.” To be sure, the movement for independence “had the complete, instant, and continuous support of all Catholics within its bounds. The Catholics in the thirteen colonies were all Whigs.”⁴⁸³ Attempting to stamp out a wave of anti-Catholicism in their own day, Shea and Guilday overstated their case. Catholics, like other groups, were divided over support for the American Revolution. While Catholics in Maryland were mostly white hot for the rebel cause, German Catholics in Pennsylvania were more tepid in showing their support.⁴⁸⁴

Although some historians have noted that Catholics saw benefits coming from the Revolution, this seems to read the evidence backwards, after religious liberty had been expanded.⁴⁸⁵ Modern historians find evidence for this claim in Charles Carroll’s reflections as a nonagenarian, when he explained to a reverend in New York that “To obtain religious as well as civil liberty, I entered zealously into the Revolution, and observing the Christian religion divided into many sects, I founded the hope that no one

⁴⁸³ Peter Guilday, *The Life and Times of John Carroll: Archbishop of Baltimore (1735-1815)* (New York: Encyclopedia Press, 1922), 82; John Gilmary Shea, “Is Froude a Historian?” *American Catholic Quarterly Review* 5 (January 1880): 119-20; Shea, “Bancroft’s False Charges against the Catholics of 1776,” *United States Catholic Historical Magazine* 2 (June 1888): 328-330. See Thomas J. Douglas. “American Catholic Interpretation of Church and State: John Gilmary Shea, Peter Guilday, Thomas T. McAvoy, and John Tracy Ellis,” *Journal of Church & State* 27, no. 2 (Spring 1985): 268-269.

⁴⁸⁴ Metzger, *Catholics in the American Revolution*, 277-278.

⁴⁸⁵ This kind of reasoning can be seen as early as the end of the eighteenth century with Jonathan Boucher’s *Causes and Consequences of the American Revolution*.

would be so predominant as to become the religion of the State.”⁴⁸⁶ But in the early years of the Revolution, it was unclear if Catholics would benefit in any way from an American victory, and moreover, they had compelling reasons to support England in the conflict.⁴⁸⁷ For similar reasons that most African American slaves and Native Americans had for supporting England, a majority of Catholic Americans might have seen better opportunity to secure their rights by supporting the British – especially considering the near universal condemnation their church received in the wake of the Quebec Act.⁴⁸⁸ In fact, Carroll and his father had on more than one occasion commented on the “peace and tranquility” that Catholics enjoyed in England and compared it favorably to the hostility that Catholics faced in America.⁴⁸⁹

American Catholics who commented on the subject, however, seem to have been convinced that independence was in their best interest for a number of reasons. Like most patriots, they believed that independence provided an opportunity to expand their civil liberty and economic mobility in addition to the widespread belief that England was violating the colonists’ rights. Catholics like those in the Carroll family, Thomas Sim Lee, the governor of Maryland from 1779-1782, and Ignatius Fenwick and Thomas Semmes, both delegates at Maryland’s constitutional convention in 1775, were in fact Whiggish in their politics largely because of their liberal education, which stressed the

⁴⁸⁶ CCC to Rev. John Stanford, Oct. 9, 1827, in Kate M. Rowland, *The Life of Charles Carroll of Carrollton, 1737-1832, with His Correspondence and Public Papers*, 2 vols. (New York: G.P. Putnam’s and Son’s, 1898), 2:358.

⁴⁸⁷ For a succinct account of the reasons for Catholic loyalism, see Noll, *Christians in the American Revolution*, 116-117.

⁴⁸⁸ On African-American resistance to the movement for independence, see Sylvia Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton, New Jersey: Princeton University Press, 1992). On Native American resistance, see Colin G. Calloway, *The Shawnees and the War for America* (New York: Viking Press, 2007). For the differences between Native and African-Americans on the one hand, and Catholics on the other, see Beneke, *Beyond Toleration*, 11.

⁴⁸⁹ See several letters in *CCC Papers*, 1:147; 1:170; 1:182; 1:193; 1:225.

importance of civil and religious freedom, the dangers of tyranny, and the virtues of republican government. Schooled in Aristotelian and Thomistic natural law traditions by their Jesuit instructors, liberal Catholics saw George III's actions as inconsistent with the political writings of Aristotle, Aquinas, and Montesquieu.⁴⁹⁰

Those ideas, stemming from their Catholic educations, led Carroll, for example, to predict to his father in 1763 – long before there was any substantial talk of independence – that “America is a growing county,” and “in time it will & must be independent.”⁴⁹¹ And as early as 1760 he wrote that “a change in our constitution is I think near at hand. Our dear-bought liberty stands upon the brink of destruction.”⁴⁹² These statements suggest that independence was on his mind a decade or more before the idea gained popular support. By 1765, Carroll had already made up his mind about independence. In a letter to William Graves, a sitting member of the British Parliament, Carroll criticized the “mistaken policy of England” that “loaded [Americans] with oppressive taxes.” He lamented Americans’ “loss of liberty” and accused Parliament, itself the supposed “guardians of liberty & the subjects’ rights,” with infringing the rights that Americans possessed under the “English constitution.”⁴⁹³ Later that year Carroll insisted that the “English Constitution is hastening to its final period of dissolution & the

⁴⁹⁰ On Catholic education, see T. G. Holt, “Americans at St. Omer’s, Bruges and Liege,” *Stonyhurst Magazine* (1976): 243-427; Philip Gleason, “The Main Street Anchor: John Carroll and Catholic Higher Education,” *Review of Politics* 38, no. 4 (October 1976): 576-613; Christopher Chatlos Strangeman, “Strange Allies? English Catholicism and the Enlightenment,” (PhD Dissertation: Southern Illinois University, 2007), 29-57. See also the inventory of books in Charles Carroll’s library in *CCC Papers*, 3:1553-1570.

⁴⁹¹ CC to CCA, November 12, 1763, in *CCC Papers*, 1:338.

⁴⁹² CC to CCA, January 29, 1760, in *CCC Papers*, 1:147.

⁴⁹³ CCC to William Graves, September 15, 1765, in *CCC Papers*, 1:376.

symptoms of a general decay are but too visible.” All of these trends, Carroll again predicted, would “no doubt” lead to “the reign of American freedom.”⁴⁹⁴

Carroll’s clamor for independence was not an aberration within the English-Catholic community. His views reflected – and eventually shaped – many Catholics’ opinions. Based on an analysis of “muster rolls, veteran pension applications, and supply records” in Maryland, one recent study found that “support for the Revolutionary War was greater among Catholics than it was among Protestants,” and that their “commitment to the Patriot cause was there from the very beginning.” There was “no discernible difference between the number of Catholics who joined the independence movement before the solidification of the alliance with France in February 1778 and the number who joined after.”⁴⁹⁵ Instead, the record shows a concerted effort orchestrated by leaders in the English-Catholic community to publicly demonstrate their patriotism and commitment to religious freedom. Just as they did during the early part of the century, once again, the Carroll family led the way, and whereas Charley’s father and grandfather depended on Protestant allies for help, so too would the youngest Carroll rely on outside support.

The First Citizen Enters the Public Sphere

Samuel Chase and William Paca were both members of the Maryland assembly, fought against the Stamp Act, later signed the Declaration of Independence, and served as

⁴⁹⁴ CCC to Thomas Bradshaw, November 21, 1765, in *CCC Papers*, 1:386. Carroll was right but thought the time for American independence was still “at a great distance – the present generation at least & I hope many succeeding ones in spite of a corrupt Par[liamen]-t will enjoy the blessings & the sweets of liberty.”

⁴⁹⁵ Farrelly, *Papist Patriots*, 242.

federal judges.⁴⁹⁶ Despite being loyal members of the Church of England, they had already shown their commitment to civil and religious liberty when they fought against Reverend Jonathan Boucher's request to appoint an Anglican Bishop in the colony in 1767. They reasoned that the presence of a bishop would undermine the freedom of minority faiths, which established the duo as leaders of the country party in the assembly. By 1771, they were on the front lines in opposing Governor Robert Eden's tobacco fee law. They quickly gained the support of Daniel Carroll and Charles Carroll the Barrister – both cousins to Charley, as well as Thomas Johnson, a fiery patriot who later served in the Continental Congress and was a justice of the Supreme Court.⁴⁹⁷ The three Carrolls then, along with Chase, Paca, and Johnson, wielded significant political, economic, and cultural influence in the colony. Dubbed the “Independent Whigs,” this faction became leaders of the country party in Maryland politics in 1773, as revolution looked more likely. Chase, Paca and Johnson assumed responsibility for promoting the country party's political agenda in the Maryland Assembly, but the Catholic Whigs gained notoriety when Charles Carroll of Carrollton, with direction and support from Chase, entered into a public controversy in 1773.⁴⁹⁸

In that year, Carroll found an opportunity to voice his patriotism by answering a newspaper article written by Daniel Dulany Jr., a well-respected lawyer and representative in the lower house of the Maryland Assembly.⁴⁹⁹ The particular issue to which Carroll responded did not at first involve Catholics, church-state issues, or

⁴⁹⁶ For biographical information on Chase and Paca, see William Hand Browne, et al., eds., *Archives of Maryland* (hereafter *Maryland Archives*) (Baltimore, Maryland: Maryland Historical Society, 1883–present), 426:214-216, 632-635.

⁴⁹⁷ *Maryland Archives*, 426:495.

⁴⁹⁸ Thomas O'Brien Hanley, *Charles Carroll of Carrollton: The Making of a Revolutionary Gentleman* (Washington: Catholic University of America Press, 1970), 223-228.

⁴⁹⁹ *Maryland Archives*, 426:286-287.

religious freedom. Rather, it concerned the fees that tobacco inspectors paid to the governor. Because the matter touched on the sensitive issue of taxation, it held great political significance. The proprietary party in the assembly, of which Dulany was a part, insisted that the executive power held jurisdiction on the fee controversy while the country party, led by the Independent Whigs, reasoned that the fees fell under the legislature's domain. Governor Eden's unilateral action to assume executive responsibility for the fees in 1770 led the lower house, which was dominated by the country party, into uproar. Led by Chase, Paca, and Johnson, the Independent Whigs took their case to the public by writing articles in local newspapers, with the proprietary delegates in the assembly answering in kind. After years of unresolved conflict, Dulany published a letter that appeared in a January, 1773 edition of the *Maryland Gazette*. Taking the form of a dialogue between a "First" and "Second Citizen," Dulany summarized both sides of the argument while giving the proprietary party position that favored executive privilege a decisive edge. A month later, the "First Citizen" who lost the debate in Dulany's account, appeared in the same paper, wielding a new set of arguments. The rejoinder might have gone unnoticed if it had not come from Charles Carroll of Carrollton.⁵⁰⁰

Once it became clear that the First Citizen was in fact a Roman Catholic, the contours of the debate abruptly changed. A dispute over taxes and tobacco fees that had been dragging on for years suddenly turned into a conversation about the political and religious rights of, as well as the culture of intolerance toward, Roman Catholics in

⁵⁰⁰ For background information on the dispute, see Hanley, *Charles Carroll of Carrollton*, 225-226; Peter S. Onuf, ed., *Maryland and the Empire, 1773: The Antilon-First Citizen Letters* (Baltimore, Maryland: Johns Hopkins University Press, 1974); James R. Stoner, "Catholic Politics and Religious Liberty in America," in *The Founders on God and Government*, eds. Daniel Dreisbach, Mark D. Hall, and Jeffrey H. Morrison. (Lanham, Maryland: Rowman & Littlefield, 2004), 256-257; Farrelly, *Papist Patriots*, 227-229.

Maryland. Depicting himself as the defender of local sovereignty, Carroll's "First Citizen" began by heralding individual liberty above all else while Dulany, who placed sovereignty in Parliament, took a more conservative approach to the English constitution. The exchange included four essays by each side, but a number of commentaries appeared alongside the debate as well.⁵⁰¹ The debate spiraled into a series of puerile attacks on the character of the individuals involved once Dulany attacked Carroll's family and his faith.⁵⁰² Dulany's pseudonymous persona, Antilon, reasoned that his audience should not trust Carroll on account of his Roman Catholic faith. The illustrious lawyer asserted that Carroll would never "gain the confidence of the people" because Protestants were "instructed by the spirit of our laws, and constitution, by the disabilities you are laid under, not to place any trust in *you*, when their civil, or religious rights, may be concerned. My advice to you is to be quiet, and peaceable."⁵⁰³ Carroll had his opening. With the help of the Independent Whigs, he turned the issue of tobacco fees into a larger discussion concerning religious freedom.

The Independent Whigs lent Carroll their support and coordinated their efforts to ensure their arguments appealed to public opinion. Carroll, his father, Chase, Paca, and Johnson conducted a private correspondence which suggests that they placed tremendous significance on the First Citizen debate. The Independent Whigs dined at Carroll's estate several times during the exchange, which gave them the opportunity to discuss their

⁵⁰¹ See *Maryland Gazette*, February 11, 1773.

⁵⁰² At one point Dulany suggested that Carroll hoped his own father would pass away so that the son could convert to the Church of England and advance his political career. Elihu S. Riley, ed., "First Citizen" – Charles Carroll of Carrollton, and "Antilon" – Daniel Dulany Jr., 1773, *With a History of Governor Eden's Administration in Maryland, 1769-1776* (Baltimore, Maryland: King Brothers, State Printers, 1902), 66. Carroll responded in kind by revealing that Dulany's grandfather came to America not as an aristocrat, but an indentured servant.

⁵⁰³ Riley, *First Citizen*, 118-119.

literary strategies.⁵⁰⁴ Personal correspondence shows that while Carroll sought out the advice of Chase and Paca in his literary battle, the latter gleaned advice from Carroll about how to proceed in their contemporaneous debate with Reverend Boucher over the proposed Anglican establishment.⁵⁰⁵ Boucher led a movement in Maryland to make the Anglican church the established religion of the colony in the 1770s. The Independent Whigs were among the most articulate spokesmen on the opposite side of that debate, instead advocating for a multiple establishment that would recognize all Christian churches as worthy of receiving equal support from the state. Even though Carroll's name was not signed to the essays that argued for a multiple establishment, based on the intimacy with which he corresponded with Chase and Paca, his family history, and his training in constitutional law, it stands to reason that he had some influence on the contours of that debate as well. From the evidence available, it appears that Carroll and his allies in the Maryland Assembly actively tried to alter public opinion about Catholics in the colony.⁵⁰⁶

In his initial response, Carroll's First Citizen distanced himself from the ad hominem attacks perpetrated by his opponent. Writing that he wanted to redirect the debate to the original issue, Carroll pounced on the opportunity to present himself – and his religion – as compatible with republican values. Having already gained the support of most Marylanders in his first two letters,⁵⁰⁷ Carroll went on to reason that “this is neither

⁵⁰⁴ See CCA to CCC, March 17, 1773; CCA to CCC, March 20, 1773; CCA to CCC, April 1, 1773 in *CCC Papers*, 662-66; 670.

⁵⁰⁵ Hanley, *Charles Carroll of Carrollton*, 242.

⁵⁰⁶ For Chase's relationship with Carroll, see Ronald Hoffman, *A Spirit of Dissent: Economics, Politics, and the Revolution in Maryland* (Baltimore, Maryland: The Johns Hopkins University Press, 1973), 214-222.

⁵⁰⁷ In addition to the Independent Whigs who extolled his virtues, Carroll received acclaim from Daniel of St. Thomas Jennifer and John Rideout in the press as well as from individuals in the county court session of

the place, nor time” to consider whatever his “speculative notions of religion may be; my political principles ought only to be questioned on the present occasion; surely they are constitutional, and have met, I hope, with the approbation of my countrymen.” Carroll insisted, in brief, that religious beliefs were unrelated to politics. He defined himself as “A man... a friend to liberty [and] a settled enemy to lawless prerogative,” who happened to be Catholic.⁵⁰⁸ By stressing his ideological values after Dulany called attention to his Roman Catholicism, First Citizen planted a seed that he hoped would broaden his readers’ conception of who could be a friend to liberty. In that way, he challenged the ostensible ties between religion and politics.

While Carroll battled Dulany, the Independent Whigs did their part to shine a spotlight on Carroll’s commitment to republican ideals in adjacent essays in the *Maryland Gazette*. They praised First Citizen for asserting “the RIGHTS of your country,” and assured him that “every friend to *liberty* will be a friend to *you*.” While Antilon’s “malice may rage, and RAW HEAD AND BLOODY BONES clatter and rattle,” they explained that Carroll’s “*honest heart*, bold in the cause of FREEDOM, feels no alarm.”⁵⁰⁹ Chase and Paca built up Carroll’s reputation at the same time that First Citizen tore down the English conception of Protestant freedom. Using William Blackstone as an authority, Carroll insisted that Protestant monarchs deprived Englishmen of their liberties. Not until the English Reformation under Henry VIII, Carroll asserted, did that tragic development occur. Henry’s reign, the First Citizen wrote, was marked by “the greatest despotism, that [has] been known” and Queen Elizabeth

1773. His cousin Daniel and father also celebrated his “triumph” at Carroll’s estate. See Hanley, *Charles Carroll of Carrollton*, 243, 249.

⁵⁰⁸ Riley, *First Citizen*, 121-122.

⁵⁰⁹ *Maryland Gazette*, February 11, 1773.

ruled “with despotic sway.” Yes, Catholic monarchs engaged in “tyrannical proceedings,” but Carroll insisted that “arbitrary” laws came from Catholic and Protestant alike.⁵¹⁰ The lesson, for Carroll, was manifestly Manichean. He wanted his audience to divide individuals not by faith, but to distinguish between patriot and tory, between those who were willing to stand up for liberty and those who sat idly as their freedoms and rights receded with every new tax or usurpation of authority. Once Americans shifted to that intellectual paradigm, Catholics could gain back their civil and religious rights.

Carroll’s final essay came on the heels of the Tea Act. Within that context, Carroll summoned his memory and knowledge of the dangers of Protestant establishments at a time when it was becoming clear that a Protestant king was usurping the rights of the colonists. As pamphlets and newspapers in Boston began trickling down the coast toward Annapolis, Carroll capitalized on mounting patriotic sentiment. He had to answer charges from yet another participant into the First Citizen Debate – “Protestant Planter” – who, following Dulany’s earlier suggestion, charged Carroll with wanting “to subvert both church and state.”⁵¹¹ Protestant Planter argued that Carroll must have lamented the consequences of the Glorious Revolution because of the effect it had on his grandfather and the Catholic community in Maryland. In what must have been a difficult passage to compose, Carroll defended, in principle, the Revolution of 1688. Although he was cognizant of the toll that that event took on his own family, Carroll used the revolution to reinforce his earlier point that love of liberty, rather than religion, was the most important characteristic of individuals. First Citizen posited that James II was attempting to force his religion onto others. From that premise, Carroll forcefully claimed that “The nation

⁵¹⁰ Riley, *First Citizen*, 125-126.

⁵¹¹ *Maryland Gazette*, May 13, 1773.

had a *right to resist*, and to secure its civil and religious liberties.” But he refused to link James’ Catholicism with his tyranny. Combating the stereotypes of his time, Carroll assured his audience that he was “as averse to having a religion crammed down the peoples’ throats, as a proclamation,” such as the Tea Act or the tobacco fees. “These are my political principles,” Carroll bellowed, “in which I glory; principles not hastily taken up to serve a turn, but what I have always avowed since I became capable of reflection.”⁵¹²

Carroll concluded his final essay by answering Dulany’s charge that “Papists are distrusted by the laws, and laid under disabilities.” Forcing the issue of political discrimination against Catholics, Carroll asked if “these disabilities extend so far, as to preclude [Catholics] from thinking and writing on matters merely of a political nature?” The question was narrow, but spoke to the larger issue of the establishment in the colony and the union of church and state. To answer it, Carroll highlighted the “bigotry” that Dulany had shown during the course of the debate, and which, he argued, showed how even distinguished Protestant gentlemen could engage in popery. Using anti-Catholic rhetoric to suit his own purposes, Carroll claimed that Dulany “would make a most excellent inquisitor, he has given some striking specimens of an arbitrary temper; the first requisite. He will not allow me freedom of thought or speech.” Turning the anti-Catholic stereotype on its head, Carroll finished his letter by noting how tolerant and peaceable he and his coreligionists in America had been. Unlike Protestant “inquisitors,” Catholics like Carroll “choose not to meddle with” others’ religious freedom, “the discussion of which may rekindle extinguished animosities... *we* catholicks, who think we were hardly treated

⁵¹² Riley, *First Citizen*, 230.

on that occasion, *we* still remember the treatment, though our resentment hath intirely subsided.”⁵¹³

Even though the First Citizen debate did not immediately swing popular support into rescinding the penal laws, it was important for church-state relations in Maryland and, consequently, America. As one scholar notes, “Charles Carroll’s editorials went a long way toward convincing the people of Maryland that the struggle against tyranny no longer required them to...marginalize their Catholic neighbors, friends, and family.”⁵¹⁴ Instead, the First Citizen debate gave Catholics a voice within the public discourse that had erupted when the Stamp Act went into law in 1765. The debate provided an opportunity for Carroll to present himself and his faith as compatible with the ideals that the colonists proclaimed.

Carroll’s exchange also showed how Catholics could engage in political culture and win the support, admiration, and respect of their Protestant countrymen. His allies in the Maryland congress – Chase and Paca – brought attention to the debate at the highest levels of polite society and wrote articles in support of Carroll in the *Maryland Gazette*. Through their efforts, many of the most influential men of the age learned of Carroll from the First Citizen debate.⁵¹⁵ By defending individual liberty, Carroll proved that Catholics could be just as “patriotic” as any religious group. Furthermore, Carroll won the praise of Catholics in Maryland, who read and celebrated his writings. As one scholar has noted, the penal laws in this case had the unintended consequence of helping promote Catholic freedoms because, by forcing the First Citizen debate out of legislative chambers and into

⁵¹³ Riley, *First Citizen*, 231.

⁵¹⁴ Farrelly, *Papist Patriots*, 227-228.

⁵¹⁵ Washington, for instance, learned of the fiery debate and, while in Maryland for “racing season” that year, dined at Carroll’s estate. He had dined with Carroll’s father two years prior. See Ford, *The Writings of George Washington*, 2:339; Hanley, *Revolutionary Statesman*, 42, 77.

the public sphere, Carroll's arguments reached more people than it might have otherwise. Because the debate was widely distributed, Carroll was able to rally many Catholics into supporting the ideals of the Revolution, which helped reinforce his point that ideology, rather than religion, should be the most important determinant in political culture.⁵¹⁶

Carroll's efforts as First Citizen represent the first in what became a series of events that gradually tamed public hostility toward Catholics and helped advance their civil and religious rights. The debate affirmed a Catholic's right and ability to engage in public discourse about an important political issue, but it also showed that, contrary to assumptions, Catholics could be friends to freedom. As a long-term consequence, Carroll earned his seat as a delegate to the Maryland convention. The debate also prepared Carroll for election to the Continental Congress and his appointment to a diplomatic commission to Canada. Carroll's presence in all of these endeavors had a liberalizing effect on the discussions of religious freedom in the new Republic. But just as he needed help from the Independent Whigs in his newspaper debate with Dulany, so too, did he rely on those like Chase to encourage American leadership to consider expanding their church-state models to include Catholics as members of the American family.

Revolutionary Leaders Press for Toleration

Not long after the First Citizen debate faded from the pages of the *Maryland Gazette*, Samuel Chase and the Independent Whigs were again priming their ideological ally for political prominence. At once, the Continental Congress and Maryland

⁵¹⁶ Hanley, *Charles Carroll of Carrollton*, 256. Letters from Carroll's father suggest widespread support for Carroll's arguments. See CCA to CCC April 1, 1773, in *CCC Papers*, 2:669. Other Protestants, like the "Consistent Protestant" noted the popularity that Carroll gained as a result of the debate: "There has hardly been a period since this country has been under a protestant government, when a conduct, like his [Carroll], wou'd have met with such a reception as it now has. See *Maryland Gazette*, August 19, 1773.

Convention called delegates to discuss their response to the Intolerable Acts. Tensions ran high as anxious delegates earned appointments to different stations with fortunes, reputations, and liberty on the line. Carroll managed to attend both assemblies by remaining in Philadelphia for most of September before departing to Annapolis in time for the Maryland Convention in November of 1774. Even though he did not stay for the duration of the Philadelphia meeting, Chase and Paca kept him abreast of the events that he missed by providing him with copies of the Journal of Congress and by dining at his home as soon as they returned.⁵¹⁷

Keeping Carroll informed of the national issues while he stayed close to home helped him emerge as a major player in Maryland politics. By late 1774 Carroll had proven himself as one of the most valuable assets to the rebel cause even though the penal laws still barred him from formal politics. The disabilities he faced on account of his religion weighed on his mind at this time because he realized that there was a glass ceiling to his political ambitions. While discussing the subject with William Graves, a minister of Parliament in England, Carroll worried that, even though he received support as First Citizen, due to his religious beliefs, “my countrymen [will] judge me incapable of serving them in a public station.” After declaring himself “a warm friend to Toleration,” Carroll explained first, that he saw all denominations as moral equals in this realm, and, second, that the motives that drove members of a faiths to bar others from office was universal. “I execrate the intollerating spirit of the Church of Rome,” Carroll cried before switching gears, “and of other Churches – for she is not singular in that: designing & selfish men invented religious tests to exclude from posts of profit & trust their weaker or

⁵¹⁷ CCC to CCA, October 26, 1774, in *CCC Papers*, 2:753. This letter suggests that the trio met for dinner at Carroll’s estate in the last week of October.

more conscientious fellow subjects.” Carroll was again arguing that one’s religion said very little about one’s tolerance or love of liberty and that bigotry came in all denominational forms.⁵¹⁸

Unlike his father before him, who, by 1774 was in the twilight of his life, Carroll came of age just as tensions with England had become more important than historical grievances between competing creeds. Mindful of their own history, the minutes of the convention show that on December 8, 1774, the delegates fundamentally altered the church-state relations in the colony in a single stroke. The entry for that day stated that because “our opposition to the settled plan of the British administration to enslave America will be strengthened by an union of all ranks of men in this province, we do most earnestly recommend, that all former differences about religion or politics, and all private animosities and quarrels of every kind, from henceforth cease and be forever buried in oblivion.” The delegates further announced that they “conjure every man, by his duty to God, his country, and his posterity, cordially to unite in defence of our common rights and liberties.”⁵¹⁹ On that same day, Carroll was elected as a delegate to the second Maryland convention. Soon, other Catholics such as Ignatius Fenwick, who represented St. Mary’s County, and John Dent and Thomas Semmes from Charles County, joined Carroll among the delegates.⁵²⁰ After almost a century of religious discrimination against Catholics in Maryland, Lord Baltimore’s “Maryland designe” again breathed new life.

⁵¹⁸ CCC to William Graves August 15, 1774, in *CCC Papers*, 2:726. Carroll repeatedly made this line of argumentation. In 1766, writing to William Jennings, another friend in England, Carroll professed his wish “that the unhappy differences & disputes on speculative points of Theology had been confined to the divines; or that the happiness of mankind had been the object of those disputes.” He pointed to both “Protestants & Papists” for having engaged in “savage wars & cruel Massacres” which, he concluded, served “the purposes of ambition...[and] the cravings of Lust.” CCC to William Jennings, October 14, 1766, in *CCC Papers*, 1:419.

⁵¹⁹ *Maryland Archives*, 78:10.

⁵²⁰ Farrelly, *Papist Patriots*, 255.

With religious liberty temporarily settled in Maryland, Carroll turned his attention to the national stage. Once he arrived in Philadelphia in September of 1774, Chase took the important step of introducing him to other delegates and then praising Carroll's commitment to the rebel cause.⁵²¹ There Carroll found a warm reception from many of the delegates who were already extending an olive branch to Catholics in Canada. Scholars have rightly pointed to the importance of the French alliance of 1778, which undoubtedly cooled the anti-Catholic sentiment in the colonies.⁵²² But the actions of those in the Continental Congress showed a willingness to tolerate Catholics long before any diplomatic discussions with France began. Indeed, the delegates' actions need to be understood in the context of the long, though uneven march towards religious liberty in America.⁵²³ From the earliest days of the Continental Congress, delegates from New England to Virginia showed support – even if it was at times coerced – for the integration of Catholics into the rebel cause. Although they did not celebrate the Catholic faith, they were, by 1774, at least willing to tolerate it. That change—which might seem marginal by modern standards—was an important moment in the development of religious freedom. The American Revolution, in short, accelerated a trend that existed but which stalled in

⁵²¹ In several of the delegates' diaries and letters they mention that Chase introduced them to Carroll. John Adams in his diary from September 14, 1774, noted that "This day Mr. Chase introduced us to a Mr. Carroll." Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams* 10 vols. (Boston: Little, Brown and Co., 1856), 2:380. Adams mistakenly wrote that he met Charles Carroll of Annapolis when in fact it was the younger Carroll.

⁵²² Cogliano, *No King, No Popery*, 100.

⁵²³ For those who argue that a practical toleration of religious outsiders was long entrenched into Western cultures by the end of the eighteenth century, see Beneke, *Beyond Toleration*; Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park, Pennsylvania: The Pennsylvania State University Press, 2001); Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003); Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Harvard University Press, 2007).

the middle and late eighteenth century, granting Roman Catholics many liberties and rights they did not formerly possess.

One sign of the more liberal climate that was developing for Catholics in America shows up in a letter that John Adams wrote to his wife during the First Continental Congress. He explained to Abigail that on one Sabbath afternoon, “led by curiosity and good company,” which included George Washington, he “strolled away to [the] Mother Church, or rather Grandmother Church, I mean the Romish Chappell.” There he and other delegates “Heard a good, short, moral Essay upon the Duty of Parents to their Children, founded in justice and Charity, to take care of their Interests temporal and spiritual.” While he admired the priest’s sermon, Adams found the rituals within the church “most awfull.” Even though the hymns were “chanted-most sweetly and exquisitely,” he felt sorry for the “poor Wretches, fingering their Beads, chanting Latin, not a Word of which they understood.” Adams finished with a backhanded compliment: “Here is every Thing which can lay hold of the Eye, Ear, and Imagination. Every Thing which can charm and bewitch the simple and ignorant. I wonder how Luther ever broke the spell.”⁵²⁴

As Jenny Franchot has shown in a later period, the Protestant encounter with Catholicism was marked by repulsion on the one hand, but a begrudging sense of admiration, even longing, on the other.⁵²⁵ Adams’ letter to his wife shows signs of that kind of complicated relationship. Even though his impression was hardly positive, Adams

⁵²⁴ Letter from John Adams to Abigail Adams, 9 October 1774 [electronic edition]. *Adams Family Papers: An Electronic Archive*. Massachusetts Historical Society. Washington’s diary entry for that date explains that he “Went to the Presbyterian meeting in the forenoon and the Romish Church in the afternoon.” See Ford, *The Writings of George Washington*, 2:439.

⁵²⁵ Jenny Franchot, *Roads to Rome: The Antebellum Protestant Encounter with Catholicism* (Berkeley, California: University of California Press, 1994).

and other delegates who attended the Catholic mass evidenced the level of toleration that many Americans had come to accept of Catholics – if not “popery” or Catholicism – by 1774. During the course of the war, the Continental Congress would follow suit and hold formal services at St. Mary’s Catholic Church in Philadelphia four times between 1777 and 1781. The congress passed resolutions respecting the memory of Catholics who died during the war, and used the Catholic chapel to celebrate the third anniversary of the Declaration of Independence as well as the victory at Yorktown on November 4, 1781.⁵²⁶ When a Spanish agent, Don Juan de Miralles, suddenly collapsed and died on April 29, 1779, the congress held a mass at St. Mary’s in his honor. A contemporary newspaper report explained that after the French ambassador de Luzerne sprinkled himself with Holy Water, the president of the Continental Congress, Samuel Huntington – who hailed from good Puritan, Connecticut stock – also “besprinkled and sanctified himself, with all the adroitness of a veteran Catholic, which his brethren of Congress perceiving, they all without hesitation followed the righteous example.”⁵²⁷

By the time Huntington was adopting elements of the Catholic Mass as his own – as a matter of formality, no doubt – America was in the midst of a cultural transformation. But that transformation was not self-implementing. Consider that just five years earlier, hardly a whisper could be heard in favor of American Catholics. But by 1779, the legislative and executive body of the United States was welcoming Catholic delegates into its procedures and performing “superstitious” rituals at Catholic Mass out of respect for those who fell during battle. That type of behavior was part of a dialectic

⁵²⁶ The Continental Congress at Mass – Two Te Deums and Two Requiems, at St. Mary’s, Philadelphia, *ACHR* 3, no. 24 (1907): 294-296.

⁵²⁷ Joseph Zwinge, S. J., “The Jesuit Farms in Maryland,” in *The Woodstock Letters: A Record of Current Events and Historical Notes Connected with the Colleges and Missions of the Society of Jesus*, 98 vols. (Woodstock, Maryland, 1913), 42:141. The newspaper was the New York *Royal Gazette*.

relationship between American Catholics and their countrymen. As the mood of the country softened toward them, American Catholics strove to fulfill the demands of their neighbors with patriotic spirit. By the end of the war, several Catholic delegates had served in the national congress, including Charles and Daniel Carroll, Thomas Sim Lee, and Thomas Fitzsimons, each one capitalizing on the opportunities that they were afforded. Their success engendered even greater ecumenism between Protestants and Catholics, which in turn, provided them with more opportunities to serve their country. It took a combination of American leadership and Catholic commitment to the war, therefore, to expand the boundaries of religious freedom in the United States. Assessing which came first – Catholic efforts to endear themselves to their countrymen, or greater respect and toleration of religious others – is a chicken-egg question that historians have agonized over for generations. The important point here, however, is to highlight the interaction between, and mutual dependence of, the two.

The political and military leaders of the country orchestrated an effort to abandon old prejudices. Their ultimate goal was to first gain and then maintain French, Spanish, and Canadian support.⁵²⁸ Exaggerated rhetoric about the Quebec Act notwithstanding, Revolutionary statesmen quickly began promoting a spirit of toleration that was virtually unknown in the colonial period. The Continental Congress, for instance, released an address to Quebec in May of 1775 which proclaimed that they “perceived the fate of the Protestant and Catholic colonies to be strongly linked together.”⁵²⁹ Four months later, General Washington took further initiative by composing a letter to Benedict Arnold with strict instructions regarding “the absolute necessity of preserving the friendship of the

⁵²⁸ Cogliano, *No King, No Popery*, 60.

⁵²⁹ Ford, *Journals of the Continental Congress*, 2:70.

Canadians.” He ordered Arnold to control his troops by reigning in his soldiers’ anti-Catholic prejudices. The commander-in-chief admonished Arnold to “be particularly careful to restrain every officer and soldier” from “ridiculing...or affronting” any of Canada’s Catholic “ministers or votaries,” to avoid “imprudence and folly, and to punish every instance of it.” Washington further directed Arnold to “avoid all disrespect of the [Catholic] religion” and to “protect and support the free exercise of the religion of the country, and the undisturbed enjoyment of the rights of conscience in religious matters with your utmost influence and authority.” Before concluding the letter, Washington explained the importance of toleration with respect to the war. “While we are contending for our own liberty,” the commander advised, “we should be very cautious not to violate the rights of conscience in others, ever considering that God alone is the judge of the hearts of men.”⁵³⁰

Washington continued his anti-Catholic assault in the military the following year. When the general received word that some soldiers were insensitively celebrating “Pope’s Day,” he released a strong statement chastising the “ridiculous and childish custom of burning the effigy of the Pope.” Washington “could not help” but show his “surprise, that there should be officers and soldiers in this army so void of common sense, as not to see the impropriety of such a step at this juncture; at a time when we are soliciting and have really obtained the friendship and alliance of the people of Canada, whom we ought to consider as brethren embarked in the same cause, the defence of the

⁵³⁰ John C. Fitzpatrick, ed., *The Writings of George Washington* (Washington, D.C.: U.S. Government Printing Office, 1931), 3:492-496. Within the instructions, Washington revealed his own prejudices while vowing to protect Canadian Catholics’ right to be theologically wrong: “Prudence, policy, and a true Christian spirit will lead us to look with compassion upon their errors without insulting them.”

general liberty of America.”⁵³¹ The cerebral general arranged for his statements regarding the toleration of Catholics to be copied and distributed to ensure that his message was effectively communicated to all actors involved in the operations under his command. In his *Address to the Inhabitants of Canada*, which was widely distributed during the Quebec campaign, Washington again insisted that “the cause of America and of liberty is the cause of every virtuous American citizen; Whatever may be his Religion or his descent, the United Colonies know no distinction.”⁵³² Still entertaining the possibility of a Canadian alliance, in the autumn of 1775 and winter of 1776 Washington’s statements made it clear that he would not tolerate anti-Catholicism in his army. Although some officers reported difficulty eradicating all traces of prejudice from their soldiers, many Americans saw the benefits of toleration during the war and move closer toward granting religious freedom to Catholics.⁵³³

General Washington’s tone provided Catholics with the opportunity to prove themselves worthy of the republican values for which their countrymen were fighting. While Washington was by no means the only American elite making statements on behalf of Catholic toleration, others went even further by urging Catholics to take a greater public role in the war. In January of 1776, after a successful bout with the Maryland assembly which ended in the election of several Catholics to that body, Samuel Chase and like-minded Whigs in the Continental Congress recommended that Charles Carroll participate in a diplomatic mission to Montreal.⁵³⁴ As a French-speaking Catholic

⁵³¹ Ford, ed., *The Writings of George Washington*, 3:200-201.

⁵³² “To the Inhabitants of Canada,” September 17, 1775, in Ford, *The Writings of George Washington*, 3:127.

⁵³³ Cogliano, *No King, No Popery*, 60.

⁵³⁴ See United States, Continental Congress, *The Journals of the Proceedings of Congress Held at Philadelphia* (Philadelphia: R. Aitken, 1776), 33. The journals show that Chase was named to the committee responsible for appointing the members of the diplomatic mission alongside John Adams and

who had spent twenty years in England and France, they reasoned that Carroll was the ideal person for such a commission. Chase also asked Carroll to recruit his cousin, John, because he believed that having a Catholic priest would give the American diplomats more legitimacy. After some hesitation – Father Carroll initially reported that his training as a priest rendered him “very unfit” for the task at hand, and that “ministers of religion” should not “take a busy part in political matters” – the two Carrolls along with Chase and Benjamin Franklin departed for Montreal on March 26, 1776.⁵³⁵ The objective was to get Catholics in Canada to sympathize with the colonists and to declare their independence from England. Coming on the heels of a failed invasion of Quebec the previous year, the mission was doomed from the start.

Once they arrived in Montreal, the congress instructed the quartet “to declare that we hold the sacred rights of conscience and may promise to the whole people, solemnly in our name, the free and undisturbed exercise of their religion.”⁵³⁶ Chase and Charles Carroll stayed from the time they arrived on April 29 until May 31, an additional three weeks longer than Franklin and Father Carroll. The doctor and the priest quickly realized that the mission “to form a union between the colonies and the people of Canada” was destined for failure because the Canadians to whom they were appealing were still recovering from the American invasion of Quebec under General Arnold’s forces the previous year.⁵³⁷ It was a strange bit of reasoning to think that Canadians would be willing to aid Americans after the latter had launched a failed invasion of the former’s

George Wythe. Based on Chases’ advocacy for Carroll in private and public throughout their relationship and his steering Carroll through the Maryland Assembly the previous year, it stands to reason that Chase was largely responsible for bringing Carroll back to Philadelphia.

⁵³⁵ John Carroll to -, 1776, in Thomas O’Brien Hanley, ed., *The John Carroll Papers*, 3 vols. (hereafter *JCP*) (Notre Dame, Indiana: University of Notre Dame Press, 1976), 1:46.

⁵³⁶ Ford, *Journals of the Continental Congress*, 4:115.

⁵³⁷ Brantz Mayer, ed., *Journal of Charles Carroll of Carrollton, during his Visit to Canada, in 1776* (Baltimore: Maryland Historical Society, 1876), 24.

homeland. As Father Carroll wrote, Canadians were “in no wise disposed” to “assist in any manner the...taking up arms against England.”⁵³⁸ Furthermore, Canadian Catholics already enjoyed the religious freedom that Americans insisted could be theirs if they joined the rebel cause. The American diplomats therefore had little to offer their northern neighbors.

Based on the responses to the Quebec Act just eighteen months prior, it seemed obvious that a significant segment of the American population still harbored substantial prejudices against Roman Catholics, which, more than anything, likely doomed the negotiations from the start. But even though the commission was unsuccessful, it was still an important moment in American church-state relations because it demonstrated that the leading American statesmen were willing to put pragmatic compromise ahead of historical and ideological prejudice and that American Catholics were eager to cast aside past transgressions when their countrymen extended an olive branch.

The esteem Carroll gained from his appointment to the Canadian commission contributed to the influence he had acquired by 1776. He compounded that influence by composing “A Declaration of the Delegates of Maryland,” the document which declared Maryland’s independence from England. Carroll’s pen helped persuade several delegates to vote for independence after months of stalemate. That performance led to Carroll’s selection as a delegate to the Continental Congress on July 4, 1776. But he could not attend because delegates at the Maryland convention also asked Carroll to simultaneously help draft the Maryland Constitution. The health of his sick wife, Molly, required closer supervision and care than a long stay to Philadelphia allowed, so Carroll assumed the task

⁵³⁸ John Carroll to -, 1776, in *JCP*, 1:46.

of writing a constitution for Maryland nearly 150 years after Lord Baltimore first contemplated his Maryland “designe.”⁵³⁹

Well-versed in political theory and heir to what was likely the largest fortune in British North America, Carroll had many concerns when drafting the constitution, but the issue closest to his heart was religious liberty. With the long history of Catholic persecution on his mind, Carroll’s draft of the religious freedom clause under the declaration of rights insisted “that the rights of conscience are sacred, and all persons professing the Christian religion ought for ever to enjoy equal rights and privileges in the state.”⁵⁴⁰ It protected the rights of all Christians, just as did the original Maryland Charter of 1632, but, like the original, it did not apply to Jews, Muslims, or anyone outside the Christian tradition. Nor did it separate the church from the state. As one historian summarized, “the legislature wanted to secure a tighter grip on religious affairs” in Maryland, “not separate itself from them. Thus it managed...to set up a spiritual court, exercise control over clerical behavior, and pass a new bill settling clerical salaries.”⁵⁴¹ It also declared it a “duty...to worship God in such a manner as he thinks most acceptable,” and authorized the assembly to “lay a general and equal tax for the support of the christian religion.” Religious liberty for Catholics might have been attained, but no one

⁵³⁹ Hanley, *Revolutionary Statesman*, 186, 189.

⁵⁴⁰ H. H. Walker Lewis, ed., *The Maryland Constitution 1776* (Baltimore, MD: Maryland State Bar Association, 1976), 40. The revised draft stated that “all persons professing the Christian religion are equally entitled to protection in their religious liberty” and that “no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice.” See Lewis, *The Maryland Constitution*, 62. Carroll’s draft was a stronger guarantee of religious freedom because his draft retained the words “for ever” that the final text removed.

⁵⁴¹ Curry, *The First Freedoms*, 153. Several of these laws were re-authorized until well into the nineteenth century. The statute that allowed the state to collect funds for something akin to a general establishment was abrogated in 1810. See Spencer Ervin, “The Established Church in Colonial Maryland,” *Historical Magazine of the Protestant Episcopal Church* 24, no. 3 (1955): 271.

was calling for the divorce of the church from the state.⁵⁴² Unfortunately, none of the leaders in the assembly left public or private documents to further explain what kind of debates occurred between different members of the committee. One explanation for that might be that since the assembly already called for “differences about religion” to “henceforth cease and be forever buried in oblivion,” and since Carroll had already been elected as a delegate to both state and national bodies by 1776, there was little left to debate.⁵⁴³ By the summer of 1776, Chase, Paca, and the Independent Whigs had proven their commitment to a broad conception of religious freedom and, just as important, had developed enough influence within the convention to enforce their legislative will.⁵⁴⁴

Granted the opportunity to reclaim the rights for which the Carroll family had come to America almost a century ago, the convention restored the religious freedom that Carroll’s grandfather had unintentionally lost. The new constitution and Declaration of Rights forever abolished a confessional state that prohibited individuals from worshipping in public. It also disestablished the Anglican Church as a prioritized entity by putting all Christian churches on equal footing under the law. By the end of the Revolution, Protestant majorities elected other Catholics such as Jeremiah Jordan, Edmund Plowden and Anthanasius Ford to serve as legislators in the Maryland Assembly.⁵⁴⁵ The legal transformation in Maryland was for the moment complete.⁵⁴⁶

⁵⁴² John Corbin Rainbolt, “The Struggle to Define ‘Religious Liberty’ in Maryland, 1776-1785,” *Journal of Church and State* 17 (1975): 447.

⁵⁴³ *Maryland Archives*, 78:10.

⁵⁴⁴ As products of their time, many of those who defended Catholic rights did not, however, think that an establishment of religion violated the religious freedom of other faiths. For Chase’s defense of the Anglican establishment, see James Haw, *Stormy Patriot: The Life of Samuel Chase* (Baltimore: Maryland Historical Society, 1980).

⁵⁴⁵ Metzger, *Catholics and the American Revolution*, 185. Metzger found that by 1775, thirteen Catholics served on the Maryland General Committee for St. Mary’s County alone. They include William Neale, Ford, Maffey Leigh, Edward Fenwick, Henry Carroll, Nicholas Sewell, John Fenwick, John Greenwell of Ignatius, Ignatius Combs, William Jenkins Jr., Enoch Fenwick, and Ignatius Taylor. In 1781, Charles and

Although state sponsorship of religion continued, there were no restrictions on the building of chapels, prohibitions on public worship, nor any special taxes or mandatory oaths that conflicted with a Roman Catholic's conscience. Catholics had finally won back the religious freedom that they desired. Most other states would not be so accommodating. But the treaty with France was about to test how far Americans in other states were willing to tolerate their non-Protestant allies.

A Most Catholic Treaty

Perhaps no single development within the Revolution did more to challenge traditional views of Catholics than the treaty that Benjamin Franklin negotiated with France in February of 1778. By the time the treaty was signed, Catholics had served a number of diplomatic and political appointments, which warmed their countrymen to the idea of allying with papist France. As soon as news of the treaty reached Philadelphia, the Continental Congress organized an event to celebrate the alliance. Days later, on May 8, Congress released a statement requesting that Americans treat the French Catholics who were about to embark on their shores "as their brethren and allies." Congress further asked Americans to remember that Frenchmen were "the subjects of a Great PRINCE, who, with the highest magnanimity and wisdom, hath treated with these United States on terms of perfect equality and mutual advantage, thereby rendering himself THE PROTECTOR OF THE RIGHTS OF MANKIND."⁵⁴⁷ As demonstrated earlier in this chapter, Congress had been releasing pro-Catholic declarations since the fall of 1774 in a

Daniel Carroll, along with George Plater, served in the senate. See Metzger, *Catholics and the American Revolution*, 187, 206.

⁵⁴⁶ For the continued challenges and changes to church-state relations in Maryland, see Curry, *The First Freedoms*, 153-158.

⁵⁴⁷ *Exeter Journal or New-Hampshire Gazette*, June 2, 1778; Hanson, *Necessary Virtue*, 120.

feeble effort to gain Canadian support. After the French alliance, even the most anti-Catholic Americans began to change their rhetoric, if not their hearts. Although, it should be noted, the very fact that Congress felt obliged to make such statements suggests how precarious the relationship between Catholics and Protestants was in 1778.⁵⁴⁸ American Catholics nevertheless continued to capitalize on the opportunities that their countrymen afforded them.

The case of Samuel Cooper suggests the extent to which toleration of Catholics expanded during, and because of, the treaty, as well as how far non-Catholics went in making Catholics feel like members of the American family. Cooper, who served as the pastor of Brattle Street Church, was ordained as a minister in 1743 and regularly preached to Samuel, John, and Abigail Adams, Richard Clark, John Hancock, and Joseph Warren. Committed to anti-papery all of his life, Cooper delivered a Dudleian Lecture in 1773, whose title, “The Church of Rome and the Man of Sin,” gave away its thesis.⁵⁴⁹ But Cooper was also one of the early proponents of American independence, and often conflated England’s recent activity with the pernicious actions taken by Rome. Moments before delivering a sermon on the third anniversary of the Battle of Lexington and Concord, Cooper received notice of the French alliance through a private messenger. Making last-minute adjustments, he retained the anti-Catholic rhetoric to which his congregation had become accustomed, but added a blessing to Louis XVI and all his subjects. Cooper beseeched “Heaven” to “bless the Monarch of France & his Dominions;

⁵⁴⁸ The alliance did not go unchallenged within the patriot camp. Samuel Adams, Rufus King, Richard Henry Lee, Roger Sherman, and Robert Treat Paine initially expressed misgivings about tying American freedom to a “Papist” like Louis XVI. King later recollected that “a jealousy was excited” within the congress “that France was acquitting too great an influence over our public affairs,” which would only increase over time. See Charles R. King, ed., *The Life and Correspondence of Rufus King: Comprising his Letters, Private and Official, his Public Documents, and his Speeches* (New York: G.P. Putnam’s Sons, 1894), 1:15; Augustina Ray, *American Opinion of Roman Catholicism*, 324.

⁵⁴⁹ Edward P. Boon, *Books and Pamphlets Principally Relating to America* (New York, 1870), 141.

and still honor him as Defender of the Rights of Mankind.” It was the first time during the war, and perhaps in all of colonial history, that a New England minister said a public prayer for the French King and his people.⁵⁵⁰

While spending the rest of 1778 praising the French Catholics as defenders of liberty, Cooper caught the attention of the French ambassador to the United States, Conrad Alexandre Gerard, who personally sought out and thanked the minister for his efforts. Soon thereafter, Cooper accepted a £200 stipend to “inspire the American people with the respect and admiration due the King, esteem for the nation, and confidence in the principles and inclinations of His Majesty.” That meant hosting French dignitaries when they visited Massachusetts and writing essays that celebrated the new American ally. Cooper was aware of how formidable this challenge might prove, writing that he was burdened with “prepar[ing] the minds of my Friends in Government as well as among ye people for the most Vigorous Exertions.” His strategy was to influence the elites in his congregation and allow his pro-French-Catholic message to spread. If he could influence the Adamses, Hancock, Warren, and others, their influence would carry the message beyond the pews of his church. Yet, all of these plans were contingent on American Catholics displaying their patriotism, serving their country with esteem, and publicly supporting the republican values upon which the war was being waged.⁵⁵¹

Some of the New England elites who frequented Cooper’s church also served in the Continental Congress, where they had heard other members extoll the virtues of a French alliance for some time. No friend of the Catholic Church, John Adams’ writings illustrate the intellectual revolution that many Americans experienced after the French

⁵⁵⁰ Samuel Cooper, *Sermon Preached on the Sabbath after Burgoyne’s Surrender*, Samuel Cooper Papers, Huntington Library, Berkley, California, Box 3:226; Cogliano, *No King, No Popery*, 71-73.

⁵⁵¹ Cogliano, *No King, No Popery*, 105.

alliance – a revolution that, again, was contingent upon American Catholic patriotism. In his exchange with Joseph Warren during the summer of 1778, Adams showed how much of an influence Cooper, other members of Congress, his meeting with Charles Carroll, and, of course, political expediency, played in his rhetoric, if not his mind. At one point in the exchange, Adams argued against those who claimed that “Religion may be in danger” in America due to the French alliance. Drawing a distinction between the past and present, Adams insisted that the “Spirit for crusading Religion is not in France. The Rage of making Proselytes which has existed in former Centuries is no more.” In a reversal of his former position, Adams continued to note that “in this enlighten’d tollerant Age, at this vast Distance” from the darkness of the past, France, an essentially “tollerant Nation,” could “never endanger our Religion.”⁵⁵²

Newspapers, too, which wrote scathing commentaries in the wake of the Quebec Act just a few years before, made the same temporal distinction as Adams.⁵⁵³ The *New-Hampshire Gazette* erroneously cited a clause in the new treaty between America and France which mandated that any “society of 15 or 20 persons” that “settle[s] in any town within the kingdom of France” was now “to be tolerated in the exercise of their religious worship, according to the custom of their country.”⁵⁵⁴ Papers in Massachusetts and Rhode Island also separated the old Europe from the new France. One article insisted that those who claim that France “has ever shewn itself an enemy to *all* civil and religious liberty” had to be “unread in the histories of France, of Germany, and of the Low Countries.”

⁵⁵² John Adams to James Warren, August 4, 1778, in Worthington Chauncey Ford, ed., *Warren-Adams Letters, Being Chiefly a Correspondence among John Adams, Samuel Adams, and James Warren, 1743-1814*, 2 vols. (Boston: Massachusetts Historical Society, 1925), 2:39-40.

⁵⁵³ There were, of course, dissenting opinions from tory presses which warned of the perpetual danger emanating from Catholic nations. For representative examples, see *The Pennsylvania Ledger*, May 16, 1778 and *The Royal Gazette*, October 14, 1778.

⁵⁵⁴ *New-Hampshire Gazette*, June 23, 1778; Hanson, *Necessary Virtue*, 134.

While under French-Catholic control, the “civil and religious liberties of Germany and of the Seven United Provinces *found* in the power of France a *friend* and a guarantee to the civil and religious liberties of America.” Using a strategy that Catholic writers would repeat during the early Republic, the author insisted that “the power of England *has been*, and *now is*, an *enemy* to civil and religious liberties. Witness your penal laws against Roman Catholics, and the rejected petitions of Dissenters.”⁵⁵⁵

Even those removed from the American scene began to reconsider how they viewed Catholics. A traveler to France during the Revolution and friend to Benjamin Franklin named William Greene returned to the United States during the summer of 1778, but not before noting the marked contrast between old and new France. While he did not hesitate to comment on the “superstition of the Romish countries,” Greene also saw “the eyes of the French begin[ning] to open with regard to religion...as fast as prudence will permit.”⁵⁵⁶ While they were still hesitant to endorse Catholicism, Americans all over the country were finding ways to reconcile their anti-Catholic heritage with the geopolitical realities that the Revolution had wrought. Before Americans were willing to expand equal civil and religious liberties to Catholics, they needed to be convinced that the latter were capable of using those liberties in a way that did not endanger their own freedom. The Revolution again afforded Catholics the opportunity to satisfy that demand.

Papist Patriots

⁵⁵⁵ *Providence Gazette*, October 10, 1778; *The Independent Chronicle and the Universal Advertiser*, October 1, 1778; *Massachusetts Spy*, October 1, 1778.

⁵⁵⁶ William Green, “Diary of William Greene,” *Proceedings of the Massachusetts Historical Society*, Third Series, 54 (October 1920-June 1921): 126.

Catholics needed to prove themselves during the war in order to turn what might have been a short-term expediency into a fundamental and perpetual right. From early on in the build-up to revolution, they depended on Protestants to help them overturn stereotypes and earn the trust of their countrymen. Charles Carroll relied on Chase to enact legislative changes in Maryland and depended on General Washington to set a tone of toleration within the congress and military. Catholics also needed influential ministers like Samuel Cooper to convince their congregants that, just as Protestants in England engaged in popery, so, too, could Catholics in America defend republican values. While sympathetic Protestants did their part to promote Catholic toleration, many Catholics devoted themselves to the Revolution in order to win the favor of their fellow soldiers. Some, like Carroll, his cousins Daniel and John, Thomas Sim Lee, Ignatius Fenwick, Richard Dent, and Thomas Semmes, served in the halls of their state assemblies or the national congress. Others sacrificed their bodies on the battlefield. By participating in these ways, they hoped to convince their countrymen to reconsider the civil disabilities Catholics faced in most states and to rethink their ideal church-state model. Finally, since history is based largely on contingencies, it is worth considering the alternative. If, for instance, a majority of Catholics had calculated that it was in their self-interest to side with the Tories – and based on the rhetoric coming out of the Quebec Act, that was not an impossibility – it is difficult to imagine the Continental Congress signing a treaty with two Catholic powers, or, if they had, the American farmer supporting the alliance. Such a step might have provoked a populist uprising that so worried many of the revolutionary statesmen and overturned the revolution before victory could be secured. Only through

the actions of patriotic Catholics was the alliance with France possible, and only through service to their country did Catholics earn the trust of their countrymen.

Perhaps no Catholic outside the Carroll family earned as much notoriety during the war as Philadelphia's John Barry. An Irish immigrant to America, the "Father of the American Navy," Barry was appointed by congress as a captain during the autumn of 1775. Historians have noted that even as a Catholic, Barry wore his faith on his sleeve. He prayed regularly and read from the Bible every morning, both of which signaled to his crew that his faith was an indispensable part of his moral rectitude. Through his service, Barry earned the admiration and respect of his soldiers and the trust of Americans at the highest levels of government. He received recommendations from John Hancock, George Washington, and other members of congress due to what Washington called his "patriotism, valor, [and] fidelity." He quickly became a hero to both Protestant and Catholic alike.⁵⁵⁷

Other Catholics such as Stephen Moylan, also a Philadelphian, gained popularity by serving their country with honor. As an aide to General Washington during the war, Moylan proved that Catholics could be trusted with the most sensitive information and were as committed to republican principles as Protestants.⁵⁵⁸ Two of Moylan's brothers, like most Catholic soldiers, served less prestigious roles in the war. They were among the many that lost their lives in failed naval campaigns during the early years of the war. A number of wills found in Philadelphia County from 1776-1777 include the names of lost American-Catholic sailors such as Francis Corcoran, Dennis Lynch, and John Downey,

⁵⁵⁷ Martin Ignatius Joseph Griffin, *Commodore John Barry, "The Father of the American Navy": The Record of his Services for our Country* (Philadelphia: Martin I. J. Griffin, 1903), 120. Quote from Washington on Barry's appointment as commander of the frigate, "United States," on June 4, 1794. See *ACHR* 6, no 27 (1910): 319.

⁵⁵⁸ *ACHR* 2, no. 1 (1885): 104.

the latter two of whom were First Lieutenants on the *Holker*. Captain Stephen Decatur lost several Catholics on his ship, the *Fair American*, including Nathaniel Durham, Joseph Jakuay, and David Kennedy.⁵⁵⁹ Individual efforts in the rebel army, such as those from the Neales', Brookes', Brents', Mattingly's, and Kilty's, or the thousands of French soldiers under the command of Lafayette are too numerous to be recounted here.⁵⁶⁰ The Jesuits who turned their mission into a hospital for those who fell during battle in Newtown Manor, Maryland in 1776 likewise represent just one of many examples of the patriotism displayed by American Catholics during the war.⁵⁶¹ Even though many Americans continued to insist that Catholicism was incompatible with republican government, based on the substantial changes within American law at this time, it seems that at least some Americans began to make distinctions between the tenets of the Roman Catholic Church and the individuals who adhered to that church.

One group of Catholics that remained remarkably quiet during the early stages of the war were priests. Aside from Father John Carroll's diplomatic mission to Montreal in 1776, which he initially resisted, there are few examples of American priests speaking out in support of the war.⁵⁶² Catholics in St. Mary's in Philadelphia celebrated the Revolution on July 4, 1779 "to commemorate the anniversary of the Independence of the United States of America." The president of the Continental Congress, along with leading Pennsylvania officials, heard a "well adapted discourse" by the French priest. The

⁵⁵⁹ Helen A. Heinz, "'We are all as one Fish in the Sea': Catholicism in Protestant Pennsylvania, 1730-1790," (PhD Dissertation, Temple University, 2008), 419-422.

⁵⁶⁰ Catholics quickly capitalized on those events to prove themselves during the early Republic. See John Gilmary Shea, *Life and Times of the Most Rev. John Carroll, Bishop and First Archbishop of Baltimore. Embracing the History of the Catholic Church in the United States. 1763-1815* (New York: J.G. Shea, 1888), 153.

⁵⁶¹ *ACHR* 6 (1910): 300.

⁵⁶² Father Farmer implored the Canadians to join the cause, but did not do so publicly. He instead composed a letter and handed it to Father Carroll, who, once in Montreal, delivered it to Father Floquet, a Canadian priest. See *Woodstock Letters*, 42: 140.

services did not commence without several toasts, one to “His most Christian majesty, the protector of the rights of mankind,” another to “His most catholic majesty and the other branches of the royal house of Bourbon,” a third to the “allied arms of France and America,” and a fourth toast to the “union which wisdom has formed between France and America.” A contemporary report testified that “no unfortunate accidents happened, but joy and innocent festivity pervaded all ranks of people.”⁵⁶³ These exceptions aside, as one scholar has noted, priests in Maryland (which comprised all but a handful of priests in America) “tended to keep their heads down” during the war. Indeed, “None of the sermons they delivered between 1776 and 1783 even mentioned the conflict.”⁵⁶⁴ The editors of the *Woodstock Letters* insist that Jesuit priests “did not meddle in politics” and “kept their sentiments to themselves,” whatever their political orientation.⁵⁶⁵

Taciturn priests in America therefore likely believed that keeping quiet was a way of hedging their bets. Unsure of which side might prevail, they passively welcomed the Revolution by not resisting it, but did not speak out in its favor in public for fear of the consequences that might lie ahead. Their private correspondence, however, demonstrates how torn they were in showing support for the war while also explaining their muted response. In a letter to his sister that he composed at the outbreak of the war, Father Joseph Mosley explained that “Times look here very gloomy... I am really between a hawk and a buzzard. I know not what step I best take.” Unsure of how to move forward, Mosley also explained why the American priesthood was so quiet during the war. “A Clergyman’s call,” Mosley maintained, “has nothing to do with civil broils and troubled

⁵⁶³ *The Providence Gazette*, July 31, 1779; *The Pennsylvania Evening Post*, July 9, 1779. That the *Post* felt the need to report the harmony between faiths, however, suggests that such cordiality was still somewhat of a shock to most readers.

⁵⁶⁴ Farrelly, *Papist Patriots*, 247.

⁵⁶⁵ *Woodstock Letters*, 42: 139.

waters.”⁵⁶⁶ Father John Carroll similarly warned that priests “generally fall into contempt” with their parishioners, and “sometimes even bring discredit” to their profession, by mixing religion and politics.⁵⁶⁷

But gradually, Catholic priests showed growing support for the rebel cause. A contributing factor was the devastation that the British army laid to their property. An officer in the military and later Governor of Virginia, Henry Lee III wrote to Lafayette explaining that “six of the enemies ships have burnt...[Catholic] priest [George] Hunter’s house at the mouth of Port Tobacco Creek.” Reflecting on the war in 1788, Father Carroll recalled that “British cruisers often landed at and hovered continually near the plantations of the clergy; they pillaged their houses; they drove away and slaughtered their sheep and cattle.” Another priest argued that “peace was often disturbed by red coated soldiers who sometimes knocked in its doors with the butts of their villainous guns.”⁵⁶⁸ Enduring that kind of treatment pushed many ambivalent priests onto the American side of the war. Doing so only compounded the liberal feelings that many Americans began to show toward their Catholic neighbors.

As a more welcoming climate further developed within American culture, Catholics consequently became more comfortable displaying their patriotism in public. The cycle continued until the states repealed most of their anti-Catholic laws. For example, Father Ferdinand Farmer, a Jesuit priest born in Germany and who moved to Pennsylvania in 1752, seldom, if ever, dared to enter New York in the years prior to the Revolution. That colony forbid Catholics from proselytizing and priests from crossing its

⁵⁶⁶ Mosley to Sister, August 16, 1775, in Robert Emmett Curran, ed., *American Jesuit Spirituality: The Maryland Tradition, 1634-1900* (New York: Paulist Press, 1988), 111-112.

⁵⁶⁷ John Carroll to -, 1776 in *JCP*, 1:46.

⁵⁶⁸ *Woodstock Letters*, 42:146-147.

borders. By the end of the war, however, Farmer not only journeyed into New York, but attended to the ministerial needs of a group of New York Catholics in public. In 1781, church records show that he baptized thirteen people into the faith. Farmer also held a public Mass for the local Catholic population in Westchester County. He felt confident performing the sacraments because local officials in New York began to overlook laws against public displays of Catholicism before revoking them entirely with their new constitution in 1777.⁵⁶⁹

Even the most hostile states in New England repealed most of their discriminatory statutes by the end of the war. The presence of Catholic chaplains coming to the American shores after the French and Spanish alliances all but forced them to either revoke or ignore existing anti-Catholic laws. Seeing Catholics in significant numbers for the first time – who were fighting for the sacred cause of liberty – also contributed to a more relaxed religious climate. Ebenezer Hazard, a well-respected businessman and later U.S. Postmaster General, explained to the Boston congregational minister Jeremy Belknap, for example, that although “I had never seen the inside of a Popish Church,” once he “determined to attend... I found there not only Papists, but Presbyterians, Episcopalians, Quakers, etc.” This suggests that Catholics and Protestants began to mingle during the war years by sharing churches and attending each other’s services. Hazard had to “confess I was pleased to find the minds of the people... unfettered with the shackles of bigotry. The behavior of the Papists in time of worship was very decent

⁵⁶⁹ Arthur J. Weiss, S. J., “Jesuit Mission Years in New York State, 1654 to 1879,” in *Woodstock Letters* (1946), 75:21-22; Reverend Edward I. Devitt, S. J., “History of the Maryland-New York Province,” in *Woodstock Letters* (1936), 65:190-191. For the New York laws, see Duncan, *Citizens or Papists*, 2.

and solemn, vastly more so than among the generality of Protestants.”⁵⁷⁰ Seeing such behavior, delegates at the 1780 Massachusetts constitutional convention granted Catholics many newfound civil and religious freedoms. Still unable to hold office, they were allowed to worship in public, hold Mass, proselytize, and paid no special taxes. In 1783, Rhode Island passed even more liberal statutes that allowed Catholics to vote and hold public offices. As a consequence, American priests and their parishioners enjoyed far more religious liberty than at any time during the colonial period.⁵⁷¹

Considering the mingling that took place, it is fair to say that not only the law, but the culture, too, had changed. The expediencies of the war, in addition to the actions of Carroll, Chase, Washington, Cooper, and countless others, substantially altered Americans’ conceptions of church and state. Catholics could no longer be excluded from the American family. Jews, Muslims, and deists – indeed all non-Christians – still suffered under many state laws, but for all its shortcomings, the culture became more tolerant of others, particularly Catholics.⁵⁷² That did not mean that all vestiges of anti-Catholicism were eradicated. Writing in 1778, Congressman Elbridge Gerry of Massachusetts evidenced the uneven development of religious freedom for Catholics by, on the one hand, celebrating the more tolerant spirit while, on the other hand, using anti-Catholic vocabulary to do so. “What a miraculous change in the political world,” he began. “The ministry of England advocates for despotism” while “The government of France [has become] an advocate for liberty, expousing the cause of protestants and

⁵⁷⁰ Ebenezer Hazard to Jeremy Belknap, June 27, 1780, in *Collections of the Massachusetts Historical Society*, Fifth Series (Boston: Massachusetts Historical Society, 1882), 2:61-62.

⁵⁷¹ Shea, *Life and Times*, 166; Stanley S. Kabala, “A Christian Nation?: Church-State Relations in the Early American Republic,” (PhD Dissertation, Brown University, 2008), 175.

⁵⁷² Beneke, “The ‘Catholic Spirit Prevailing in Our Country,’” 266-285. See also Jay Dolan, *In Search of an American Catholicism: A History of Religion and Culture in Tension* (New York: Oxford University Press, 2002), 13.

risking a war to secure their independence... The king of Great Britain aiding the advancement of popery, and the king of France endeavouring to free his people from ecclesiastical power!” Gerry rightly pointed to “self-interest” as the “one principle” that best explained the change.⁵⁷³ Undoubtedly, the French alliance was in the strategic interest of both America and France, but the actions of many individuals – some Catholic, some Protestant, and some who don’t fit neatly under any religious label – also helped to expand the boundaries of permissible religious practice in America.

Conclusions

In the wake of the Revolution, Ezra Stiles, the president of Yale, sat at his desk while composing what became one of his best-known sermons. Titled “The United States Elevated to Glory and Honor,” he considered America’s colonial history before calculating what the Revolution would mean for the United States and the world. While preaching to Connecticut’s General Assembly, the Congregationalist minister from North Haven predicted that “The most ample religious liberty” would soon “obtain among all nations.” The trend was already visible in Protestant and Catholic states in Europe. “Benevolence and religious lenity,” Stiles reported, “is increasing among the nations. The reformed [Protestants] in France, who were formerly oppressed with heavy persecution, at present enjoy a good degree of religious liberty” under Louis XVI. Joseph II, “The emperor of Germany, last year, published an imperial decree granting liberty for the free and unmolested exercise of the Protestant religion.” Catholics had become so liberal, according to Stiles, that even the “inquisition has been...suppressed in Spain where the

⁵⁷³ Elbridge Gerry to –, May 26, 1778, in James T. Austin, ed., *Life of Elbridge Gerry*, 2 vols. (Boston: Wells and Lilly, 1829), 2:276.

king, by an edict of 3d of November, 1782, proclaimed liberty for inhabitants of all religions.”⁵⁷⁴ The formation of the United States, Stiles reasoned, had been “no small influence and consideration” in compelling these Catholic states to embrace more tolerant policies toward their religious minorities. Turning his attention to his own country, Stiles predicted “a friendly cohabitation of all sects in america, proving that men may be good members of civil society, and yet differ in religion.”⁵⁷⁵ In addition to extolling the virtues of the more tolerant policies in France, The Holy Roman Empire, and Spain, Stiles even complimented the Catholics in Charles Carroll Sr.’s native Ireland, where “civilization, and I add, science and literature, ascended to an almost unexampled and incredible perfection... I have a very great opinion of hibernian merit, literary, as well as civil and military.”⁵⁷⁶

These kind words notwithstanding, Stiles could not fully escape the anti-Catholic culture in which he was raised. He could not resist from commenting on the “haughty intriguing dignitaries of the romish church.”⁵⁷⁷ Stiles’ vision of America would permit “no bloody tribunals, [and] no cardinals inquisitors-general to bend the human mind, forceably to control the understanding, and put out the light of reason, the candle of the Lord.” Nor would it “force an innocent galileo to renounce truths demonstrable as the light of day,” because in the United States, the “promising prospects of the propaganda fide at rome are come to nothing... When we look forward...we shall doubtless find the united body of the congregational, consociated and presbyterian churches...to be of such magnitude as to number, that it will be to no purpose for other sects to meditate their

⁵⁷⁴ Ezra Stiles, *The United States Elevated to Glory and Honor* (New-Haven: Thomas & Samuel Green, 1783), 53-54.

⁵⁷⁵ Stiles, *The United States Elevated to Glory and Honor*, 55.

⁵⁷⁶ Stiles, *The United States Elevated to Glory and Honor*, 33.

⁵⁷⁷ Stiles, *The United States Elevated to Glory and Honor*, 70.

aversion.”⁵⁷⁸ Catholics, in other words, insofar as they had any place in Stiles’ America, would be irrelevant. For all the progress that Catholics had made during the Revolution – and that progress was real – those like Stiles, with their dogged insistence that “the true religion” would be found in a “united body” of Protestants which would subsequently defeat all competing creeds, all but ensured the resurrection of religious conflict when Catholics developed into an important demographic and cultural force during the nineteenth century.⁵⁷⁹

For at least a moment, however, the future looked bright for American Catholics. From the top-down, Americans actively promoted new standards of toleration and religious liberty that included Catholics as members of the American family. Washington set the tone, but without willing officers and a number of patriotic Catholics in positions of authority, there was no guaranteeing that the American Revolution, like all the revolutions that preceded it, would extend religious freedom to Catholics. To be sure, there was resistance to the anti-Catholic climate that American aristocrats promoted; Daniel Dulany was not an isolated voice in Maryland politics; many soldiers continued to celebrate Pope’s Day despite Washington’s most stern admonitions; Tories like Jonathan Sewell were all too happy to point out the intellectual inconsistency of patriots like John Adams who railed against popery his entire life only to ally with Louis XVI once it became convenient to do so. But the remote threat emanating from Rome paled in comparison to the immediacy of war with England. Americans therefore shifted their priorities in a way that made loyalty to the ideals of the Revolution more important than theological disagreements. The rhetoric and policies from the top of the American

⁵⁷⁸ Stiles, *The United States Elevated to Glory and Honor*, 56, 57.

⁵⁷⁹ Stiles, *The United States Elevated to Glory and Honor*, 56.

government, the necessity of accommodating the six thousand French troops who deluged the Boston Harbor, and the patriotic deeds of thousands of American Catholics were enough to squelch Americans' desire to continue the penal laws that many rebels believed represented the very Old World system of abuses they were fighting against. The cultural and legal victories for Catholic equality were significant, but, as Stiles' sermon suggests, they were neither complete nor everlasting. To attain full equality, Catholics and their allies all over the United States soon began a new battle, in a new nation – one that prided itself on its commitment to civil and religious liberty. And no one did more for that cause than the first Roman Catholic Bishop of the United States, John Carroll.

CHAPTER 6: JOHN CARROLL, THE AMERICAN CATHOLIC CHURCH, AND THE MAKING OF A CHRISTIAN NATION

By the end of the American Revolution, John Carroll (1735-1815) was slowly emerging as the leader of the American Catholic Church – because the learned and politically astute ex-Jesuit embodied many of the republican values that were so important to Americans of the early Republic, but also because he did not have much competition.⁵⁸⁰ There were only two dozen American priests in the country, most of who were in the twilight of their lives and therefore unlikely candidates to lead the American mission. Carroll, to be sure, was for Catholics the model republican statesman. He sought neither power nor influence, and was cajoled by the American clergy into the leadership role that he held until his death in 1815. Privately, he professed “a dread of being ever invested with such an employment.”⁵⁸¹ Carroll confessed to his closest friend, Charles Plowden, a fellow ex-Jesuit with whom Carroll went to school while in England, that he was “entirely unfit” to be bishop, and had “no hopes of rendering [his] service” for the position. He believed that “it would be better for our H.[oly] Religion & certainly to my greater ease of mind” if someone else were chosen as Bishop of the United States.⁵⁸²

In time, Carroll emerged as the central figure in the history of early American Catholicism, where he has garnered the attention of many scholars. But too many historians have overlooked his participation in the broader debates about American

⁵⁸⁰ For a particularly insightful take, see Catherine O’Donnell, “John Carroll and the Origins of an American Catholic Church, 1783-1815,” *The William and Mary Quarterly* 68, no. 1 (January 2011): 101-126. Catholic historians have highlighted Carroll’s republican impulses, even comparing him to the venerable George Washington. See Thomas D’Arcy McGee, *The Catholic History of North America. Five Discourses: To which are Added Two Discourses on the Relations of Ireland and America* (Boston: P. Donahoe, 1855), 92.

⁵⁸¹ Carroll to William O’Brien, May 10, 1788, in *JCP*, 1:309.

⁵⁸² Carroll to Plowden, May 8, 1789, in *JCP*, 1:369-370.

religious freedom.⁵⁸³ Although he spent little time in state assembly halls and crafted no pieces of legislation, Carroll participated in inter-faith charitable activities, wrote against the privileged place that Protestantism enjoyed in the new Republic, and worked to unite Americans under Christian values.⁵⁸⁴ Carroll not only fought for legal toleration, but for social tolerance.⁵⁸⁵ In other words, he participated in the disestablishment movement, but because he had limited political resources, he used cultural rather than legal means to accomplish that goal. He chose this strategy because he believed that the law was a reflection of the culture, which meant that changing attitudes about Catholicism were a necessary precondition to changing legal codes.⁵⁸⁶ Writing voluminously on the subject during the 1780s, Carroll shamed his countrymen into bestowing equal rights on their fellow Christians by situating Catholic's plight within the context of the War for Independence. Catholics and Protestants who fought side-by-side, Carroll reasoned, not only shed the same blood, but held the same republican values. Those values, he insisted, necessitated the disestablishment of state churches, and would provide Catholics with equal rights under the law. He also developed arguments that recalled the liberal history

⁵⁸³ Carroll is entirely ignored in Frank Lambert, *The Founding Fathers and the Place of Religion in America* (Princeton, New Jersey: Princeton University Press, 2003); David Sehat, *The Myth of American Religious Freedom* (New York: Oxford University Press, 2011); and Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002). Carroll receives a single sentence in Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge: Harvard University Press, 1990), 273. The bishop receives fair treatment in Anson Phelps Stokes, *Church and State in the United States* (New York: Harper & Brothers, 1950), 1:325-332, 793-796 and Joseph M. McShane, "John Carroll and the Appeal to Evidence: A Pragmatic Defense of Principle," *Church History* 57 (1988): 298-309.. Stokes argues that after Thomas Jefferson and James Madison, Carroll was one of the most important figures to American church-state relations. McShane concludes that Carroll was "a Catholic fellow traveller [sic] with Jefferson and Madison."

⁵⁸⁴ Carroll, *An Address to the Roman Catholics of the United States of America by a Catholic Clergyman*, 1784, in *JCP*, 1:140;

⁵⁸⁵ Christopher Grasso, "The Boundaries of Toleration and Tolerance: Religious Infidelity in the Early American Republic," in Chris Beneke and Christopher S. Grenda, eds., *The First Prejudice: Religious Tolerance and Intolerance in Early America* (Philadelphia: University of Pennsylvania Press, 2011), 268. Grasso makes this point in reference to deists.

⁵⁸⁶ See *An Address from the Roman Catholics of America to George Washington, Esq. President of the United States*, in *JCP*, 1:410-411.

of Catholic Maryland and that documented the persecutions that religious minorities (which included not just Catholics but other dissenters) faced under Protestant establishments.⁵⁸⁷ Carroll therefore attempted to restore the reputation of his beleaguered Catholics, but also worked to tear down romanticized characterizations of Protestant governments. On occasion, he even disassociated the American founding with religion. While posing these challenges to his countrymen, he also reinforced some American church-state norms. Carroll usually situated his calls for religious freedom within a Christian context, thus marginalizing those outside of traditional Christianity, including Jews, Muslims, deists, and unbelievers. In that way, he contributed to the movement to depict the United States as a country of and for Christians. Finally, he tried to use the government to protect his coreligionists from discrimination, at times appealing to local and federal authorities to use the heavy hand of the state to settle internal disruptions within his church.⁵⁸⁸

This chapter, the first of four that cover the first decade after independence, explores the ways in which Carroll engaged in public discourse and outlines the steps he took to present the Catholic Church – and Catholics – as compatible with American values. Carroll assumed the task of explaining America’s new church-state experiment to uncomprehending and unsympathetic coreligionists in Rome while he simultaneously defended his church from skeptical Protestants in the United States.⁵⁸⁹ This chapter also shows the connections between reformers in England and Ireland who were attempting to

⁵⁸⁷ For Carroll’s early writings against established churches, see his *Address to the Roman Catholics of the United States of America by a Catholic Clergyman*, 1784, in *JCP*, 1:92.

⁵⁸⁸ For Carroll’s use of the state for protection, see Carroll to Plowden, September 26, 1783, in *JCP*, 1:78; An Address from the Roman Catholics of America to George Washington, Esq., President of the United States, 1790, in *JCP*, 1:410; Carroll to Lawrence Phelan, October 23, 1795, in *JCP*, 1:153; Carroll to Matthew Carr, April 28, 1800, Carroll Letter Book, 1799–1815, in *Archives of the Archdiocese of Baltimore*, reel 11.

⁵⁸⁹ McShane, “John Carroll and the Appeal to Evidence,” 299.

promote Catholic freedoms with associates in the United States. It argues that John Carroll led the way as Catholics began calling for reforms to America's church-state relations, but it also shows how often he relied on a network of individuals across the Atlantic to pursue that end. It considers a number of Carroll's debates during the era of the early Republic which focused on de facto discrimination in order to attain de jure equality. Underlying this chapter's content – and the three that follow – is my contention that anti-Catholicism, which scholars have rightly noted played an important role in changing church-state norms in the antebellum period, can also teach historians much about religious freedom in the United States during and after the Revolution.⁵⁹⁰

This chapter also situates the construction of the American Catholic Church within a religious freedom context by showing how the development of Catholic rights depended on the American clergy having sovereignty over their own ecclesiastical affairs. Carroll feverishly worked to convince Rome that the liberal and democratic institutions that America offered would not subvert Catholic interests while simultaneously assuring American Protestants that Roman Catholicism posed no threat to the United States. In other words, he had to convince Rome to give American Catholics their independence for fear that Protestants would see Roman authority as a threat to American liberty; but he also needed to convince Rome that the libertine tendencies of American Protestantism was tame enough to warrant the independence of the American mission. Those two problems, I argue, were for Carroll, two sides of the same coin.

⁵⁹⁰ See Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002), who argues that responses to demographic changes in the religious make-up of the country spurred many Protestants to separate the church from the state, for fear that Catholics would garner control and repeal the civil and religious freedom that Protestants, in their narrative, had institutionalized. I argue here that anti-Catholicism indirectly contributed to changing church-state norms in the United States by giving Catholics the chance to point to lingering discriminatory statutes and biases in the culture against religious minorities.

Achieving both, Carroll reasoned, was necessary for the maintenance of Catholic religious freedom in the United States. Finally, this chapter historicizes Carroll's interactions with his opponents in public discourse. It evidences a marked change in his rhetoric between his first debate in 1784 – when he was hesitant to critique Protestantism – and the passage of the First Amendment in 1791, by which time he strongly criticized Protestant doctrine, history, and practice. That gradual shift, I argue, reflects Carroll's growing disillusion that the American Revolution was going to usher in unbridled religious equality for its Catholic citizens and explains his continuous effort to separate church and state.

The Making of an American Bishop

The son of an Irish immigrant, John Carroll was born in Upper Marlboro, Maryland in 1735 and received an elite education alongside his cousin, Charles, and brother, Daniel. After spending two years at Bohemia Manor Academy in Maryland, an illegal Jesuit-run school whose presence Maryland authorities typically ignored, Carroll felt the impact of the penal laws against Catholic institutions of learning when, in 1748, he was forced to abandon his family and travel to French Flanders in order to attain an advanced degree. While at St. Omers College, “Jack” Carroll excelled in all of his studies, but showed marked interest in theology and philosophy.⁵⁹¹ His Jesuit instructors taught Carroll to embrace most Enlightenment ideals. While they attacked the dangers of

⁵⁹¹ Charles Carroll of Carrollton noted that “Cousin Jack Carroll will make a good scholar, for he is often first,” in school. See Charles Carroll of Carrollton to Charles Carroll of Annapolis, March 22, 1750, in Ronald Hoffman, Sally D. Mason, and Eleanor S. Darcy, eds., *Dear Papa, Dear Charley: The Peregrinations of a Revolutionary Aristocrat, as Told by Charles Carroll of Carrollton and His Father, Charles Carroll of Annapolis, with Sundry Observations on Bastardy, Child-Rearing, Romance, Matrimony, Commerce, Tobacco, Slavery, and the Politics of Revolutionary America*, 3 vols. (Chapel Hill: University of North Carolina Press, 2001), 1:6.

certain “new philosophies,” such as deism, they insisted that Enlightenment thought in no way contradicted Catholic teachings.⁵⁹² After another decade of preparation for the priesthood at Liège, Carroll was ordained in 1769. By the time he finished his schooling, the Maryland native had spent nearly thirty years studying literature, rhetoric, theology, philosophy, and history. Soon after his ordination, his alma mater offered Carroll a teaching position that he held until, in 1773, he accepted a position serving as instructor for Charles Phillip Stourton, an English aristocrat’s son. In that year, Pope Clement XIV suppressed his beloved Society of Jesus, which encouraged Carroll to travel back to Maryland for the first time in twenty-five years.⁵⁹³

Within a few months the Revolutionary spirit had engulfed the erudite priest. In 1776, at the request of the Continental Congress, he served on a diplomatic mission with his cousin, Charles, Samuel Chase, and Benjamin Franklin. By the end of the war, Carroll was smitten with his home country and the republican values its inhabitants espoused. In a letter to Charles Plowden, he trembled over the suggestion that, once the war ended, he would go back to Europe, a land, Carroll wrote, that harbored “the spirit of irreligion.”

⁵⁹² Carroll was closely affiliated with a number of Cisalpines in the English Catholic Church, a group whose political and ecclesiological liberalism at times ran afoul with Rome. Carroll, however, held more moderate positions than did Joseph Berington, among others. He once called Berington’s essay on miracles “subversive of the credibility of the Gospel miracles; consequently of Christianity,” and declared his theology “inconsistent with Catholicity.” See Carroll to Plowden, July 7, 1797, in *JCP*, 2:216. Carroll also admired English Catholics on the opposite end of the political and theological spectrum, such as the Ultramontane priest John Milner, “that meritorious champion of our Church.” See Carroll to John Troy, April 12, 1813, in *JCP*, 3:322; Carroll to Plowden, [December 12, 1813], in *JCP*, 3:246. For the Enlightenment and its influence on Carroll and the American clergy, see Joseph P. Chinnici, “American Catholics and Religious Pluralism, 1775-1820,” *The Journal of Ecumenical Studies* 16 (1977): 736 and Jay P. Dolan, *The American Catholic Experience: A History from Colonial Times to the Present* (Notre Dame: University of Notre Dame Press, 1992), 103-106, 304-305.

⁵⁹³ The biographical sketch here is largely taken from *JCP*, xlvi-xlvii. The standard biographies are John Gilmary Shea, *Life and Times of the Most Reverend John Carroll, Bishop and First Archbishop of Baltimore* (New York: J.G. Shea, 1888); Peter Guilday, *The Life and Times of John Carroll, Archbishop of Baltimore, 1735-1815* (Westminster, Maryland: Newman Press, 1954); Annabelle M. Melville, *John Carroll of Baltimore: Founder of the American Catholic Hierarchy* (New York: Scribner, 1955); Joseph Agonito, *The Building of an American Catholic Church: The Episcopacy of John Carroll* (New York: Garland, 1988).

The governments there, according to Carroll, were run by “plunderers” who were not guided by virtue, but “a spirit of concentrating all jurisdiction in themselves” so that they could freely exercise “every act of despotism” without the slightest reproach. Carroll explained “that one of my strongest inducements to leave Europe, was to be removed not only out of sight, but even out of the hearing of those scenes of iniquity, duplicity and depredation, of which I had seen and heard so much.” He ranted against the corruptions of the Old World before he apologized to Plowden for “fall[ing] into this long dissertation.” When thinking about Europe, Carroll admitted, he could not help but voice “my grief, and, I fear, my indignation... You see,” he sighed, “I have contracted the language of a Republican.”⁵⁹⁴ Carroll embraced that republican spirit as he became the leader of his church and played a vital role in defining the boundaries of religious freedom in the new Republic. That leadership role began when, in 1785, Rome appointed him as Prefect Apostolic and in 1789 his American clergy elected him to be the first Bishop of the United States. Thrust into that position, the responsibility of assimilating Catholics into American culture fell on his shoulders. But for Carroll, Catholic assimilation came with its corollary, American accommodation. Intent on assimilating his flock into the republican ethos then prevailing in the country, he also made every effort to broaden American culture in ways that accommodated its Catholic population. Carroll therefore embarked on a decades-long quest to Americanize his church while simultaneously expanding the boundaries of American culture in a way that included space for more traditional Catholic values.

Few individuals in eighteenth-century America were better equipped to defend the Catholic Church than Carroll, whose education made him keenly aware of the ongoing

⁵⁹⁴ Carroll to Plowden, February 20, 1782, in *JCP*, 1:64-65.

feud between anti-Catholic literature and pro-Catholic apologetics and whose personal library included the landmark works of the age.⁵⁹⁵ Indeed, he had been quite involved in the latter. Before he moved back to Maryland, Carroll taught his students about the “pernicious tenets” of Protestantism and the “declamations of many English writers,” whose theological and historical accounts of the church were “as false as they are fulsome.”⁵⁹⁶ A few years later, in 1774, he penned a pamphlet defending his Society of Jesus from what he considered an unwarranted assault against its character.⁵⁹⁷ Once back in America, Carroll developed strategies to help Catholics assimilate into American culture, but also discussed ways in which Catholics could make that culture more accommodating to religious outsiders. By the time the Continental Congress ratified the Treaty of Paris in 1784, Carroll had corresponded with a number of associates about the treatment of Catholics in the United States and, more specifically, how to respond to attacks on their faith. Carroll quickly began to exchange ideas with his cousin Charles, a printer named Mathew Carey, and a number of priests in Maryland, New York, and Pennsylvania. Abroad, Carroll wrote to and received advice from his closest friend Charles Plowden, and from Joseph Berington, Arthur O’Leary, and James Thorpe.⁵⁹⁸

These exchanges suggest that Catholics were acutely aware of the opportunities that the American Revolution afforded but were also mindful of the political, social, and cultural drawbacks that might accompany the uncertainties that lay ahead. During the

⁵⁹⁵ Carroll’s library holds a number of books that situate the Catholic faith within an Enlightenment paradigm of reason. Among the earlier works include Robert Manning, *A Plain and Rational Account of the Catholic Faith* (1721) and Andrew Baxter, *An Enquiry into the Nature of the Human Soul* (1733). The complete collection has been divided since his passing, but most of the contents are located at Georgetown University and The Catholic University of America.

⁵⁹⁶ Carroll, *Journal of European Tour*, [1771-1772], in *JCP*, 1:21, 24.

⁵⁹⁷ Carroll, *A Narrative of the Proceedings in the Suppression of the Two English Colleges at Bruges in Flanders Lately Under the Government of the English Jesuits*, 1774, in *JCP*, 1:32-46.

⁵⁹⁸ For examples confined to the Critical Period alone, see *JCP*, 1:78, 82, 146, 148, 156, 164, 166, 171, 217-218, 224, 349, 361.

war, prospects seemed bright because the American Revolution produced a sense of ecumenism between denominations as well as unprecedented hopes for social, political, and economic mobility.⁵⁹⁹ More than a few ministers – including Carroll – saw the Revolution in millennial terms, and did not hesitate to explore the heavenly possibilities that they believed the Revolution augured in their weekly sermons.⁶⁰⁰ But it was unclear how the country would respond to a sustained – or growing – Catholic population. Mutual support during the war was largely a matter of expediency, but once the war removed the English threat, it became unclear how Americans would treat their Catholic neighbors. Catholics were well aware that two decades earlier, after the British came to the aid of the colonists during the French and Indian War – a conflict that removed Native Americans and papist Frenchmen, which were the two main sources of anxiety that threatened English-Protestant liberty — the colonists did not respond by thanking their new King, but by essentially demanding he ask for nothing in return.⁶⁰¹ If Americans behaved that way in 1763, then perhaps after American Catholics supported the War of Independence and, once the Red Coats retreated back to England, American Protestants might again turn against their war-time allies. Uncertain of what the future held, American Catholics like Carroll understood the delicacy of their situation, and took

⁵⁹⁹ Gordon Wood, *The Radicalism of the American Revolution: How a Revolution Transformed a Monarchical Society into a Democratic One Unlike any That Had Ever Existed* (New York: Alfred A. Knopf, 1993), 24.

⁶⁰⁰ Ruth H. Bloch, *Visionary Republic: Millennial Themes in American Thought 1756-1800* (Cambridge: Cambridge University Press, 1985), chapters 3-5. For Carroll's millennial themes in relation to the American Revolution, see his Sermon on Gratitude, 1785, in *JCP*, 1:159-160 and his Letter to Claudius de la Poterie, December 24, 1788, in *JCP*, 1:333, in which he confesses that "I admit to you, that since the American revolution, I have always thought that Providence was reserving an even more extraordinary revolution in the order of grace," before suggesting that his addressee was "destined to be the instrument in the hand of God to being about this great work."

⁶⁰¹ Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766* (New York: Vintage, 2000), 453-456, 588-603.

measured steps to ensure that the seeds of optimism that were planted during the Revolution would sprout in the early Republic.

Carroll and his associates agreed that Catholics needed to demonstrate their gratitude by displaying their republican bone fides in public. At the same time, they believed that they had to fire back against those who assaulted their faith because, they reasoned, misperceptions about Catholicism were the source of anti-Catholic beliefs.⁶⁰² But answering back against those charges posed an existential threat to American Catholics because they feared that a confrontational demeanor might precipitate an erosion of their rights. For all of the gains that they had made during the Revolution, Carroll and other Catholics' fears were not unfounded. In November of 1783, the Maryland legislature considered reenacting a colonial law that barred Catholics from raising Protestant orphans. Father Carroll pleaded with his cousin, Charles, who was then in the Maryland Senate, "to obtain a repeal of this and all other laws and clauses of laws enacting any partial regards to one denomination to the prejudice of others," which, he believed, were "inconsistent with that perfect equality of rights, which by our Constitution is secured to all Religions."⁶⁰³

Fifteen months later Carroll again complained about the encroachments the state was making on his religious freedom. Writing to a friend in England, he explained that Marylanders were "engaged in a warm controversy" over a bill that would have amounted to a formal Christian establishment, broadly construed. Even though the priest admitted that "we, R.C. should have no very great objection to it," he opposed the bill

⁶⁰² Carroll relates this point several times to officials, including Pope Pius VI from 1783 to 1789. See John Carroll to Pope Pius VI, 1783 in *JCP*, 1:68-69; John Carroll to Vitaliano Borromeo, November 1, 1783 in *JCP*, 1:80-81; John Carroll to Cardinal Antonelli, February 27, 1785 in *JCP*, 1:171-172.

⁶⁰³ Carroll to Charles Carroll of Carrollton, November 11, 1783, in *JCP*, 1:82.

because he believed it was “calculated to create a predominant and irresistible influence in favour of the Protestant Episcopal Church.” Clearly articulating the idea that would guide his behavior over the next decade, Carroll explained that Catholics “have smarted heretofore under the lash of an established church and shall therefore [be] on our guard against every approach towards it.”⁶⁰⁴

Laws like these made Carroll aware that Catholics had to protect themselves against threats that emanated from the floor of the statehouse. But he believed that Catholic equality was going to be won or lost in the court of public opinion – that is, in the rapidly expanding print culture of the new Republic. Carroll did not set out to prove that Catholicism was transcendentally true, but to convince others that the values of the Roman Catholic Church were compatible with national ideals. More specifically, he let his countrymen know that slandering the Catholic Church or its adherents was, in this “enlightened” and “liberal age,” unacceptable in public discourse because it effectively inhibited Catholics from exercising their religious freedom. If newspapers and magazines could depict Catholics as traitors, portray priests as sexual deviants, and describe the Mass as superstitious folly without a response, Carroll argued, then Catholics could hardly expect to receive equal treatment in their daily interactions with their countrymen. Religious freedom under the law, he reasoned, was of little consequence if the culture undermined public expressions of that freedom. By first confronting public attacks, and then emphasizing the shared values between Protestants and Catholics in America,

⁶⁰⁴ Carroll to Charles Plowden, February 27, 1785, in *JCP*, 1:168. Catholics were hardly alone in their protestations, which is the reason why it failed to become law. For reactions against the bill, see *Maryland Gazette*, January 20, 1785. Carroll was also displeased with the exemptions in the bill given to atheists, Jews, and Muslims, calling the clergy bill “A bill for the encouragement of Infidelity, Judaism, and Mahometism.” Quoted in Agonito, *The Building of an American Church*, 263.

Carroll undermined anti-Catholic stereotypes and created space for Catholicism to grow within American culture.⁶⁰⁵

The Wharton-Carroll Debate

Even though many Americans had learned to look beyond their theological differences during the Revolution, after the war Carroll did not have to wait long to find a public attack on his faith.⁶⁰⁶ Catholics and Protestants began debating each other about the tenets of their respective faiths and the historical and moral records of their churches before the ink on the Treaty of Paris had dried. More than a few of the conflicts that arose between denominations originated from pamphleteers overseas and made their way to the United States. American controversies often stemmed from British or Irish newspaper articles, pamphlets, or books that attacked the tenets of the Roman Catholic Church or the “tyranny” of the Holy See. American Catholics were especially quick to respond to attacks penned by those who abandoned the church because those individuals seemed to carry more credibility than those who wrote from a Protestant perspective. Such was the case in 1784, when Reverend Charles Henry Wharton wrote a scathing letter, addressed to the English town of Worcester, but intended for a larger audience. Although he lived in England, Wharton was known in many parts of America. A distant kinsman of Carroll’s, Wharton was born in Maryland, attended St. Omers College, and was ordained into the Society of Jesus in 1772. With this background – almost identical to Carroll’s – Wharton

⁶⁰⁵ Carroll emphasized the moral behavior of his flock and warned wayward priests against giving pugnacious sermons. See Carroll to Ferdinand Farmer [December 1784], in *JCP*, 1:155-158; John Carroll to Claudius De La Poterie April 3, 1789, in *JCP*, 1:354; Carroll to Mathew Carey April 8, 1789, in *JCP*, 1:355.

⁶⁰⁶ Charles P. Hanson, *Necessary Virtue: The Pragmatic Origins of Religious Liberty in New England* (Charlottesville, Virginia: University Press of Virginia, 1998), 133-136; Beneke, “The ‘Catholic Spirit Prevailing in Our Country,’” 272.

provided an “insider” view of the Roman Catholic Church, its ecclesiology, and moral instructions, all of which made his accusations of superstition, bigotry, and backwardness more dangerous than, say, the claims of a Congregationalist minister from New England who had little if any exposure to Catholics or Catholicism.

Wharton was an Episcopal minister living in England and who had left the Mother Church some time in 1783 or 1784 and who used his Catholic upbringing to establish intellectual credibility. He charged Catholic priests with promoting intolerance, superstition, and intellectual darkness. Wharton asserted that “the inquisitive faculties of the mind” must, for Catholics, “remain in a state or torpid acquiescence... I was, therefore, soon convinced, that no *consistent* Roman Catholic can be a candid inquirer in matters of religion.” Wharton situated these critiques in a historical context. He noted, for example, that for “fifteen centuries” prior to the Protestant Reformation, “a gloom of dark and universal ignorance overspread the face of the Christian world.” Like most Englishmen, Wharton pointed to the Reformation as the seminal moment when mankind was rescued from the backwardness that characterized the Roman Catholic Church.⁶⁰⁷ After Wharton’s *Letter* was re-printed in Philadelphia, Carroll reasoned that silence in the face of such an attack would only reinforce the kinds of stereotypes that he knew lay at the heart of continued discrimination against Catholics. As he later wrote to Arthur O’Leary, an Irish friar and strong advocate of Catholic rights who closely followed the debate, “it was absolutely necessary to publish something to check the triumph of our

⁶⁰⁷ Charles H. Wharton, *A Letter to the Roman Catholics of the City of Worcester* (1785) in Wharton, ed., *A Concise View of the Principle Points of Controversy* (New York: David Longworth, 1817), 8, 85. Wharton left room for optimism regarding the future of the Roman Catholic Church. “I am happy to assure that the Roman church,” he wrote, “is daily undergoing a silent reformation. The dark monsters of persecution and bigotry are retreating gradually before the light of genuine religion and philosophy.” Wharton, *A Letter to the Roman Catholics*, 12.

Protestant brethren.” Here, as elsewhere, Carroll relied on, and consulted with, his colleagues across the Atlantic. He thanked O’Leary in particular for having made such an influence on his own thinking, especially the Irish reformer’s popular *Essay on Toleration* (1780), which was reprinted in the United States, England, and Ireland throughout the 1780s.⁶⁰⁸ “Your writings,” Carroll wrote to the Irish friar, “in some degree contributed to” his response. “I sincerely rejoice,” Carroll continued, “that a person of your forcible & distinguished talents has dedicated them to...the detection of those cruel misrepresentations, which by calumniating us as bad citizens, endeavoured to render us obnoxious to every free government.”⁶⁰⁹

Carroll was not alone in his response to Wharton’s *Letter*. The minister succeeded in provoking a number of reactions from a transatlantic cohort of Catholics, including Berington, and O’Leary, who read and commented on each other’s work.⁶¹⁰ Carroll’s rebuttal attempted to correct the normative historical interpretation of the Catholic Church before favorably comparing its moral record – which Carroll acknowledged was impure – with that of its disorderly children. While defending his church, Father Carroll relied heavily on Berington’s *The State and Behavior of English Catholics from the*

⁶⁰⁸ The tract went through nine printings in Dublin and six in London by 1782. It was printed in the United States as *An Essay on Toleration: or, Mr. O’Leary’s Plea for Liberty of Conscience* (Philadelphia : Kline and Reynolds, 1785).

⁶⁰⁹ Carroll to Arthur O’Leary, [1787], in *JCP*, 1:224.

⁶¹⁰ In addition to Carroll’s response, which was reprinted throughout the United States, and in Dublin and London under different titles, see Joseph Berington, *Reflections Addressed to the Reverend John Hawkins* (London, 1785); John Milner, *A Letter to the Author of a Book, Called, A Candid and Impartial Sketch of the Life and Government of Pope Clement XVI* (London, 1785); William Pilling, *A Caveat Addressed to the Catholics of Worcester against the Insinuating Letter of Mr. Wharton* (London: J.P. Coughlan, 1785); [Arthur O’Leary], *A Review of the Important Controversy between Dr. Carroll and the Rev. Messrs. Wharton and Hawkins* (London: P. Keating, 1786). O’Leary’s response was more concerned with theology than was Carroll’s. But he also directly linked the issue of theological misconceptions to the political issue of Catholic rights. Annexed to this essay was a letter he wrote to a member of parliament who was considering a bill that would have repealed parts of the penal code. He also included Edmund Burke’s defense of Catholic rights. For a full list of titles in the debate, Protestant and Catholic, see Joseph M. Finotti, *Bibliographia Catholica Americana: A List of Works Written By Catholic Authors, and Published in the United States, Part I, 1784-1820* (New York: The Catholic Publication House, 1872), 67-72.

Reformation to the Year 1780, often quoting entire paragraphs from the English theologian's book. Carroll began by reminding his audience of the "gratitude, that they owe" to Catholics for their "preservation of antient literature." He credited his church with the "cultivation [of]...letters" and for the "inimproved [sic] state of science."⁶¹¹ He also pointed to the charitable works performed by Catholics, citing the institutions "erected in catholic countries for indulgence and human distress" and "the tenderness and attention with which the unfortunate victims of penury and disease are there served, not by mercenary domestics, as elsewhere; but in many places, by religious men; and in others, by communities of women."⁶¹² Carroll then explained that, even if one did not accept his premise that the Catholic Church was the wellspring of scientific, educational, and moral progress, "it is not less true, that in England, that protestant country of free inquiry, severe laws and heavy penalties were enacted, and if I am well informed, still subsist, against the introduction, the printing and vending of books in favour of the catholic religion." The purpose of the penal laws, Carroll continued, inverting one of the more popular anti-Catholic accusations, was to "preserve uninformed minds from the artificial colourings of real or supposed error."⁶¹³

In his response, Carroll insisted that in England, both church and state were guilty of the transgressions that Wharton narrowly ascribed to the Holy See. While Wharton pointed to historical examples to support his case, Carroll drew attention to historical and modern forms of discrimination that afflicted the Catholic faithful in Protestant countries. In this apologetic strategy, Carroll did not choose to argue that Catholics had led the way

⁶¹¹ [John Carroll], *An Address to the Roman Catholics of the United States of America by a Catholic Clergyman*, 1784, in *JCP*, 1:84.

⁶¹² *JCP*, 1:88.

⁶¹³ *JCP*, 1:85.

toward religious freedom, but instead showed that Protestant establishments had been no less burdensome. The end result of such an argument could make his readers more acutely aware of the idea that insufficient separation of church and state was dangerous in every setting. Once again, the defense of Catholic interests generated wide-open arguments for general disestablishment. Yet, Carroll lamented the entire enterprise. Composing his *Address* was “painful in every point of view.” He noted that it was “neither agreeable to my feelings, my leisure, nor opportunities” to pen such a work. “[I]f reduced to the necessity of publishing,” Carroll sighed, “I would wish that my duty led me to any species of composition, rather than that of religious controversy. Mankind have conceived such a contempt for it, that an author cannot entertain a hope of enjoying those gratifications” that came with the task. He concluded by expressing his “fear that it [further controversy] would disturb the harmony now subsisting amongst all Christians in this country, so blessed with civil and religious liberty; which if we have the wisdom and temper to preserve, America may come to exhibit a proof to the world, that a general and equal toleration, by giving a free circulation to fair argument, is the most effectual method to bring all denominations of Christians to a unity of faith.”⁶¹⁴

As historian Peter Guilday notes, “The Wharton-Carroll controversy” was “read and favorably commented upon among Catholics and non-Catholics,” which gave Carroll “a prominence in the learned circles of the new Republic” and beyond.⁶¹⁵ Carroll’s *Address* went to print in Annapolis, Philadelphia, London, Worcester, and Dublin and found its way into the advertisement pages of newspapers across the country. Having just

⁶¹⁴ *JCP*, 1:139-140.

⁶¹⁵ Guilday, *The Life and Times of John Carroll*, 1:127-128; 132. Philadelphia printer and fellow Catholic Mathew Carey reprinted Carroll’s lengthy response in his newspaper. See *Pennsylvania Evening Herald*, January 29, February 1, 5, 8, 12, 1785.

begun his first newspaper venture in Philadelphia, a young Mathew Carey relentlessly pushed the *Address* on his readers.⁶¹⁶ It also reached Italy, where a commenter in Rome, Father James Thorpe, read “the London edition of it” in 1786. He informed Carroll that editions of his *Address* circulated around an Irish College before it made its way to Rome. The *Address*, Thorpe insisted, “has pleased every body who has read it within my knowledge” because the “modesty of your pen gives a grace to the goodness of the cause which it defends.” “You have written,” exclaimed Charles Plowden from his East Lulworth abode, “as a scholar, a Christian, a gentleman and a man of feeling... When I read your work, I easily foresaw the good effect which it would produce in strengthening the faith of the North American Catholics.” Berington, whose own work was so important to Carroll’s argument, admitted that with “pleasure and approbation I read your reply to Mr. Wharton. Your work has been much admired here.”⁶¹⁷ Receiving such adulation from his coreligionists across the Atlantic, Father Carroll came to realize how important his work was to the sincerity and reputation of his faith.

If Carroll was willing to answer libels against his faith, he was hardly eager to speak or write more than passing criticisms of Protestantism in the wake of the Revolution, even if his private correspondence was littered with scathing reproaches of his Protestant neighbors.⁶¹⁸ Carroll’s writings at this time were markedly diffident when critiquing reformed theology and practice. Although he offered mild critiques of how Protestants in England currently treated Catholics, his *Address* also celebrated the good

⁶¹⁶ See Carey’s *Pennsylvania Evening Herald*, January 29, 1784; February 1, 5, 8, 12, 1785.

⁶¹⁷ William T. Thorpe to John Carroll, December 2, 1786, in *The American Catholic Historical Researches* (hereafter *ACHR*) 17, no. 1 (1900): 5; Quoted in Guilday, *The Life and Times of John Carroll*, 1:128.

⁶¹⁸ The ex-Jesuit priest routinely deplored the “immorality” and “danger of” living and working alongside Protestants, and voiced his contempt for, and fear of, the “jealous governments” under which he lived. See Carroll to Ferdinand Farmer, [December, 1784], in *JCP*, 1:158; Carroll to Charles Plowden, February 27, 1785, in *JCP*, 1:166.

that many Protestants performed. “I am ready to do justice to the humanity of protestants,” Carroll wrote, “I acknowledge with pleasure and admiration their many charitable institutions, their acts of public and private beneficence.”⁶¹⁹ Carroll displayed this more ecumenically-minded public persona during a celebrated sermon that he delivered in Baltimore just as the Wharton Controversy exhausted the public interest.

In his “Sermon on Gratitude” in 1785, which was published throughout the United States, Carroll took pains to strike a harmonious chord and to demonstrate to the world that Catholics in America could be models of religious toleration and mutual respect. But he also circumscribed those outside of the Christian tradition from membership in the American family. He asked Catholics to give thanks for living “in a Country no longer foreign or unfriendly to us, but in a Country now become our own & taking us into her protection.” He implored his coreligionists to show “gratitude, respect & veneration” to both God and country and asked them to “Be solicitous to extend, by your example & encouragement, the prevalence of Christian virtue to recommend your religion by the innocence of your manners & the sanctity of your lives.” Throughout the sermon, Carroll emphasized the shared values between Protestants and Catholics, using language that alienated deists, Jews, and others. He called for “Christian duties,” and “a Spirit of peacefulness, & Mutual love” toward “your fellow Citizens, your brethren in Jesus Christ.” Carroll asked Catholics to take special care to avoid confrontation and to serve as models of moral probity to their countrymen. If the Catholic faithful were previously unaware of how important this moment was to American Catholicism, Carroll informed them in no uncertain terms that the “impressions made by your conduct will be lasting impressions: & the opinion favourable or unfavourable to our holy religion, which

⁶¹⁹ [Carroll], *Address to Roman Catholics*, in *JCP*, 1:88.

shall result from observing your Manners, will have consequences extending down to the remotest times.” Interdenominational harmony during the formative years of the American experiment, in other words, was critical to the long-term health of Roman Catholicism in the United States. Carroll asked Catholics to ignore the “[u]ntoward circumstances” between denominations that “have disturbed that tranquility & harmony” in the United States. “Of the cause of and circumstances of past misunderstanding,” the ex-Jesuit priest wrote, “I wish to be entirely silent, & may the memory of them never be revived! May the blessed spirit be shed into your hearts, that divine Spirit, which drew & held the first Christians together in the bonds of perfect unity.”⁶²⁰

The emphasis on Christian harmony was not just for show. Carroll’s private papers reflect the same desire to promote peace and good will with Protestants. We can see this aspiration in his reaction to a pamphlet debate between Joseph Berington and John Hawkins in 1785. Berington’s answer, which was in fact directed toward Wharton’s initial 1784 pamphlet, was, according to Carroll, met “with uncommon Approbation” by American Catholics. Discussing the essay with Plowden, Carroll called Berington’s book “a spirited & useful work: useful, as a vindication against our opponents; and as a corrective for ourselves.”⁶²¹ Even though many of his “Friends are very earnest to have it reprinted here,” Carroll was “much disposed to concur...except for one Reason: This is that Religious Controversy being now at an End here, I am desirous it may never be revived.”⁶²² In other words, in this case, Carroll prized interfaith peace above theological or historical truth. By the autumn of 1786, when Carroll wrote that letter, the Wharton controversy had faded from public view. For that same reason, he decided not to write a

⁶²⁰ *JCP*, 159-160.

⁶²¹ Carroll to Charles Plowden, June 29, 1785, in *JCP*, 1:192.

⁶²² Carroll to Joseph Berington, September 29, 1786, in *JCP*, 1:217.

second rebuttal to Wharton when the latter answered Carroll's *Address* in 1785.⁶²³ Carroll was relatively pleased with the progress that Catholics had made in America, and did not want to be overly contentious in the years after independence. "[F]or a Time there began to be a Sourness in the minds of our protestant Brethren," Carroll wrote to Berington in September of 1786, "which might, if irritated, break out into Violence, and perhaps a renewal of those shameful and barbarous Laws, under which, we groaned for so long, and you still groan. Thank God," Carroll finished, "the remembrance of the [Wharton] Controversy has now died away, and I see no Symptoms remaining of an intolerant Spirit."⁶²⁴

Although he always preferred conciliatory discourse over cantankerous debate, Carroll gradually became convinced that his polite tone was insufficient to accomplish the task of meaningful structural and cultural change. As Patrick Carey has argued, the internal dysfunctions within his church played an important role in urging Carroll to assert his authority over churches in Philadelphia, Boston, New York, and Charleston.⁶²⁵ Parishes in those cities suffered from what historians call the "trustee controversy," a conflict within churches between laymen trustees who owned the property of the church and the episcopacy. The laymen insisted that their ownership of the land and structure of the church gave them the right to make decisions about the temporal and ecclesiological

⁶²³ Carroll explained to a correspondent in London that "Mr. Wharton's reply, which has been & will remain unnoticed by me; and indeed I may add, by the public; few have read it: not on account of their deeming it unworthy of notice...but the spirit of learning & curiosity exerted by the controversy was nearly over, when his answer came forth." See Carroll to [J.P. Coghlan], June 13, 1787, in *JCP*, 1:255. Privately, Wharton conceded that he was pleased with Carroll's response, but would not relent until the pope and the entire Catholic hierarchy proclaimed that "a person, not pretending to the plea of *invincible ignorance*, may safely leave the Roman Church and become a member of ours, because it is a safe way to salvation." See Charles Henry Wharton, *A Reply to the Address of the Roman Catholics of the United States of America* (Philadelphia: Charles Cist, 1785), 19.

⁶²⁴ Carroll to Joseph Berington, September, 29, 1786, in *JCP*, 1:217.

⁶²⁵ Patrick W. Carey, *People, Priests, and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeship* (Notre Dame, Indiana: University of Notre Dame Press, 1987).

functions of the church while the bishops steadfastly opposed such “innovations” into Catholic practice. But problems that the trustee controversy engendered – in addition to the political, social, and economic disruptions that the country faced as delegates gathered in Philadelphia in 1787 – also convinced Carroll that he needed to use more combative rhetoric when debating those outside of his church. That summer, with the country on the verge of another revolution and some anti-federalists advocating a federally established Protestant church, Carroll realized that he had to do more to protect his coreligionists from the possible counter-revolution ahead. Writing again to Plowden in 1790, long after he decided to utilize more aggressive tactics, Carroll explained that he was “clearly of opinion that the Catholics ought to speak a manly language &, after giving such proof of their attachment to their country, as any government ought in reason to be satisfied with, to demand equal protection *as a right*, & not suppliantly sue for it, *as a favour*.”⁶²⁶ But in 1787, Carroll was still on the road to that position. We can see the subtle shift in his tone that year, when he again confronted a public attack on his faith.

Carroll’s Response to the Columbian Magazine

Carroll began his tempered assault on Protestants who attacked his faith in the summer of 1787, just as delegates in Philadelphia were drafting a new constitution for the troubled republic. Eager to disabuse his countrymen of the erroneous perceptions they held of his faith, Carroll pounced on an opportunity after he read an article in the June issue of the *Columbian Magazine* that, he believed, unfairly characterized his coreligionists. The monthly journal had recently re-printed a story out of London which claimed that as a result of the Inquisition, twenty-thousand people had starved over the

⁶²⁶ Carroll to Charles Plowden, February 24, 1790, in *JCP*, 1:432.

last few years and that, in response, there was a public assault against a Cardinal Turlone in Rome, who had his nose and ears cut off during the attack. The article included many of the Protestant stereotypes propagated against Catholicism at that time – the Pope withholding the sacraments from deserving individuals, the worshipping of idols, immorality run rampant in the Vatican, and an utter disregard for the tenets of “true” Christianity.⁶²⁷ Having recently received his appointment as provisional Bishop of the United States, Carroll likely felt additional obligation to protect Catholics from abuse. Although he had recently written that “Religious Controversy [was] now at an End here,” Carroll once again took up his pen to defend his faith.⁶²⁸

The letter that Father Carroll wrote in response to the *Columbian Magazine* article – which, as Carroll claimed, appears to have been based on a “fabricated history” – addressed the specific inaccuracies of the story, but also used the opportunity to bring attention to the larger injustice of unequal treatment for Catholics in several states.⁶²⁹ The bishop fought back by utilizing the same republican rhetoric that dominated political discourse during the Revolution and by artfully framing his pleas for greater Catholic liberties in a Revolutionary context. Although Carroll exposed the mendacity of the original piece – the said Cardinal upon which the narrative was formed did not even exist – he stopped short of holding the American editors of this Philadelphia-based magazine accountable for choosing to publish the article. Rather, he asked that they no longer entertain the “malicious and mischief-making forgeries of persecuting Europeans.”⁶³⁰ By

⁶²⁷ *The Columbian Magazine: or, Monthly Miscellany* 1 (Philadelphia: T. Seddon, W. Spotswood, C. Cist & J. Trenchard, 1787), 395.

⁶²⁸ Carroll to Joseph Berington, September 29, 1786, in *JCP*, 1:217.

⁶²⁹ By 1787, when Carroll wrote this essay, Catholics possessed full civil and religious rights in less than half of the thirteen states.

⁶³⁰ [John Carroll] A Reader, “To the Editor of the Columbian Magazine,” *The Columbian Magazine*, 1:881.

disassociating the offense from the American population, Carroll adroitly left room for fair-minded Americans to join him in his condemnation. He tried to make anti-Catholicism a European phenomenon at the very moment that Americans were distancing themselves from that heritage. He used this tactic to gain his audience's approval before moving to the larger issue of Catholic discrimination in various American states. Once he reached that point in his argument, he equated the defense of Catholic rights with the nobility of the American enterprise itself.

Carroll celebrated America's liberality in explicitly Christian terms – "Thanks to the genuine spirit of christianity! the United States have banished intolerance from their systems of government" – before pointing to the lingering limitations on the Revolution's egalitarian and liberal ideals. He praised some states for doing "justice to every denomination of christians, which," he contended, "ought to be done to them in all." Mindful of the proceedings in Philadelphia, he called for all states to place Christians "on the same footing of citizenship, and conferring equal right of participation in national privileges." Writing as "A READER," Carroll argued that because Catholics fought alongside their Protestant brethren at Monmouth, Saratoga, and Yorktown, they proved their devotion to both God and country, which ought to be recognized across the United States. "Freedom and independence," Carroll insisted, "acquired by united effort and cemented with the mingled blood of protestant and catholic fellow-citizens, should be equally enjoyed by all." He proceeded to single out the New Jersey state constitution as the first which "gave the unjust example of reserving to protestants alone the prerogatives of government and legislation" by denying Catholics from holding executive office. Carroll framed this injustice as particularly cruel because the New Jersey Constitution

was written while the “American army swarmed with Roman-catholic soldiers.” Although they would have been justified in abandoning the war effort, Catholics continued to bleed for American liberty because “their patriotism was too disinterested to hearken to the first impulse of even just resentment.” After lamenting the partial collapse of the “wise and generous sentiments which pervaded every corner of the American continent” during the Revolution, Carroll confronted the most troubling concern Protestants had about Catholics – allegiance to a foreign pontiff. He countered that claim (which was never actually raised in the *Columbian Magazine* article) by reminding his audience of how steadfast his coreligionists were in “rejecting the claim of foreign oppression” which came, not from Rome, but, donned with red coats and carrying a musket, from Protestant England.⁶³¹

Digging ever deeper into English-Protestant culture, Carroll accounted for the printing of the article by again inverting an anti-Catholic stereotype and projecting it onto Protestants. He gave the author and those who believed the original article little hope of “emancipating their minds from a slavish subjection” to all things anti-Catholic because, he argued, from their youth, they had fallen victim to “the prejudices imbibed during a narrowed British education.” Carroll closed his letter by explaining his outburst, which was occasioned not solely because of this tract, but because of another essay that was printed in an earlier issue, “*Considerations on Religion*, by A. Z.,” which similarly depicted Catholics in an unfavorable light.⁶³² Carroll asked the editors to select essays

⁶³¹ [Carroll], “To the Editor of the Columbian Magazine,” 1:881.

⁶³² Carroll was not intellectually honest here. The article to which he refers includes several attempts to depict Roman Catholics in favorable light. A. Z. explained that “I do not confine the benefits resulting from the restoration of human learning to the reformed churches only, but make no doubt of their being extended to the Roman Catholics, the clergy and members of which are, in many respects, better Christians than they were in the days of ignorance.” He then praised Pope Clement XIV for his marked liberality. The author quoted Clement thusly: “but the enemies of the catholic religion falsely impute to the church of

from authors who were better “versed in theology and history.” Although their recent selections “may help to feed the prejudices of ignorance, and it may confirm the tales of many a nursery and many a pulpit,” these “unprovoked aggressor[s],” Carroll maintained, were bound to stir up controversy and undo the gains Catholics had experienced in the last decade. Predictably, Carroll finished on a unifying note by explaining that his “design was only to recommend fairness, truth and equity” for the “benefit [of] the public.”⁶³³

As Carroll’s writings demonstrate, Catholics began to rail against the disabilities that they faced at the state level, but in doing so, they had to negotiate between liberal federal laws and illiberal state and local statutes. This legal development placed Catholics in a tenuous position. They wanted to display their gratitude for the liberties and protections that they enjoyed in America, but they also wanted to repeal their civil disabilities at the state level and bring attention to the continued assault against their religion in the wider culture. Since legislative channels posed few opportunities for substantive change, many Catholics decided that the best way to gain those rights was to first gain widespread social respectability. The route to that goal included two important steps. The first was the need to engage in vigorous but respectful public debate in order to correct prevailing misconceptions about their church. Unable to trust his fellow priests to write as judiciously as Carroll believed he did, the bishop warned other priests against involving themselves in controversial theological debates, giving ostentatious political

Rome the apocryphal facts perpetually related by superstition. The people cannot be preached out of what they are determined to believe, tho’ ever so contrary to the doctrines of the church.” See A. Z., “Considerations on Religion in General, but more particularly on the Christian” *The Columbian Magazine*, 1:519-520.

⁶³³ [Carroll], “To the Editor of the Columbian Magazine,” 1:881-882.

sermons, or bringing any unnecessary attention to themselves.⁶³⁴ Carroll therefore shouldered the bulk of that responsibility. The three years between his Wharton and *Columbian Magazine* ventures, however, suggest that Carroll was slowly beginning to violate his own standards. Although he wrote defensively in 1784, with additional pressures mounting, Carroll took the offensive by 1787. His letter to the *Columbian Magazine* shamed Americans for denying virtuous Catholics – who had shed their blood for liberty during the war – of the religious freedom they had earned. It also depicted certain Protestants as the “unprovoked aggressor” in Catholic-Protestant relations and criticized their “slavish” submission to their “narrow educations.” Now disillusioned from the heights of his optimism during and immediately after the Revolution, Carroll began to assert himself in what he called more “manly” ways. The second step to achieving social respectability was to prove to their countrymen that the American Church was not beholden to the dictates of Rome. Carroll once again assumed responsibility.

Establishing an Independent American Catholic Church

John Carroll felt the weight of his church upon his shoulders. Eager to do God’s work in America and acutely aware of the challenges thrust upon him, Carroll wrote to his closest friends and associates in England about the state of the American Catholic Church. He desperately needed support from the hierarchy in Rome, but also realized that his countrymen would view dependence on the Holy See with suspicion, which would, in turn, discredit his insistence that Catholicism and republicanism went hand in hand. To

⁶³⁴ See Carroll to Ferdinand Farmer, [December, 1784], in *JCP*, 1:155-158; Sermon on Gratitude, [1785], in *JCP*, 1:159-160; For Carroll’s admonitions against unruly behavior within the laity, see chapter eight.

complicate the matter even more, Carroll shared his countrymen's suspicions, having suffered from the "arbitrary" dictates of Rome when Pope Clement XVI suppressed his beloved Society of Jesus in 1773. "The greatest blessing which in my estimation I could receive from God," Carroll had written to his family after learning of the suppression from a friend in Rome, "would be immediate death."⁶³⁵ A year later he admitted holding "still greater indignation for what has happened" in a pamphlet designed to save the Jesuits' tarnished reputation.⁶³⁶ By 1783, little of that animosity had receded. Reaffirming the views of Charles Plowden, Carroll insisted that the "intention of the Propag[and]a [Fide]," the missionary arm of the papacy that administered over the American church, was not "for the service of Religion," but "more to the grasping of power, & the commanding of wealth. For they may be reassured," Carroll informed Plowden, that Rome would "never get possession of a sixpence of our property here." Nor would a "foreign temporal jurisdiction...be tolerated."⁶³⁷

On the morning of June 27, 1783, with that kind of hostility still in his heart, Carroll and five likeminded priests met in the town of Whitmarsh, Maryland, to discuss the future of the American mission. With the war finally won, they considered important matters of church and state – ecclesiological order, the need for a bishop, the availability of priests, and the rights of Catholics in various states.⁶³⁸ The priests realized that the religious freedom they were currently afforded was written in ink, not etched in stone. If American Catholics were going to maintain their liberties, they were going to have to disabuse their countrymen of some of the stereotypes associated with the church and alter

⁶³⁵ Carroll to [Eleanor Darnall Carroll, September 11, 1773], in *JCP*, 1:32.

⁶³⁶ Carroll, *A Narrative of the Proceedings in the Suppression of the Two English Colleges at Bruges in Flanders Lately Under the Government of the English Jesuits* [1774], in *JCP*, 1:33.

⁶³⁷ Carroll to Charles Plowden, September 26, 1783, in *JCP*, 1:78.

⁶³⁸ Shea, *Life and times of the Most Rev. John Carroll*, 207-208.

their conceptions of constitutionalism. Indeed, Carroll acknowledged to Joseph Berington that the two “greatest Obstacles, with Christians of other denominations, to a thorough union with us” were, first, “ascertaining the Extent and Boundaries of the Spiritual Jurisdiction of the Holy See,” and second, “the use of the Latin Tongue in the publick Liturgy.”⁶³⁹ In other words, Catholics needed to convince their countrymen that the pope possessed spiritual, not temporal, sovereignty over his flock, and they needed to begin holding services in the vernacular. In both respects, they needed to appear more American. In that way, his battles with Rome were directly related to his struggles at home. In both cases, he had to deflate the perception which each side had of the other. On the one hand, he needed to convince Rome that American liberalism was not as corrosive to the faith as they assumed. On the other, he had to convince American republicans that Catholicism was not as oppressive as they supposed.

Shortly after the first meeting at Whitemarsh, Carroll wrote a petition to Rome that spent considerable space explaining the precarious position in which Catholics found themselves. It highlighted the prevailing aversion to authority in the United States and the threat that that aversion posed to their religious liberty. The petition therefore asked that American priests be able to elect their own Superior, an act that would simultaneously prove to their suspicious neighbors that the pope did not have autonomy over American Catholics and corroborate Catholic claims that their Church’s values were compatible with American republicanism.⁶⁴⁰ It was not an easy sell.⁶⁴¹ The petition tip-toed a fine line between practical realism and insubordination. Sent through an influential friend

⁶³⁹ Carroll to Joseph Berington, July 10, 1784, in *JCP*, 1:148.

⁶⁴⁰ Guilday, *Life and Times of John Carroll*, 1:170-172.

⁶⁴¹ Indeed, led by Father Bernard Diderick and Ignatius Matthews, some American clergymen simultaneously wrote to Rome requesting that they refrain from forming an American See altogether. See the *Memorial to Rome*, December 9, 1784, reprinted in Guilday, *Life and Times of John Carroll*, 1:175.

stationed in Rome, Cardinal Vitaliano Borromeo, the letter is worth quoting at length because it succinctly explains the issues facing the church and clarifies how those issues related to the state of religious freedom for Catholics in the new Republic.

You are not ignorant that in these United States our religious system has undergone a revolution, if possible, more extraordinary than our political one. In all of them free toleration is allowed to Christians of every denomination...[which was] a blessing and advantage which it is our duty to preserve and improve, with the utmost prudence, by demeaning ourselves on all occasions as subjects zealously attached to our government and avoiding to give jealousies on account of any dependence on foreign jurisdictions more than that which is essential to our religion, an acknowledgement of the Pope's spiritual supremacy over the whole Christian world. You know that we the Clergy have heretofore resorted to the Vicar Apostolick of the London district for the exercise of spiritual powers, but being well acquainted with the temper of Congress, of our assemblies and the people at large, we are firmly of opinion, that we shall not be suffered to continue under such a jurisdiction, whenever it becomes known to the publick... Being therefore thus circumstanced, we think it not only advisable in us, but, in a manner obligatory to solicit the Holy See to place the Episcopal powers at least such as recommended are most essential, in the hands of one amongst us, who recognized virtue, knowledge, and integrity of faith, shall be certified by ourselves.⁶⁴²

Predictably, Pope Pius VI was hesitant to grant American Catholics this authority. Then again, he knew that the American situation was without parallel. Never before had there been a Catholic minority living amongst a Protestant majority under a republican government wherein all Christians possessed basic civil and religious freedoms.⁶⁴³ For that reason, Rome began to explore its options. The papacy received a number of mixed messages from Carroll, his confidantes in Rome, and Benjamin Franklin, who was currently Minister to France and who participated in the selection process.

In order to convince Rome that it should allow the American clergy to elect their own bishop, a number of priests began an effort to downplay the culture of toleration in the United States. "We must use extreme circumspection," Carroll wrote to a cardinal in 1784, "in order not to give pretexts to the enemies of Religion to deprive us of our actual

⁶⁴² Carroll to Vitaliano Borromeo, November 10, 1783, in *JCP*, 1:80-81.

⁶⁴³ Ellis John Tracy, *Catholics in Colonial America* (Baltimore, Maryland: Helicon Press, 1965), 423.

rights. It is very important that the prejudices entertained for so long against Catholics be eradicated.” He complained of “a flame of animosity” that had risen against his coreligionists and mentioned the “continual anxiety” that they faced due to misconceptions about their faith.⁶⁴⁴ Although Carroll took the leading role, a transatlantic network of Roman Catholics reasoned that if Americans were going to earn the trust of their countrymen and maintain their religious freedom, they needed to distance the American mission from the Holy See. The best way to accomplish that task was to show that Americans, not foreigners from Rome, held sovereignty within the American church.⁶⁴⁵ We can see their efforts to realize that outcome in their private correspondences. As soon as the war with England ended, Carroll began a dialogue with Ferdinand Farmer, an aging priest in Pennsylvania, Charles Plowden and Joseph Berington in England, and John Thorpe, an ex-Jesuit confidante stationed in Rome who had close connections within the hierarchy in that city. Just months after sending the petition to Cardinal Borromeo, Father Carroll outlined the dilemma he faced in a letter to Plowden. Carroll explained that his countrymen, who were currently infatuated with their liberty, would only accept a “national Bishop, in whose appointment Rome shall have no share. No Bishop...shall be admitted,” Carroll continued, because “the Catholick Clergy & Laity here know that the only connexion they ought to have with Rome is to acknowledge the pope as the Spir[itua]l head of the Church.”⁶⁴⁶ In other words, Catholics had succumbed to the contagion of liberty, and were demanding that Rome relinquish all

⁶⁴⁴ Carroll to Giuseppe Doria—Pamphili, October 11, 1784, in *JCP*, 1:153; Carroll to John Thorpe, February 17, 1785, in *JCP*, 1:164.

⁶⁴⁵ The balance was delicate. Clergymen in the United States believed they needed independence, but did not want to attract radical priests from Europe who yearned for the opportunity to teach heterodox doctrines outside of the reach of the Holy See. For a superb examination of the narrative presented here, see O’Donnell, “John Carroll and the Origins of an American Catholic Church,” 101-126. For the classic interpretation, see Ellis, *Catholics in Colonial America*, 424-432.

⁶⁴⁶ Carroll to Charles Plowden, April 10, 1784, in *JCP*, 1:146.

temporal authority and cede it to the American church. Carroll echoed the sentiments of the clergy when he complained to Father Farmer that “I consider powers issued from the Propaganda not only as improper, but dangerous here.” He continued to note that “By the Constitution, our Religion has acquired equal rights & privileges with that of other Christians,” which gave the American clergy “sufficient powers to form our own system of internal government, & I think, to chuse our own Superior independent of the wishes of Rome.”⁶⁴⁷

Carroll did not come up with his plan on his own. Several colleagues warned him of the Holy See’s encroaching spirit. Father Farmer told Carroll that Rome’s “designs with us” were “very unfavorable” to American interests.⁶⁴⁸ Reminding his friend of the “foul side of Rome” that once placed Carroll and Plowden under house arrest for a month during the suppression of the Jesuits, Plowden admonished Carroll that Rome would “use every art to extend their own dominion and influence in your country. Under cover of spiritual grants they will labour to acquire temporal authority,” a move that they both knew would be disastrous to the American mission.⁶⁴⁹ Thorpe pressured Carroll to exaggerate the severity of the anti-Catholic threat and the hostility to foreign influence in America. He advised Carroll to use the “republican nature of the government wherein you reside” to “supply you with the means of honestly influencing [Rome] to do what you know to be most conducive to the good of religion there.”⁶⁵⁰ With advice coming from all quarters, Carroll promoted the need for independence by emphasizing to his

⁶⁴⁷ Carroll to Ferdinand Farmer, [Dec. 1784], in *JCP*, 1:156-157.

⁶⁴⁸ Ferdinand Farmer to Carroll, March 2, 1786, in *Records of the American Catholic Historical Society of Pennsylvania* 19 (Philadelphia, 1908), 390.

⁶⁴⁹ Charles Plowden to Carroll, April 4, 1784, Carroll Letters and Documents, Archives of the Archdiocese of Baltimore, reel 4.

⁶⁵⁰ John Thorpe to Carroll, March 7, 1787, Carroll Letters and Documents, Archives of the Archdiocese of Baltimore, reel 5.

ecclesiastical superiors in Rome just how fragile their new freedoms could be if Americans sensed the creeping tyranny of popery invading their country. At the same time, he highlighted the virtues of the American experiment in religious liberty to his domestic audience in public statements like his Sermon on Gratitude in 1785. In this way, Carroll artfully managed to emphasize the different sides of his predicament to his particular audience.

But Rome did not exclusively rely on Carroll and his cohorts when gauging American sentiment. Officials there had been receiving mixed messaging from Benjamin Franklin, who was corresponding with the Holy See. Officials in Rome asked Franklin about formal authorization for naming a Vicar Apostolic in the United States, to which he responded that Congress, “according to its powers and constitutions, can not and should not, in any case, intervene in the ecclesiastical affairs of any sect or of any religion established in America.”⁶⁵¹ Franklin, under orders from the Continental Congress, relayed another message months later, which again stated that the appointment, “being purely spiritual, it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it.”⁶⁵² This message was quite different from the one Rome had been receiving from the American clergy. Franklin and the Congress, of course, were addressing the legal authority of the United States over church governance while Carroll and his cohorts emphasized the cultural ramifications that a perceived authoritarian Catholic presence in America would have on their flock.

When Carroll received word of Franklin’s correspondence, he believed that Rome was on the verge of undermining the freedoms Catholics had won. So wary was he of the

⁶⁵¹ *Records of the American Catholic Historical Society of Philadelphia* 21 (1910): 196.

⁶⁵² Resolution of May 11, 1784, in Galliard Hunt, ed., *Journals of the Continental Congress, 1774-1789* (Washington, D.C: Government Printing Office, 1928), 27:368; Ellis, *Catholics in Colonial America*, 425.

appearance of Roman interference in the affairs of the American church that, when the Holy See appointed Carroll as Superior to the Mission of the United States in June of 1784, he protested against his own appointment. It mattered not that the letter informing Carroll of his appointment lauded the “piety and zeal” that he displayed, or that his selection was designed to “please and gratify many members of that republic.”⁶⁵³ Writing again to Plowden, he explained that those in Rome were attempting to “appoint a B[isho]p now, to establish the precedent of appointing one hereafter: but little do they know of the jealousy entertained here of foreign jurisdictions.”⁶⁵⁴ Indeed, he had long predicted that “no authority from [Rome] will ever be admitted here.”⁶⁵⁵ If Rome eventually went through with their plan and made “the R. Cath. of this country [dependent] on any foreign tribunal or office,” Carroll feared that the “consequences to [our] Religion may be fatal.”⁶⁵⁶ Carroll could not have been clearer – if Rome did not concede temporal sovereignty of the church to the American clergy, Catholics risked losing their civil and religious freedom. Working from that premise, the American clergy under Carroll’s leadership continued to appeal for their right to elect their first bishop.

Shortly after his appointment, Carroll protested against Rome’s assertion of authority in the United States by voicing his concern to those in America, England, and Rome.⁶⁵⁷ Months later the Holy See again made an appointment without consulting the American clergy. Officials in Rome concluded in February 1785 that Carroll should be the Prefect Apostolic of the American mission, a position that poised Carroll to be bishop

⁶⁵³ Antonelli to Carroll, June 9, 1784, in Guilday, *Life and Times of John Carroll*, 1:203.

⁶⁵⁴ Carroll to Charles Plowden, September 18, 1784, in *JCP*, 1:151.

⁶⁵⁵ Carroll to Charles Plowden, April 10, 1784, in *JCP*, 1:146..

⁶⁵⁶ Carroll to Charles Plowden, February 27, 1785, in *JCP*, 1:166.

⁶⁵⁷ See Carroll to Ferdinand Farmer, [December, 1784], in *JCP*, 1:156; Carroll to Charles Plowden, February 27, 1785, in *JCP*, 1:166-169; Carroll to Cardinal Antonelli, February 27, 1785, in *JCP*, 1:171.

once an official diocesan organization in the United States was complete. Writing to Thorpe, who he knew would relay the message to the cardinals in Rome, Carroll drew a clear line connecting the actions of the Holy See to Catholic rights and liberties in the United States. He reported that continued meddling from a “foreign influence & dependance” might “raise a spirit against us,” and “strip us perhaps of our common civil rights.”⁶⁵⁸ He expressed similar thoughts when writing to Plowden that “the temper of the age and of our people requires” Rome to “leave us that Ecclesiastical liberty” which they needed to expand the faith in the United States. Unaware that Franklin had already been in contact with the Holy See, Carroll also mentioned that he planned to write to Benjamin Franklin, “that venerable old man who will, I am sure give good information to the Nuncio at Paris concerning the impropriety of the Prop[aganda] intermeddling here. The doctor wishes his country to be unconnected with Europe,” and, Carroll assured his correspondent, would “be very far from giving [Rome] any flattering expectation of the power of the Propaganda being established here.”⁶⁵⁹ Carroll again insisted that American Catholics could not enjoy their newfound religious freedom if the Holy See extended its authority into the United States. Keeping the Mother Church at bay, Carroll continued to reason, was essential to the health of the Catholic religion in the new Republic.

But after growing impatient, Carroll bypassed Thorpe and appealed straight to Cardinal Leonardo Antonelli. In a carefully-worded letter, Carroll attempted to, first, prove that American Catholics would be loyal to Rome despite the prevailing liberal impulses in the United States. Second, he argued that American ecclesiological independence would simultaneously benefit both American and Roman interests. Carroll

⁶⁵⁸ Carroll to John Thorpe, February 17, 1785, in *JCP*, 1:163.

⁶⁵⁹ Carroll to Charles Plowden, February 27, 1785, in *JCP*, 1:168-169.

first explained to Antonelli that American Catholics were so well “grounded in the faith, that they could never be swayed from the obedience due the Supreme Pontiff.” After establishing Americans’ loyalty to Rome, he emphasized that “Those same people, nevertheless think the Holy Father ought to grant them some freedom which is clearly necessary for the preserving of the common law which they now enjoy, or for the repelling of the dangers which they fear. From what I have mentioned,” Carroll concluded, “and from what the constitution of the government which exists here [demands], your Eminence cannot fail to see how hateful all foreign jurisdiction is to these people.” He then called for a plan “to be adopted for this country, in such a way as to retain absolutely the spiritual jurisdiction of the Holy See, and at the same time [to] remove all ground for objecting to us, as though we held anything hostile to the national independence.”⁶⁶⁰

Looking ahead three years after he was appointed Superior, Carroll emerged as the leading figure within the American Catholic Church. Throughout that period, he reminded Rome that their actions weighed heavily on the religious freedom of Catholics in the United States. With assistance from colleagues in Rome, Dublin, and London, who reinforced Carroll’s claims about the intolerant religious climate in the United States, Antonelli finally acquiesced to Carroll’s requests. The Cardinal informed Carroll that Rome would “not hesitate to perform whatever you consider to be the most expedient” solution to his needs.⁶⁶¹ Father Thorpe continued to write to Carroll from Rome in order

⁶⁶⁰ Carroll to Cardinal Antonelli, February 27, 1785, in *JCP*, 1:171. That plan, Carroll and his cohorts also convinced the Holy See, included the election of a bishop. For their successful request, see Carroll, Robert Molyneaux, and John Ashton to Pope Pius VI, March 12, 1788, in *JCP*, 1:279. For the papal response, see Antonelli to Carroll, Molyneaux, and Ashton, July 12, 1788, reprinted in Guilday, *The Life and Times of John Carroll*, 1:352.

⁶⁶¹ Cardinal Antonelli to Carroll, July 23, 1785, in quoted in Guilday, *The Life and Times of John Carroll*, 1:345.

to inform him of the success of their plan. By early 1789 Thorpe could triumphantly report that Antonelli had a “fixed notion of your civil government being extremely jealous of its own authority, and particularly so in respect to Rome.”⁶⁶² With Antonelli convinced that American Catholics could only maintain their religious freedom by maintaining distance between themselves and Rome, they granted the American clergy their request of electing their own bishop.⁶⁶³

Meeting again in Whitmarsh, the American priesthood gathered in May of 1789 to select the first Bishop of the United States. The election was in fact a formality because everyone present knew that Carroll was the undisputed leader of the church. Carroll received all but two votes and was himself responsible for one of the two dissenting ballots. He accepted the nomination, but not without reservation, for it “deprives me of all expectation of rest or pleasure henceforward, and fills me with terror.”⁶⁶⁴ Over the last several years, Carroll had worked tirelessly to convince Rome that the American clergy needed to be able to elect its own bishop because he believed that the authoritarian image of the Catholic Church could potentially unravel the progress Catholics made in attaining civil and religious liberty during the American Revolution. With the help of a transatlantic supporting cast, Carroll ensured that he would be the face of the church and that if American Catholics suffered a cultural or legal backlash, they could not pin the blame on the Holy See. It was a responsibility he did not want – “I truly hate the hearing or mention of it” – but one which he knew he had to assume.⁶⁶⁵ The

⁶⁶² Thorpe to Carroll, March 13, 1789, Carroll Letters and Documents, Archives of the Archdiocese of Baltimore, reel 5.

⁶⁶³ With one caveat; that in the future, Rome would appoint the bishop. For an analysis from the perspective of the Holy See, see Luca Codignola, “Roman Catholic Conservatism in a New North Atlantic World, 1760-1829,” *William & Mary Quarterly* 64, no. 4 (October 2007): 717-756.

⁶⁶⁴ Carroll to Charles Plowden, May 8, 1789, in *JCP*, 1:362.

⁶⁶⁵ Carroll to Charles Plowden, May 8, 1789, in *JCP*, 1:362.

religious freedom that his family had been fighting for since Charles Carroll the Settler battled with the colonial government in 1689 depended on it.

Once it became clear that Carroll would be elected, he received letters from a number of priests who attempted to push the future bishop into managing the church as they saw fit. From Rome, those like Antonelli stressed the importance of staying in the good graces of Pope Pius and of not wandering too far from the church's traditions. From England, Joseph Berington advocated the opposite approach, which he saw as the only way to restore the reputation of the Mother Church. "If you be chosen to the mitre," Berington wrote on the eve of Carroll's election, "you will form a national Church; and this being done, every necessary reformation of abuses, and every modification of rites and discipline... will be effected without obstacles, at least without those obstacles which the Court of Rome ever has, and ever will throw in the way of a Church." Berington insisted that "From us [in England] you may draw a useful lesson" in the organization and presentation of the church. "Certainly were I circumstanced as you in America seem to be," Berington advised, "I would shut my eyes on the 14 last centuries, and only consider what was the prerogative of the See of Rome during the Apostolic ages and the years immediately succeeding to them. All that is *essential* then existed; the rest," the English divine wrote, flirting with heresy, "is abuse and usurpation."⁶⁶⁶

Carroll took a more moderate approach, staying more firmly in the grasp of the Holy See than those like Berington would have liked while periodically testing the limits of his authority. One such reform, which Berington favored, was to alter the liturgy – the second of the two "greatest Obstacles" to the church's success that Carroll identified in 1785 and upon which the vitality of the Catholic religion in America depended. In a letter

⁶⁶⁶ Joseph Berington to Carroll, March 27, 1788 in Guilday, *Life and Times of John Carroll*, 132.

to Arthur O’Leary, Carroll told his colleague that he planned to ask Rome to allow his church “the same privilege, as is enjoyed by many churches of infinitely less extent, that of having the liturgy in their own language,” because “one of the most popular prejudices agst. us is, that our public prayers are unintelligible to our hearers.”⁶⁶⁷ His desire to reform the church served the same purpose as did his insistence on separation from Rome. Carroll believed that he needed to accommodate his church to the new social and cultural climate of the new Republic in order to protect the rights and privileges that Catholics had only recently gained. If distance from Rome was designed to prove to his countrymen that American Catholicism posed no threat to their sacred institutions, then a liturgy in the vernacular was similarly intended to prove that Catholic practice was able to change over time. Carroll discussed the matter, which he originally believed “ought not only to be solicited, but *insisted on*,” with a number of foreign correspondents.⁶⁶⁸ But at the end of the eighteenth century, this was still a rather heterodox position, and Carroll met stiff resistance not only from Rome, but from some of his most trusted associates. Unwilling to push against the wishes of his peers, Carroll abandoned the idea and, in 1791, the First diocesan Synod of the American Clergy, a body that Carroll presided over, formally adopted a Latin Liturgy.⁶⁶⁹ If Catholics were going to earn the respectability they needed to enjoy their civil and religious rights, they were going to have to do so through the tradition of the Latin Mass.

⁶⁶⁷ Carroll to Arthur O’Leary, [1787], in *JCP*, 1:225. See Letter from John Adams to Abigail Adams, October 9, 1774 [electronic edition]. *Adams Family Papers: An Electronic Archive*. Massachusetts Historical Society.

⁶⁶⁸ In addition to Berington and O’Leary, he corresponded on the topic with Charles Plowden and P. J. O’Coughlin. See Carroll to Joseph Berington, July 10, 1784, in *JCP*, 1:148.; Carroll to Arthur O’Leary, [1787], in *JCP*, 1:225; Carroll to Charles Plowden, June 4, 1787, in *JCP*, 1:253; Carroll to [P.J. Coghlan], June 13, 1787, in *JCP*, 1:255.

⁶⁶⁹ Synod Report, November 7-8, 1791, in *JCP*, 1:531. The report permitted priests to conduct some portions of the mass, such as the sermons and certain prayers, in the vernacular. For a list of those present at the synod, see *ACHR* 16, no. 1 (December 1899): 134.

At the end of the Revolution, Carroll concluded that the most important challenges facing the American Catholic Church were, first, the widespread perception that Catholics had to surrender allegiance to the Holy See in temporal matters; and second, the use of the Latin liturgy, which perpetuated the belief that Catholicism was a foreign and anachronistic religion that made its adherents seem incapable of fulfilling the civic duties that accompanied republican citizenship. Both of these issues, Carroll and his associates insisted, posed existential threats to Catholics' civil and religious liberties in the wake of the Revolution. Regarding the first, Carroll made it at least appear as if the American clergy were in charge of their own church. But upon closer review, it is unclear how much of an impact Carroll and his colleagues made on officials in Rome. From the moment they met in Whitemarsh in 1783, the American priesthood warned against Rome's intermeddling in the internal affairs of the church. But the Holy See did exactly that. Against his wishes, they appointed Carroll as Superior in June of 1784 and named him Prefect Apostolic in 1785. True, the American clergy were free to elect a bishop of their choice by 1789, but by then, Rome's continued meddling made the election a superficial exercise. Aware that Carroll was the most defiant of the American clergy, the Holy See skillfully promoted him to positions that would allow Rome to keep him within its grasp.⁶⁷⁰ All of the priests who met in Whitemarsh knew Carroll would be elected, and Rome's actions the previous six years played no small part in ensuring that outcome. On the second account, the Latin liturgy, Carroll realized he had lost that battle early on because moderate priests such as Arthur O'Leary in Ireland and Charles Plowden in

⁶⁷⁰On this tactful move, see Dale B. Light, *Rome and the New Republic: Conflict and Community in Philadelphia Catholicism between the Revolution and the Civil War* (South Bend, Indiana: University of Notre Dame Press, 1996), 12.

England, in addition to more conservative American clergymen like Ferdinand Farmer, warned him against such a measure.⁶⁷¹

Taken as a whole, Carroll's performance is not easy to assess.⁶⁷² On the one hand, he emerged from the Revolution as a beloved figure in American culture – which was not an insignificant achievement considering the dominant cultural role that anti-Catholicism played at the outbreak of the war. Furthermore, he made it at least appear as if the American Catholic Church was in some ways separate from the Mother Church. That perception, he and other Catholics reasoned, was essential to maintaining the civil and religious rights that they possessed after the Revolution. On the other hand, he failed to overcome either of the two “greatest Obstacles” that he believed afflicted the Catholic Church in America. But despite those failures, Carroll met greater success in other areas; namely, in defending his faith in the press. As he did with the Charles Henry Wharton controversy in 1784, Carroll continued to answer challenges to his faith in a way that stressed the democratic and republican principles within Catholic doctrine and showcased the patriotic role that Catholics played in the Revolution. As he continued to evolve in his management of the church, Carroll also became more willing to highlight the darker sides

⁶⁷¹ For scholarship that assesses the influence of Rome in American affairs, see Jay Dolan, “New Directions in American Catholic History,” in Dolan and James P. Windin, eds., *New Dimensions in American Religious History: Essays in Honor of Martin E. Marty* (Grand Rapids, Michigan: Eerdmans Publishing Company, 1993), 152-174; Patrick Carey, “Recent American Catholic Historiography,” in Harry S. Stout and D. G. Hart, eds., *New Directions in American Religious History* (New York: Oxford University Press, 1997), 445-461; Jay Dolan, *In Search of an American Catholicism: A History of Religion and Culture in Tension* (New York, 2002); John T. McGreevy, *Catholicism and American Freedom: A History* (New York: W.W. Norton & Company, 2003); Leslie Woodcock Tentler, “On the Margins: The State of American Catholic History,” *U.S. Catholic Historian* 21, no. 2 (Spring 2003): 77-95; Codignola, “Roman Catholic Conservatism in a New North Atlantic World,” 717-756; Ronald A. Binzely, “Ganganelli's Disaffected Children: The Suppressed English Jesuit Province and the Shaping of an American Catholicism, 1762-1817,” (PhD Dissertation, University of Wisconsin-Madison, 2011).

⁶⁷² Most Carroll scholars have lauded his adroitness in balancing the needs of his church against the demands of his country and the Roman hierarchy. For a contrarian view, see James J. Hennessy, *American Catholics: A History of the Roman Catholic Community in the United States* (New York: Oxford University Press, 1981), 89-100.

of English and Protestant history. Not only did he intend to build up the reputation of Catholics, but he was also determined to tear down the romantic image that American Protestants had of their own history. Accomplishing that task, he reasoned, was the only way to convince his countrymen that Protestant establishments posed a threat to Catholic liberties and undermined the American Revolution's most cherished ideals. As he went to battle with the Roman hierarchy, he never relented in his quest to shape Protestant views of his church. His domestic engagements – whether sermonic or literary – demonstrate his concerted effort to broaden America's religious culture just enough to include his own faith tradition; that is, to turn the United States from a Protestant country into a Christian nation. That expansion would, if all went according to plan, become the basis for American citizenship, respectability, and equality under the law.

Challenging the Protestant Nation Myth

While they attempted to restrict the reach of their Mother Church, American Catholics also tried to set the parameters of acceptable religious discourse in the United States, especially once the first United States Congress began to consider a federal bill of rights in the spring of 1789. In fact, Catholics assumed a greater presence in church-state matters between the time that James Madison began to consider amendments to the constitution in March of 1789 and the months following the ratification of the Bill of Rights in December of 1791. But before turning to those episodes, it is worth noting that Catholics had a representative on the committee to draft the first amendment. Daniel Carroll – elder brother to John and cousin to Charles – was a loyal Federalist and friend of Madison's, which partially explains why he was able to earn a spot on the nine-man

drafting committee. Daniel, like his younger brother and cousin, was born in Upper Marlboro and attended school abroad at St. Omer's before moving back to the colonies to marry his cousin, Eleanor Carroll. Once back in the colonies he became active in the Revolution by serving as a delegate in the Continental Congress from 1781 to 1783 as well as the Constitutional Convention and Maryland Senate from 1787 to 1791. Along with Thomas Fitzsimmons of Pennsylvania, he was one of two Catholics to sign the United States Constitution.⁶⁷³

As a Catholic with a more latitudinarian theology than his priestly brother, Daniel did not meddle in theological or historical debates in public. Instead, he helped pass legislation that he thought would engender harmonious relations between denominations. Few of his papers have survived, but his biographer has argued that Daniel had a "Deep conviction that religious liberty was a proper attribute of the dignity of man."⁶⁷⁴ These two core beliefs – harmony over discord and the promotion of religious freedom – guided his behavior in the Maryland Senate and on the First Amendment drafting committee. In 1788, as president of the Senate, Daniel introduced legislation in order to provide state funding to both Protestant and Catholic churches and to "incorporate certain persons in every christian church or congregation throughout this state."⁶⁷⁵ Serving on the federal body, Daniel encouraged the same kind of latitudinarian opportunism for Christians of all denominations. The senior official from Maryland, according to the *Annals of Congress*, "said he was much in favor of adopting" every one of the half-dozen versions of the amendment. Indeed, Daniel related that he "would not contend with gentlemen about the

⁶⁷³ William Hand Browne, et al., eds., *Archives of Maryland* (Baltimore, Maryland: Maryland Historical Society, 1883–present), 426:199. To distinguish him from his brother, I will not use Daniel's surname.

⁶⁷⁴ Mary Virginia Geiger, "Daniel Carroll: A Framers of the Constitution," (PhD Dissertation, Washington, D.C., The Catholic University of America, 1943), 184.

⁶⁷⁵ Geiger, "Daniel Carroll," 83-84.

phraseology” of the amendment because he thought that the linguistic distinctions were inconsequential. According to Daniel, they all guaranteed the same outcome – a limitation on the government to either “establish” religion or “infringe” the “equal rights of conscience.” He merely insisted that “rights of conscience” were “of peculiar delicacy, and will little bear the gentlest touch of governmental hand.”⁶⁷⁶ Granted the opportunity to define the boundaries of religious freedom in the most direct way, Daniel Carroll gave every indication to suggest that he was pleased with whatever “phraseology” the congress used.⁶⁷⁷ At the same time, he did not support Roger Sherman’s proposal to strike down the amendment entirely, perhaps rejecting Sherman’s reasoning that “Congress had no authority whatever delegated to them by the Constitution to make religious establishments.”⁶⁷⁸ Satisfied that his colleagues were intent on including Catholics as members of the American family, Daniel raised nary a cry during the proceedings. But if Daniel trusted his colleagues in the congress to steer the First Amendment in a direction that would redound to the Catholics’ benefit, his brother John was less confident in the American people’s willingness to extend the full religious freedom to Roman Catholics.

While Daniel Carroll was drafting the establishment and free exercise clauses of the First Amendment, his coreligionists were busy defending their faith in newspapers, magazines, pamphlets, and books. They responded to claims that the country was founded on a Protestant basis, which justified special treatment for Protestants. The

⁶⁷⁶ Joseph Gales, ed., *The Debates and Proceedings in the Congress of the United States* [*Annals of Congress*] (Washington, D.C.: Gales & Seaton, 1834), 1:757-758.

⁶⁷⁷ Carroll in this way lends credence to the view that contemporary debates that center on the definition of “establishment,” for example, are modern constructions, and that the Framers largely agreed on the intent of the amendment – that there would be no federal control over religion. See Thomas J. Curry, *The First Freedoms: Church and State in American to the Passage of the First Amendment* (New York: Oxford University Press, 1986), 215; Donald Drakeman, *Church, State, and Original Intent* (New York: Cambridge University Press, 2010).

⁶⁷⁸ *Annals of Congress*, 1:757.

clearest example of this kind of argument is found in an article printed in the May 6, 1789 edition of the *Gazette of the United States*, a biweekly Federalist newspaper based in New York that enjoyed wide circulation across the country.⁶⁷⁹ Coming just as the First Congress began considering the amendments, and titled “The Importance of the Protestant Religion Politically Considered,” the article’s central claim was that the United States should impose a national establishment in favor of the Protestant religion. The author, E. C., echoed the claim popular among Anti-Federalists that because their “virtuous fore fathers...traversed the vast and perilous Atlantic” before settling “this then rude, uncultivated wilderness” for the purpose of practicing and promoting Protestantism, it stood to reason that Protestantism should receive special favors from national and state governments. Indeed, Protestantism “laid the foundations of this new and great empire” in the seventeenth century and was responsible for “bringing about the late glorious American Revolution” in the eighteenth. E. C. insisted that Protestantism was “the religion most favourable to industry, commerce, the arts, science, [and] freedom.” While paying lip service to “the liberal principles of our constitution,” including “religious liberty to all the various sects,” E. C. advocated a national establishment for Protestantism by warning that if “our protestant clergy shall sink into contempt or neglect,” Americans could say “adieu to religion, morality, and liberty!”⁶⁸⁰

⁶⁷⁹ Alexander Hamilton backed the paper, which became a strong supporter of first, the Constitution, and then, the Washington Administration. Despite a failed attempt to woo the editor to the Democratic-Republican side of the aisle, Thomas Jefferson gave up on the paper and, with Philip Freneau, started a rival paper titled *The National Gazette* in 1791. See Jeffrey L. Pasley, “*The Tyranny of Printers*”: *Newspaper Politics in the Early American Republic* (Charlottesville: University of Virginia Press, 2001) 51-66.

⁶⁸⁰ E. C., “The Importance of the Protestant Religion Politically Considered,” May 6, 1787, reprinted in Mathew Carey, ed., *The American Museum: Or Repository of Ancient and Modern Fugitive Pieces, &c. Prose and Poetical* (Philadelphia: Mathew Carey, 1789) 6:41-42. This kind of thought was most popular among Anti-Federalists but church-state relations often transcended political alignments. For the Anti-Federalists views on religion and the constitution, see Isaac Kramnick and R. Lawrence Moore, *The*

It is important to emphasize that E. C. composed this essay within the context of the drafting of the First Amendment. He wrote as the First Congress of the United States met, and while James Madison was compiling recommendations for a bill of rights that was going to address the church-state relationship in the United States – a relationship that, in 1789, as now, was by no means clear. Many anti-federalists had voiced their concern about the absence of religion in general, and Protestantism in particular, in the Constitution. More than a few New England clergymen gave jeremiads that bemoaned the downfall of Protestantism and British America because, as most Americans believed, God judged not only individuals but nations. The appetite for a formal recognition of Protestantism, in brief, was not uncommon in the new country. For that reason, John Carroll composed a letter in response to E. C. that amounted to a call for disestablishment of all state religions and which posed a serious challenge to those who insisted that America was founded as a Protestant nation.

Coming just weeks after he was elected as bishop, and while he was already engaged in another debate (although it was abroad),⁶⁸¹ Carroll wrote a letter to John Fenno, the Federalist editor of the *Gazette*, who responded by giving Carroll front-page coverage to air his grievances in the June 10 edition of his newspaper. Carroll explained to his readers that E. C. suggested that Protestantism should be “entitled to pre-eminence

Godless Constitution: The Case against Religious Correctness (New York: W.W. Norton & Company, 1996), 34-37; Kidd, *God of Liberty*, 220-221.

⁶⁸¹ The other episode was instigated by a pamphlet written by Patrick Smyth, an Irish priest who Carroll brought to America to attend the needs of a New York congregation in 1787. Smyth attacked the American Catholic Church and accused Carroll and his ex-Jesuits of plotting to re-establish the Society of Jesus, among other charges. See Patrick Smyth, *The Present State of the Catholic Mission Conducted by the ex-Jesuits in North-America* (Dublin: P. Byrne, 1788). After a number of exchanges with the Bishop of Dublin, John Troy, on how to respond to this attack, Carroll acquiesced to the bishop’s request by not publishing his lengthy response. For the essay see Carroll, Response to Patrick Smyth, [1789], in *JCP*, 1:337-346.

and distinguished favor” in the constitution.⁶⁸² Carroll opened his letter on a unifying note that tried to shame his readers into rejecting E. C.’s article. “Every friend to the rights of conscience, equal liberty and diffusive happiness,” Carroll began, “must have felt pain on seeing the attempt made by [E. C.]...to revive an odious system of religious intolerance.” First attacking E. C.’s claim that the Revolution was a Protestant enterprise, Carroll insisted that Catholic “blood flowed as freely to cement the fabric of independence as that of any of their fellow-citizens: They concurred with perhaps greater unanimity than any other body of men, in recommending and promoting that government, from whose influence America anticipates all the blessings of justice, peace, plenty, good order and civil and religious liberty.”⁶⁸³ Catholics, in Carroll’s view, sacrificed life and limb for the United States during the Revolution, and were not going to allow Americans to claim that it was a Protestant enterprise.

Carroll next attacked E. C.’s claim that the first settlers of America abandoned their homes to practice their Protestant religion. He pointed out that “the emigrants to the four Southern States” of Georgia, the Carolinas, and Virginia, practiced a religion that was “the pre-eminent and favored religion of the country which they left.” Why, Carroll asked, if their forefathers abandoned their homeland to practice their faith, did they abscond from a land where they enjoyed not only religious liberty but religious favoritism? Always eager to give Catholics a voice in American history, Carroll asked E. C. if “the Roman Catholics who first came to Maryland [left] their native soil for the sake of preserving the Protestant church?” He continued to inquire if this was “the motive of the peaceable Quakers in the settlement of Pennsylvania? Did the first inhabitants of the

⁶⁸² Carroll to John Fenno of the Gazette of the United States, June 10, 1789, in *JCP*, 1:366.

⁶⁸³ Carroll to John Fenno of the Gazette of the United States, June 10, 1789, in *JCP*, 1:365-366.

Jerseys and New York, quit Europe for fear of being compelled to renounce their Protestant tenets?” By the time he was done, Carroll showed that E. C.’s claim could only be applied to a small collection of New England states. It is no exaggeration to say that Carroll was one of the first to point out the interpretive shortcomings of the view of American history that suggests Europeans migrated for religious freedom. “Can it be even truly affirmed,” Carroll inquired, “that this motive operated on all, or a majority of those who began to settle and improve the four eastern States?...Will history justify the assertion that they left their native homes for the sake of the Protestant religion, understanding it in a comprehensive sense as distinguished from every other?” In a way that he was unwilling to do when debating with Wharton in 1784 or even after showing some movement in this direction in his letter to the *Columbian Magazine* in 1787, Carroll pointed out Protestantism’s persecutory past, noting that, “even if they really were influenced by a desire of preserving their religion, what will ensue from the fact, but that one denomination of Protestants fought a retreat from the persecution of another?” He also complicated E.C.’s claim that Protestants were responsible for the American Revolution by reasoning that the enemy of the United States – the British Army – was composed of Protestant soldiers and followed orders from a Protestant government and a Protestant king. “Might I not say with equal truth, that the religion which he [E. C.] recommends [also] exerted her powers to crush this empire in its birth, and still is laboring to prevent its growth? For, can we so soon forget, or now help seeing, that the bitterest enemies of our national prosperity possess the same religion as prevails generally in the United States?”⁶⁸⁴

⁶⁸⁴ Carroll to John Fenno of the Gazette of the United States, June 10, 1789, in *JCP*, 1:366. For the classic interpretation of New England history as American history broadly understood, see Sacvan Bercovitch, *The*

In perhaps the most powerful passage of his rebuttal, Carroll tried to revise the narrative that Americans owed to Protestantism the formation of the United States in general and the Constitution specifically. For Carroll, it was “ridiculous to say, THE PROTESTANT RELGION IS THE IMPORTANT BULWARK OF OUR CONSTITUTION” because “the establishment of the American empire was not the work of this or that religion, but arose from a generous exertion of all her citizens to redress their wrongs, to assert their rights, and lay its foundation on the soundest principles of justice and equal liberty.” By attacking E. C.’s article in such strong terms, Carroll was pushing back against those attempting to conflate Protestantism and Americanism as two sides of the same coin.⁶⁸⁵ He was also aware that he was removing religion entirely from the foundations of the country. When E. C. “ascribed so many valuable effects to his cherished religion, as that she was the nurse of *arts and sciences*,” Carroll wrote – indirectly addressing those who agreed with E. C. and were stewing from the Constitution’s recent ratification – “could he not reflect, that *Homer and Virgil, Demosthenes and Cicero, Thucydides and Livy, Phidias and Apelles* flourished long before the nurse of *arts and sciences* had an existence?” Now warning his countrymen about the slippery-slope upon which such assumptions rested, Carroll asked, “Was he so inconsiderate as not to attend to the consequences, favorable to Polytheism, which flow from his reasoning? Or did he forget that the Emperor Julian, the subtle and inveterate

Puritan Origins of the American Self (New Haven: Yale University Press, 1975). For those who move away from both New England and religion in their analysis, see Jack P. Greene, *Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill: The University of North Carolina Press, 1988).

⁶⁸⁵ The latter term is of course anachronistic, but as many scholars have argued, the notion was nevertheless present from the earliest days of the republic. For the conflation of the two, see Jonathan D. Sassi, *The Republic of Righteousness: The Public Christianity of Post-Revolutionary New England Clergy* (New York: Oxford University Press, 2008).

enemy of christianity, applied this very same argument to the defence of Heathenish superstition?”⁶⁸⁶

Carroll was challenging those who wanted Protestantism generally construed to enjoy a privileged place in American political culture. “I am anxious to guard against the impression intended by such insinuations,” Carroll wrote, and “to preserve inviolate for ever, in our new empire, the great principle of religious freedom.” As things stood in 1789, New Jersey, almost all the New England states, North Carolina, and Georgia excluded Catholics from holding political office. Carroll complained that “The constitutions of some of the States continue still to intrench on the sacred rights of conscience; and men who have bled, and opened their purses as freely in the cause of liberty and independence, as any other citizens, are most unjustly excluded from the advantages which they contributed to establish.” Carroll then called on his country to unite with him in opposition to those injustices. “[I]f bigotry and narrow prejudice have prevented hitherto the cure of these evils, be it the duty of every lover of peace and justice to extend them no further.” He asked readers of the *Gazette* to “Let the author who has opened this field for discussion... meet with retaliation.” Carroll concluded his letter by urging his audience “to treat with contempt these idle, and generally speaking interested speculations, refuted by reason, history, and daily experience.” He wanted them to “rest the preservation of her liberalities and her government” not on religious foundations, but “on the attachment of mankind to their political happiness, to the

⁶⁸⁶ Carroll to John Fenno of the *Gazette* of the United States, June 10, 1789, in *JCP*, 1:367.

security of their persons and their property, which is independent of religious doctrines.”⁶⁸⁷

E. C. wrote a succinct response in the next edition of the *Gazette* by explaining that Carroll had him all wrong. “The inferences which you have drawn,” E. C. claimed, “do by no means necessarily follow” from what he had originally written. Rather than specify why Carroll’s interpretation was inaccurate, or discuss the political or historical nature of Carroll’s letter, E. C. brushed off those issues and turned to theology, something he insisted could not be settled anyway. Apparently eager to end the issue, E. C. rightly maintained that because religious controversies seldom ameliorate the differences between denominations, and more often “have served, in general, to irritate, to inflame, and to rivet prejudices,” he and Carroll ought not further “engage in religious disputes.”⁶⁸⁸ But of course, the dispute was not over theology. Carroll never suggested that Catholic theology was correct or that Protestant theologies were wrong. Instead, he argued that theology should not be a determinant for political rights and that Protestants should not receive special favor from the government on account of their religion. Satisfied that E. C.’s rejoinder at once exposed the intellectual vapidness of his original letter as well as the legitimacy of Carroll’s complaints, the ex-Jesuit priest abstained from further comment. By 1789, Carroll was unwilling to silently allow Protestants to write their religion into American law. A year later, he was taking proactive steps to ensure that outcome.

⁶⁸⁷ Carroll to John Fenno of the *Gazette of the United States*, June 10, 1789, in *JCP*, 1:367-368. The main reason Carroll was willing to disassociate the American founding from religion generally was, according to one scholar, his belief, formed through years of Jesuit instruction, that “If history showed that an established church ran the risk of losing its soul in its pursuit of power, it also showed that such a church ran the risk of bartering away its freedom in exchange for the enjoyment of state support.” McShane, “John Carroll and the Appeal to Evidence,” 301-302.

⁶⁸⁸ To Pacificus, *The Gazette of the United States*, June 13, 1789.

Bishop Carroll Goes to Washington

Once he was appointed Bishop of the United States, Carroll continued to challenge the boundaries of religious freedom in the new Republic. The above examples were, to one degree or another, reactions to attacks on his faith. But once he was vested with authority as a bishop, Carroll began to take a more active approach – one that sought protection by appealing to the federal government rather than the state assemblies which, at the end of the eighteenth century, still presided over church-state relations.⁶⁸⁹ One such example can be seen in his letter to President Washington, which celebrated the latter’s election. In the wake of his own election as Bishop, Carroll wrote *An Address from the Roman Catholics of America to George Washington, Esq. President of the United States* during the winter of 1789-1790. Carroll was not as forthcoming here as in his public controversies, but did confess to Charles Plowden that his intention with Washington, as was the case in his published debates, was designed to raise awareness of the legal and cultural disabilities Catholics endured in most of the United States. In other words, Carroll admitted that he was actively campaigning to alter the country’s cultural norms and legal codes in a way that challenged current understandings and applications of religious freedom. “I have mentioned to you heretofore,” Carroll wrote to Plowden, “that in some of our American States, the Roman Catholics, the freely tolerated, were not eligible to the first offices of government.” Carroll disclosed that “This unjust exclusion has always hurt my feelings. In two or three short publications” – by which he meant the

⁶⁸⁹ Catholic attempts to use the federal government for protection from legal or cultural discrimination anticipated later groups’ efforts to do the same. For those later efforts, see Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge: Belknap Press of Harvard University Press, 2010).

Columbia Magazine and *Gazette of the United States* letters – “I have endeavoured to draw the public attention to this subject: and lately, it becoming necessary for the Roman Catholics to address Genl. Washington as President of the U. States, I have thrown something on this subject into the address itself. If he, in his answer, should take any notice of that part of the address, it will go far towards bringing those states, in which the exclusion prevails, to a repeal of it.”⁶⁹⁰ Carroll, in short, sought nothing less than the abrogation of all such exclusions at the state level.

Editors in several newspapers printed Carroll’s letter to President Washington, but it also appeared in London, where English Catholics were in the midst of a tense battle over further Catholic relief bills. Carroll’s letter therefore served the needs of English Catholics as well. In fact, Thomas O’Brien Hanley, the editor of the *John Carroll Papers*, has suggested that Carroll wrote or aided in the writing of the preface to the London edition of the *Address to Washington* in order to support the movement for Catholic emancipation in England.⁶⁹¹ The main text, however, might have been a joint project since it was co-signed by the leading Catholics in the country – Charles Carroll of Carrollton, Daniel Carroll, Dominick Lynch, and Thomas Fitzsimmons – all “In behalf of the Roman Catholic Laity.” Like most tracts written by Catholics during the early Republic, it utilized republican rhetoric by celebrating the United States’ liberality. It attributed to Washington “eminent wisdom, and unblemished virtue” before thanking him for advocating and implementing a set of liberal policies. The part of the letter that

⁶⁹⁰ Carroll to Charles Plowden, February 24, 1790, in *JCP*, 1:432.

⁶⁹¹ See *An Address from the Roman Catholics of America to George Washington, Esq. President of the United States*, in *JCP*, 1:411. The preface explains that in America, members of all faiths “live in harmony” because “America invites to, and throws open her asylum” to those of all religions. Leaving little doubt of the intent, it then curtly asks, “Is this not a lesson? – Britons remain intolerant and inexorable to the claims of sound policy and of nature.” The preface concluded, “Britons, view and blush!”

Carroll would reference to Plowden explained that, as Washington knew, Catholics had “a well founded title to claim from her [America] justice, the equal rights of citizenship, as the price of our blood spilt under your eyes, and of our common exertions for her defence, under your auspicious conduct – rights rendered more dear to us by the remembrance of former hardships.” The letter, like Carroll’s public debates, reasoned that Catholics deserved the full benefits of citizenship because they participated so valiantly in the war. It continued by informing Washington that American Catholics “pray for the preservation of them [civil and religious rights], where they have been granted – and expect the full extension of them from the justice of those States, which still restrict them.”⁶⁹² The letter to Washington followed the Catholic blueprint that had been in place since the seventeenth century, with one important distinction – in place of the Maryland tradition, it used Catholics’ actions during the American Revolution to justify their equal citizenship. In other words, the Revolution had become a more useful and proximate example to argue on behalf of Catholic religious freedom.

In response, Washington thanked the Catholics for their service during the war and demonstrated considerable sympathy for their plight. “[N]ational prosperity” – by which Washington meant moral, social, and economic improvements – could only be attained with the “support and extraordinary candour of my fellow-citizens of all denominations.” As to their deprivation of rights, Washington assured Catholics that he would fight for their freedoms where his jurisdiction allowed, but that his hands were tied vis-à-vis the state governments. The president predicted “that your fellow-citizens will not forget the patriotic part which you took in the accomplishment of their Revolution,

⁶⁹² An Address from the Roman Catholics of America to George Washington, Esq. President of the United States, in *JCP*, 1:410.

and the establishment of their government; or the important assistance which they received from a nation in which the Roman Catholic faith is professed.” Yet, he could only add hopeful commentary. “As mankind become more liberal,” Washington assured Catholics of the United States, “they will be more apt to allow that all those who conduct themselves as worthy members of the community are equally entitled to the protection of civil government.”⁶⁹³ The president reinforced Carroll’s view that upstanding behavior, moral probity, and dedication to the country would help Catholics acquire their civil and religious equality. Over the long-term, Washington might have been right. But predictions about what might or might not happen in the future were of little consolation to Catholics who, though they were afforded more freedom in the United States, still labored under political and cultural systems that, from their perspective, stubbornly clung to relics of Old-World intolerance.

Carroll continued to fight back against that system in his capacity as Bishop of the United States by instilling republican values into his flock at the most opportune moments. On December 12, 1790, in his first sermon after his consecration, Bishop Carroll stood on the altar at St. Peter’s Church before a sea of Americans. Catholic and Protestant alike filled the pews that Sunday morning, where Carroll realized he had an opportunity to speak to a large and respectable Protestant audience. Emboldened by years of conflict with quarrelsome Protestant antagonists, he warned the Catholic faithful to “preserve their faith untainted amidst the contagion of error surrounding them on all sides.” But Carroll was cognizant of the opportunity at hand. In more ecumenical language, he instructed all those in attendance “to preserve in their hearts a warm charity

⁶⁹³ George Washington to the Roman Catholics in the United States of America, [March 15], 1790, in W. B. Allen, ed., *George Washington: A Collection* (Indianapolis: Liberty Fund, 1988), 546-547.

and forbearance toward every other denomination of Christians.”⁶⁹⁴ Lest anyone mistake his message as advocating indifference to religion, the bishop warned against the errors of latitudinarianism and deism. By 1790, orthodox Christians of all stripes saw deism as a fundamental threat to true religion. Carroll used this opportunity to rally Christians of all denominations to unite against that looming threat. Catholics, Carroll reasoned, could attain religious equality by speaking out against a common theological enemy.⁶⁹⁵

While most of the chapter has focused on his attempts to associate Catholicism with American values, Carroll also used rhetoric that denigrated non-Christian faiths and contributed to the movement to inhibit non-Christians from attaining cultural respectability. Although he never specifically advocated restricting the rights of non-Christians, it is worth noting that Carroll and other Catholics warned against the threat that unorthodox creeds and especially deism and atheism posed to the new nation.⁶⁹⁶ He did so when the Maryland assembly considered instituting a tax for the support of nondenominational Christianity in 1785. On that occasion he was displeased with an exemption given to atheists, Jews, and Muslims. Carroll sarcastically referred to the proposed law as “A bill for the encouragement of Infidelity, Judaism, and Mahometism,” even though he did not campaign against it.⁶⁹⁷ Like many Americans in the early

Republic, Carroll associated rejection of the doctrines of Christianity with moral and

⁶⁹⁴ Carroll, Sermon on Occasion of Possessing his Pro-Cathedral, December, 1790, in *JCP*, 1:477-478.

⁶⁹⁵ Carroll, Sermon on Occasion of Possessing his Pro-Cathedral, in *JCP*, 1:477. .

⁶⁹⁶ See *JCP*, 1:64, 94-95. 2:28, 83, 3:101-104, 375-385. For his assault against prominent deists such as Thomas Paine, Elihu Palmer and Theophilanthropic thought in general, see Joseph M. McShane, “John Carroll’s Controversy with the Philosophes,” *Thought* 66, no. 262 (September 1991): 279-296. For other Catholics doing the same, see *Pennsylvania Evening Herald*, February 18, 1786 and April 7, 1787; John Thayer, *A Discourse Delivered at the Roman Catholic Church in Boston...* (Boston: Samuel Hall, 1798) in *Political Sermons of the American Founding Era, 1730-1805*, ed. Ellis Sandoz, 2 vols. (Indianapolis, Indiana: Liberty Fund, 1998), 2:1359-1360; John Thayer, *An Account of the Conversion of the Reverend Mr. John Thayer...* (Baltimore: William Goddard, 1788); Thayer, *A Controversy between the Reverend John Thayer, Catholic Missionary of Boston, and the Reverend George Lesslie...* (Newburyport, 1793), 24.

⁶⁹⁷ Quoted in Joseph Agonito, *The Building of an American Church: The Episcopacy of John Carroll* (New York: Garland, 1988), 263.

social decay. At the same December 12, 1790 sermon discussed above, the bishop warned against the errors of deism, which he described as a “fatal and prevailing indifference which views all religions as equally acceptable to God & Salutory to men.” He continued in that style, warning against “the torrent of vice & irreligion.” American culture, according to the bishop, was plagued with “a spirit of infidelity” that “dares to attempt the subversion of even the first principles of religion & morality, & to break down all the fences, which guard virtue & purity of body & mind.” His sermon implied that if left unchecked, or if granted equal social or legal status alongside Christians, this “spirit of infidelity” would engulf the nation – an argument not dissimilar to the one E. C. had made about Protestantism three years prior.⁶⁹⁸ If Carroll and his coreligionists were advocates of religious freedom – and, to be sure, they usually were – at times they made statements that slowed the expansion of that ideal for non-Christian groups.

While warning against deism, Carroll continued praising the American experiment the following year – and throughout his ministry⁶⁹⁹ – in a sermon he composed for all the priests in the United States and which is still delivered in Catholic churches today. Convinced that Catholics needed to demonstrate their patriotism and love of liberty in order to gain cultural respectability, Carroll’s *Prayer for the Civil Authorities of Our Country* represents one of the first examples of what Robert Bellah has described as American Civil Religion.⁷⁰⁰ In overtly patriotic and republican rhetoric, Carroll prayed to “Thee O God of might” to “assist with Thy Holy Spirit of counsel and fortitude the

⁶⁹⁸ Carroll, Sermon on Occasion of Possessing his Pro-Cathedral, December, 1790, in *JCP*, 1:477-478.

⁶⁹⁹ See, for example John Carroll, *Confess Our Religion Exteriorly*, reprinted in Robert Emmett Curran, ed., *American Jesuit Spirituality: The Maryland Tradition, 1634-1900* (New York: Paulist Press, 1987), 132-136.

⁷⁰⁰ Robert Neelly Bellah, “Civil Religion in America,” *Journal of the American Academy of Arts and Sciences* 96 no. 1 (Winter 1967): 1–21.

President of these United States, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides; by encouraging due respect for virtue and religion.” Deification of President Washington was a common theme in early American sermons. Carroll continued that motif by beseeching the Almighty to “direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness.” Finally, striking his most ecumenical chord, the Bishop of the United States asked God to bestow His “unbounded mercy [on] all our brethren and fellow citizens throughout the United States, [so] that they may be blessed in the knowledge and sanctified in the observance of Thy most holy law...and after enjoying the blessings of this life, be admitted to those which are eternal.”⁷⁰¹

Conclusions

For all of the trouble that he went through to emphasize the shared space occupied by Catholic and republican ideals and to cleanse anti-Catholicism from public discourse, Bishop Carroll never fully succeeded in silencing those who attacked his faith. After innocently signing a pastoral letter as “John, Bishop of Baltimore,” in May of 1792, a letter appeared in a local newspaper written by “Liberal” that attacked the Bishop for overstepping his bounds. Liberal insisted that by using such an appellation, Carroll was suggesting that his jurisdiction spread over the whole city of Baltimore, which was an assault on the civil and religious rights of non-Catholics. Carroll was stunned that anyone

⁷⁰¹ John Carroll, A Prayer for the Church, the Civil Authorities, in *Manual of Prayers* (Baltimore, Maryland: John Murphy and Company, 1889), 58-59.

could interpret his signature in this way. “The subject of this contention is so trifling in itself,” Carroll mused, that it afforded “much room for ridicule.” But he took particular notice of another one of Liberal’s charges – that Carroll “absolutely excludes from the honourable appellation of Christians, all who are not within the pale of his Church.” The bishop – who had made a practice of delivering interdenominational sermons like those above – insisted that Liberal’s statement was ill-founded. That charge, Carroll fired back, was “a doctrine directly contrary to...that of his Church.” Carroll’s response again inverted the original charge by demonstrating how un-American – indeed un-Christian – it was to falsely slander a peaceable religion. Liberal, according to the bishop, was in fact “illiberal” because he was not allowing others to speak in “the language of our respective Churches.” Carroll concluded the letter by shaming his audience into taking his side in the confrontation. “America, I trust, has too much regard for justice,” the bishop reasoned, “and understands too well the principles of religious equality, to obey his [Liberal’s] impulse, or catch the contagion of his spirit.” Asserting himself in a way he was previously unwilling, Carroll signed his rebuttal, capitalized, “JOHN, BISHOP OF BALTIMORE.”⁷⁰²

This chapter has analyzed a number of private and public texts that were mostly confined to John Carroll’s pen during the first decade after the war. As the fledgling republic changed over that time, Carroll altered his rhetoric when defending his faith. Early on, he usually chose to depict his religion in positive terms rather than portray Protestantism in a negative light. But his writings demonstrate a gradual shift until he finally argued against the connections between Protestantism and the American

⁷⁰² Carroll, An Answer to Strictures on an Extraordinary Signature, November, 21, 1792, in *JCP*, 2:69-71; Archbishop Carroll on Anti-Catholic Newspaper Attack, in *ACHR* 11 (January 1894): 133-134.

Revolution. He also pointed out that Protestant establishments continued to deprive Catholics of their civil and religious rights throughout the colonial period and early Republic in many of the United States, England, and Ireland. This chapter has argued that his exchanges in print culture and his sermons served a specific task – in his own words, “to draw the public attention” to continued discrimination against Roman Catholics across the United States. Although he was interested in legislative reforms, Carroll believed the cultural battle was worth fighting because public perceptions were the source of continued Catholic injustices.

While fighting his critics at home, Carroll faced another formidable foe abroad. Leaning on Joseph Berington, Charles Plowden, and James Thorpe for support, Carroll tried to prove to his countrymen that American Catholics were not going to be controlled by a foreign autocrat across the Atlantic Ocean. The election (rather than appointment) of the first Roman Catholic Bishop, he hoped, would undercut efforts from hostile quarters to raise a new controversy between denominations. He failed to stop all instances of anti-Catholicism in the press, but Carroll’s efforts showed Americans that they could no longer discredit the Catholic religion without a fight. Religious freedom, in Carroll’s view, was bound up with freedom of speech. True religious liberty for him meant that Catholics would no longer have to suffer from unfair accusations in the public square.

It is worth noting that as religious outsiders, Carroll and his coreligionists had every incentive to push for not only disestablishment, but something closer to what modern jurists have defined as a “separation of church and state,” a policy that could

have solved their most pressing political challenges in the wake of the Revolution.⁷⁰³ English and Irish Catholics like Carroll had suffered under the penal statutes that taught them the dangers of mixing church and state. But no Catholics advocated such a separation. Instead, echoing republican ideals, they continued to see religion as a *sine qua non* to morality, and the maintenance of moral order as one of the essential pillars of good government.⁷⁰⁴ In other words, although traditional church-state unions were by then almost universally condemned, Americans still saw room for robust church-state intercourse. The state, Carroll reasoned, could encourage and support religion in a general sense if it did not show overt favoritism of some sects over others. Indeed, after years of fighting to end Protestant establishments, Carroll petitioned the government to aid his church in its missionary activities. In March of 1792, Bishop Carroll asked President Washington for “a small allowance for the necessary subsistence of clergymen employed in disseminating the principles of Christianity.” He humbly requested that “the wisdom and benevolence of Congress” grant him a small sum of money to support his clergymen as they preached Christian values to Native Americans, reasoning that the mission would be an “advantage [to] the United States.”⁷⁰⁵ A stern opponent of federal and state establishments, religious oaths for office, and anti-religious bigotry in the public

⁷⁰³ On the conflation of “separation of church and state” with disestablishment or other notions of toleration or religious freedom in general, see Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002), 353-354.

⁷⁰⁴ For the links between religion, morality, and government in relation to republican ideology, see Gordon Wood, *Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1990 [1969]), 427-428; Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press, 1982), 24; Mark Noll, *America's God: From Jonathan Edwards to Abraham Lincoln* (New York: Oxford University Press, 2005), 52-92; Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010), 111. For the particular Catholic strain of such thought, see Patrick W. Carey, “Republicanism in American Catholicism, 1785-1860,” *Journal of the Early Republic* 3 (1983): 413-437. The classic text from the period remains Washington's Farewell Address wherein the authors claim that “Religion and morality are indispensable supports” of successful republican government. See Farewell Address, September 17, 1796, in Worthington Chauncey Ford, ed., *The Writings of George Washington*, 14 vols. (New York: G.P. Putnam's Sons, 1890), 13:306.

⁷⁰⁵ Carroll to George Washington, March 20, 1792, in *JCP*, 2:24.

sphere, even Carroll continued to believe that the state could support and encourage the activities of churches.

Washington, however, refused Carroll's request, but not because it violated any constitutional principle. Instead, he insisted that "The war now existing between the United States and some tribes of the western Indians prevents, for the present, any interference of this nature with them." Washington's letter also alluded to the federalist principles that guided church-state policies in the early Republic. If Carroll insisted on his carrying out his mission despite the war, Washington advised that Carroll's application for funding should "be made to the government of Massachusetts" because the area under consideration was a part of that state.⁷⁰⁶ As Catherine O'Donnell notes, Carroll "sought not to dismantle governmental support for Christianity but to ensure Catholicism received it."⁷⁰⁷ As his writings show, Carroll was not alone in his struggle to disestablish Protestant churches or to include Catholics as beneficiaries from government support. Others too, sought to promote Catholicism as a member of the Christian and American family. A Philadelphia printer named Mathew Carey also brought attention to common misconceptions about Catholic doctrine and the persistent disabilities that Catholics faced throughout the country. Along with Carroll's help, Carey tirelessly worked to depict American Catholics as virtuous republican citizens worthy of the same political, civil, and religious rights as any other denomination.

⁷⁰⁶ George Washington to Carroll, April 10, 1792, in Ford, *The Writings of George Washington*, 12:117.

⁷⁰⁷ O'Donnell, "John Carroll and the Origins of an American Catholic Church," 123. For more examples see Carroll to Pope Pius VI, 1783, in *JCP*, 1:68; Carroll to Charles Plowden, September 26, 1783, in *JCP*, 1:78; Carroll to Giuseppe Doria-Pamphili, November 26, 1784, in *JCP*, 1:152; Carroll to Ferdinand Farmer, December 1784, in *JCP*, 1:157; Carroll to John Thorpe, February 17, 1785, in *JCP*, 1:164; Carroll to Lawrence Phelan, October 23, 1795, in *JCP*, 2:153; Carroll to Matthew Carr, April 28, 1800, in *JCP*, 2:309.

CHAPTER 7: MATHEW CAREY AND THE STRUGGLE FOR RELIGIOUS FREEDOM IN REVOLUTIONARY PHILADELPHIA

After spending several weeks crossing the Atlantic Ocean, Mathew Carey stepped off of his vessel, the *America*, when it arrived in Philadelphia's harbor on November 1, 1784. Still wearing a dress and a wig, Carey had recently fled his native Dublin incognito after publishing an incendiary article about the English penal code ten months earlier. Barely 24 years old, Carey spent eight long weeks at sea reflecting on the course of events that compelled him to abscond to the United States. After starting his own Dublin newspaper, the *Volunteer's Journal*, in 1783, Carey penned an article on January 5, 1784, which asked a series of penetrating questions about the reasons for the miserable conditions afflicting Irish-Catholics. Why, he asked, "is our commerce confined – trade almost wholly stagnated – credit in a tottering state – [and] our specie exhausted?" His answer was as inflammatory as it was clear: "From the blasting connexion with Britain."⁷⁰⁸ Soon after, Carey found himself serving a thirty-day sentence in the same Newgate prison that once housed William Penn after the latter criticized the treatment of religious minorities under British rule. Once the authorities released Carey, he clandestinely boarded his ship with the hope that America's political culture would be more accommodating.

When Carey arrived in Philadelphia, he had little money, having recklessly gambled away half of his savings during the voyage. He had better luck once he reached the United States. A colleague aboard his ship who was continuing on to Mt. Vernon

⁷⁰⁸ Mathew Carey, "Extract from the *Volunteer's Journal*, January 5, 1784," in Mathew Carey, *Miscellaneous Essays* (Philadelphia: Carey & Hart, 1830), 453.

mentioned Carey's name while visiting General Washington. Gilbert du Motier, the Marquis de Lafayette, who met Carey in Paris after the latter had fled the authorities once before in 1779, also made arrangements to help the Irish radical. After a hearty meal wherein Carey expressed his desire to begin a newspaper, Lafayette gave the aspiring printer a handsome sum that covered all of his initial outlays. Lafayette, too, recommended Carey to General Washington and to a fellow Irish-Catholic immigrant named Thomas Fitzsimmons (1741-1811) who fled the penal laws in the 1760s.⁷⁰⁹ Fitzsimmons sympathized with Carey's plight. He moved to Philadelphia as a teenager, served as an officer in the Pennsylvania militia, held a seat as a delegate in the Continental Congress, and later attended the Constitutional Convention in 1787.⁷¹⁰ Quickly making connections with such esteemed gentlemen, Carey began his own print-shop and newspaper, *The Pennsylvania Evening Herald*, in January of 1785. He became a respected pamphleteer, and was soon the most prolific printer in the country. Just months after he first stepped foot onto American soil, he had made connections with the most prominent men of the age – Benjamin Franklin, Thomas Jefferson, Robert Morris, Benjamin Rush, and Washington – all of whom purchased subscriptions to his first magazine, the *American Museum*. By the end of his life, he developed close relationships with Daniel Webster, Henry Clay, and Sarah Hale, among others.⁷¹¹

⁷⁰⁹ George Washington to Carey, March 15, 1785, Edward Carey Gardiner Collection, Box 22, Folder 9, Historical Society of Pennsylvania (hereafter HSP); Mathew Carey, *Autobiography of Mathew Carey*, HSP, 8-10. Carey's autobiography originally appeared as a series of letters in the *New England Magazine* beginning on October 4, 1833, but was later bound into a single volume. References are to the copy located in the HSP.

⁷¹⁰ For a biographical sketch of Fitzsimmons, see *Records of the American Catholic Historical Society of Philadelphia* (hereafter RACHSP), 2 (1889): 45-114.

⁷¹¹ No full-length biography of Carey exists, although his *Autobiography*, though prone to exaggeration, is still valuable. For biographical sketches on different aspects of Carey's life, see RACHSP 9 (1898): 352-354; Earl L. Bradsher, *Mathew Carey, Editor, Author and Publisher: A Study in American Literary Development* (New York: Columbia University Press, 1912); Edward Carlos Carter, "The Political

Over the next half-century Carey penned and printed scores of pro-Catholic essays, books, and treatises that criticized the way Protestant governments treated Catholics and other dissenters in the United States, Ireland, and England.⁷¹² Even though most scholars have paid him only passing attention, Carey devoted much of his career to re-shaping American church-state relations. He personally wrote more than a dozen essays that questioned the nobility, impartiality, and wisdom of even moderate church-state intercourse. He criticized oaths that prohibited Catholics from public office, defended his coreligionists from calumnies in the public press, challenged mainstream beliefs about the historical record of Protestant reformers, and worked to bridge denominational divides through charitable and educational institutions. Because of the privileged place he held in polite society, the widespread distribution of the works he printed, and the chronological span of his work, Carey's activism has for too long gone unnoticed in mainstream accounts of American church-state relations.

None of Carey's writings can be understood apart from his experiences as a young adult in Ireland, England, and France. Even though he adopted more radical views than most of his peers, his experiences in Ireland under the penal laws were hardly unique. This chapter therefore examines events abroad that led Carey to come to America in 1784. From there it moves into Carey's early American experience and draws from historian Michael C. Carter's work to show how he used the power of print to spread his message of religious freedom. Working alongside John Carroll, Carey became one of the

Activities of Mathew Carey, Nationalist, 1760-1814," (PhD Dissertation, Bryn Mawr College, 1962); James N. Green, *Mathew Carey, Publisher and Patriot* (Philadelphia: The Library Company of Philadelphia, 1985); Michael S. Carter, "Mathew Carey and the Public Emergence of Catholicism in the Early Republic." (PhD Dissertation, University of Southern California, 2006).

⁷¹² Many of these are located in Mathew Carey, *Pamphlets and Papers* (Philadelphia: Joseph R.A. Skerrett, 1826), which is commonly cited as the second volume of Carey's *Miscellanies*.

nation's leading expositors of religious liberty during the early Republic. This chapter explores the ways in which he used his connections, his print shop, and the experiences of his youth to invert anti-Catholic assaults in a way that consolidated Catholic freedoms. It also explores his calls for disestablishment, his attempts to narrow acceptable forms of religious and political discourse, and his desire to broaden conceptions of religious liberty. Underlying all of these claims, this chapter demonstrates the ways in which early American Catholics co-opted the rhetoric used against them, turning anti-Catholic impulses within the culture on their head. Even though scholars like Philip Hamburger have traced how anti-Catholicism helped steer American church-state relations in unintended directions during the antebellum period, this chapter demonstrates how Catholic reformers like Carey tried to use anti-Catholic rhetoric to expand religious liberty in the early Republic.⁷¹³

The Creation of Irish-Catholic Dissent

Carey formulated his views on church and state from his experiences but also by reading contemporary Irish-Catholic dissenting literature, which was designed to answer the dominant Protestant narrative in Ireland and England. Early anti-Catholic works such as Sir John Temple's *The Irish Rebellion* (1646) and William King's *The State of the Protestants of Ireland under the Late King James's Government* (1691) justified the implementation of the penal laws by insisting that religious freedom for Catholics would "destroy the Protestant Religion."⁷¹⁴ Those books, though they underwent numerous

⁷¹³ For anti-Catholicism as a motivating factor to alter church-state norms in later periods, see Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002).

⁷¹⁴ William King, *The State of the Protestants of Ireland under the Late King James's Government* (Dublin: S. Powell, 1730 [1691]), 233.

reprints well into the late eighteenth century, initially elicited relatively few rebuttals. Even books that attacked the church-state settlement in Ireland, such as William Molyneux's *The Case of Ireland's being Bound by Acts of Parliament in England Stated* (1719), did not advocate for Catholic rights. Some historians insist that Jonathan Swift played an important role in expanding notions of human equality when he first argued for natural rights that transcended one's religious persuasion in *Drapier's Letters* in 1724, but even he remained silent on Catholic rights.⁷¹⁵ It was not until the 1740s and 1750s, when John Curry (d. 1780) and Charles O'Connor (1710-1791) entered Irish political culture with revisionist histories and Catholic apologetics that Irishmen forcefully championed the cause of religious freedom for Catholics.⁷¹⁶

John Curry felt the pains administered by the penal codes because he was the son of a gentry couple which had its land confiscated during the seventeenth century. A doctor by profession, Curry dedicated his life to Catholic freedoms with his first pro-Catholic publication in 1747. While defending a Catholic man named Charles Lucas from public slander in 1749, Curry met Charles O'Connor, who also descended from a family that had lost considerable property during the seventeenth century. O'Connor was a historian who challenged British narratives like David Hume's *History of England*,

⁷¹⁵ Thomas Bartlett, *Fall and Rise of the Irish Nation: The Catholic Question, 1690-1830* (Savage, Maryland: Barnes and Noble Books, 1992), 35-36.

⁷¹⁶ John Curry, *A Brief Account from the Most Authentic Protestant Writers of the Causes, Motives and Mischiefs of the Irish Rebellion on the 23rd October 1641* (Dublin, 1747); *Seasonable Thoughts Relating to our Civil and Ecclesiastical Constitution, Wherein is Considered the Case of the Professors of Popery* (Dublin: George Faulkner, 1751); *Historical Memoirs of the Irish Rebellion* (Dublin, 1758); Charles O'Connor, *Dissertations on the Antient History of Ireland* (Dublin: James Hoey, 1753); *The Case of the Roman Catholics of Ireland, wherein the principles and conduct of that party are fully explained and vindicated* (Dublin: Patrick Lord, 1755); *A Vindication of A Pamphlet Lately Entitled 'The Case of the Roman Catholics of Ireland'* (Dublin: P. Lord, 1755); *The Protestant Interest Considered Relative to the Operation of the Popery Laws in Ireland* (Dublin: Patrick Lord, 1756); *The Principles of the Roman Catholics, Exhibited* (Dublin: Patrick Lord, 1757). Other works shed light on the plight of Catholics without directly calling for Catholic freedoms. See, for example, Alban Butler, *Lives of the Fathers, Martyrs, and Other Principal Saints: Compiled from Original Monuments, and other Authentic Records*, 3rd ed., 6 vols. (Dublin, 1802 [1752]).

which, O’Conor claimed, depicted the Irish as barbarians until Englishmen settled the island. Hume’s treatment of the 1641 Rebellion, according to O’Conor, similarly showcased the Scotsman’s anti-Catholic bias.⁷¹⁷ After receiving accolades from prominent Englishmen like Dr. Samuel Johnson, O’Conor moved on to restoring the reputation of the Irish in his own era. Over the next thirty years, Curry and O’Conor developed an intimate correspondence during which time they encouraged each other to challenge misperceptions about Catholic theology, the Protestant Reformation, the Gunpowder Plot, and the 1641 Rebellion – all of which would have the intended effect of abolishing the penal statutes.⁷¹⁸

Just as Maryland and English Catholics thought historical veracity was necessary for their emancipation from the penal laws, so too did Irish Catholics believe that, if correctly instructed in “impartial history,” most Protestants would support a relaxation of the penal system. Curry explained that although there were many “protestants who are still jealous, and who may perhaps be loth to part with [historical] mistakes,” some, like William Burke and Sir George McCartney, after further reading on the subject, “have already shaken off their captivity under those mistakes.”⁷¹⁹ Curry and O’Conor were

⁷¹⁷ Both O’Conor and Curry petitioned Hume for his alleged demonization of Catholics in their participation in the Massacre of 1641, which succeeded in forcing Hume to make some emendations to his interpretation in the 1770 version of that text. Writing jointly, they insisted that “Mr. Hume...has laid open those cancerous sores, which still gnaw into our minds... It could be little expected that such a writer should deviate in any instance from truth.” Later, they corresponded directly with Hume until he made the changes. See David Berman, “David Hume on the 1641 Rebellion in Ireland,” *Studies: An Irish Quarterly Review* 65, no. 258 (Summer, 1976): 101-112.

⁷¹⁸ Bartlett, *The Fall and Rise of the Irish Nation*, 51-52. As Bartlett notes, Hume’s book was published in Ireland as *An Account of the Horrid Popish Massacre and Rebellion in 1641*. For Samuel Johnson’s praise of O’Conor’s historical acumen, see James Boswell, *Life of Johnson: Including Boswell’s Journal of a Tour to the Hebrides and Johnson’s Diary of a Journey Into North Wales* (New York: Bigelow, Brown & Company, Incorporated, 1799), 1:372-373. Johnson encouraged O’Conor to “continue to cultivate this kind of learning, which has too long lain neglected.”

⁷¹⁹ John Curry, *An Historical and Critical Review of the Civil Wars in Ireland* (Dublin: R. Connolly, 1810), xviii. Burke was likely vocal about his support for Catholic equality because of his Catholic mother and

initially optimistic about the potential that historical writing had to change public opinion, even though most Protestants remained unmoved by their writings. The Massacre of 1641 was their primary target, but Irish Catholics also challenged how Protestants viewed the Catholic Church on the eve of the Reformation and the church's actions during the counter-Reformation. They made distinctions, however, between past and present Catholics. Although he acknowledged that "The danger of Popery to the Protestant intercity was great formerly," Curry insisted that "those dangers...have been long since extinguished."⁷²⁰ He instead blamed Ireland's social pathologies on heterodox Enlightenment philosophies. "The decline of the Protestant religion in Ireland," Curry claimed, "was not owing, as Doctor [William] King supposes" to the "industry of priests," but to "Atheism, contempt of all religion, debauchery, and violence."⁷²¹ As did Catholics elsewhere in Protestant-dominated areas, they sought to correct misguided beliefs concerning Catholic theology; specifically, the false charge that Roman Catholics "profess an absolute submission to the Pope's orders."⁷²²

Of course, neither Protestants nor Catholics were uniformly opposed to or supportive of Curry, O'Connor, and their organizational arm, the Catholic Association. Wary of potential backlash, many Catholics distanced themselves from the Catholic Association in the 1760s. They believed, for good reason, that social mobilization could have the same effect it did on Maryland Catholics and lead to more strict enforcement of the penal laws. Better to leave irksome events like the 1641 Rebellion in the past, they reasoned, than to rekindle the flames of fanaticism which, for the moment, were under

wife. McCartney was so persuaded by the evidence compiled by Irish-Catholic revisionists that, in his *Account of Ireland*, he too questioned the narrative he was taught as a boy.

⁷²⁰ John Curry, *Observations on the Popery Laws* (Dublin: T. Ewing, 1771), 35.

⁷²¹ Curry, *Historical and Critical Review*, 349.

⁷²² Curry, *Observations on the Popery Laws*, 47.

control. The Catholic Association under Curry and O’Conor did not have the full support of their fellow Catholics, but they did gain some Protestant allies. Attempts to recruit Protestant authors to write on their behalf, to be sure, usually fell on deaf ears. But some notable exceptions came from the theretofore anti-Catholic polemicist Henry Brooke, whose *The Tryal of the Cause of the Roman Catholics* (Dublin, 1761) articulated the same points that Catholics had been championing. So too, did the Viscount Nicholas Taaffe, after considerable hesitation, lend his support to Catholic rights by signing his name to a tract that O’Conor had in fact authored.⁷²³ The Catholic Association appealed to Edmund Burke, Samuel Johnson, and others who supported Catholic freedoms in principle, but most were unwilling to participate in that movement given the geopolitical priorities that England faced in the second half of the eighteenth century.⁷²⁴ The battle in the public press, so it seemed, was going to be won or lost on the backs of a handful of Catholics who were able and willing to articulate the cause of religious freedom to an unsympathetic, if not hostile audience.

In the last quarter of the century, as Carey came of age, Catholics in Ireland began to make substantial progress toward achieving greater religious freedom, although their legal standing remained uncertain. By 1770, the Irish Catholic Church recovered from the period of strict enforcement of the penal laws that it endured earlier in the century. That change allowed the church to increase membership rolls and influence. Alongside religious revival came a more engaged Catholic political culture, but robust political

⁷²³ Brooke, however, reverted to his anti-Catholic stance when he assumed editorial responsibilities of the *Freeman’s Journal*. Taaffe’s treatise, *Observations on Affairs in Ireland* (Dublin, 1766), like Brooke’s, met with more criticism than acclaim. See Bartlett, *Fall and Rise of the Irish Nation*, 54.

⁷²⁴ Only the expediencies of the American Revolution would change that dynamic. Burke, however, wrote on behalf of continued Irish-Catholic freedoms. See Edmund Burke, *A Letter from a Distinguished English Commoner to a Peer of Ireland on the Penal Laws against Irish Catholics* (London: P. Keating, 1782). This letter, like almost all pro-Catholic literature in England, Ireland, and America, was reprinted whenever discussion of Catholic Emancipation reached the English or Irish Parliaments.

activity did not fully develop until James Butler and Arthur O’Leary entered Irish politics in the 1770s. One scholar has noted that prior to O’Leary’s writings, Irish-Catholics “knew little, and cared less” about politics. Indeed, O’Leary “awakened Irish Catholics from their political slumber.”⁷²⁵ But for all O’Leary’s work, as was the case for the developments seen in America and England, external events were more responsible for political and cultural changes in Ireland than the organized dissent coming from liberal Catholics. Even though they were only partly responsible for the series of relief bills that began in 1778 and continued until 1793, Curry, O’Conor, and O’Leary gave Catholics a voice in the political culture and placed pressure on those who possessed significant influence within Irish politics. In the long term, they built an intellectual foundation for those like Mathew Carey and, later, Bishop John England, both of whom routinely borrowed from their Irish-Catholic tradition when arguing for Catholic rights in America.⁷²⁶

A number of events compelled the English and Irish Parliaments to extend relief to Catholics within the empire by the time Carey became involved in Irish politics. The declining power of Rome, the suppression of the Society of Jesus, victory in the Seven Years’ War against papist France, and Enlightenment ideals all contributed to a more

⁷²⁵ Patrick Carey, *An Immigrant Bishop: John England’s Adaptation of Irish Catholicism to American Republicanism* (Yonkers, New York: U.S. Catholic Historical Society, 1982), 8.

⁷²⁶ See Mathew Carey, *The Calumnies of Verus; or, Catholics vindicated, from certain old slanders lately revived* (Johnston & Justice, Philadelphia, 1792), 11, where Carey, during a debate discussed below, recommends his antagonists “consult Mr. O’Leary’s works.” Carey also cited Brooke and Taaffe, in Carey, *The Urgent Necessity*, 84-85. Finally, he drew from the English-Catholic tradition as well, citing John Fletcher’s, *Spirit of Controversy* and Richard Challoner’s *Memoirs of Missionary Priests* in a public debate in 1808. See Carey, *Miscellanies*, 2:158, 235. For Carey’s library, which included a number of Catholic historical and apologetic works such as Francis Plowden’s *A Short History of the British Empire* (1794), see Lea & Febiger Collection, Box 4, Folder 11, HSP. Carey’s writings also reflect a more radical strain that was developing in Ireland at this time, one which, as Ian McBride has explained, introduced Whig constitutionalism into the political culture. See Ian McBride, *Scripture Politics: Ulster Presbyterians and Irish Radicalism in the Late Eighteenth Century* (Oxford University Press, 1998), 25.

tolerant culture throughout the British Empire.⁷²⁷ By 1770, one had some difficulty pointing to “papist” bogeymen to justify continued Catholic suppression. As tensions in America escalated, more Irishmen reconsidered the need for penal statutes against the Roman Catholic population. Officials in Ireland and England therefore began to negotiate with Catholics, fearing that failure to do so might, with American in rebellion, spread to Ireland, forcing England to spend time, effort, and resources on a potential rebellion among Irish Catholics.

Negotiations for Catholic freedom coincided with similar developments in England. Luke Gardiner, a representative in the Irish Parliament, lamented as early as 1774 that “the rigour of our laws have deprived” the government from enlisting Irish Catholics into the military. In that same year, the parliament passed a law permitting Catholics to swear their fealty to the king, a proposition that did more to divide Catholics than restore their rights. By 1778, Gardiner was negotiating with Bishop John Troy of Dublin about the relaxation of certain penal laws in exchange for loyalty oaths and military service. In April of that year, England had passed its relief measures, which were intended to pressure the Irish Parliament to do the same. The ultimate objective was to enlist more men into the military, which would offset the gains the American rebels were sure to enjoy from their treaty of amity with France. As Sir John Dalrymple wrote to Lord North when initially selling the idea of Catholic relief in England, “there was a weapon of war yet untried by Britain, mighty and strong; that ninety out of an hundred of the king’s subjects in Ireland were Roman Catholics.”⁷²⁸ When he learned of the proposed

⁷²⁷ Bartlett, *Fall and Rise of the Irish Nation*, 71.

⁷²⁸ Sir John Dalrymple to Lord Viscount Barrington, April, 1779, in *The Gentleman’s and London Magazine* (January 1779), 218.

plan, Charles O’Conor reported that “We expect [a] relaxation of the Popery laws in England and hope that the example will be followed here.”⁷²⁹

The details of the negotiations are of little consequence to this chapter, but it is worth noting that the Catholic Committee, a moderate-conservative organization formed in 1773 to promote the gradual repeal of the penal laws, believed civil and religious liberty for Catholics would not come overnight, and that radical calls for immediate repeal would only retard their progress.⁷³⁰ The Committee soon received advice from some of the most influential politicians in Britain. Edmund Burke, for example, assisted them in this endeavor. “I recommend to you,” Burke wrote to John Curry in 1779, to “do all you can to approve yourselves dutiful subjects of the Crown,” but “not in a factious manner, nor by invidious comparisons” with the rebels in America. “All that I wish,” the veteran statesman advised, is that “you would in general keep yourselves quiet” and “to intermeddle as little as possible with the parties that divide the state.”⁷³¹ Few did more that year to divide the country than a young radical named Mathew Carey.

The Making of an Irish Radical

Born in 1760 to a successful baker named Christopher, and his wife, Mary, Mathew Carey was one of five boys who grew up in Dublin under the penal laws. Affluent but not privileged, Carey mused late in his life that he was “wonderfully-slow developing my faculties,” and that “I was, truly, an extremely dull boy.”⁷³² Prone to false

⁷²⁹ Charles O’Conor and Robert E. Ward, eds., *Letters of Charles O’Conor of Belanagare: A Catholic Voice in Eighteenth-Century Ireland* (Washington, D.C.: Catholic University of America Press, 1988), 363.

⁷³⁰ Nancy J. Curtin, *The United Irishmen: Popular Politics in Ulster* (New York: Oxford University Press, 2004), 47.

⁷³¹ Edmund Burke to Dr. John Curry, 14 August, 1779, in John A. Woods, ed., *The Correspondence of Edmund Burke* (Chicago: The University of Chicago Press, 1963), 118-119.

⁷³² Carey, *Autobiography*, HSP, 1.

modesty, Carey in fact excelled in mathematics, languages, and developed an insatiable appetite for learning, reading John Locke, James Harrington and Algernon Sidney as a youth.⁷³³ That intellectual precocity was unintentionally cultivated by a nurse who dropped Carey when he was baby. The fall crippled his foot, which he later described as a “disadvantage” that he felt “almost every day of my life.”⁷³⁴ While his brothers and the other children were playing physically demanding games, Carey digested tracts like those composed by Curry and O’Conor that documented “the horrible oppression of the Irish Catholics.” He admitted that while alone in his room, he “read every book and pamphlet I could procure, respecting the tyranny exercised on them, and the calumnies with which, for the purpose of justifying that tyranny, they were overwhelmed.”⁷³⁵

When the American Revolution sent reverberations across the Atlantic Ocean in 1776, Carey began closely following the events. His interest reached new heights when he read Benjamin Franklin’s open letter to the Irish nation in 1778. The letter insisted that the American cause for independence was the cause of the Irish people because both lived under English enslavement. Although many Protestants in Ireland dismissed this notion – and most Catholics, like those in the Catholic Committee, feared the consequences of supporting open rebellion – Franklin’s words resonated with Carey. Within a year, the nineteen-year-old completed his first essay calling for the immediate abolition of the penal laws and for unbridled Irish independence.⁷³⁶ Even though the

⁷³³ Carter, “The Political Activities of Mathew Carey,” 7.

⁷³⁴ Carey, *Autobiography*, HSP, 2.

⁷³⁵ Carey, *Autobiography*, HSP, 4.

⁷³⁶ Carey did write one essay, on the abolition of dueling, prior to the one discussed here. See Carey, *Autobiography*, HSP, 3. Ironically, Carey later fell victim to placing honor above all and participated in a duel with a rival Philadelphia printer named Elwazer Oswald. Unfortunately for Carey, Oswald was a veteran of the Revolutionary War and succeeded in shooting the Irish radical in his already-lame leg. See Carey, *Autobiography*, HSP, 13-15

pamphlet never made it to press, it is worth exploring in brief because it is our best resource for understanding Carey's early thoughts regarding church and state.

Titled, *The Urgent Necessity of an Immediate Repeal of the Whole Penal Code against the Roman Catholics*, Carey's pamphlet shows a close reading of the Irish revisionist literature produced by Curry and O'Connor.⁷³⁷ The thrust of his strategy was to make historical arguments that turned traditional Whig history on its head. He spent the first sixty pages narrating his interpretation of English and Irish history. His reasoning, had it been read in America, would have sounded familiar to Catholics there. Carey insisted, for example, that "At a Time when America, by a *desperate Effort*, has nearly *emancipated herself* from Slavery," it was the "Catholic King" of France who was the "*avowed patron of Protestant Freemen*." He quickly contrasted the French-Catholic support of the Revolution with "the Tyranny exercised over you" by "a FEW *tyranizing Bigots*" in the British Parliament that continued to subjugate all Irishmen under its dominion. Carey announced that his objectives, though only to promote peace between those of different faiths, required uncovering the "REAL CAUSES" of their continued cultural and legal discrimination.⁷³⁸ That meant revising the biased Protestant histories that overlooked the oppressive laws against Irish Catholics, including a complete revision

⁷³⁷ See Carey, *Urgent Necessity*, 82-86. Carey's later works, even half a century later, continued to rely on this early Irish-Catholic literary heritage. In his magnum opus on the Irish Penal Laws, first written in 1819 but reprinted a decade later, he admitted that "Dr. Curry, in his invaluable work, the 'Historical and Critical Review of the Civil Wars in Ireland' has set a laudable example in this department of literature... I have not merely followed, but have gone beyond his example." See Mathew Carey, *Ireland Vindicated: An Attempt to Develop and Expose a Few of the Multifarious Errors and Falsehoods Respecting Ireland, in the Histories of May, Temple, Whitelock, Borlase, Rushworth, Clarendon, Cox, Carte, Leland, Warner, Macauley, Hume, and Others: Particularly in the Legendary Tales of the Conspiracy and Pretended Massacre of 1641* (Philadelphia: Mathew Carey, 1819), xviii.

⁷³⁸ [Mathew Carey], Advertisement, To the Roman Catholics of Ireland... (Library Company of Philadelphia), *Miscellanies*, 69.

of the so-called 1641 Irish “massacre” which had always been used to justify the continuation of the penal laws.

In what remains of his original pamphlet, Carey depicted the Irish-Catholics as a peaceable people who undeservedly endured the public’s abuse while he portrayed recent English and Anglican history as a continuous crusade against all things Irish and Catholic. “Henry VIII,” Carey wrote, initiated the conflict when he “committed the Catholics, who denied his supremacy, to the flames, with the reformists.” The final clause in this sentence was important. Carey repeatedly situated his defenses of Irish-Catholics within a larger context of Protestant-on-Protestant violence. He blamed Queen Elizabeth for bestowing “havoc among the human race” and relied on Hume’s *History of England* to detail the “PROTESTANT AND PRESBYTERIAN INQUISITIONS” which targeted dissenting Protestants of all stripes. Carey, quoting Hume, argued that English Protestants were directed “to use all means which they could devise: that is, by the rack, by torture, by inquisition, by imprisonment... And the punishments, which they might inflict, were according to their wisdom, conscience, and discretion. In a word, this court was a REAL INQUISITION.”⁷³⁹ Carey also provided cover for Catholic abuses during the 1641 Rebellion. By that time, “The Irish Catholics, seeing the king’s intentions, found themselves entirely deprived of any other alternative, than absolute destruction, or a manly resistance” to England’s persecutory policies. Forced into a perilous position, they chose to fight back. Once Carey corrected the historical record as he understood it, he anticipated that the Irish-Catholics involved in the 1641 Rebellion would soon be “esteemed, as IRISH HEROES, martyrs to their COUNTRY’S FREEDOM, against the tyranny of Britain; and not as papistical rebels, deserving the vengeance of the law.”

⁷³⁹ Carey, *Urgent Necessity*, 14, 29-30.

Indeed, Carey boomed, “I glory in the war of 1641.”⁷⁴⁰ Using such rhetoric, Carey developed a polemical style that was unlikely to win friends even among many who supported Catholic liberty.

In his enthusiasm, Carey made several arguments that in fact worked against each other, even if he wanted them to serve as a kind of subtle threat to his Protestant oppressors. On the one hand, he called attention to how modestly the Irish had behaved in comparison to their disorderly American counterparts, and used that observation to show how unnecessary the penal code had become. “I beseech the reader,” Carey wrote, “to reflect attentively on the affairs of America, and contrast her behavior with that of Irish catholics.”⁷⁴¹ On the other hand, his main argument unequivocally called for the complete overthrow of the British government. That radical call to arms all but guaranteed his pamphlet’s cold reception. Situated in the context of the American Revolution, a poem that he wrote as an advertisement for his pamphlet makes his radicalism clear.

“Beware, ye Senators. Look round in time;
Rebellion is not fixed to *any* clime;
In *trade, religion, ev’ry way oppress’d*,
You’ll find – *too late* – such wrongs *must* be redress’d
Seize quick the time – for now – consider well –
Whole quarters of the world at once rebel.”⁷⁴²

The ad caused such a stir that his pamphlet never appeared for public consumption, partly because it was as ill-timed as it was incendiary. In Carey’s words, it “excited a great sensation” just after the passage of the first relief bill and during negotiations in both houses of the Irish Parliament for a further relaxation of the penal laws. A member of each house of parliament saw Carey’s advertisement and pointed to it as “full proof of the

⁷⁴⁰ Carey, *Urgent Necessity*, 56.

⁷⁴¹ Carey, *Urgent Necessity*, 92.

⁷⁴² Carey, *Miscellanies*, 2:68.

seditions and treasonable views of the Roman Catholics,” which undermined any hope that Catholics had of rolling back their disabilities.⁷⁴³

Although he wrote the advertisement anonymously, Carey ignited enough of a firestorm that even moderate Catholics – like those in the Catholic Committee, whom Carey called the “most servile body in Europe” – condemned the work. Fearful that British authorities would associate their gradual approach for Catholic emancipation with Carey’s calls for revolution, the leading Catholics in Dublin distanced themselves from the pamphlet. After he became aware of the sour reception his ad received, Carey fled across St. George’s Channel to Holyhead until the smoke had cleared. There, he met a Roman Catholic priest who introduced him to one of his heroes, Benjamin Franklin. The American statesman put the teenager to work in a print shop in France, where he impressed his new boss with his keen intellect, sardonic wit, and assiduous work ethic. With his work for Franklin complete and tensions related to his inflammatory ad now at rest, Carey moved back to Dublin.⁷⁴⁴ Still committed to Catholic freedoms – and now, after his association with Franklin, filled with optimism about America – Carey looked for an opportunity to speak out against the injustices perpetrated against Catholics in Ireland. But his next venture into the public sphere – a stint as a newspaper editor – proved less dramatic than his first. He managed to stay quiet even while respected Catholics like Arthur O’Leary, a Franciscan friar from Cork, began to agitate for greater relaxation of the penal laws through the public press. The *Freeman’s Journal* for which he worked was the most popular daily newspaper in all of Ireland and had considerable

⁷⁴³ Carey, *Miscellaneous Essays*, 452; Carter, “The Political Activities of Mathew Carey,” 74.

⁷⁴⁴ Carey, *Autobiography*, HSP, 4-6.

influence on the political culture. Carey made connections during his year at the *Journal* and prepared himself for another venture into Irish politics.⁷⁴⁵

After an uneventful couple of years at the *Freeman's Journal*, Carey received a loan from his father to begin his own weekly paper in 1783. Within the first year, his *Volunteer's Journal* became the second-best selling paper in Dublin even though it flirted with sedition on a number of occasions.⁷⁴⁶ Carey negotiated a deal with several printers in the United States, including the editors of the *Pennsylvania Packet and General Advertiser*, *Rivington's New York Gazette*, and the *Pennsylvania Journal*, to exchange and reprint news stories and opinion pieces across the Atlantic in 1784.⁷⁴⁷ While enjoying entrepreneurial success, Carey grew impatient with the pace with which his coreligionists were gaining legislative victories. Although Parliament passed Catholic Relief bills in 1778 and 1782, by 1784 it seemed doubtful that they were ready to repeal more of the penal statutes any time soon. Furthermore, Carey realized that the American Revolution was the motivating factor for the succession of repeals beginning in 1778, and with that event drawn to a close, Catholics lost their best argument in making their case for further reforms.

Eventually, Carey's impatience gave way to imprudence. On January 5, 1784, Carey called on his readers to again consider revolution on grounds that "Desperate

⁷⁴⁵ O'Leary was in close correspondence with the leaders of the American Catholic Church and his writings were influential in the Catholic struggle for religious liberty in Ireland, England, and, as I argue here, America. O'Leary's "An Essay on Toleration" (1780) had a wide circulation and was reprinted in London, Philadelphia, New York, Dublin, and Albany as late as 1834. See Arthur O'Leary, *Miscellaneous Tracts* (Dublin: John Chambers, 1781), 315-393.

⁷⁴⁶ Green, *Mathew Carey, Publisher and Patriot*, 4.

⁷⁴⁷ Carter, "The Political Activities of Mathew Carey," 26-7. Carey published speeches from Irishmen who praised the rebel action against their mother country. See *Volunteer's Journal*, January 2 and 23, 1784. *The Pennsylvania Packet, and General Advertiser*, for example, ran a story on June 10, 1784 from Carey's paper which reported on Carey's arrest on April 14 of that year. Let us no longer censure the Spaniards of the Portuguese, for their inquisition," it reported. "That infamous badge of slavery is now become our own; not, indeed, a religious inquisition; but what is still worse, a political one!" See Edward Carey Gardiner Collection, Box 27, Folder 12, HSP.

disorders require desperate remedies. Every peaceable effort we have made,” Carey erroneously insisted, “has been laughed to scorn... What [then] remains for us to do?” True to the radical strain that dominated his behavior as a young man, Carey reasoned that, “To fall in a struggle for freedom, is glorious,” and recalled the actions of those in the United States to serve as a model for the oppressed Irish. “America’s gratitude to her heroic patriots should stimulate us to equal virtue. At all events, he is undeserving of existence, who would hesitate to risk it for his country’s preservation.” Carey posited that there were only two options: to “quit this country, and retire to a new world for liberty,” or to “tamely kiss the rod that scourges us.”⁷⁴⁸

If authorities could tolerate that kind of rhetoric, the April 5 edition of his paper crossed the line. Officials in Dublin called for Carey’s arrest after he printed a woodcut of John Foster, the Chancellor of the Irish Exchequer, being hanged in front of the Irish Parliament. If that was not enough, Carey included a caption of Foster acknowledging just prior to his execution that he was deeply involved “in the ways of corruption,” which made the politician “callous to every feeling of humanity. To this must be attributed the opposition I gave to the business of the protecting duties,” the politician purportedly admitted, “for which I so deservedly suffer this ignominious death.”⁷⁴⁹ That editorial indiscretion, in Carey’s words, “drew on myself the vengeance of parliament.” Carey initially tried to run, and even jumped, crippled leg and all, out of the back window of his print shop to avoid capture. The whole ordeal earned the Irish radical widespread

⁷⁴⁸ Extract from the *Volunteer’s Journal*, Jan. 5, 1784, in Carey, *Miscellaneous Essays*, 453.

⁷⁴⁹ Carter, “The Political Activities of Mathew Carey,” 96-97.

sympathy, although most of his countrymen believed he was provoking riots.⁷⁵⁰ The House of Commons ordered his arrest, after which he was “treated with great rudeness and oppression.” Although the authorities eventually released Carey, this episode induced him to flee his native Ireland once and for all. His desire for religious freedom led him, like so many others, to America. Once there, he seldom seemed satisfied. But unlike his experience in Dublin, once he arrived in the United States, Carey found a number of allies who were willing to publicly speak out against Catholic discrimination. There, he began a new chapter in his life, one that he hoped would change America’s experiment with religious liberty.

Mathew Carey in America

Arriving in November of 1784, Carey wasted little time capitalizing on the contacts he made through Franklin and Lafayette. The Irish-born immigrant embarked on a number of printing projects that were designed to improve the reputation of Catholicism in the new nation. Carey, like John Carroll, knew that defending Catholics from what he called “calumny and abuse” was essential to maintaining and increasing Catholics’ civil and religious rights. Within two months of his arrival, Carey established his *Pennsylvania Evening Herald*, a bi-weekly print released Tuesday and Friday nights. He sprinkled pro-Irish and pro-Catholic news stories and short essays into this publication, but never evoked strong backlash.⁷⁵¹ While the *Herald* saw mixed results at first – Philadelphia

⁷⁵⁰ Carey received offers from groups in Belfast, among other places, to raise money for his defense. See Carter, “The Political Activities of Mathew Carey,” 32-33. They believed he was provoking rebellion and riots for good reason. The day after his arrest, the *Volunteer’s Journal* again called for open revolution.

⁷⁵¹ See the *Pennsylvania Evening Herald and American Monitor*, March 22, 1785. In the April 5, 1785 edition, Carey printed a sensational story about a “poor old and infirm clergyman of the Roman catholic persuasion [who] was forcibly taken out of his bed and put to such a torture, that he died the next evening,

already had six newspapers when Carey first went to press – he increased subscriptions over the next two years.⁷⁵² Not all of Carey’s early printing projects were a success, but one of his most influential publications was also one of his first. The *American Museum* was an edited, monthly literary magazine that included the most important essays, books, pamphlets, and speeches relating to the creation of the United States. It went to press in January of 1787 and released its final of seventy-two issues in December of 1792. A list of the subscribers to the magazine reads like a “who’s who” list of influential men in late eighteenth-century America.⁷⁵³ George Washington, for example, wrote to Carey to express his gratitude for such a prodigious undertaking. “A more useful literary plan has never been undertaken in America,” the eminent general applauded, “or one more deserving of public encouragement.” Similar letters from John Dickinson, Benjamin Rush, and others spoke of “the usefulness of your Museum” to American progress.⁷⁵⁴ One hyperbolic commentator insisted that “the American Museum [is] the most useful periodical Publication ever compiled in the *western World*.”⁷⁵⁵ Carey’s largely sympathetic audience therefore possessed considerable political and cultural influence. It

for venturing to preach the preceding sunday against the infatuation of those deluded transgressors of law and order.”

⁷⁵² Carey, *Autobiography*, HSP, 11-12.

⁷⁵³ A very partial list includes Jeremy Belknap, Elias Boudinot, William Bradford, Aaron Burr, James Bowdoin, Charles Carroll of Carrollton, Daniel Carroll, John Carroll, John Clarke, John Dickinson, Oliver Ellsworth, Benjamin Franklin, Alexander Hamilton, John Jay, Thomas Jefferson, Henry Knox, Thomas Sim Lee, George Mason, James Madison, Robert Morris, William, Robert, and other members of the Livingston family of New York and New Jersey, Rufus King, Samuel Parker, Timothy Pickering, Thomas Pinckney, Charles Wilson Peale, Edmund Randolph, Edward Rutledge, David Ramsay, Samuel Salisbury, George Washington, and James Wilson. See Carey, ed. *American Museum* (Philadelphia: Mathew Carey, 1787), 2:vii- xvi. Even those who were not subscribers, such as John Adams, had their writings scattered within the project.

⁷⁵⁴ George Washington to Carey, June 25, 1788, Edward Carey Gardiner Collection, Box 22, Folder 9, HSP; John Dickinson to Carey, July 19, 1788; Benjamin Rush to Carey, July 30, 1788 Mathew Carey, *The American Museum* (Philadelphia: Mathew Carey, 1787), 4:v-vi.

⁷⁵⁵ Nathan Hazard to Mathew Carey, New York, October 30, 1787, Edward Carey Gardiner Collection, Box 25, Folder 6, HSP.

was an opportunity that Carey never had while in Ireland and which, now in America, he did not intend to miss.

The *Museum* addressed a range of topics that reflected Carey's interests – history, political economy, commerce, agriculture, and manufacturing – but also included a number of articles that emphasized the unfinished business of America's religious freedom and the magnanimous behavior of colonial and modern Catholics. Carey had room in his magazine for anyone who defended civil and religious freedom, which allowed him to print essays and articles from Catholic and non-Catholic alike. An essay originally printed in London but scattered throughout the United States in 1787, for instance, caught Carey's attention because it predicted that soon, "religion in the united states may infuse, in the mind of European nations, the true spirit of religious freedom. But even in the united states, some alterations of moment, on this point, are demanded by the spirit of their constitutions," by which the author meant the several states whose constitutions barred Catholics, Jews and other non-Christians from full citizenship.⁷⁵⁶ The anonymous author was William Vans Murray, a conservative Federalist from Maryland who originally penned the essay in 1784 as part of a collection he dedicated to his intellectual mentor, John Adams. Intended as an answer to criticisms of America's new political structure from the famous French philosopher-historian Gabriel Bonnot de Mably, Murray's pen might be easily mistaken for Carroll's or Carey's, given his tendency to praise the American system before critiquing its shortcomings.⁷⁵⁷ Though

⁷⁵⁶ Carey, *American Museum*, 2:245.

⁷⁵⁷ Alexander DeConde, "William Vans Murray's *Political Sketches: A Defense of the American Experiment*," *The Mississippi Valley Historical Review* 41, no. 4 (Mach 1955): 62. Murray's article is one of the earliest to advocate for universal religious freedom. Although American law was, according to Murray, "wise" and "highly liberal" compared to Europe, "there yet remains one step" to perfect liberty. That was extending "the fullest rights of citizenship" to men besides Christians. Just as Carey would in his writings, Murray blamed their European heritage for the shortcomings of the American ideal. "If not

pleased with Murray's effort, Carey edited the original essay by inserting a number of emendations, including one footnote that corrected Murray about the rights of Catholics in certain states. "The writer is here in error," Carey noted, because "Protestants, only, in some of the states, are eligible to offices of trust and emolument."⁷⁵⁸ Another anonymous reprint, this one taken from "An Oration on the Anniversary of Independence," underscored the ecumenical spirit then present by arguing that all religious persuasions in Europe and America are beginning to eschew intolerance. The "European catholic and the American protestant" the speaker assured, "review with equal horror the times when their ancestors embrued [sic] their hands in each other[']s blood, and now join to cancel the remembrance of them in mutual acts of charity and benevolence."⁷⁵⁹

Carey also reprinted an address delivered by William Livingston, the Governor of New Jersey from 1776 to 1790, which, after applauding the broad religious freedom in the United States, critiqued the narrow use of the term "Protestant" in his and other state constitutions. "This clause falls far short of the divine spirit of toleration and benevolence that pervades other of the American constitutions," Livingston wrote. "Are protestants, then, the only capable or upright men in the state? Is not the Roman catholic hereby disqualified? Why so? Will not every argument in defense of his exclusion, tend to justify the intolerance and persecutions of Europe?"⁷⁶⁰ Carey also printed laudatory biographies of prominent Catholics such as Lord Baltimore, George Calvert – "all who knew him, applauded him: and none, that had anything to do with him, complained of him" – and

restrained by the novelty of power, nor blinded by the prejudices of Europe, how much honour and advantage would not her character acquire by the adoption of so enlightened a policy!" Carey, *American Museum*, 2:245.

⁷⁵⁸ Carey, *American Museum*, 2:245.

⁷⁵⁹ Carey, *American Museum*, 3:21.

⁷⁶⁰ Carey, *American Museum*, 4:495.

essays from those like Noah Webster that depicted Catholics in a favorable light. Webster asserted that although “half the European protestants will now contend that the Roman catholic religion is subversive of civil government” – a regrettable consequence of their “tradition, books, [and] education hav[ing] concurred to fix this belief in their minds” – in the United States, “some of the highest civil offices are in the hands of Roman catholics.”⁷⁶¹ Webster was of course referring to Daniel and Charles Carroll as well as Thomas Fitzsimmons. Other essays pointed out how Catholic Frenchmen shared their churches with Protestants and otherwise united under patriotic and republican ideals.⁷⁶²

The Philadelphia printer also published more formal defenses of Catholicism in his *Museum*, including those from Catholics. He found room to include John Carroll’s letters to the editor of the *Columbian Magazine* in 1787 and John Fenno in 1789. Carey also included a rebuke against the original antagonist in the *Gazette of the United States* article, E. C., from a source other than Carroll. The letter from “Y. Z.” to E. C. complained of the latter’s “most unwarrantable reflexion on the Roman Catholic religion.”⁷⁶³ Father Carroll, who found his writings scattered throughout the *Museum*, was not a passive actor in Carey’s venture. He in fact encouraged the Irish printer to continue his work and thanked him for his service. “I must take this occasion,” Carroll wrote to Carey in January of 1789, “to thank you sincerely for some pertinent observations interspersed in your Museum, on the illiberal treatment of R. Catholics in some, indeed in most of the United States.” Repeating what both men already knew, Carroll spoke about

⁷⁶¹ Noah Webster, “On the Education of Youth in America,” in Carey, *American Museum* (Philadelphia: Mathew Carey, 1792), 12:311.

⁷⁶² Carey, *American Museum* (1790), 8:1, appendix IV. That trend was of course but a momentary pause until the dechristianization movement began during the Year II.

⁷⁶³ See Carey, *American Museum*, 7:121. For the Calvert biography, see Carey, *American Museum*, 6:403-405. For the reprint of Carroll’s *Gazette* letter and the original from E. C., see Carey, *American Museum*, 6:41-45.

the Catholic participation in the American Revolution and the “contradictory” laws that violated the “principle of equality in Religious rights” in several states.⁷⁶⁴ Carey likewise reprinted the letter that “The Roman Catholic Laity” wrote in the winter of 1790 to President Washington and which was designed to raise awareness about Catholic injustices around the United States. Based on Washington’s considered response, Carey thought it pertinent to publish that letter as well, hoping to induce his countrymen to fulfill Washington’s prophecy about Catholics gaining equal rights.⁷⁶⁵ Finally, he included advertisements for Catholic apologetics and revisionist histories that attracted the notice of Catholic clergymen throughout the country, and who asked to purchase those works.⁷⁶⁶ Educating American Catholics in the most learned defenses of their church was, for Carey, a necessary precondition to attaining full religious liberty in the United States. Although Carey had other interests in his first magazine, there is little doubt that expanding conceptions of religious freedom in a way that benefitted Roman Catholics was foremost among them.

The *American Museum*, then, attempted to present American Catholics in a favorable light and to familiarize its readership with continued injustices against Catholics. Although it is always difficult to show causation, that message reached Associate Supreme Court Justice James Wilson. Wilson was a delegate to the Second

⁷⁶⁴ Carroll to Mathew Carey, January 30, 1789, in Thomas O’Brien Hanley, ed., *The John Carroll Papers*, 3 vols. (hereafter *JCP*). (Notre Dame, Indiana: University of Notre Dame Press, 1976), 1:348 Carroll called such laws “flagrant act[s] of injustice,” on grounds that Catholics had “so much contributed” to the acquisition of America’s freedoms.

⁷⁶⁵ Carey, *American Museum*, 7:26-27, appendix II.

⁷⁶⁶ See William Harold to Mathew Carey, Maryland, May 20, 1790, Edward Carey Gardiner Collection, Box 26, Folder 3, HSP. Others, such as Patrick Smyth, who later feuded with Father Carroll, took the opposite approach by asking Carey to purchase in bulk his own book – in this case, a Catholic devotional, *Imitation of Christ*. See Patrick Smyth to Mathew Carey, March 17, 1788, Edward Carey Gardiner Collection, Box 26, Folder 5, HSP. Smyth’s letter might be interpreted as providing an alternative to the Carey-Carroll approach covered here. He told Carey: “I found it was in vain to attempt, effectually to remove deep-rooted prejudices, without making use of some sharper instrument than a grey goose quill; so rather than fight, for I am a coward, I cohorted the Irish-Catholics to emigrate to America.”

Continental Congress in 1775, a framer of the Declaration of Independence in 1776, a key figure at the Philadelphia Convention in 1787, and delivered his “State House Yard Speech” that year, which defended the constitution from anti-Federalist attacks.⁷⁶⁷ During one of his famed law lectures, Wilson attempted to remind his countrymen of one of its founders who had been largely forgotten. While discussing the “doctrine of toleration in matters of religion,” Wilson announced that “the world has been thought to owe much to the inestimable writings of the celebrated Locke,” a figure to whom Wilson agreed, “let the tribute of applause be plenteously paid: but,” he continued, transitioning to his main point, “while immortal honours are bestowed on the name and character of Locke; why should an ungracious silence be observed, with regard to the name and character of Calvert?” He continued to extol the virtues of the forgotten Maryland founder. “Let it be known,” Wilson exclaimed,

that, before the doctrine of toleration was published in Europe, the practice of it was established in America. A law in favour of religious freedom was passed in Maryland, as early as the year one thousand six hundred and forty nine. When my Lord Baltimore was afterwards urged—not by the spirit of freedom—to consent that this law should be repealed; with the enlightened principles of a man and a christian, he had the fortitude, to declare, that he never would assent to the repeal of a law, which protected the natural rights of men, by ensuring to every one freedom of action and thought. Indeed, the character of this excellent man has been too little known. He was truly the father of his country.⁷⁶⁸

Wilson composed this lecture just months after receiving the sixth volume of Carey’s *Museum*, which included Carroll’s letter to the *National Gazette* as well as a laudatory biographical sketch on Calvert. Since none of Wilson’s previous writings reference Calvert or Maryland’s experiment in religious freedom, it stands to reason that in this case, Carey accomplished his task of removing what Wilson called the “ungracious

⁷⁶⁷ Mark D. Hall, “James Wilson: Presbyterian, Anglican, Thomist ,or Deist? Does it Matter?” in Daniel Dreisbach, Mark D. Hall, and Jeffrey H. Morrison, eds., *The Founders on God and Government* (Lanham, Maryland: Rowman & Littlefield, 2004), 182-183.

⁷⁶⁸ Kermit L. Hall and Mark David Hall eds., *Collected Works of James Wilson* (Indianapolis: Liberty Fund, 2007), 1:401-402.

silence” Americans had adopted toward the Catholic contribution to America’s religious liberty.⁷⁶⁹

Mathew Carey, John Carroll, and the Catholic Literacy Project

The *Museum* was not Carey’s only venture promoting Catholic religious freedom in the United States. With assistance from clergymen and well-to-do Catholics all over the country, he began a number of printing projects aimed at changing public opinion about Roman Catholicism and, just as important, educating American Catholics in their faith. Carey corresponded with Carroll about both of these goals. In a letter that demonstrated his awareness of continued anti-Catholic discrimination, Carey wrote of “two papers which I read in the last mail from Massachusetts. They contain pieces that wd. disgrace ages that we call dark & bigotted.”⁷⁷⁰ In another, he conceded to Bishop Carroll that stereotypes about illiterate Catholics unable to read or understand the scriptures or articulate the tenets of their faith, were, sadly, not entirely untrue. “In fact,” Carey wrote, “I believe it will be found that there is hardly a denomination of Christians in the united States, that read less on religion, or in general can give so little satisfaction

⁷⁶⁹ Wilson and Carey wrote to each other during this period. See Lea and Febiger Collection, Volumes 5-6 of Carey’s Letterbook, HSP. For the continued silence, see John D. Krugler, “An ‘Ungracious Silence’” Historians and the Calvert Vision,” *Maryland Historical Magazine* 99, no. 3 (2004): 374-388. Despite its wide circulation and influence, Carey received letters from associates who seemed entirely unaware of his *Museum* project. Days after his final volume went to print, Carey received a letter from the law clerk and historian William W. Hening which celebrated America’s legal, economic, and political institutions while disparaging its European counterpart. The letter focused on America’s church-state relations, which “afford protection in religious matters by UNIVERSAL TOLERATION.” After extolling America’s liberality in other matters, Hening curiously finished his letter by asking Carey to produce a literary work in the mode of the *American Museum*. “These, Mr. Carey,” Hening wrote, “are but a few of those important truths which relate to our country; But in what treatise heretofore written, shall we find them recorded? In none so compiled... To you then, will America look up for such an accurate account of her Special climate, Government, &c. &c. &c.” See William W. Hening to Carey, Virginia, December 3, 1792, Edward Carey Gardiner Collection, Box 26, Folder 3, HSP.

⁷⁷⁰ Carey to John Carroll, New York, April 6, 1789, Letterbook, 1:296, Lea and Febiger Collection, HSP.

respecting their tenets” than Roman Catholics.⁷⁷¹ In another letter to a Catholic priest, Carey similarly noted that “For want of proper books...the Roman Catholics are utterly unacquainted with the most essential and fundamental principles of their religion.” Failure to address this problem, Carey told the priest, would “be productive of consequences not only disgraceful and injurious to the Roman Catholics but hurtful to the community at large.”⁷⁷²

If changing cultural attitudes was the key to winning civil and religious equality for Catholics, Carey realized that just as a republican citizenry needed to be literate to handle the responsibilities that came with self-government, so too, did Catholics need to be learned in their faith. Arming Catholics with devotionals, history books, and of course, the Bible, could, Carey insisted, accomplish two tasks in a single stroke. First, it would belie the notion that Catholics were illiterate. Second, it would provide Catholics with the ammunition they needed to defend the faith on their own. Thus, Carey proceeded apace with his vision of a uniquely Enlightened American Catholicism within a Protestant-dominated society. This vision, in short, featured an educated Catholic community whose behavior would undercut the ill-informed caricatures of his anti-Catholic antagonists.

Michael C. Carter has recently explored the ways in which Mathew Carey used print to give Catholics a voice in American culture.⁷⁷³ Between 1789 and 1792, for instance, Carey re-printed eight Catholic titles, all of which were originally written by the English-Catholic theologian Richard Challoner. As Carter has shown, Carey believed that Catholic literature in America was lacking due to poor supply, rather than demand. He therefore sought to tap into what he believed was a thirst for Catholic literature in the

⁷⁷¹ Carey to John Carroll, March 27, 1791, Edward Carey Gardiner Collection, Box 27, Folder 4, HSP.

⁷⁷² Carey to Reverend Sir, November 7, 1791, Carey, *Miscellanies*, Library Company of Philadelphia.

⁷⁷³ See Carter, “Mathew Carey and the Public Emergence of Catholicism.”

United States. His most ambitious project was a reprint of Challoner's Douai Bible, a Catholic version translated into English from the Latin vulgate. After ruminating about the idea in 1788, Carey began soliciting potential supporters, which included Father Carroll, for its production the following January. Writing to Carroll, Carey voiced little doubt "that the projected number of publications (400) can be easily procured." But he nevertheless asked Carroll to "be so kind as to communicate to the different clergymen in your diocese" that the project had great value. Carey explained that, equipped with an English bible, American Catholics would finally "be enabled to combat specious objections" against their faith.⁷⁷⁴ In response, Carroll applauded Carey's spirit – "I still retain the same desire as you of seeing it in the hands of our people... But at the same time," Carroll warned, "I must communicate to you my fears, that you will not be sufficiently supported to carry through so expensive an undertaking." Carroll went on to explain that a New Testament might be a more economical option given the handsome sum Carey needed to launch the project. But far from discouraging the venture – which would have reinforced normative Protestant views of the Catholic clergy opposing Bible-reading among the laity – Carroll assured Carey, "you may depend on my exertions for the encouragement of a liberal subscription."⁷⁷⁵

Carroll was a man of his word. He purchased twenty subscriptions for himself and his priests.⁷⁷⁶ "I have repeatedly, & very urgently recommended subscriptions for your undertaking from the altar," Carroll reported. Pressuring his flock to combat stereotypes

⁷⁷⁴ Carey to John Carroll [January], 1789, Letterbook, 1:145-146, Lea and Febiger Collection, HSP.

⁷⁷⁵ John Carroll to Carey, January 30, 1789, in *JCP*, 1:348; Lea and Febiger Collection, Box 4, Folder 18, HSP.

⁷⁷⁶ At this same time, he was also soliciting his friends and family to subscribe to Carey's *Museum*. See John Carroll to Mathew Carey, March 18, April 8, [May]1789, in *JCP*, 1:350, 355, 360. All 3 of these are in the Lea and Febiger Collection, Box 4, Folder 18, HSP.

against their faith, Carroll told Carey, “I have written to them, as you do to me, that it will be a disgrace to Catholics not to make up so small a number of subscriptions.” But he remained unconvinced that Carey would meet his quota. Not because Catholics were anti-intellectual or had no desire to read the Bible, but because “In many parts of Maryland, they have been so long used to receive, as presents from their Clergy, the Religious books they wanted, that they have no idea of purchasing any.”⁷⁷⁷ While confident, Carey nevertheless acknowledged that his endeavor was not guaranteed to succeed. For that reason he decided to delay his venture “until the advance for the whole is paid.”⁷⁷⁸

Sensing that this project was an important indicator of the direction in which Catholic rights were headed in the United States, Carey sought out help from other resources. He lobbied a number of clergymen, including a Reverend Bolton in Maryland and William O’Brien in New York.⁷⁷⁹ Carey also corresponded with his brother, John Carey, about the project, admitting he had “no small uneasiness” that he would reach his goal.⁷⁸⁰ In addition to personal contacts, Carey took out ads in newspapers like the *Pennsylvania Gazette* beginning in January of 1789.⁷⁸¹ But after five months of uninspiring returns, it appeared unlikely that he would be able to get the Bibles to market. Carey told Carroll later that spring that Father O’Brien recently “recommended the work to the patronage of his congregation from the altar,” and inquired if “there be any

⁷⁷⁷ John Carroll to Carey, April 8, 1789, in *JCP*, 1:355. Lea and Febiger Collection, Box 4, Folder 18, HSP.

⁷⁷⁸ Carey to John Carroll, [January] 1789, Carey Letterbook 1:144-46, Lea and Febiger Collection, HSP.

⁷⁷⁹ Carey wrote to scores of individuals and hired assistants to help circulate news about the project from 1789-1791, just as he did with his *American Museum*. For just one of many of his letters that solicited subscriptions to his Douai Bible, see Carey to William O’Brien, New York, March 18, 1789, Letterbook, 1:209, Lea and Febiger Collection, HSP.

⁷⁸⁰ Carey to John Carey, June, 1789, Letterbook 1:238-39, Lea and Febiger Collection, HSP.

⁷⁸¹ He also produced individualized advertisements. See Mathew Carey, “To the Roman Catholics of America,” (Philadelphia, 1789), which he released on August 15, 1789.

impropriety in having this done generally?”⁷⁸² Carroll immediately offered his support, encouraging the printer “not to despair yet of publishing the Bible.” Although it was “true, I have not as yet very favourable returns,” Carroll promised to urge his fellow priests “with my most earnest endeavors,” to purchase a copy at the upcoming meeting at Whitemarsh to elect the first Bishop of the United States. There, he would have an opportunity to sell the idea to an audience that was certain to show support for “a work, which I conceive to be eminently necessary for the instruction of our flocks & for the credit of Religion.”⁷⁸³ For both Carroll and Carey, that was the main point of the enterprise – to raise the esteem of the Catholic religion, which, they reasoned, would hasten the advance of Catholic religious freedom.

In his next letter, Carroll said he was “sorry... to find, that little progress had been made in subscriptions for the Doway Bible.” Still, he refused to resign himself to defeat. “I cannot yet reconcile myself,” he asserted, “to the idea of your renouncing this undertaking.” Putting his faith in God, Carroll admitted that he prayed that his priests would “use every possible exertion” to recommend the book to their parishioners, and found consolation in convincing the clergymen at the Whitemarsh meeting to agree “to subscribe for one copy for each of the Congregations served by them, and to encourage the same to be done by all their Brethren... You will be assured that I will leave nothing untried for your success in this undertaking.”⁷⁸⁴ Near the end of the summer, seven

⁷⁸² Carey to John Carroll, New York, April 6, 1789, Letterbook, 1:296, Lea and Febiger Collection, HSP.

⁷⁸³ John Carroll to Mathew Carey, May 3, 1789, in *JCP*, 1:361; Lea and Febiger Collection, Box 4, Folder 18, HSP.

⁷⁸⁴ John Carroll to Mathew Carey, May 21, 1789, in *JCP*, 1:363-364; Lea and Febiger Collection, Box 4, Folder 18, HSP. It is worth noting that during their correspondence, Carroll and Carey seamlessly moved from this topic to other, more directly-related issues of Catholic religious freedom. In this letter, for example, Carroll’s next sentence explained that he had been in dialogue with the Archbishop of Dublin, John Troy. He explained that with Troy, he had been considering proper responses to a pamphlet that accused Carroll and other Jesuits of orchestrating a revival of the Society of Jesus in America.

months after Carey began advertising and soliciting potential clients, he accumulated 471 subscriptions, which satisfied his initial quota.⁷⁸⁵

Carey did not stop there. In September of 1790 he published an *Address to the Subscribers for the Doway Translation of the Vulgate Bible*, a four-page booklet that offered his “unfeigned gratitude” to those who had subscribed, and informed others that it was not too late to purchase a copy. Perhaps believing he had exhausted his market among the middling and working-class population, Carey tried to utilize some of the social capital he possessed by asking wealthy Catholics to take up a subscription. Doing so, he argued, would “evinced their determination to shew their reverence for the Holy Scriptures—and to prove the futility of the charge, that they are forbidden the use of the sacred volume.”⁷⁸⁶ Carey, then, made no secret of his agenda to counter charges that Catholics were not permitted to read the Bible on their own. As important a statement as that was, the most interesting part of this booklet came on the final two pages.

Carey followed his address to well-to-do Catholics by petitioning Protestants to purchase a copy as well. Here we see Carey extending an invitation to American Protestants, directly testing their commitment to toleration and religious freedom. In a section titled, “To the Protestants of the United States,” Carey expressed his “confidence” in acquiring their “patronage” of his Bible. In fact, Carey claimed that “every candid protestant” had good reason to acquire a copy. He insisted that purchasing the Catholic Bible would enable Protestants to “detect most, if not all” of the errors in the King James

⁷⁸⁵ Michael S. Carter, “Under the Benign Sun of Toleration: Mathew Carey, the Douai Bible, and Catholic Print Culture, 1789-1791,” *Journal of the Early Republic* 27 (Fall 2007): 457. Carter performed the task of tracking down the occupations and locations of the subscribers. He found that despite all of Carey’s connections to polite society, Benjamin Rush was the only non-Catholic name on the list. Moreover, those who did purchase copies were disproportionately working- and middle-class Americans.

⁷⁸⁶ [Mathew Carey], *Address to the Subscribers for the Doway Translation of the Vulgate Bible* (Philadelphia: Carey, Stewart, & Company, 1790), 1-2.

Bible, to which many “protestant divines” repeatedly objected. Indeed, Carey reasoned, reading the Catholic Bible was a necessary component of any honest and complete religious investigation. Only after considering all options could a Protestant “remove from his mind those doubts and difficulties, which are so fatal to true religion. Liberal-minded protestants,” Carey continued, holding his countrymen up to the standards of their own rhetoric, “who glory in the influence of the benign sun of toleration, will probably be happy in an opportunity of uniting their names with those of the Roman catholics who have supported this work, and thus evincing, that they are superior to that wretched—that contemptible prejudice, which confines its benevolence within the narrow pale of one religious denomination, as is the case with bigots of every persuasion.” The Protestant response to the Catholic Bible, Carey asserted in no uncertain terms, “will afford one proof...of the rapid advances that America has made in the divine principle of toleration.”⁷⁸⁷

As Michael Carter has summarized, Carey was arguing that by purchasing his Bible – and, I argue here, refusing to purchase it – Americans were making “both a theological and a political statement.”⁷⁸⁸ Carey, like Carroll before him, managed to invert charges of bigotry and narrow-mindedness against Catholics by exposing those who warned against the printing of a “popish bible” as the true bigots.⁷⁸⁹ But Carey went much further. He was not only content with the toleration of Catholics, but wanted Protestants to support and encourage Catholic literature. Moreover, he implied that those

⁷⁸⁷ [Carey], *Address to the Subscribers for the Doway Translation of the Vulgate Bible*, 2-3.

⁷⁸⁸ Carter, “Benign Sun,” 459.

⁷⁸⁹ Carey concluded his *Address* with a favorable book review of sorts from George Campbell, a Protestant who was the principal of a college in England. Responding to ostensible critiques that the Doway Bible had to be untrustworthy since it came from a Catholic source, Campbell assured his fellow Protestants that “this is an illiberal conclusion, the offspring of ignorance.” [Carey], *Address to the Subscribers for the Doway Translation of the Vulgate Bible*, 4.

who were unwilling to purchase a religious text outside of their own faith were intolerant and bigoted – surely an unfair interpretation of religious intolerance. But Carey’s main concern was to upend stereotypes about Catholic clergymen inhibiting their parishioners from reading the Holy Scriptures. Putting the Bible in their hands, Carey and Carroll reasoned, would help disabuse Protestants of their erroneous impressions about Roman Catholics. The whole Bible-printing enterprise was therefore an experiment in toleration, one whose undertaking demonstrated to Carey that the country still had a long road ahead.

As Carter has discovered, Carey contracted the final binding to a shop in Delaware. The firm that did the work, named Craig and Lea, had a good reputation and had performed fine work for Carey in the past. But someone in the firm, records suggest, sabotaged the Bible, ruining hundreds of prints. The errors, which Carey insisted “were not the result of accident,” set the project back several weeks. The “malice of some besotted sectarian who worked in the office & whose zeal & malice were inflamed by the appearance of a Catholic Bible,” Carey noted, intentionally destroyed the Bibles.⁷⁹⁰ The unknown saboteur did more damage than he thought. The misprints and errors in the Bible undermined Carey’s entire project. If a Catholic printer had so much difficulty producing a Catholic Bible, and those that did appear were littered with errors, it was not unreasonable to assume that Catholics were at best unaccustomed to the practice and, at worst, victims of a conspiracy by the Romish clergy who would stop at nothing to keep their parishioners ignorant of the scriptures. Carey realized the severity of the problem,

⁷⁹⁰ Carter, “Benign Sun,” 463; Mathew Carey, “Miscellanies,” vol. 1, undated, c. 1830, Library Company of Philadelphia.

writing to Craig and Lea that nothing could be done “to repair the great injury you have done us by your neglect.”⁷⁹¹

That experience only reinforced the importance of his work, and perhaps emboldened Carey, who had been suppressing his radical inclinations since he arrived in Philadelphia six years earlier. We can see Carey’s unflinching commitment to Catholic religious freedom in another example of his use of print, one which overlapped with his publication of the *American Museum* and his Bible project. Once again, John Carroll played an important role. But rather than partner with the ex-Jesuit priest, Carey’s divergence in opinion from Carroll demonstrates the rifts which were beginning to form within American Catholicism.

Testing the Limits of Catholic Dissent

On August 15, 1790, Father Carroll was consecrated as Bishop of the United States by Bishop Charles Walmesley in Lulworth Castle, England. None of the newspaper reports surrounding the event resorted to cries of “popery” being established in the United States.⁷⁹² For all the trouble Carroll and his colleagues went through to set

⁷⁹¹ Carey to Frederick Craig, January 14, 1791, Letterbook, 3: 98, Lea and Febiger Collection, HSP.

⁷⁹² Few newspapers reported on the subject until Carroll returned to the United States months later. A typical report on the episode related that “On Tuesday last the Ship Sampson...arrived here from London.— In this Vessel came Passenger the Right Rev, Doctor JOHN CARROLL, recently consecrated BISHOP of the CATHOLIC CHURCH in the UNITED STATES — On the Landing of this learned and worthy Prelate, he was respectfully waited on by a Number of his Fellow-Citizens, of various denominations, who conducted him to his Residence.” *The Carlisle Gazette, and Western Repository of Knowledge*, December 22, 1790. The same report appeared in other papers. See *The Connecticut Journal*, December 10, 1790; *The Gazette of the United States*, December 18, 1790. Other papers carried the story, but without the favorable ecumenical tone. See *The Essex Journal & New-Hampshire Packet*, December 29, 1790. Finally, some papers played into the anti-Catholic sentiments that still lingered in the new Republic. One paper cited “an English paragraphist” as reporting that the Pope “may console himself for the loss of his influence in Europe, by contemplating a probable acquisition of power in the New World!: Maryland, a province originally settled by Roman Catholics, and in which it should seem they still abound, has solicited his Holiness for a Bishop!— Bulls for the consecration of Dr. John Carroll, by the title of Bishop of Baltimore, have accordingly been issued; by which he is authorised to...have direction of all Catholic affairs

up a formal episcopacy in the United States without triggering social unrest, the ceremony and immediate aftermath could hardly have gone more smoothly. Until, that is, James Peter Coghlan petitioned Charles Plowden, who was in attendance, for a transcript of the event. “J. P.” Coghlan was the only Catholic printer in London during the last quarter of the eighteenth century, which gave him a virtual monopoly on the publication of dissenting and apologetic literature during that time.⁷⁹³ As an ardent supporter of Catholic emancipation, Coghlan relentlessly pressed Plowden for a copy of the service. “Coghlan worries me for a translation of your Bull & an history of your consecration,” Plowden reported to Carroll shortly after the latter had departed to Baltimore. Coghlan emphasized “the great advantages which the publishing of it is to procure to catholicity in this kingdom. He has sent me down the Bull to be translated,” and persisted even after Plowden “informed him that I could not do it. This is the Irish mode of doing business.”⁷⁹⁴

Business must have been booming because just nine days later, Plowden resigned himself to the task. He again wrote to Carroll to explain that “Coghlan will not relinquish his scheme of printing something about you.” The ambitious printer even took the liberty of sending Plowden “a sketch of the title” before the ex-Jesuit complied with Coghlan’s wishes. But Plowden reassured Carroll that “I will take care that he inserts nothing

throughout the cast country... But these wise acres [in America] do not seem to know, that the power the Pope has lost in Europe is political; and that of this he can have very little in the enlightened States of America.” *The [New York] Daily Advertiser*, January 6, 1790; *The New Jersey Journal and Political Intelligencer*, January 13, 1790; *The New York Journal and Weekly Register*, January 7, 1790.

⁷⁹³ Joseph Gillow, ed., *A Literary and Biographical History, or Biographical Dictionary of the English Catholics* (London: Burns & Oates, 1885), 1:526-527.

⁷⁹⁴ Charles Plowden to John Carroll, September 5, 1790, John Carroll Papers, Archives of the Archdiocese of Baltimore, 6-M10.

improper either in the Bull or in other parts.”⁷⁹⁵ They were concerned with a particular passage in the bull that exposed what Carroll had worked so hard to avoid, and now, to cover up – that the Roman Catholic clergy “earnestly desire[d] that a Bishop may be *appointed* over them to exercise the functions of episcopal order.” If readers missed that sentence, they were sure to notice that the bull explicitly stated that Rome had, “for this *first time only*, and by special grace permitted the said priests [of the United States] to elect and to present to this apostolical See” the bishop of their choice.⁷⁹⁶ In other words, the bull specifically said that Rome was going to appoint future American bishops without the American clergy’s approval or nomination. Carroll knew that once printed in London, word would travel to the United States where, he feared, the anti-Catholic backlash he had worried about since 1783 might finally materialize. Receiving Coughlan’s imprint, which was published in the fall of 1790, Carroll went to great lengths to censor the publication. “I have been obliged to suppress, in great measure the few copies...[of] Coughlan’s account of the ceremony of Aug. 15. The clause of the bull, in which the reservation is made to Rome, of future appointments of the Bishop,” Carroll admitted to Plowden, “occasioned such observations amongst a few of our leading men (Anti-Catholics)” who “judged best to disseminate no more copies. You know, how much I objected to that publication. But Coughlan’s importunity overcame.”⁷⁹⁷

⁷⁹⁵ Charles Plowden to John Carroll, September 14, 1790, John Carroll Papers, Archives of the Archdiocese of Baltimore, 6-M10.

⁷⁹⁶ Charles Plowden, *A Short Account of the Establishment of the New See of Baltimore in Maryland, and of Consecrating the Right Rev. Dr. John Carroll...to which are added extracts from the different bills of right and constitution of the United States* (London: J. P. Coughlan, 1790), 12-13.

⁷⁹⁷ Carroll to Charles Plowden, February 3, 1791, in *JCP*, 1:492. The bishop took measures to suppress certain passages in Catholic texts from public consumption again two years later. See Carroll to Antonelli, September 20, 1793, in *JCP*, 2:102, where he asks that “those words of the oath be omitted which the heterodox use to arouse ill will towards our religion, and which they decry as so opposed to the religious liberty to which we Catholics in the United States are so indebted.”

As Thomas W. Jodziewicz has argued, Coughlan's publication of Plowden's *Account of the Establishment of the New See of Baltimore* reveals the different religious and political circumstances facing Catholics in America and England.⁷⁹⁸ Having already attained legal equality at the national level in the United States, Carroll feared a backlash against the liberties Catholics now enjoyed in the new Republic. But in England, those like Coughlan were eager to use Carroll's consecration to prove to skeptical Englishmen that their fears of Catholics overthrowing the English government once they were afforded religious liberty were unfounded. If the American government could trust Catholics, Coughlan reasoned, surely the English government could do the same. Even though he complained about Coughlan's behavior, Carroll in fact urged the kind of action in which the English printer was engaged. In a letter to a Catholic nobleman just two weeks after the consecration, the bishop insisted that "The daily advantages arising to America from this policy" of a "free toleration...should be a lesson to Britain." Carroll recognized the utility of printing Plowden's *Account* for English-Catholic emancipation – a subject, Carroll wrote, "dwelling almost continually on my mind" – but he believed that in the United States, the risk outweighed the reward.⁷⁹⁹

Unbeknownst to Carroll, Carey managed to get his hands on a copy of Plowden's *Account* shortly after Coughlan printed the booklet. Carey made plans to have it reprinted in his native Philadelphia. He was delighted with the material, especially the first section, which included a preface that covered the founding and history of colonial Maryland. Plowden's *Account* repeated the history of the colony that Catholics had been writing

⁷⁹⁸ Thomas W. Jodziewicz, "A Short Account...of the Consecrating of the Right Rev. Dr. John Carroll (1790): Two Intersecting Roman Catholic Stories," *The Catholic Social Science Review* 12 (2007): 253-271.

⁷⁹⁹ Carroll to Robert Petre, August 31, 1790, in *JCP*, 1:453.

since the third Lord Baltimore released a statement denying petitions to establish the Anglican Church in his province in 1676.⁸⁰⁰ Were they alive to read it, Charles Carroll the Settler, Father Peter Attwood, and Father George Hunter would have been pleased to see their historical interpretation continue amongst Catholics at the end of the eighteenth century. According to Plowden's account, jealous Protestants unable to tolerate those with whom they theologically differed overturned the Catholic experiment in religious freedom during the so-called Glorious Revolution. The booklet only spent three pages on the subject, but managed to include the traditional points that Catholics usually made when discussing their colonial history.

Plowden concisely argued that the "Roman Catholic religion was introduced into Maryland" by Lord Baltimore "as a refuge for persons of his religion from the severity of the penal laws." Soon after a "number of catholic gentlemen and others emigrated from England and Ireland with the hope of enjoying that repose in the new settlement," but the "unrelenting spirit of persecution pursued them over the Atlantic. It deprived them of the just fruits of their labours, it debarred them from every post of trust and profit in the colony which they had settled, it compelled them to maintain Protestant ministers, and finally it enforced against them many of the British penal laws, from the cruelty of which they had fled." Rushing to the present day, Plowden portrayed the American experiment in religious freedom in favorable light. Attempting to expand conceptions of religious freedom in England, the ex-Jesuit reported that "Since the peace of 1783...penal laws are

⁸⁰⁰ Bishop Carroll wrote a short essay on "The Establishment of the Catholic Religion in the United States" at the same time that Plowden wrote his short history of the same topic. While no certain links can be connected, based on their voluminous correspondence, it stands to reason that Plowden acquired much of his knowledge on the subject from Carroll. Thomas Hanley has surmised that Carroll's essay was sent to Rome, or at least to Europe, since the original is a French-language MS. See "The Establishment of the Catholic Religion in the United States," in *JCP*, 1:403-408. The narrative in Carroll's account is more detailed, but matches quite well with the shorter version given in Plowden's *Account*.

no longer known, and Catholics enjoy an equal participation of the rights of human nature with their neighbours of every other religious denomination.” Due to the existing laws and rhetoric in public debates in London, Plowden was keen to point out that in America, “The very term of *toleration* is exploded, because it imports a power in one predominant sect to indulge that religious liberty to others, which all claim as an inherent right.”⁸⁰¹

The most important part of the original pamphlet, however, was not the historical narrative, or even the text of the consecration address. Hoping to use the Revolution as a teachable moment for his own country, Coghlan attached a final section onto the end of the booklet titled “*EXTRACTS FROM THE DIFFERENT Bills of Right and Constitutions OF THE THIRTEEN UNITED STATES OF NORTH AMERICA; DECLARING LIBERTY OF CONSCIENCE AS THE BIRTH-RIGHT OF ALL MEN. WITH COPIES OF THEIR Oaths of Allegiance and of Trust.*”⁸⁰² In 1790, England was in the middle of a heated debate about extending further relief to their Catholic population. Members of the Catholic Committee, which was a lay organization, wanted to reform the tradition of having a Vicar Apostolic who relied on authority from Rome. Instead, they sought to develop their own internal English ecclesiastical hierarchy not dissimilar to the system Bishop Carroll had been advocating for America since 1783. But in England, most clergy were opposed to such a system because they would lose authority to their parishioners. The task for those in the Catholic Committee, as Carroll had learned, was to portray the Catholic clergy as independent from foreign influence, which would render them more “British” than “Catholic” in the eyes of the public. As part of a negotiated deal, they

⁸⁰¹ Plowden, *A Short Account*, 1-2.

⁸⁰² Plowden, *A Short Account*, 20.

asked their clergymen to profess an oath of allegiance that not only denied temporal authority – hardly an issue for most Catholics by 1790 – but also condemned “any spiritual authority, power, or jurisdiction” that conflicted with the laws of England. Coghlan, who was uncomfortable with that proposition, therefore added this final section of the pamphlet to show that in America, Catholics possessed full citizenship under the law and did not have to swear these kinds of oaths.⁸⁰³ But Carey had no intention of glorifying the state constitutions that, in his view, continued to restrict their civil and religious freedom. Satisfied that Plowden’s first section on colonial Maryland provided him with a useful narrative, Carey chose not to print the final section that celebrated the state constitutions. Carey’s reprint, then, cherry-picked the historical argument that he found politically convenient while it disposed of the latter section. If Catholics were going to make further progress in their struggle for civil and religious rights, Carey reasoned, they could not be caught celebrating state constitutions that continued to bar Roman Catholics from public office. The thoughtful deliberations that Carey and Carroll displayed regarding the reprinting the *Address* suggests that while Catholics celebrated the religious freedom their country offered, they still felt like they had to be careful about the public image of their church.

From 1787 to 1790, Mathew Carey participated in several ventures that attempted to overturn Protestant prejudices of the Catholic faith in order to attain civic and legal equality for his coreligionists. His *American Museum* sought to chronicle the liberal experiment in religious freedom first instituted by George Calvert in 1633 and highlight the positive role that Catholics played in the American Revolution. He reprinted several

⁸⁰³ Jodziewicz, “A Short Account,” 261. Of course, Coghlan did not include any of the statutes in the seven states that required religious tests for office. He instead printed their bills of rights which generally spoke of religious freedom for all without the corresponding articles favoring Protestantism.

essays and letters from Catholic and Protestant alike that underscored the limitations on religious freedom in the United States. Carey's Bible project was, at the most fundamental level, an effort to combat the widespread belief that Catholics were not permitted to read the Holy Scriptures. By placing Bibles in Catholic hands, Carey hoped that illiberal Protestants would desist from perpetuating that stereotype. Finally, his emendations to Charles Plowden's and J. P. Coghlan's *A Short Account* demonstrate that events in England, even after Independence, had lasting influence on American-Catholic affairs. Taken as a whole, Carey's actions suggest that despite acquiring a relatively robust degree of religious freedom during the American Revolution, Catholics had to tread carefully in their public actions. Concerned about a backlash, they corresponded with each other about the proper steps to take in fostering a positive public image, even if they sometimes differed over the means to that end. Turning now to his own writings, where Carey did not have to speak through others, we find traces of the radical youth who once called for revolution in his native Ireland. Here again, Catholic participation in American discourses over religious freedom offer new ways to address old questions.

The Calumnies of Verus

Carey might have been the most prolific printer of his age, but he still found time to write his own essays. His most famous work was his *Olive Branch*, which became the best-selling book on politics published in the United States during the early Republic. But his first authorial entrance into American public discourse came in 1792.⁸⁰⁴ By that date, the Irish firebrand had, by his own account, learned from his "quite puerile" behavior that

⁸⁰⁴ Edward C. Carter, II, "Mathew Carey and 'The Olive Branch,' 1814-1818," *The Pennsylvania Magazine of History and Biography* 89, no. 4 (October 1965), 399.

“might be expected from a young man.”⁸⁰⁵ While he still harbored a pugnacious instinct that gloried in controversy, the once-radical youth quickly matured in America, where he instead advocated peace between faiths. Margaret Abruzzo has argued that what she calls Carey’s “Apologetics of Harmony” were central to his religious, political, and economic thought.⁸⁰⁶ Like Carroll, Carey claimed that he tolerated certain criticisms against his faith, but, when rightly provoked, he fired back against his “illiberal” antagonists. The first time Carey confronted an anti-Catholic remark in the American press was during the winter of 1791, when he attacked a statement made by a prominent lawyer and anti-slavery activist who held a seat in the Pennsylvania State Legislature named Miers Fisher. William Dunlap’s Philadelphia *American Daily Advertiser* quoted Fisher in an article about an upcoming vote on the institution of a state lottery. Fisher reasoned that lotteries were inimical to social welfare because they not only “produced moral evils,” but were designed “for revenue’s sake,” which came at the expense of the moral health of the republic. While Hamiltonians and Jeffersonians might have amiably disputed the legitimacy of that claim, Fisher only caught Carey’s ire when he insisted that lotteries were “very similar to the Pope’s indulgencies, forgiving, and permitting sins to raise money.”⁸⁰⁷

Unable to allow the remark to go unaddressed because he believed misconceptions regarding Catholic theology and history were the foundation upon which enduring anti-Catholicism stood, Carey responded to Fisher as he would to several others

⁸⁰⁵ Carey, *Autobiography*, HSP, 4.

⁸⁰⁶ Margaret Abruzzo, “Apologetics of Harmony: Mathew Carey and the Rhetoric of Religious Liberty,” *The Pennsylvania Magazine of History and Biography*, 134, no. 1 (January 2010): 5-30.

⁸⁰⁷ *Dunlap’s American Daily Advertiser*, January 6, 1792.

throughout the early Republic.⁸⁰⁸ The debate captured the national capital's attention for the next three months, and was printed in full or in part in several large newspapers, including the *National Gazette*, *Federal Gazette*, and the *American Daily Advertiser*. Coming immediately on the heels of Virginia's ratification of the First Amendment, this debate may be viewed as a kind of rhetorical barometer, measuring how tolerant the new nation's religious culture would be.⁸⁰⁹ In fact, one of those captivated by the debate was Bishop Carroll, who encouraged Carey not to withdraw "so soon from the controversy," reasoning that they "who indulge themselves in venting every absurd tale & imputation against us, ought to be made to feel [the consequences], or they will never cease."⁸¹⁰ Although he bowed out earlier than Carroll would have preferred, Carey, at the request of a fellow Catholic printer named Robert Walsh who lived in Baltimore, bound the debate into a single volume and published it as *The Calumnies of Verus; Or, Catholics Vindicated, from Certain Old Slanders Lately Revived*, just months after the debate ended in 1792. Yet, even after Carey extracted an apology from Fisher for his initial remark, the Dublin native pressed ahead because he, along with Walsh and others, wanted to use the opportunity to bring attention to the injustices afflicting American Catholics and to the plight of his beleaguered Ireland.⁸¹¹

⁸⁰⁸ For his later career protecting Catholic religious freedom, see Abruzzo, "Apologetics of Harmony."

⁸⁰⁹ Virginia ratified the amendment on December 15, 1791 and the Carey-Fisher debate commenced on January 6, 1792.

⁸¹⁰ Carroll to Mathew Carey, March 7, 1792, in *JCP*, 2:23. Carroll cautioned Carey about choosing his battles wisely, however. In 1789 he advised the printer to respond with nothing more "than your silence" to another controversy involving Patrick Smyth. See John Carroll to Mathew Carey, May 21, 1789, in *RACHSP* 9 (1898): 360.

⁸¹¹ Walsh reported to Carey: "I find Verax and Verus are still engaged. I know you would oblige our Bishop as well as perhaps help the *Cause* by collecting *all* the papers in which those pieces have appeared and send them to me by some conveyance – Several of their last publications we have not seen. The liberty I take I troubling you on this, as well as on former occasion, I hope you'll excuse' and believe that I should be highly gratified by an opportunity of manifesting how readily I would exert myself in doing any thing in my power to promote your interest in this place." See Robert Walsh to Carey, Baltimore, March 18, 1792, Edward Carey Gardiner Collection, Box 27, Folder 2, HSP.

Carey's initial letter to William Dunlap, the editor of the *American Daily Advertiser*, began by noting his "surprise" to read Fisher's words. He claimed that such "an aspersion must be the offspring of ignorance or illiberality" before condemning Fisher's remark as "an unwarrantable attack on those who had offered him no offence." The tactic was unmistakably clear – Carey hoped to present Catholics as unsuspecting and innocent victims of the "calumny and abuse" that Protestants had been hurling towards their faith for centuries. Carey noted how odd it was for Fisher, a Quaker – whose "own sect" labored under "slander and persecutions" – to have engaged in such conduct. History, Carey affirmed, "should have taught him not to lend a too ready ear to the voice of calumny." Always eager to invert anti-Catholic tropes onto others, Carey continued his brief letter by observing that "there are too many, who believe that to be perfectly liberal, it is not necessary to keep any terms, or abstain from any abuse of the devoted Roman Catholics."⁸¹² Emphasizing the continued discrimination Catholics faced in the early American republic, Carey explained his reason for confronting Fisher and Dunlap by reporting that "the conduct of many pulpit declaimers, haranguers in senates, and LIBERAL writers, not of the past age only, but of the present warrants [my] interference."⁸¹³ In his letter, however, Carey offered no evidence to suggest that Fisher had erroneously characterized the system of indulgences in the sixteenth century. Instead, he accused the assemblyman of being illiberal and of engaging in an "unwarrantable attack" on his faith while never explaining why Fisher's comments were in any way inaccurate.

⁸¹² Protestants often claimed that Catholics were instructed "not to keep terms" with non-Catholics, meaning that they were able to lie to those outside of their religion without enduring any moral burdens. Carey was inverting that popular trope.

⁸¹³ Carey, *The Calumnies of Verus*, 7.

The following day, writing in the third-person, Fisher meekly expressed his “sensible regret” for “wound[ing] the feelings of any individual, much more of a whole society, for whose general character in this country he has a very high respect.” Fisher explained that he was “not conscious of having ever *intentionally* said any thing, that could produce such an effect.” After another few apologetic lines, the Pennsylvania assemblymen asked Carey to disabuse him of his belief that “the Roman Pontiffs claimed the power alluded to, and had frequently exercised it to the grief of the sincere members of that church.” Fisher closed by asking any “gentlemen of the Catholic Church” to “lend [him] a book” that might sufficiently answer his question.⁸¹⁴ Carey now had his opening. In his next letter, he chronicled the past abuses of the Protestant church-state establishment in Ireland and the long history of Protestant sects persecuting one another. Carey also extolled the virtues of the Catholics in colonial Maryland and pointed to the continued injustices that American Catholics suffered under several state constitutions. With several newspapers in the national capital carrying Carey’s essays, he would attempt to revise historical accounts of his church, raise awareness about the disabilities Catholics suffered in America, England and Ireland, and, consequently, expand the boundaries of religious freedom.

Carey spent the first part of his response justifying his effort. He reported that Catholics were “so long accustomed to calumnies of this kind, that they seldom excite” a rebuttal. “But,” Carey wrote, in order “to effect a cessation of hostilities” between denominations, he encouraged Catholics to defend themselves with more consistency. If “in an age and country, wherein *liberality* is so much boasted of,” Carey sarcastically wrote, Catholics began to assert themselves against public abuse, surely American

⁸¹⁴ Carey, *The Calumnies of Verus*, 8.

Protestants would see how they were undermining the American value of religious freedom. Carey warned that Americans might not be immune to repeating the ignoble actions of their English and Irish forefathers. The “harpies and plunderers, indeed, in England and Ireland, who despoiled the Catholics of their property” in the sixteenth century, Carey cautioned, used similar anti-Catholic slurs and justified their own bigotries in ways not uncommonly heard in contemporary America. American Protestants, like their Irish and English brothers and sisters, were unsuspecting victims of their own biased education. In those countries, Carey averred, Protestants had for centuries inundated their books and histories with “numberless calumnies” in order to “overwhelm” those who spoke the truth. A more balanced understanding of history – as well as Americans’ daily interactions with their Catholic neighbors – would show that most Roman Catholics were “quiet people, and wish to live at peace and harmony with all denominations of christians.”⁸¹⁵

Moving on to the violence committed against Catholics by ostensibly liberal Protestants, Carey, citing David Hume’s *History of England*, asked his readers to “turn to the Scotch and English Inquisitions” to get a feel for the persecution buried by their own, partial historians. Were those interested in pursuing historical truths to come “nearer home, they might refer...to the liberal conduct of the Catholics in Maryland, when they had the government of that province in their hands – and contrast this with the illiberal and unjust proceedings towards them.” Indeed, “in this *liberal* age, and [in] *liberal England*, where king and church are hunting down Presbyterians” dissenting Protestants, too, were deprived of “all the rights of men.”⁸¹⁶ Carey’s two arguments in this section

⁸¹⁵ Carey, *The Calumnies of Verus*, 9.

⁸¹⁶ Carey, *The Calumnies of Verus*, 10.

were unmistakably clear – Protestants had no claim to universal tolerance and, when they had the chance, Catholics governed in a liberal fashion until Protestants re-instituted a system of intolerance. But all of this was prelude to his chief argument. The history lesson, Carey hoped, had immediate value; in this case, to alter cultural attitudes toward, and legal restrictions against, Roman Catholics in the United States.

Carey proceeded with a didactic account of the transgressions that Protestants committed against the Catholic faithful. Perhaps the worst of these, Carey argued – echoing the words of Bishop Carroll in his public controversies – occurred when Protestants deprived Catholics of their civil and religious freedoms during the Revolutionary War, an especially egregious infraction considering how many Catholics had gallantly served their country. “At the close of the eighteenth century, among the *enlightened, tolerant, and liberal* Protestants of America,” Carey began, “when the American soil was drinking up the blood of Catholics, shed in defence of her freedom...the constitutions framed in several states, degrad[ed] those very Catholics, and exclud[ed] them from certain offices. O shame!”⁸¹⁷ Carey had thrown down the gauntlet. While Americans were celebrating the ratification of the Bill of Rights, he recounted Catholic contributions to America’s War for Independence to shame his countrymen into granting Catholics their full rights, including the right to hold public office.⁸¹⁸

The debate did not end there. Despite Carey’s periodic calls for harmony the debate continued until March, just after Secretary of State Thomas Jefferson announced

⁸¹⁷ Carey, *The Calumnies of Verus*, 10-11.

⁸¹⁸ Carey, *The Calumnies of Verus*, 10-11. It is worth noting that none of Carey’s response addressed Fisher’s question – the names of Catholic authors who better explain the system of indulgences. Instead Carey used the opportunity to pontificate about the subjects most dear to his heart. A brief postscript followed Carey’s pseudonymous signature, however. It was only then that Carey attempted to answer Fisher’s queries. Carey suggested that the assemblyman “consult Mr. [Arthur] O’Leary’s works, and [Richard Challoner’s] the Catholic Christian Instructed.”

that the first amendment had officially become a part of the U.S. Constitution. After these initial volleys, Carey carried the assault further by indicting Protestant America for its soft bigotry. That accusation and the responses that it provoked shed light on important changes in American culture. In a religiously pluralistic country that claimed robust freedoms for speech and religion, even minorities like the Irish-Catholic immigrant Carey were willing and able to engage in intense debate to defend their faith. His charge that Americans had a false sense of their own liberality invited new participants into the fray.

Robert Annan, a Scottish-born Presbyterian minister, exchanged blows with Carey soon after Fisher apologized. Annan was an accomplished writer by the time he entered the fray against Carey, publishing theological tracts in defense of his faith and against heterodox ideas like universalism.⁸¹⁹ Francis Fleming, a resident priest in Philadelphia, rushed to Carey's defense.⁸²⁰ Their discussion enumerated both the legal and cultural forms of discrimination directed toward Catholics. After firing several shots, Fleming explained why Catholics were sensitive to verbal slights like those uttered by Fisher. He conceded that "Legislative wisdom can do no more...to unite as good fellow citizens, men of every religious persuasion." But the law, Fleming cautioned, only went so far. There were "as yet among us some persons who counteract the benevolent spirit of our legislature, and endeavour to stop the growth of liberality and mutual good will, by imputing to one description of citizens," namely Catholics, a set of beliefs that were

⁸¹⁹ Robert Annan, *A Draught of an Overture, Prepared and Published by a Committee of the Associate Reformed Synod: For the Purpose of Illustrating and Defending the Doctrines of the Westminster Confession of Faith* (Philadelphia: Zachariah Poulson, Jr., 1787); *Brief Animadversions of the Doctrine of Universal Salvation* (Philadelphia: R. Aitken & Son, 1787). For Annan's anti-Catholicism in this context, see Carter, "Mathew Carey and the Public Emergence of Catholicism," 231-233.

⁸²⁰ For clarification on who penned each entry, see *The American Catholic Historical Researches* (hereafter *ACHR*) 11 (1894): 3. For a biographical sketch of Fleming, see John Gilmary Shea, *Life and Times of the Most Rev. John Carroll, Bishop and First Archbishop of Baltimore, Embracing the History of the Catholic Church in the United States, 1763-1815* (New York: John Gilmary Shea, 1888), 357.

“inimical to civil society.” Addressing Philip Freneau, the editor of the *National Gazette*, which had been printing the debate, Fleming pointed to the logical consequences of spreading misinformation about Catholic indulgences: “Would you Mr. Editor, think it safe, to form any friendly or commercial intercourse with men professing a religion, which teaches, that a licence, a permission, an indulgence to commit crimes may be purchased?”⁸²¹ Fleming reasoned that even though the laws did not discriminate against Catholics, the prejudices that lingered within the culture circumscribed their economic, political, and religious rights. How could Catholics truly possess civil or religious freedom, Fleming asked, if their countrymen suspected them of holding such malevolent and dangerous beliefs? Soft prejudice was prejudice nonetheless. And for Catholics like Fleming, it had damaging real-world consequences. For Carey, Fleming, Carroll, and Catholics across the country, that was the point all along.

Conclusions

From 1787 to 1792, Mathew Carey manufactured or inserted himself into public discussions about religious liberty in the United States. Unable to distance himself from his experiences in Dublin, Carey brought to America his passionate commitment to religious freedom. As Americans were going through a series of growing pains, Carey attempted to tug the new nation toward political disestablishment and social tolerance. He romanticized the history of colonial Maryland and printed acclaimed essays on religious freedom. He did the same with an English version of the Catholic Bible, devotional manuals, and pamphlets, relentlessly testing the limits of religious liberty in ways few others could. He also participated in newspaper debates, which provided him an

⁸²¹ Shea, *Life and Times of the Most Rev. John Carroll*, 40, 47.

opportunity to speak for himself. Although he often complained about the injustice of statutes that deprived Catholics of the right to hold public office, as his writing and behavior shows, he believed that battling the culture was just as important as battling the law. Catholics still had legislative hurdles to overcome – as Carey never tired of reminding his countrymen – but even he admitted that that battle had largely been won.

The culture, too, had become remarkably more tolerant of Catholics since before the Revolution, even though Catholics continued to face instances of public and private scorn.⁸²² With help from colleagues like John Carroll and Robert Walsh, Carey made a concerted effort to alter cultural perceptions of Roman Catholicism in the United States, which made headway in some quarters. John Fenno's *Gazette of the United States*, for example – which had received and published protestations from Carroll and Carey about its depiction of Roman Catholics – eventually warmed to idea that Catholicism was compatible with American values. In response to the claim that “the Catholic religion is incompatible with a democratic government,” Fenno's paper announced that “In the United States, the Catholic Religion harmonizes as well with a republican government, as any other.”⁸²³ By engaging in public debates, Catholics like Carroll and Carey worked to nuance Americans' understanding of Catholicism and to allow religious liberty to include the freedom not to be associated with beliefs they did not hold. But Carey and Carroll were not the only spokesmen for Roman Catholicism during the early Republic. A

⁸²² Carey tells the story of a private meeting with William Henry Fitzwhylsonn, a printer who lived in Richmond. Fitzwhylsonn came to Philadelphia and attended a Catholic service at St. Augustine's Church. After the mass, he dined with Carey, remarking that “there was no religion in it,” and that the Catholic service was “nothing but parade” before learning that Carey was a believing Catholic. See Abruzzo, “Apologetics of Harmony,” 5-6.

⁸²³ *Gazette of the United States*, December 9, 1797.

number of priests from Boston, New York, and elsewhere also put Catholics in the local and national spotlight.

CHAPTER 8: JOHN THAYER AND RELIGIOUS CONTROVERSY IN EARLY-NATIONAL NEW ENGLAND

On a cold January afternoon in 1785, John and Abigail Adams received an unexpected knock on the door of their Paris home. The visitor was a twenty-six-year-old man named John Thayer. Two years earlier, on a visit to Rome, Thayer caused a stir when he claimed the ignominious honor of being the first New England minister to convert to Roman Catholicism. Although he was, according to Abigail, “a perfect stranger to Mr. Adams,” Thayer was a Boston native who had family in Braintree and thus connections to the Adams household. She attempted to make the visit as cordial as possible, even while Thayer insisted on pushing his newfound faith onto his hosts. Thayer, Abigail informed a friend, “told us that he had spent a year at Rome, that he belonged to a Seminary of St. Sulpice in Paris; that he never knew what Religion was untill his conversion, and that he designed to return to America in a year or two, to see if he could not convert his Friends and acquaintance[s].” Always eager to accept a challenge, Thayer decided that if he was going to convert the United States to Roman Catholicism, there were few better options to begin with than the Adams family. “After talking sometime in this Stile,” Abigail continued, “he began to question Mr. A. if he believed the Bible, and to rail at Luther and Calvin.” John Adams, now annoyed at Thayer’s audacity, “took him up pretty short, and told him that he was not going to make a Father confessor of him, that his Religion was a matter that he did not look upon himself accountable for, to any one but his Maker, and that he did not chuse to hear either Luther, or Calvin treated in such a manner.” Some time later that evening Thayer

departed, “without any invitation to repeat his visit.”⁸²⁴ Five years later the zealous priest traveled back to Boston, where he was no less confrontational than he was with John and Abigail Adams in France.

Led by Thayer, this chapter argues that Catholics in New England contributed to the discourse of religious liberty in three main ways. First, in their evangelistic zeal and confrontational style, they tested New England’s rhetorical commitment to religious freedom. They forced Protestants to put that ideal into practice by tolerating an at-times disruptive and militant religious minority in the heart of Boston. Second, in their polemical exchanges, they confronted New Englanders with the possibility that even non-denominational Protestant hegemony posed substantial threats to liberty, thereby stripping American religious freedom of its sectarian assumptions. Third, in their declarations of loyalty to republican values, they demonstrated that religious outsiders could also be good republican citizens who were worthy of full citizenship and equal respect.

These Catholics did not always intend to test understandings of religious freedom, but their confrontational approach nevertheless produced that effect when theological arguments raised questions about the political, civil, and religious rights of minority groups. John Thayer’s persistent and loud voice challenged New Englanders’ commitment to religious liberty, helping further universalize that ideal. Even if New England remained wedded to legal and cultural structures that favored certain flavors of Protestantism over other faiths long after Thayer left Boston, his actions there – as have the previous chapters – can help historians evaluate scholarly claims about American

⁸²⁴ Abigail Adams to the Reverend John Shaw, January 18, 1785, in *Letters of Mrs. Adams: The Wife of John Adams*, ed. Charles Francis Adams, 4 vols. (Boston: Charles C. Little and James Brown, 1840), 1:270-271.

religious liberty and religious coercion as well as the extent to which religious freedom was afforded to minorities in the new Republic.⁸²⁵ But this chapter begins with events that precipitated Thayer's appointment to Boston, when another disorderly priest stirred controversy in and around Boston.

Intra-Catholic Conflict in Post-Revolutionary Boston

Before Thayer arrived in Boston in January of 1790, John Carroll already had his share of problems in that city. The mixed reception that Catholics received was evident during the debate over the right to hold office during the debate over the ratification of the Federal Constitution in 1787. A Massachusetts delegate named Major Lusk "shuddered at the idea that Roman Catholics, Papists, and Pagans might be introduced into office, and that Popery and the Inquisition may be established in America." Lusk represented a popular view at the convention, as the delegates used their own state constitution of 1780 which barred Catholics from office as a model. But some members, including Isaac Backus, voiced their disagreement with Lusk. Backus, who did not always support Catholic equality, in this instance, argued that "religion is ever a matter between God and individuals; and, therefore, no man or men can impose any religious test without invading the essential prerogatives of our Lord Jesus Christ." Inverting Lusk's contention, Backus countered that although some delegates feared that "Congress would hereafter establish Popery, or some other tyrannical way of worship," it was "most

⁸²⁵ Chris Beneke, "The Myth of American Religious Coercion: The New Nation's Un-official Religious Establishment and Its Paradoxes" (paper presented at the annual meeting for the Society of the Early American Republic, Philadelphia, Pennsylvania, July 17-20, 2014).

certain that no such way of worship can be established without any religious test.”⁸²⁶ The Backus position of course prevailed, but the debate suggests that Catholics were still a distrusted minority

Catholics in New England had only recently acquired the basic civil and religious rights that they had been denied during the colonial period. The first Catholic church in Boston – a small chapel that was built by French Protestants who had themselves escaped Catholic persecution – began holding services on School Street in 1788. Catholics celebrated their first public Mass without incident on November 2 of that year. A French naval chaplain named Claudius Florent Bouchard de la Poterie presided over the services.⁸²⁷ In a sign of the tolerant attitude that followed the Revolution, New England newspapers embraced the French priest upon his arrival. The *Massachusetts Spy* and other outlets congratulated the inhabitants of Boston for placing Poterie “under the protection of our universal toleration” even while acknowledging that Catholicism was a faith “contrary to their creed.” The paper celebrated the fact that New Englanders “wisely shook off that intolerant spirit which characterized their ancestors.”⁸²⁸ The newspaper reports, in other words, recognized that religious freedom had – at least rhetorically – advanced since the colonial period. Poterie soon tested New England’s willingness to turn their rhetoric into a reality.

Even though the newspapers welcomed the once reviled faith, private correspondences suggest that many individuals in the city were uneasy with public displays of Catholic religiosity. William Tudor, who became the editor of the *North*

⁸²⁶ Jonathan Elliot, ed., *The Debates in the Several Conventions on the Adoption of the Federal Constitution* 5 vols. (Philadelphia: Lippincott, 1836), 2:148-149.

⁸²⁷ *Independent Chronicle*, November 6, 1788.

⁸²⁸ *The Massachusetts Spy*, April 2, 1789. The same report was printed in *The New Hampshire Spy*, March 3, 1789 and *The Pennsylvania Packet*, April 14, 1789.

American Review, remarked that a Catholic church in the center of Boston “could only be surpassed by devoting a chamber in the Vatican to a Protestant chapel.”⁸²⁹ Minister and historian Jeremy Belknap complained to Ebenezer Hazard that Father Poterie – who often “dressed in his *toga*” – “has been about begging” in the streets in order to “fill his coffers.”⁸³⁰ Hazard added that although “the Abbe will probably find” in Boston a “most ample toleration and security of his sect, yet the people will not esteem it” because Poterie’s faith was “anti-Christian.”⁸³¹ Both men mocked the Catholic faith because the “popish idolatry” and superstition endemic to Catholicism made it “an object of ridicule even to our children.”⁸³² If Bostonians exhibited relative tolerance in their public statements, they nevertheless maintained private reservations about the Roman Catholic Church.⁸³³

Unaware of these private grievances but still suspicious about the sincerity and endurance of the religious liberty Catholics had been afforded, Bishop Carroll hoped to capitalize on Boston’s warm public reception through a combination of assimilation and accommodation; that is, he directed his priests to embrace American and republican values, and to remain free from public controversy. Their continued religious freedom, Carroll reasoned, demanded that Catholic priests conduct themselves with humility, loyalty, and patriotism. He ordered them to avoid displays of ostentation that might

⁸²⁹ William Tudor, *Letters on the Eastern States* (Boston: Wells and Lilly, 1821), 86-87.

⁸³⁰ Jeremy Belknap to Ebenezer Hazard, April 20, 1789, in *Collections of the Massachusetts Historical Society*, Fifth Series, (hereafter cited as *CMHS*), (Boston, Massachusetts Historical Society, 1877), 3:116-117.

⁸³¹ Ebenezer Hazard to Jeremy Belknap, March 14, 1789, *CMHS*, 3:110.

⁸³² Jeremy Belknap to Ebenezer Hazard, 7 December 1790, *CMHS*, 3:241.

⁸³³ Belknap confessed to publishing one of Hazard’s “remarks on the Roman Catholic Church in this place,” which caught the attention of a Catholic layman in Philadelphia. The latter sent copies of the anti-Catholic screed to Bishop Carroll that same month, writing that, “I enclose two papers which I read in the last mail from Massachusetts. They contain pieces that wd. disgrace ages that we call dark & bigotted.” See Mathew Carey to John Carroll, April 6, 1789, Letterbook, Lea & Febiger records (Library Company of Philadelphia Collection), Historical Society of Pennsylvania.

remind Americans of old-world Catholicism. Poterie therefore violated his bishop's wishes and caused a local uproar when he introduced himself to Boston in a short booklet as "M. Claude Florent Bouchard de la Poterie, Divinity Doctor Protonotary of the Holy See of Rome, Count Palatine, Knight of the Order of the Holy Sepulchre at Jerusalem, Member of the Academy of the Areades of Rome, Vice-Prefect and Apostolick Missionary, First Pastor of the Catholick Church of the Holy Cross of Boston."⁸³⁴

Father Carroll chastised the French priest for this and other actions as soon as he received a copy of Poterie's print. "I was sorry to find in these papers," Carroll sighed, "many passages highly improper for publication in this country, & of a tendency to alienate from our Religion, & disgust the minds of our Protestant Brethren." Carroll suspended Poterie's ministerial faculties "till you had time to be better acquainted with the temper & habits of thinking in America; where more caution is required in the Ministers of our Religion, than perhaps in any other Country." Consistent with the private correspondences of Belknap, Hazard, and Tudor, Carroll noted that "principal persons of the State of Massachusetts" sent him complaints about the French priest, whose actions had, according to the bishop, "rendered our Religion most execrable to the people of Boston & have even exasperated the legislation agst. it." Hoping to protect the religious freedom they only recently acquired, the bishop demanded that Poterie cease from addressing him as "Lord Carroll," from publicly praying to Louis XVI, the Catholic King of France, and from excluding "certain classes of people from the communion of the church," a practice "contrary to the discipline existing in America."⁸³⁵ Acutely aware of

⁸³⁴ [Claude de] La Poterie, *To the Publick. On the fourth of February ult. 1789...* (Boston, 1789), 4. Poterie devoted nearly 3 pages to his credentials.

⁸³⁵ Carroll to Claudius de la Poterie, April 3, 1789, in Thomas O'Brien Hanley, ed., *The John Carroll Papers*, 3 vols. (hereafter *JCP*) (Notre Dame, Indiana: University of Notre Dame Press, 1976), 1:354.

the precarious position Catholicism occupied in New England, but determined to expand the boundaries of religious freedom then afforded to his coreligionists, Carroll's letter demonstrates his efforts to prove that Catholics could be virtuous republican citizens and that they deserved equal civil and religious rights.

Carroll had difficulty, however, convincing Bostonians that Catholics were model citizens as long as Poterie resided in the city. Within six short months, Poterie caused a number of minor disruptions, further sullied the reputation of his church, and ran his congregation into debt. When the archbishop of Paris sent Carroll a report explaining that Poterie had in fact already been stripped of his faculties prior to his journey to America, Carroll had no choice but to dismiss the wayward priest from the congregation – a move that left Boston Catholics without a clergyman during the spring and summer of 1789.

In September of that year Carroll appointed another French cleric, Louis de Rousselet, to attend to Boston's Church of the Holy Cross. Rousselet hardly said his first mass when Poterie, after failing to gain a clerical position in Quebec, made a triumphal return to Boston, this time brandishing a pamphlet that accused former Jesuits, including Bishop Carroll, of perpetrating a vast conspiracy against the secular clergy. Like many Catholic clergymen unaffiliated with the Society of Jesus, Poterie was already suspicious of the ex-Jesuits. He claimed that Carroll was appointing former Jesuits to positions of authority and of attempting to reinstitute his beloved Society in the United States.⁸³⁶

Poterie, to be sure, was not entirely mistaken. The majority of priests in the country were

Carroll also discussed the renegade priest's behavior with associates. Referring to a number of reports he had received about Boston, Carroll confessed to Mathew Carey that "The establishment of our Religion there has enkindled the fanaticism of the puritans. I am afraid, the French Clergyman's imprudence, & imperfect knowledge of the habits of this Country will inflame it still more." See Carroll to Mathew Carey April 8, 1789, in *JCP*, 1:355. For another example, see Carroll to Charles Plowden, July 12, 1789, in *JCP*, 1:370-371.

⁸³⁶ Claudius de la Poterie, *The Resurrection of Laurent Ricci: A True and Exact History of the Jesuits* (Philadelphia, 1789), v.

former Jesuits, and Carroll was in fact eager to reestablish the holy order.⁸³⁷ But the pamphlet went beyond that claim. It utilized powerful language to warn American Protestants against the rising threat of popery coming from the American Catholic Church and suggested that Jesuits ought to be deprived of their civil and religious rights.

The opening words of Poterie's pamphlet threatened Catholics' newfound religious liberty by playing on Americans' deepest fears. Poterie issued "A well-meant CAUTIN [sic] to the UNITED STATES of AMERICA, on the Danger of admitting that turbulent Body of Men called JESUITS" their rights and liberties. He explained that the threat was singular and pervasive. "In erecting the Chapels opened at New-York and Boston by foreign Ecclesiastics," Poterie wrote, utilizing nativist rhetoric that resonated with Americans educated in anti-popery from their youth, "they have occasioned and been guilty of the most shocking Offences." He invented tales of priests whipping and beating congregants on the altar, which reinforced old anti-Catholic prejudices. But his most damaging charge was that Carroll and his ilk sought an "Establishment of the ROMISH CHURCH in the United States"⁸³⁸ Poterie was of course not attacking Catholicism broadly construed, but "Jesuitism," which he considered to be a corrupting influence within his church. With generations of anti-Catholic education behind them, his Protestant audience, however, was unlikely to appreciate the subtlety of his argument.

Poterie's attack on his fellow Catholics and his accusation that they desired to usurp Americans' civil and religious liberty provided Bostonians with an opportunity to test their commitment to religious freedom. He posited that the Catholic hierarchy sought to make Americans "the Slave of [the] Jesuits" and were scheming to "reign over the

⁸³⁷ See Carroll *et al.* to The Gentlemen of the Southern District, [1787], in *JCP*, 1:233; John Carroll to Charles Plowden, May 8, 1789, in *JCP*, 1:363.

⁸³⁸ Poterie, *Resurrection of Laurent Ricci*, p. v.

whole Continent of America.” The disgruntled priest surpassed claims of conspiracy and universal enslavement that sometimes appeared in newspapers and pamphlets in New England’s print culture. He concluded that it was “necessary that Congress, in tolerating all Religions, should seriously consider that that of the Jesuits has been banished from every other Part of the World and that if ever the Romish Religion, becomes the prevailing one in the United States, UNDER THE DIRECTION OF THE JESUITS, there will be an End of the Glory and Splendor of our Country.”⁸³⁹

Poterie was asking the Congress to consider disqualifying members of his own faith from their civil and religious liberty – in fact, he recommended exile – at the very moment that the country was negotiating the proper relationship between church and state. When his pamphlet went to press in 1789, the delegates in the Massachusetts Assembly had only recently garnered enough votes to ratify the U.S. Constitution. Anti-Federalists had been warning of the dangers of a powerful central government. Their calls for a Bill of Rights had not yet materialized, which left citizens vulnerable to the type of legislation Poterie recommended.

To Bostonians credit, the pamphlet caused a greater stir within the Catholic community than it did in the wider culture. Granted an opportunity to revive the latent anti-Catholic impulses that dominated colonial New England, citizens of the new Republic chose to ignore Poterie’s pamphlet. That decision might remind scholars that even though the nature of the historian’s craft demands that they examine evidence that historical actors leave behind, sometimes silence can be just as informative. In the face of what had the potential to stir controversy, New Englanders remained silent, opting instead to disregard Poterie’s inflammatory remarks. Considering that Catholics were

⁸³⁹ Poterie, *Resurrection of Laurent Ricci*, vi.

already prohibited from certain civil liberties, that private letters like those between Belknap and Hazard show continued antipathy toward Catholics, that Americans were in a period of considerable social and political unrest in 1789, and that there was still no lasting model of successful religious diversity where Catholics and Protestants flourished together, it does not stretch the historical imagination to envision a different reaction to the pamphlet. The revolution in American religious liberty, like every preceding English revolution, might well have left Catholics behind.⁸⁴⁰ Poterie's pamphlet and the turmoil seen in Boston's only Roman Catholic Church might have stirred the passions enough to force the Massachusetts Assembly into action. A similar outburst in New York, after all, produced that effect in 1787.⁸⁴¹ Instead, New Englanders dismissed Poterie's accusations and chose to protect Catholics' civil and religious rights. Religious freedom in post-Revolutionary New England was, for the moment, secure.

Unable to provoke the outrage he sought, Poterie and his supporters moved from words to deeds when they sabotaged Christmas-Eve Mass. A small cohort of sympathizers who also distrusted the American-Catholic hierarchy disrupted the services and destroyed the interior of the Church of the Holy Cross. Mindful of the stereotypes that persisted about his faith, Father Rousselet issued a public apology in the *Massachusetts Centinel* on behalf of his congregation. He mentioned "how sorry they are, for having been so unfortunate as to meet with so many troublesome people, who not only have given the greatest scandals" to the Catholic faith, but acted "against that union

⁸⁴⁰ Despite concerted efforts to promote religious freedom, Englishmen either refused to grant Catholics equal rights, or, once granted, quickly overturned such laws to relegate Catholics into second-class citizens. See Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park: Penn State University Press, 2001), 75-165; Scott Sowerby, *Making Toleration: The Repealers and the Glorious Revolution* (Cambridge: Harvard University Press, 2013), 219-246.

⁸⁴¹ For the anti-Catholic backlash unleashed in New York after a disorderly priest sullied the Catholic brand in that city, see Duncan, *Citizen or Papist*, 68-69.

and friendship, now in reign in all this Continent.”⁸⁴² Poterie stayed in Boston for the next few months, during which time his former parishioners distanced themselves from the disgraced Frenchman. Writing to the editor of the *Herald of Freedom*, where Poterie had recently issued another attack on the ex-Jesuits, Boston Catholics published an open letter informing their neighbors that “the whole congregation have dismissed the Abbe de la Poterie, being fully and in every respect dissatisfied with him.”⁸⁴³ Once again, the wider Protestant culture chose not to summon centuries-old prejudices about the Roman Catholic Church. The record shows no calls for a reinstatement of the penal legislation that had guided colonial law from the middle of the seventeenth century until 1776 even though private letters suggest that Bostonians rejoiced once Bishop Carroll dismissed Poterie from the city.⁸⁴⁴ Despite fears that a Protestant backlash was imminent, Carroll appointed John Thayer to administer to the needs of the troubled parish alongside Father Rousselet. But that move only replaced one self-promoting priest with another.

The Making of an Apostate Priest

On May 15, 1758, long before Americans were calling for revolution, John Thayer was born into a family “of easy circumstance.” He grew up in Boston and began his studies at Yale on the eve of the American Revolution. According to an autobiographical sketch he wrote in 1783, after Thayer graduated from Yale he was ordained “a Minister of the Puritan sect, and exercised my function for two years” before

⁸⁴² *Massachusetts Centinel*, December 30, 1789.

⁸⁴³ *Herald of Freedom*, January 19, 1790.

⁸⁴⁴ See Jeremy Belknap to Ebenezer Hazard, 2 May 1789, *CMHS*, 3:122-123.

he headed to France in 1781.⁸⁴⁵ But Thayer's recollection of his early life differs from that of his peers. One of his Yale classmates, Noah Webster, explained that Thayer "possessed unparalleled imprudence" and forced his way into the college by appealing to wealthy aristocrats near New Haven who paid for his schooling. Thayer, Webster continued, "subsisted on charity, till the last year of his residence at the college, when he was guilty of some disorderly conduct, for which he was dismissed with marks of disgrace." Webster reported that Thayer "pretended he had been honored with the usual degree of Bachelor of Arts and forged a license to preach."⁸⁴⁶ Webster's version of events more closely reflects Thayer's experiences while attending Yale. Thayer failed to graduate, did not receive his ordination, and never attained a license to preach. Thayer's untruths were not confined to his experiences in college. He made a habit out of falsifying events in order to advance his career. In addition to his prevarications about his time at Yale, Thayer falsely claimed he was the personal chaplain to John Hancock and at times misled his superiors, including Bishop Carroll.⁸⁴⁷

His uneasy relationship with the truth makes it difficult to ascertain when and how Thayer converted to Catholicism, but by his own account, he developed "a less unfavourable idea of the Catholic Religion" while in France before he traveled to Italy. When in Rome in 1782, the "kindness and affection" he received from Catholics made a lasting impact on the young man. "Such goodness, such cordiality to a stranger," Thayer wrote, "to an avowed Protestant, at once touched and inspired me. This Religion, said I,

⁸⁴⁵ John Thayer, *An Account of the Conversion of the Reverend Mr. John Thayer...* (Baltimore: William Goddard, 1788), 3-4.

⁸⁴⁶ Noah Webster, Review of "John Thayer, *An Account of the Conversion of the Rev. John Thayer,*" in *The American Magazine, Containing a Miscellaneous Collection of Original and Other Valuable Essays in Prose and Verse, and Calculated Both for Instruction and Amusement* (September 1788), 738.

⁸⁴⁷ For the John Hancock story, see Percival Merritt, "Sketches of the Three Earliest Roman Catholic Priests in Boston," *Colonial Society of Massachusetts Publications* 25 (1924): 211-213. For his misleading letters to Carroll, see John Thayer to John Carroll, 6 January 1790, in *ACHR* 7 (1911): 99-100.

is not then so unsociable, and does not, as I have been told, inspire sentiments of aversion and intolerancy to those of a different persuasion.” Intrigued by his observations, Thayer began to probe his Catholic hosts about the tenets of their faith, which was the first time he had learned about Catholic doctrine “from their own mouths.”⁸⁴⁸ From there, it was but a few short steps to his conversion. His experience with Catholics convinced him that the prevailing wisdom in New England grossly mischaracterized Catholic doctrine, their love of learning, and their tolerance and compassion for others.

By the spring of 1783, Thayer was flirting with Roman Catholicism, held back by “the prejudices which I sucked from my infancy.” On May 25 of that year, he announced his conversion, which received comment throughout the Atlantic world. In a letter to his sister written after he received word of Thayer’s conversion, Benjamin Franklin quipped that “It would be pleasant, if a Boston man should come to be Pope. Stranger things have happened.”⁸⁴⁹ Noah Webster also unfavorably commented on Thayer’s conversion, remarking that the latter was “despised by all [who] knew him – publicly disgraced, and guilty of every species of meanness, and of some crimes that should have cost him his ears.”⁸⁵⁰ But Catholics in America and Europe welcomed the Protestant apostate with open arms.⁸⁵¹ Following his conversion, Thayer began studying for the priesthood in Paris at the College of Navarre, where he enjoyed more success than he did while attending Yale. Earning high marks and recommendations from his professors at seminary, Thayer graduated and received his ordination in the spring of 1787. The next

⁸⁴⁸ Thayer, *Conversion*, 4-5.

⁸⁴⁹ Benjamin Franklin to Jane Mecom, September 13, 1783, in *The Letters of Benjamin Franklin & Jane Mecom*, ed. Carl Van Doren. (Princeton, New Jersey: Princeton University Press, 1950), 224.

⁸⁵⁰ Webster, *The American Magazine* (September 1788), 739.

⁸⁵¹ Thayer received favorable commentary from Catholics like John Carroll, Charles Plowden, and John Thorpe. See *JCP*, 1:146, 150, 166.

year, he released his conversion narrative and autobiography, which one historian, because it was translated into half a dozen languages, has called an “international success.”⁸⁵²

After a year of tending to the sick and dying in London’s Southwark district, Thayer traveled to the United States, arriving on the eastern shore of Maryland on December 15, 1789. There he met Bishop Carroll, who was impressed with the New England native.⁸⁵³ Carroll traveled with his newest priest to Philadelphia before the bishop appointed Thayer to serve in Boston. Carroll had reason to believe that Thayer was capable of tending to his flock while responsibly defending his faith from any public abuse it might incur. Thayer’s conversion narrative included a series of letters from Thayer to his brother, Nathan, discussing the former’s conversion. Fending off the assumption that Catholics promoted violent coercion, Thayer acknowledged the historical and moral failings of the Catholic Church and criticized his Protestant brethren in sober terms akin to those used by Carroll in his own writings. “There have been, and still are,” Thayer wrote, “cruel and persecuting Catholics, as there are also cruel Protestants; but neither the one nor the other are so in consequence of their principles, but because they deviate from them. We do not pretend,” Thayer concluded, “that all Catholics are Saints.”⁸⁵⁴

Though mild in this instance, Thayer’s pugnacious spirit was also present, even if Carroll paid less attention to the sections that revealed the priest’s more aggressive tone. Thayer insisted that Catholics held no “bitterness or animosity against Protestants,”

⁸⁵² Francis Cogliano, *No King, No Popery: Anti-Catholicism in Revolutionary New England* (Westport, Connecticut: Greenwood Press, 1995), 140.

⁸⁵³ Carroll to Leonardo Antonelli, 14 April 1789, in *JCP*, 1:356.

⁸⁵⁴ Thayer, *Conversion*, 17.

admitting instead that Roman Catholics “pity” Protestants and “pray for them, as deluded and deceived.” Thayer concluded his letter by challenging his beloved though theologically misguided brother to examine, based on how each denomination treats the other, which branch of Christianity has “a persecuting spirit, we or you.”⁸⁵⁵ This confrontational style, which appeared at the margins of Thayer’s writings while he lived in Europe, took center stage when he returned to New England.

Thayer Arrives in Boston

When Thayer arrived in Boston, Protestants did not publicly disparage their newest Catholic resident even if some held him in contempt in private correspondence. Ezra Stiles, the President of Yale, noted that he was “visited by Mr. Thayer” soon after “the Romish Priest” returned to New England. Stiles confessed to his diary that Thayer “commenced his Life in Impudence, Ingratitude, Lying & Hypocrisy,” and displayed “haughty insolent & insidious Talents.”⁸⁵⁶ But the public record shows indifference to Thayer’s homecoming. Newspapers reported that the priest had traveled to Boston from France without editorializing on his arrival.⁸⁵⁷ But they anticipated the challenges that his presence would bring to that city. One paper explained that Boston was “a wise, politic, and prudent town” that was filled with “advocates for religious liberty, and friends to the equal and just rights of mankind.” It assured doubters that Thayer’s civil and religious

⁸⁵⁵ Thayer, *Conversion*, 17.

⁸⁵⁶ Ezra Stiles, April 11, 1791, in *The Literary Diary of Ezra Stiles*, ed. Franklin Bowditch Dexter, 3 vols. (New York: Charles Scribner’s Sons, 1901), 3:416.

⁸⁵⁷ See *The Boston Gazette, and the Country Journal*, 4 January 1790; *The New Hampshire Spy*, 6 January 1790; *The Massachusetts Centinel*, January 6, 1790; *The Essex Journal & New-Hampshire Packet*, January 6, 1790; *Independent Chronicle*, January 7, 1790; *United States Chronicle*, January 7, 1790; *The Massachusetts Spy*, January 7, 1790; *The Federal Gazette and Philadelphia Evening Post*, January 20, 1790; *The Pennsylvania Mercury, and Universal Advertiser*, January 26, 1790.

rights would “be protected, in common with all others.”⁸⁵⁸ In other words, New Englanders recognized that Thayer’s arrival would challenge their commitment to religious freedom.

Thayer came to Boston in the wake of the intra-Catholic conflict that followed Poterie’s assault on the ex-Jesuits. Throughout that ordeal Protestants in and around Boston continued to tolerate disorderly Roman Catholics without incident. The only violent outburst came from within the Catholic community, when Poterie’s gang vandalized the Church of the Holy Cross. The wider culture moved in the opposite direction. One newspaper issued a public statement explaining that it refused to print an anti-Catholic column that someone submitted to the editor the week of Thayer’s arrival on grounds that the paper intended to “comport with the spirit of toleration which is our country’s boast.” Alongside that explanation ran a short article advising Bostonians not to “pass over the liberality of spirit, which in religious matters so eminently pervade.”⁸⁵⁹ The presence of the anti-Catholic article suggests that some of the animosities toward Catholics that pervaded colonial New England survived the Revolution. But the newspaper’s refusal to print such material shows how the culture had marginalized those kinds of voices by the time Thayer returned to Boston.

Thayer began to stir up controversy even before he celebrated his first Mass on January 10, 1790. Four days earlier he began hinting to Bishop Carroll that the Church of the Holy Cross would “have great difficulty” maintaining “a single priest, much less can they maintain two of us.” Echoing complaints from some Catholics who preferred to have a priest of Irish or English descent, he advised Carroll “to place Mr. Rousselet in another

⁸⁵⁸ *Herald of Freedom*, January 22, 1790.

⁸⁵⁹ *Columbian Centinel*, December 4, 1790; Cogliano, *No King, No Popery*, 145.

parish as soon as possible” since the latter was “in some measure useless here on account of his language.”⁸⁶⁰ Pointing to his colleague’s French accent, Thayer exacerbated an ethnic rift that positioned Irish against French Catholics. Carroll did his best to put out the flames Thayer had ignited. The bishop wrote to Thayer, warning the irascible priest of “how bad & dangerous” the situation could be for Catholics in Boston if he continued to divide his parishioners from one another.⁸⁶¹ That same day the bishop wrote an open letter asking Boston Catholics to “lay aside national distinctions & attachments, & strive to form not Irish, or English, or French Congregations & Churches, but Catholic-American Congregations and Churches.”⁸⁶² Thayer fired back at Carroll by contemptuously asking, “How can you form American churches but by priests who speak ye language of America?”⁸⁶³

Despite Carroll’s admonitions Rousselet and Thayer continued to exchange blows, with Carroll doing his best to ameliorate the damage they inflicted on Boston’s Catholic population. By September, the dueling priests had gone to the press to issue statements deriding the other and defending their own actions.⁸⁶⁴ Carroll condemned his priests for publicly airing grievances within the church, noting that Thayer had “forfeited all my confidence by publishing his contests in the Newspaper. Nothing can contribute more to vilify us in the eyes of our Protestant Brethren,” Carroll declared, “or give more pleasure to the enemies of our religion.” For fear that their feud would produce an anti-Catholic backlash which might strip Catholics of their civil or religious liberties, the

⁸⁶⁰ John Thayer to John Carroll, 6 January 1790, in *ACHR*, 7 (1911): 99-100.

⁸⁶¹ John Carroll to John Thayer, April 30, 1790, in *JCP*, 1:442.

⁸⁶² John Carroll to the Congregation of Boston, April 30, 1790, in *JCP*, 1:441.

⁸⁶³ John Thayer to John Carroll, May 13, 1790, John Carroll Papers, Archdiocese of Baltimore Archives; Cogliano, *No King, No Popery*, 142.

⁸⁶⁴ See *Columbian Centinel*, September 15, 18, 1790.

bishop ordered the priests to “Enjoin, under pain of suspension, to publish no more, unless to apologise to the public for [setting a] bad example.”⁸⁶⁵ But before he held either accountable, Carroll had no choice but to cast his lot with the troublesome Thayer. With tensions mounting, he received a report from France about a scandal involving Rousselet that necessitated his immediate removal. Unbeknownst to Bishop Carroll, Rousselet had been, like Poterie, suspended from his ministry in France before moving to the United States. Rousselet’s sudden departure gave Thayer the chance to evangelize in ways he had long hoped. Five long years after telling John and Abigail Adams that he would convert America to Roman Catholicism, Thayer had his opportunity.

Thayer Confronts New England’s Elite

Thayer believed that his fellow citizens had a distorted understanding of Catholic theology and held many misconceptions about the history of the Catholic Church. Before he could convert the masses to the truth of Roman Catholicism, Thayer needed to right those theological and historical wrongs. He found an opportunity to disabuse New Englanders of their beliefs when he read Jeremy Belknap’s *History of New Hampshire*. After perusing that volume Thayer wrote a candid letter to the celebrated historian about the author’s portrayal of the Mother Church. “[W]henver you mention y^e Roman Catholic Ch.^h,” Thayer informed Belknap, “you totally disfigure her doctrines. What a pity a man so well qualified as you are to instruct your countrymen shou’d endeavor to rivet y^e unjust prejudices in which we N. Englanders have all been educated!” Thayer presumed that Belknap was “open to conviction” and therefore decided that he could “take y^e liberty to remark on a few passages of your books, & shall presume to hope y^l in

⁸⁶⁵ John Carroll to John Thayer, February 22, 1791, in *JCP*, 1:494.

a future edition, & in y^e other writings...you will avoid y^e same errors.” The priest advised Belknap not to use terms such as “*Popish, Romish, Papist, &c,*” and told Belknap that since those terms “always express contempt & are taken in a bad sense, a liberal Protestant ought to avoid them.”⁸⁶⁶

Thayer’s chief complaint went beyond semantics. A “matter of more serious consequence” was Belknap’s “putting among y^e Catholic tenets, y^t ‘to break faith with heretics is no sin.’” Thayer corrected this notion, writing that Catholics were not permitted to deceive or lie to those outside of their faith for any reason. Moral standards, he wrote, applied equally to all religious groups. “It is so far from being a part of our belief” that “in all Catholic countries such a breach of faith is as severely punish’d as if it were [committed against fellow] Catholics.” Thayer took a didactic tone when he claimed that “This imputation is as antient as y^e *pretended* reformation of England, & was invented to furnish a plea for persecuting Catholics as enemies to y^e state, because it was found easier to blacken them than to refute their arguments.” Both past and present Catholics, he repeated, had disclaimed that tenet as any part of their creed.⁸⁶⁷ The letter, in short, attempted to combat the prevailing “soft” anti-Catholicism seen in books, pamphlets, and newspapers in the years after Catholics gained religious freedom in the United States.

Thayer also privately wrote to the red-blooded Congregationalist pastor, John Lathrop, after one of his lectures was published for public consumption in 1793. The trustees at Harvard had invited Dr. Lathrop to give its annual Dudleian Lecture earlier that year. The address was designed to expose “the idolatry of the Romish church; their

⁸⁶⁶ John Thayer to Jeremy Belknap, n.d., in *Belknap Papers*, eds. Jeremy Belknap and Ebenezer Hazard (Boston: Massachusetts Historical Society, 1891), 539-540.

⁸⁶⁷ John Thayer to Jeremy Belknap, *Belknap Papers*, 541-542.

tyranny, usurpations, damnable heresies, fatal errors, abominable superstitions, and other crying wickedness in their high places.”⁸⁶⁸ Dating back to the 1750s, the Dudleian lectures were focused on rotating themes, with discourses against Catholicism cycling every four years. As Charles P. Hanson has argued, the spirit of toleration wrought by the American Revolution forced Lathrop “to couch his anti-Catholic critique in historical rather than contemporary terms.”⁸⁶⁹ Lathrop acknowledged that “the usurpations of the Romish church are by no means so threatening to the liberties and happiness of mankind, as they were at the time when our fathers separated from her.”⁸⁷⁰ Thayer was dissatisfied with Lathrop’s view of the Catholic Church and wrote the Harvard lecturer a long screed that criticized his inaccurate statements. “Your pamphlet is called, *A Lecture on the Errors of Popery*,” the Catholic divine began, but “A more proper title would have been *The Errors of Dr. Lathrop*.” Thayer proceeded to argue for the truth of Catholic theology, but in addition to building up his own church, he also tore down the Protestant past.

In fact, this letter exhibits all three ways in which Thayer contributed to the discourse of American religious freedom. First, by aggressively evangelizing and correcting his Dudleian Lecture, Thayer asked Lathrop to reflect on his commitments to liberties of conscience and speech. Second, he identified the dangers that Protestant hegemony posed to the freedom of Catholic and Protestant alike. Finally, by demonstrating his patriotism through the celebration of the American experiment, he suggested that religious minorities could be good fellow citizens. “Were I...to call your attention to the conduct of Luther, Calvin, and their followers on the continent of Europe,

⁸⁶⁸ John Lathrop, *A Discourse on the Errors of Popery: Delivered in the Chapel of the University in Cambridge, September 4, 1793* (Boston: S. Hall, 1793), 5.

⁸⁶⁹ Charles P. Hanson, *Necessary Virtue: The Pragmatic Origins of Religious Liberty in New England* (Charlottesville: University of Virginia Press, 1998), 177.

⁸⁷⁰ Lathrop, *Errors of Popery*, 29.

and to the state of Catholics under Protestant government in England, Ireland, and Scotland, and even in North-America, from its first settlement, until our happy revolution,” Thayer wrote, reminding Lathrop of Protestant persecutions while celebrating American liberties, “it would appear that the [Protestant] reformers... have made a laudable progress in the science of persecution.” While insisting that Protestants had been more violent than Catholics in recent history, Thayer was careful to strike an irenic tone that reinforced his loyalty to the country. “But I scorn to lay open old wounds,” he wrote, “when no other end can be effected by it than to widen the breach which charity should incline every Christian to endeavour to close. Had this charity been your guide,” Thayer added, now lecturing Lathrop, “we should not have seen you undertake, in these days of liberal sentiment, to rake together a few scattered transactions, performed in different ages by *individual* Catholics, and charge them to the *whole church*, of which they were members.”⁸⁷¹

Utilizing the tools of historical revision and theological apologetic, Thayer spent considerable time attempting to alter Belknap’s and Lathrop’s conception of Roman Catholicism. His approach was part of a larger Catholic effort to convert others to the faith and disabuse Protestants of mistaken beliefs. American Catholics hoped to rescue their soiled reputation as a way to expand their legal rights and social respectability. They tried to acquire equal social standing within the culture before attaining equal civil and religious rights under the law. As the previous chapters show, Bishop Carroll in Baltimore as well as Mathew Carey and Francis Fleming in Philadelphia contemporaneously confronted popular conceptions of their faith in ways that challenged

⁸⁷¹ John Thayer, *A Controversy between the Reverend John Thayer, Catholic Missionary of Boston, and the Reverend George Lesslie...* (Newburyport, 1793), 164. All references to this work refer to this edition unless otherwise noted.

sectarian assumptions of American religious freedom. Alongside those individuals Thayer fought for Catholic respect by asking those who criticized his faith to either amend or retract their claims. Like his coreligionists, Thayer believed that misconceptions about Catholic theology, history, and doctrine gave rise to hundreds of years of discrimination that deprived Catholics of their civil and religious rights. But for all his efforts, Belknap and Lathrop responded, according to Thayer, “with silent contempt.”⁸⁷² Belknap shared Thayer’s letter with his colleague Ebenezer Hazard, but explained that he did “not intend to write a word” in response because he delighted in the fact that Catholics were “ashamed” of doctrines and principles they previously endorsed.⁸⁷³ “The more they [Catholics] expose their religion to public shew,” Belknap wrote to Hazard, “the more its absurdities appear.”⁸⁷⁴ “The best way to destroy Popery in the country,” Hazard replied, “will be to let it alone.”⁸⁷⁵ Thayer’s private letters, then, written to men who were given an anti-Catholic education from birth, did not have the effect he intended. Thayer’s public ventures, however, which echoed the debates taking place in Philadelphia and Baltimore, provoked heated discussions over Catholicism and the limits of religious freedom in the young republic.

Thayer Challenges New England’s Commitment to Religious Liberty

Just as state legislatures began debating, rejecting, and ratifying James Madison’s twelve proposed amendments to the United States Constitution – including, of course, what became the First Amendment protection of religious freedom – Thayer began

⁸⁷² Thayer, *A Controversy*, 167.

⁸⁷³ Jeremy Belknap to Ebenezer Hazard, November 26, 1793, in *CMHS*, 3:344-345.

⁸⁷⁴ Jeremy Belknap to Ebenezer Hazard, December 7, 1790, *CMHS*, 3:241.

⁸⁷⁵ Ebenezer Hazard to Jeremy Belknap, January 14, 1791, *CMHS*, 3:243.

advertising his expertise on both Protestant and Catholic theology. On November 24, 1790, writing in the third person, the zealous convert invited – and perhaps provoked – formal debate, noting that he would “answer the objections any gentleman would wish to make, either *pubickly* or *privately*, to the doctrine he preaches.” Thayer promised to “make as *publick* and *solemn* a recantation of his present belief, as he has done of the Protestant religion,” permitting that he could be convinced he was in error. On cue, Thayer’s letter inspired George Lesslie, a Congregationalist pastor of a small church in Washington, New Hampshire, to answer his challenge. “As the gauntlet is thrown by Mr. Thayer,” boomed the New England native in his reply, “it is taken up by George Lesslie.”⁸⁷⁶ Soon thereafter newspapers reported and reprinted the debate throughout the region. The controversy, like contemporaneous conflicts in Philadelphia and Baltimore, offer scholars a way to measure how tolerant the region’s religious culture had become.

Some commentators believed that the debate had no place in the new Republic. The United States, the *Daily Advertiser* claimed, “seems to have lost all relish for those antiquated theological questions, which have so often deluged Europe in blood.”⁸⁷⁷ Another newspaper claimed that “the empire of reason seems to be prevailing in the world, and all speculative disquisition not strictly conformable thereto, will no doubt be treated with the neglect they deserve.”⁸⁷⁸ From Baltimore, Bishop Carroll likewise condemned Thayer’s rekindling the flames of controversy. “Mr. Thayer gives me much trouble,” the bishop wrote to a colleague once he received notice of the debate; “as soon

⁸⁷⁶ Thayer, *A Controversy*, iii.

⁸⁷⁷ *The Daily Advertiser*, February 11, 1791.

⁸⁷⁸ *The Carlisle Gazette, and the Western Repository of Knowledge*, March 16, 1791.

as I heard so much I gave him a good lecture for his rashness.”⁸⁷⁹ Carroll hoped that the *Daily Advertiser* was correct in its prediction that the debates would be ignored.

But others, such as Alexander Doyle, who published the first copy of the contest, proved that although Catholics were a minority, sometimes they could not be ignored. He reported that the feud “made some noise in the world” and “has excited in many persons a desire of reading it.”⁸⁸⁰ Indeed, expanded editions of the exchange appeared in Newburyport, Georgetown, and as far away as Dublin, in addition to the original copies printed in several Boston newspapers. The dialogue that followed did not at first consider religious liberty in general or Catholic rights in particular. But as one participant wrote, the dialogue operated under the assumption that in a country that celebrated its commitment to religious freedom, Thayer had a right “to bring Americans to his faith.”⁸⁸¹

At one point in the exchange, Thayer defended Catholicism from those who suggested that it required a “blind, implicit belief in [its] doctrines,” by suggesting that it was no less rationalistic than either Protestantism or deism.⁸⁸² John Gardner, a Unitarian, prominent lawyer, and member of the Massachusetts Assembly, refused to allow that comment to go unaddressed. Gardiner had contempt for those who practiced “superstitious” religions like Catholicism. He mocked the “ridiculous superstitions and unintelligible mysteries” upheld by “selfish, designing, crafty, knavish priests.”⁸⁸³ Gardner’s comments indicate that the debate revived an anti-Catholic sentiment in post-Revolutionary New England. As the private correspondences of Belknap, Hazard, and

⁸⁷⁹ John Carroll to Charles Plowden, 3 February 1791, in *JCP*, 1:491.

⁸⁸⁰ John Thayer, *A Controversy between the Reverend John Thayer, Catholic Missionary of Boston, and the Reverend George Lesslie* (Georgetown: Alexander Doyle, 1791), 2.

⁸⁸¹ Thayer, *A Controversy*, 80.

⁸⁸² Thayer, *A Controversy*, 90. Catholics repeatedly argued this point. See Joseph Berington, *The State and Behavior of English Catholics from the Reformation to the year 1780* (London: R. Faulder, 1780), 155-156; Carroll, *Address to the Roman Catholics*, in *JCP*, 1:88.

⁸⁸³ Thayer, *A Controversy*, 105.

others suggests, Gardner was only verbalizing what many New Englanders thought about Thayer and his coreligionists.

Realizing that Gardner's views were widely distributed in the region, Thayer took exception to the assemblyman's "sarcastic remarks" and challenged "Mr. G. in the face of the world, to step up and prove," through "calm and solid reasoning, that the doctrines" of the Catholic Church were as unintelligible as he claimed.⁸⁸⁴ Gardner, however, chose ridicule over reason. He referred to his antagonist as "HIS HOLINESS, *Pope Thayer*," and said engaging in a discourse about the tenets of Catholicism would be "an idle, fanatical waste of time."⁸⁸⁵

Thayer pointed out that Gardner had dodged his challenges, but most important, he underscored the way that his countrymen irresponsibly associated adherence to the Catholic creed with immorality and vice. Thayer explained that in New England, belief in Catholicism perforce "shut me out from all pretensions to goodness and common sense," which effectively limited his religious freedom. He claimed that Catholics were held up "to public ridicule and contempt" in New England, which directly deprived them of the "esteem of their fellow-citizens" and indirectly denied them their "unalienable right" to religious freedom. "All Americans," Thayer wrote, ought to regard that injustice "as inimical to their happy Constitution."⁸⁸⁶ While conceding that Catholics generally enjoyed their civil rights in New England, the culture, Thayer reasoned, inhibited access to those rights. In the weeks ahead, Thayer received confirmation of that view from both Protestant and Catholic alike.

⁸⁸⁴ Thayer, *A Controversy*, 107-108.

⁸⁸⁵ Thayer, *A Controversy*, 108.

⁸⁸⁶ Thayer, *A Controversy*, 114-116.

The contours of the debate changed when yet another participant, “A PROTESTANT,” argued that Thayer and all Catholics had abandoned their claim to civil and religious liberties by virtue of their adherence to a creed at odds with God-given human freedom. Thayer, according to A PROTESTANT, “abjured forever the claim of using [private judgment] as the right of man, or as his own right” when he “subjected his conscience to the Popish church.” A PROTESTANT elaborated on his justification for depriving Catholics of their civil and religious rights. “America is in favour of all the rights of man,” he conceded, “and the right of private judgment in matters of faith and worship, is established by all our constitutions of civil government, as the essential right of every citizen.” But, he continued, those “who abjure the right of private judgment in matters of religion, abjure the constitutional rights of citizens, and become the abject creatures of the Pope of Rome; and if our legislature should send the Pope’s Missionary home to Rome with the Pope on his back, neither the creature nor his rider could complain of being deprived of any constitutional right... It is certain,” he concluded, “that such persons, who have no right of private judgment, have no conscience, and consequently no claim to liberty of conscience!”⁸⁸⁷

During the course of this protracted debate, which began with Thayer’s challenge in November of 1790, both houses of Congress and the states had ratified the First Amendment to the Constitution. But A PROTESTANT suggested that Roman Catholics, by virtue of their beliefs, abandoned the civil and religious liberties that other Americans possessed under state and federal law. His commentary struck at the heart of the meaning of religious freedom in New England. Just as they had their opportunity to deprive Catholics of their civil and religious freedoms when Father Poterie warned Congress

⁸⁸⁷ Thayer, *A Controversy*, 144-145.

about the dangers of tolerating the ex-Jesuits in 1789, three years later New England heard public voices insinuating that the removal of a segment of the population was morally and constitutionally acceptable. New Englanders had ignored Poterie's inflammatory suggestions, but this time, they responded with outrage.

Three days after A PROTESTANT's assault, on August 26, 1792, another participant ran to Thayer's and all American Catholics' defense. The new entrant, "Another PROTESTANT," began by attacking "the unintelligibility of [A PROTESTANT's] phraseology, the inconclusiveness of his logic, [and] his gross misrepresentation of Mr. Thayer's belief[s]." He castigated A PROTESTANT for implying that Catholics ought to be deprived of their civil or religious freedom. "The insinuation, that the Missionary has no right to legal protection," he wrote of the attack on Thayer's religious rights, "must excite indignation in the breast of every friend to the American constitution."⁸⁸⁸ His comments suggest that while anti-Catholicism still had a place in New England culture, anti- anti-Catholicism did as well. In post-Revolutionary New England, while some Protestants posed grave threats to Catholic civil and religious liberties, others rushed to their defense. Thayer's Catholic colleagues were not far behind.

A PROTESTANT responded by reaffirming his belief that Thayer had "absolutely given up" his religious liberties and legal protections when he accepted Catholicism.⁸⁸⁹ But a "PHILADELPHIAN" – who was likely Father Francis Fleming, the Irish-born Dominican who entered Mathew Carey's debate months prior – also rushed to Thayer's defense. Fleming sent a private letter to Thayer on the same day that Another PROTESTANT defended Thayer's rights. The latter forwarded Fleming's letter and

⁸⁸⁸ Thayer, *A Controversy*, 146-147.

⁸⁸⁹ Thayer, *A Controversy*, 148.

arranged for its publication in the Boston newspapers that carried the exchange.⁸⁹⁰ Fleming celebrated Thayer's "polite treatment" of his adversaries while decrying "the bad humour and scurrilous language of our opponents." He insisted that the "Protestant cause...must naturally lose ground among the enlightened and candid" when those like A PROTESTANT emerge as representatives of their faith. In former ages, Fleming wrote, addressing the attack on Catholic civil and religious rights, Thayer might have been exiled from his country, but to his great satisfaction, "the glorious revolution of America" had "done away [with] those penal laws, which violated the natural right of man to utter and defend his religious opinions."⁸⁹¹ At once condemning New England culture and celebrating American law, Fleming showed that Catholics were grateful beneficiaries of the freedoms that the Revolution had afforded, even if they at times tested the boundaries of those freedoms.

By the autumn of 1792, the debate appeared in several newspapers and was under contract for print in cities all over the country.⁸⁹² But after Fleming's input, the controversy that Thayer began in December of 1790 faded from public view. As a theological matter, there is no evidence to suggest that Thayer converted anyone to the Mother Church even though that was his main source of motivation. The zealous priest did not intend to test the limits of religious freedom in early national Boston. He sought to change hearts, not cultures. He wanted to reform souls, not laws. But by aggressively preaching about the tenets of his church, Thayer challenged his countrymen to defend

⁸⁹⁰ Letter by a Gentleman in Philadelphia to the Rev. Mr. Thayer, Catholic Missionary of Boston, 1792, in *ACHR*, 17 (1900): 180-182.

⁸⁹¹ Thayer, *A Controversy*, 150-151.

⁸⁹² Participating outlets included the *Boston Argus*, *Columbian Centinel*, *Salem Gazette*, and *Essex Journal & New Hampshire Packet*. Cities that carried edited copies of the debate included Boston, Newburyport, Philadelphia, and Washington, D.C.

their own theological beliefs while tolerating an obstreperous brand of Catholicism in the heart of Protestant America. He also brought out the worst and best of his countrymen. His provocations demonstrated the dangers that a majority-Protestant population posed on minority faiths. But they also showcased Protestant's willingness to defend minority rights. In these ways, he tested and reinforced the limitations on religious freedom in New England. Viewed as a political exchange, then, Thayer and his sympathizers scored an important victory for religious liberty. It was clear that although one could, like Assemblyman Gardner, mock and ridicule the tenets of Catholicism, and that legislators could continue to deprive Catholics of the ability to hold public office without suffering electoral consequences, Protestants in New England would not tolerate those who suggested that Catholics were exempt from constitutional and natural rights to religious freedom. In that sense, the War for Independence truly did engender a revolution in religious liberty.

While he challenged his neighbors on several fronts, Thayer also tested – and exhausted – his superior, John Carroll. By the spring of 1792, the Bishop of the United States decided that Thayer's enthusiasm was better suited to the American frontier than it was to the home of the Winthrops, Mathers, and Adamses. Thayer's replacement, Dr. Francis Anthony Matignon – a French émigré who refused to take the Civil Constitution of the Clergy in Revolutionary France – arrived on August 20, 1792, just before the debate lost public interest. His ministry at last provided Carroll with the stability he had sought since Father Poterie held the first public Mass in Boston in 1788.⁸⁹³

⁸⁹³ Peter Guilday, *The Life and Times of John Carroll, Archbishop of Baltimore, 1735-1815*, 2 vols. (New York: The Encyclopedia Press, 1922), 2:424.

Coda: The Triumph of Religious Freedom

When John Thayer first arrived in Boston in the winter of 1790, his coreligionists were in a crisis. Reflecting on that period years later, Thomas Walley, a Boston native who converted to Catholicism in 1814, noted that “the Catholic Church began in Boston under very bad auspices.” The troublesome triad of Poterie, Rousselet, and Thayer, Walley wrote, “confirmed all my early prejudices against the Catholic Church.” He explained to his daughter that he witnessed his Catholic neighbors “bawling, threatening, vociferating, & brandishing their clubs in the old church” and saw “Mr. Thayer screaming from the pulpit, trying to appease the tumult” soon after his arrival.⁸⁹⁴ The birth of public Catholicism in New England was marked by unrest as Catholics attacked themselves and others. Whether it was Claudius de la Poterie’s inflammatory pamphlet, which recommended that the United States Congress exile certain Catholics from the nation, or Thayer’s series of private and public controversies, Catholics tested the limits of free speech and religious freedom in early national New England. The ecumenical climate wrought by the Revolution, however, overwhelmed New England’s intolerant history and protected Catholics from the kind of backlash that so many of them feared.⁸⁹⁵

⁸⁹⁴ Thomas Walley to Mary Langdon Walley, October 13, 1846, *Records of the American Catholic Historical Society of Philadelphia* (hereafter cited as *RACHSP*), 18 (1907): 46; Conversion of Thomas Walley, *RACHSP* 22 (1911): 150.

⁸⁹⁵ For inter-religious cooperation between Catholics and Protestants during and immediately following the American Revolution, see Joseph Agonito, “Ecumenical Stirrings: Catholic Protestant Relations During the Episcopacy of John Carroll,” *Church History* 45, no. 3 (September 1976): 358-373; Joseph P. Chinnici, “American Catholics and Religious Pluralism, 1775-1820,” *Journal of Ecumenical Studies* 16 (Fall 1979): 727-746; William W. Warner, *At Peace With All Their Neighbors: Catholics and Catholicism in the National Capital, 1787-1860* (Washington: Georgetown University Press, 1994); John R. Dichtl, *Frontiers of Faith: Bringing Catholicism to the West in the Early Republic* (Lexington: University of Kentucky, 2008); Beneke, “The ‘Catholic Spirit Prevailing in Our Country,’” 266-285. For dissenting interpretations that argue for relative conflict, see Jason K. Duncan, *Citizens or Papists? The Politics of Anti-Catholicism in New York, 1685-1821* (New York: Fordham University Press, 2005); Michael S. Carter, “‘What shall we say to this liberal age?’: Catholic-Protestant Controversy in the Early National Capital,” *U.S. Catholic Historian*, 26, no. 2 (Spring 2008): 79-95.

Despite the confrontations discussed above, by the end of the century, Protestants and Catholics were working and living alongside one another in a scene of harmony that would have been unthinkable prior to independence. Jean-Louis Cheverus, later Bishop of Boston, came to that city in 1796. He wrote ecumenical devotionals and prayers, urging his congregations to “Have charity for all men, pray for the salvation of all, do good to everyone, according to your power, whatever may be his religious persuasion.”⁸⁹⁶ On the other side of the denominational divide, led by President Adams, Protestant Bostonians contributed \$11,000 for a new Roman Catholic Church on School Street in 1799. The architect, Charles Bulfinch, lent his services without charge.⁸⁹⁷ By then, even the Dudleian lecturers found room to praise the “profound erudition” evident in Boston’s Catholic leadership.⁸⁹⁸

Father Thayer too, had found a more conciliatory tone – one that allowed him to expand notions of religious freedom without provoking controversy. In the spring of 1798, with the X, Y, Z Affair heating up, the quarrelsome priest delivered one of his most acclaimed sermons during a brief stay in Boston. After Elbridge Gerry, John Marshall, and Charles C. Pinckney had been humiliated in Paris during diplomatic negotiations with French officials, President Adams issued a national day of humiliation and prayer to prepare the country for war. With political tensions between Federalists and Democratic-Republicans reaching a fever pitch, Thayer instructed his congregants in Boston to put country over party and to celebrate the rights and liberties they enjoyed as Americans.

⁸⁹⁶ Jean-Louis Cheverus to Roger Hanley, 20 July 1798, Archdiocese of Boston Archives, Jean-Louis Cheverus Papers, Box 1, Folder 12.

⁸⁹⁷ Anson Phelps Stokes, *Church and State in the United States*, 3 vols. (New York: Harper & Brothers, 1950), 1:800. Adams contributed \$100. See James M. O’Toole, *The Faithful: A History of Catholics in America* (Cambridge: Belknap Press of Harvard University Press, 2008), 42.

⁸⁹⁸ Pauline Maier, “The Pope at Harvard: The Dudleian Lectures, Anti-Catholicism, and the Politics of Protestantism,” *Proceedings of the Massachusetts Historical Society* 97 (1985): 33.

“The first blessing which demands our cordial thanks to God,” Thayer preached, “is that we live under the freest and most easy government in the world. The constitution of the United States unites a proper degree of energy with all the liberty which any reasonable person can desire... Praised be God,” Thayer sermonized, perhaps reflecting on the way his countrymen rushed to defend his rights a few years earlier, “that this happy constitution, under which persons of all denominations enjoy entire security for their lives, property, and liberty, whether spiritual or political, is still unimpaired and in full operation.”⁸⁹⁹ His sermon amounted to a stern warning against political or religious conflict during a time of crisis.

Mindful of the attacks on his faith during his first stint in Boston from 1790-1793, but also aware that his rights had been protected during that time, the more mature and measured priest reminded his congregants that “This country has received you into her bosom with the greatest affection: she makes you partakers of the same privileges and immunities which her native sons enjoy: she takes under her protection your lives, property and religion.” Thayer reasoned that it was “evidently your interest, that America remain free and independent, in order that the blessings of liberty and good government may be transmitted to your posterity. It would be the height of baseness and ingratitude,” he concluded, equating commitment to the Adams administration with patriotism, “not to join heart and hand in defending the land where you earn your bread, and enjoy all the happy advantages which result from social life.”⁹⁰⁰ Years after Bishop Carroll first instructed Thayer to display loyalty and patriotism, the controversial priest at last did

⁸⁹⁹ John Thayer, *A Discourse Delivered at the Roman Catholic Church in Boston* (Boston: Samuel Hall, 1798) in *Political Sermons of the American Founding Era, 1730-1805*, ed. Ellis Sandoz, 2 vols. (Indianapolis, Indiana: Liberty Fund, 1998), 2:1343-1344.

⁹⁰⁰ Thayer, *A Discourse Delivered*, 2:1359.

what the bishop had long hoped he would: show that even distrusted religious minorities could be good republican citizens.

Thayer was of course pushed toward this ecumenical rhetoric by the portent of war. But by the time he delivered this sermon, the confrontational Catholicism that sowed discord into New England print culture in the wake of the American Revolution had long since passed.⁹⁰¹ Elements of religious controversy persisted, but politics, not religion, emerged as the most divisive facet of public life. After a tumultuous first few years in Boston, Catholics no longer feared that they would be singled out and deprived of their civil or religious liberties. That kind of rollback of their hard-earned legal standing and political access no longer posed a serious threat to American Catholics, even if they were destined to suffer other kinds of ongoing and even intensifying discrimination in the years ahead.⁹⁰²

Conclusions

The turbulent birth of public Catholicism in Boston from 1788 to 1793 is a model case study which shows that many New Englanders had, since the colonial period, changed not only their laws, but – to some degree – their hearts. While those like A PROTESTANT represented a percentage of Bostonians who were unwilling to grant Roman Catholics equality under the law or respectability within the culture, most New

⁹⁰¹ Walley noted that after Thayer departed from Boston, his replacement “gave a very different color to all things.” Thomas Walley to Mary Langdon Walley, October 13, 1846, *RACHSP*, 18 (1907): 46.

⁹⁰² For the backlash that was unleashed in the nineteenth century, the classic text is Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study on the Origins of American Nativism* (Chicago: Quadrangle Books, 1964 [1938]). See also John McGreevy, *Catholicism and American Freedom: A History* (New York: W.W. Norton & Company, 2003), 7-42; Elizabeth Fenton, *Religious Liberties: Anti-Catholicism and Liberal Democracy in Nineteenth-Century U.S. Literature and Culture* (New York: Oxford University Press, 2011), 17-36; Jon Gjerde and S. Deborah Kang, *Catholicism and the Shaping of Nineteenth-Century America* (New York: Cambridge University Press, 2012).

Englanders were either indifferent to what one commentator called “antiquated” controversies, or, like “Another PROTESTANT,” rushed to defend Catholics when someone threatened their civil and religious rights. True, Catholics did not gain religious liberty equal to that enjoyed by most Protestants in New England until the middle of the nineteenth century, when evangelicals led the movement to disestablish the Congregational Church in Massachusetts in 1833. Even after that time, Catholics faced cultural disabilities for decades to come. But their experiences at the end of the eighteenth century are instructive insofar as they demonstrate the substantial, if incomplete, changes the Revolution helped produce.

Denied elementary rights during the colonial period, Roman Catholics enjoyed considerable religious freedom in wartime and post-Revolutionary New England, which they exercised in provocative ways. What is more, their actions – sometimes intentionally and sometimes unintentionally – deepened and broadened the discourse of liberty, which, along with evangelical and deist advocacy, helped strip American religious freedom of some of its long-held sectarian assumptions, thus further universalizing commitments to that ideal. Although Catholics lacked the political capital necessary to shape public policy in the way evangelicals or deists did, they celebrated, reinforced and challenged normative conceptions of religious liberty in ways few others could. They did not pose direct challenges to the law until the turn of the century, when the Catholic priest who replaced Thayer, Francis Matignon, sued his town and argued that ministerial taxes collected for the Congregational Church violated Catholic religious liberty. But before that episode, Catholics in New York were aggressively challenging constitutional and

legislative norms. There, as in Baltimore, Philadelphia, and Boston, American Catholics attempted to enlarge both conceptions and applications of religious freedom.

CHAPTER 9: CATHOLIC ACTIVISM IN NEW YORK: FROM THE REVOLUTION TO THE WAR OF 1812

Even before the Continental Congress ratified the Treaty of Paris of 1783, a group of Catholics in New York sent a petition to that body. They voiced their concerns about the “illiberality of the New York Constitution limiting the rights of Catholics.” Still disturbed over the prohibitions that John Jay helped steer through the New York legislature in 1777, those who signed the petition hoped that their federal government could redress their grievances. To their great disappointment, Congress directed the Catholics toward their state assembly, reasoning that it had no jurisdiction over state law.⁹⁰³ For Catholics in the Empire State, as for those in Boston, Philadelphia, and Baltimore, the revolution in religious liberty opened up opportunities to religious minorities in ways once unimaginable. But as this petition shows, by 1783, Catholics saw the American Revolution as an event that promised a different understanding of that liberty than one that prevailed among many of their neighbors.

This chapter considers the Catholic encounter with religious liberty in New York during the early national period. Drawing from the work of Jason Kennedy Duncan – who has studied Catholic politics more generally – it argues that Catholics participated in New York’s political culture by challenging constitutional and statutory laws regarding their freedom.⁹⁰⁴ As in the previous chapters, Catholic experiences in New York offer historians a useful way to assess the boundaries of religious freedom in the new Republic.

⁹⁰³ Petition of the Catholics of New York to the Continental Congress, December, 1783, in *The American Catholic Historical Researches* (hereafter *ACHR*) 19 (1902): 67.

⁹⁰⁴ Patrick W. Carey, *People, Priests, and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeism* (Notre Dame, Indiana: University of Notre Dame Press), 1987; Jason Kennedy Duncan, *Citizens or Papists?: The Politics of Anti-Catholicism in New York, 1685-1821* (New York: Fordham University Press), 2005.

This chapter begins with a brief overview of New York's Constitutional Convention of 1777. That event ushered in a sea change for New York's small Catholic population even as it failed to remove all forms of political discrimination. From 1785 through 1790, Catholics in New York, like those in Boston, fought among themselves as much as they did with other denominations. Quarrels over ecclesiastical discipline, regulations, and property ownership plagued New York's first Catholic Church during that time. Overheated rhetoric from all sides – laity and clergy – only reinforced popular stereotypes about the Catholic faith. Unable to resolve their conflicts through mutual negotiation, Catholics turned to New York's civil courts in 1788.

This chapter also explores the challenges that Protestant, deist, and Catholic alike made on behalf of New York's Catholic population. Those events demonstrate the new political alignments that were forming in the early Republic. But they also illuminate the willingness of large majorities of New Yorkers to stand up and actively champion the rights of a recently distrusted religious minority. From there, it considers a number of public controversies between Catholics and Protestants regarding the civil and religious freedom. Once again Mathew Carey – this time from afar – rose to defend his coreligionists from calumny and abuse. Finally, it considers a court case during the War of 1812 that involved a priest's right to withhold information he received while administering the sacrament of auricular confession. When authorities pressured Father Anthony Kohlmann to disclose what a suspect in a crime had revealed while in confession, a contingent of lawyers of varying religious and political allegiances defended the Catholic priest. That case, like the other events discussed in this chapter, illustrates how fluid the concept of religious freedom was in the new Republic. It also

demonstrates the ways in which religious minorities could reinforce, challenge, and in some cases, expand notions of that ideal.

Trusteeism and Religious Liberty in Revolutionary New York

When officials in New York were drafting, debating, and ratifying their constitution during the winter and spring of 1777, religious freedom was one of the most hotly contested issues on the agenda. John Jay, who went on to serve as Governor of the state after he spent six years as Chief Justice of the Supreme Court, led the discussion on the provisions relating to religion. As his biographers have shown, Jay was hesitant to extend religious toleration to Catholics largely because his Huguenot ancestors suffered from persecution at the hands of a Catholic king, Louis XIV, in early modern France. The intellectual currents that swept through the colonies – along with political expediencies – went a long way in removing many prejudices against Catholics, but Jay vowed to keep them outside of New York’s political structures even while he defended their right to public worship. His main opponents were Gouverneur Morris and Robert R. Livingston, both of whom were esteemed and credentialed statesmen in their own right. Jay’s draft for the religious freedom article proposed that “free Toleration be forever allowed in this State to all denominations of Christians,” but denied that same toleration to those whose faith was “incompatible with and repugnant to...civil society.” That broad wording left religious minorities vulnerable to future discrimination, but in 1777 New York’s constitution was far more equitable in the distribution of religious freedom than the one

that had governed the colony. Satisfied with the new settlement, Catholics celebrated the “happy tolerance accorded by the new constitution of this State.”⁹⁰⁵

Finally able to publicly practice their faith in New York, Catholics wasted little time probing the limits of their rights. One of their first ventures began in 1785, when they used a French diplomat named Hector St. Jean de Crèvecoeur as an intermediary to ask for a “suitable site on which we can construct a church.” Crèvecoeur took the petition to the city council. It employed many of the tactics seen in Catholic publications throughout the period. The twenty two signatories cited the “Christian and tolerant spirit” of the New York Constitution and emphasized their gratitude for the freedoms they enjoyed. These encomiums, however, fell on deaf ears. They met stiff resistance when the council denied Catholics all funding. But what the state refused to grant, other groups, including the Episcopal Trinity Church, supplied. While funding came from American Protestant and Catholic sources alike, the main sponsors of the church were in fact coming from foreign entities, including King Charles III of Spain. As one scholar notes, Catholics recognized that their reliance on Europeans fed into the narrative that the Catholic Church was a “foreign” body unworthy of the freedom America bestowed upon it. Desperate for aid and out of funds, Catholics looked toward Europe to participate in America’s experiment in religious freedom.⁹⁰⁶

Once a church was constructed, a New York law mandated that each congregation contain a board of trustees consisting of its laity in charge of administering to the temporal functions of the church. That law exacerbated the divisions that had already afflicted the Catholic community. It created tensions between the laity and the clergy in

⁹⁰⁵ John Webb Pratt, *Religion, Politics, and Diversity: The Church-State Theme in New York History* (Ithaca: Cornell University Press, 1967), 84-90; Duncan, *Citizens or Papists*, 55.

⁹⁰⁶ Duncan, *Citizens or Papists*, 55-58.

New York City's first Catholic Church, St. Peter's. A part of a larger trend in the Catholic Church that scholars call trusteeism, that conflict persisted well into the nineteenth century and divided Catholic parishes in Philadelphia, Baltimore, Norfolk, and Philadelphia. Historians of American Catholicism have explored the subject at some length but have not sufficiently situated that struggle into America's larger experiment with religious liberty. Local, national, and international contexts, ideological and ecclesiastical commitments, and conflicts of personality made each flare-up slightly different from the next, but each case involved disputes over clerical authority and lay participation in the administration of the church. The New York case was the first to sew discord into a Catholic community in America, creating a schism that had important consequences for religious freedom in New York for the next twenty years.

Ethnic and social conflicts within the Church began during the Revolution. Although he was received well by the Catholic community, that discord intensified shortly after a French naval chaplain during the war, Father Charles Whelan, arrived in New York City in October of 1784. Within six months his mediocre preaching skills, mismanagement of funds, and attachment to a Portuguese benefactor alienated him from the majority-Irish population. Ferdinand Farmer explained to John Carroll that "Mr. Whelan is not liked by the brethren and does not for want of eloquence seem able to establish a congregation." The trustees at St Peter's soon found a replacement when Father Andrew Nugent arrived from Ireland in the fall of 1785, brandishing a recommendation from the esteemed Irishman and defender of religious freedom Arthur O'Leary. Nugent impressed the trustees and gained the favor of his congregation – as well as local Protestants who attended his services – through his eloquent preaching and

firm commitment to religious liberty. It was not long before the trustees petitioned to remove Whelan from the church and named Nugent as the parish priest. Tensions flared up in December of 1785 when the trustees voted to withdraw financial support from Whelan and asked John Carroll to remove him from the parish.⁹⁰⁷

The trustees battled with Carroll over who had the authority to appoint and remove priests, during which time Nugent and his supporters caused enough of a disturbance to force Whelan to withdraw from the city. But even with Whelan removed, Carroll insisted that Catholic ecclesiology was quite clear on this point and that as Superior, he – and not the trustees – was responsible for hiring and firing priests. He had “the just right & power” under church doctrine “to constitute & appoint Clergymen...in this very Church.”⁹⁰⁸ Nugent and the trustees fired back at Carroll insisting that under American law, civil and religious spheres were separate and since the church had been incorporated under the trustees’ names, they alone could decide which priest stayed in the church.⁹⁰⁹ They contended that the power Carroll claimed for himself – which was in fact normative practice in the Catholic Church – was “foreign, and for this reason in conflict with [the civil] law.” According to the trustees, the “laws of New York forbade all foreign jurisdiction whether civil or ecclesiastical.”⁹¹⁰ In other words, they depicted the traditional ecclesiology of the Catholic Church as inconsistent with American institutions.

⁹⁰⁷ Carey, *People, Priests, and Prelates*, 7-10; *ACRH* 28 (1911): 70.

⁹⁰⁸ Sermon Suspending Andrew Nugent, [October 1787], in 1788 in Thomas O’Brien Hanley, ed., *The John Carroll Papers*, 3 vols. (hereafter *JCP*) (Notre Dame, Indiana: University of Notre Dame Press, 1976), 1:263.

⁹⁰⁹ John Carroll to Leonardo Antonelli, March 18, 1788, in *JCP*, 1:283.

⁹¹⁰ John Carroll to Leonardo Antonelli, March 18, 1788, in *JCP*, 1:283-284.

Internal conflict alone would not have roused Carroll to journey to New York to settle the matter, but he received word that Nugent had publicized the ordeal, defended his actions in local newspapers, and depicted Carroll's actions as tyrannical and as a usurpation of their rights as Americans. The Nugent faction also threatened to file a case in the civil courts, further tarnishing the religion. If those actions were not enough, Nugent promised a violent reaction in the city if Carroll appointed another priest to his station. Carroll received several letters informing him that "we would not be spared open violence and bloodshed."⁹¹¹ Indeed, Nugent's supporters "broke down the door and took possession of the church" when they were informed that Carroll planned on giving a sermon on Catholic doctrine at St. Peter's.⁹¹² Aware that Protestants attended Nugent's services and that members of Congress resided in New York, Carroll voiced his fear that the Nugent faction had the potential to undermine the freedoms his coreligionists recently acquired. After all, Carroll asserted, "the eyes of all America" were focused on St. Peter's; while under such scrutiny, Carroll insisted, Catholics had a particular obligation to resolve their conflicts "without carrying them before the public."⁹¹³

As New York Catholicism burnt white hot, by 1787 Nugent had a falling out with the trustees over his salary, among other issues. The irascible priest pressed his fortunes as far as he could before the trustees formally asked Carroll to remove him from the church. Carroll visited St. Peter's in order to suspend Nugent, but the Superior was forced to abscond from the church after Nugent and his supporters interrupted Carroll's sermon.

⁹¹¹ John Carroll to John Thorpe, November 7, 1787, in *JCP*, 1:266.

⁹¹² John Carroll to Leonardo Antonelli, March 18, 1788, in *JCP*, 1:284.

⁹¹³ Carroll to Charles Whelan, January 18, 1786, in *JCP*, 1:201-202. For similar comments, see John Carroll to Andrew Nugent, January 17, 1786, in *JCP*, 1:200; Carroll to Dominick Lynch and Thomas Stoughton, January 24, 1786, in *JCP*, 1:204-205; Carroll to Whelan, January 28, 1786, in *JCP*, 1:207; Sermon Suspending Andrew Nugent, [October 1787], in *JCP*, 1:262; Carroll to Antonelli, March 18, 1788, in *JCP*, 1:285.

Finally convinced that there was no ecclesiological solution to the disruptions in New York, Carroll supported the trustees' efforts to file a law-suit asking for the state to remove Nugent from the embattled church.⁹¹⁴

In May of 1788 lawyers brought a case against Nugent which argued that the canon law in the Roman Catholic Church allowed superiors to appoint and remove priests at will. Nugent's attorneys responded that since Carroll's authority emanated from a foreign jurisdiction, he had no standing to remove Nugent. New York civil law, they insisted, forbade individuals from maintaining their allegiance to foreign entities. The trustees filed a joint suit in the New York Mayoral Court which charged Nugent with "arousing sedition and disturbing the peace."⁹¹⁵ Nugent's lawyers on this point argued that the priest was only defending his own church from intruders. The jury sided with the trustees and found Nugent "guilty of a riot."⁹¹⁶ The judge determined that Carroll and the trustees acted in accordance with their ecclesiastical discipline and that Nugent "should no longer be deemed fitted for the pastoral office" at St. Peter's. A law passed in New York in 1784, he concluded, stipulated that civil law could not interfere with "the religious constitution or government of any church, or society, as regards their belief, discipline, or origin."⁹¹⁷ Civil authorities, in short, at last settled the disruptions that polarized St. Peter's Church.

Not long after the courts reestablished order in the church the trustees voted to give Nugent a small sum of money so that the disorderly priest could leave the city on a boat to France. Carroll appointed a priest named William O'Brien to attend to the

⁹¹⁴ Carey, *People, Priests, and Prelates*, 11-14.

⁹¹⁵ Carroll to Antonelli, March 18, 1788, in *JCP*, 1:286.

⁹¹⁶ Carroll to Charles Plowden, November 12, 1788, in *JCP*, 1:332.

⁹¹⁷ Carroll to Antonelli, March 18, 1788, in *JCP*, 1:284.

congregation, which finally restored peace to St. Peter's. But the damage that Nugent and his supports inflicted on the church had already been done. The public outbursts, episodes of violence, and court cases accusing fellow Catholics of enacting a "most capricious despotism" and holding "foreign" allegiances lent credence to those who believed that Catholicism and American republicanism were mutually exclusive. In the middle of the Nugent controversy, Samuel Jones, a delegate from Queens County, submitted a bill to the state assembly that allowed election inspectors to require voters to take an oath repudiating the ecclesiastical authority of all foreign powers. The text did not specifically mention the pope, but the wording makes it clear that Catholics were the intended target. Partly provoked by the Nugent scandal, Jones asked New Yorkers to erect a legislative wall around Catholics that would prohibit them from full participation in politics. As Carroll had predicted, disorderly behavior coming from Nugent and the trustees helped to create an atmosphere that allowed Congressmen to reconsider whether Catholics should be granted full political rights.⁹¹⁸

The Oath

Religious freedom was an amorphous and evolving idea during the Critical Period of American history, after the peace agreement with England in 1783 but before the ratification of the Federal Constitution in 1788. The Nugent scandal took place while America's leading statesmen gathered in Philadelphia to draw up a new constitution and while New Yorkers debated the ratification of that document. While national politics garnered most political attention in 1787, in that same year a statute made its way through the New York assembly which required individuals elected to most state offices to

⁹¹⁸ Carey, *People, Priests, and Prelates*, 11, 15-16; Duncan, *Citizens or Papists*, 68.

subscribe to an oath renouncing their loyalty to foreign entities “in all matters ecclesiastical as well as civil.” The author of the bill insisted that since the constitution already mandated that immigrants take the oath, New Yorkers ought to hold those writing and executing the law to the same standard. He also denied that anti-Catholicism was the impetus behind the legislation, noting that it “stood on the ground of the constitution, and no other.” Supporters of the bill rejected the idea that “Roman Catholics or any other denomination” would have difficulty taking the oath. These denials notwithstanding, the legislation was of course directed toward Catholics, who were beginning to make their presence felt in the city. But historian Jason Duncan has noted that even ten years earlier no politician would have had to couch their anti-Catholic proposal in terms so vague. The arguments on the floor of the assembly that accompanied the bill go a long way to show how even while anti-Catholicism remained a part of American political culture, it was no longer respectable to formally denigrate the Catholic Church or her adherents.⁹¹⁹

There were no Catholics in the assembly in 1787, but when Jones submitted his bill several prominent Protestants rose to their defense. One representative noted that the proposed legislation would be a “hardship” because it promised to “exclude all the Roman Catholics in the State from their right or representation.” Alexander Hamilton also stood against the proposal, reasoning that it revived “that dangerous fanaticism, which terrified the world some centuries back; but which is now dissipated by the light of philosophy.” Drawing a distinction between past and present, he explained that oaths were “no longer necessary, for the dangers” that Catholics once posed “are now only imaginary” in the United States. He compared those supporting the bill to those

⁹¹⁹ The events discussed in this section are explored in Duncan, *Citizens or Papists*, 68-78, 119-132.

attempting to put out a fire “which had many days subsided.”⁹²⁰ At one point during his disquisition, Hamilton put his finger on the controlling issue within religious freedom discourse in the new Republic. Although the constitution was Americans’ “creed and standard,” he explained that “in the present instance it was proper first to examine and inquire how far [the constitution] applied to the subject under consideration.” At what point, Hamilton asked, did oaths infringe on the sacred rights of conscience? This bill, he concluded, crossed that threshold because it promised to “wound the tender consciences” of “those who are known to be good citizens.” Hamilton proposed an amendment that would only “bind the person in civil matters,” but it did not receive enough support within the chamber.⁹²¹

However, days later, following another one of Hamilton’s addresses, the assembly voted to rescind the words “both in matters ecclesiastical as well as civil,” thus overturning Samuel Jones’ original bill. Historians have cited Hamilton’s influence in altering the trajectory of the bill in the process by pointing to his relationships with a number of prominent Catholics such as Thomas Fitzsimmons, the governor of Pennsylvania, and Daniel Carroll, a Senator from Maryland. Others have argued that Hamilton abandoned his anti-Catholic crusade in the wake of the 1774 Quebec Act and began defending their religious freedom not because of personal relationships but in order to satisfy his political and economic interests.⁹²² While both likely played some role in his change of heart, the spirit of the age went a long way toward changing attitudes toward Catholics even for those who lived in areas of the country that Catholics did not

⁹²⁰ *New York Daily Advertiser*, February 1, 1787.

⁹²¹ Alexander Hamilton, New York Assembly. Remarks on an Act for Regulating Elections, [January 24, 1787], in Harold C. Syrett, ed., *The Papers of Alexander Hamilton*, 27 vols. (New York: Columbia University Press, 1961-1987), 4:22-23.

⁹²² Duncan, *Citizens or Papists*, 70-71.

inhabit and for those who did not share Hamilton's political or economic ambition. The effort to roll back the political rights that Catholics acquired during the Revolution failed in 1787 because Americans had adopted a more liberal attitude toward religious minorities – even those they deemed unworthy of toleration just a decade earlier.

Some Americans, of course, resisted that liberal spirit, in one case earning an important legislative victory that set back the cause of Catholic religious freedom two decades in New York. In 1788 the same state legislature received another measure similar to the one Jones had recommended the year before. It too required elected officials in high offices to renounce all allegiances “in matters ecclesiastical as well as civil,” thus potentially violating Catholic consciences. But in the summer of 1788, as delegates were debating the merits of a new federal constitution, more pressing political issues buried the latest attempt to suppress Catholic rights. It raised very few objections before it came up for a vote. With hardly a whimper, New York disenfranchised its Roman Catholic population later that year. The Nugent episode was not directly responsible for that outcome, as larger political, economic, and social events steered the country in a new direction. But the disorderly behavior that was on display for all New Yorkers to see from 1785 to 1789 did not help those who were willing to defend Catholics make a case for their equal treatment under the law.⁹²³

This legislative setback may have helped Catholics rally around a common cause. John Carroll and Andrew Nugent clashed on a number of ecclesiastical matters at the time, but they shared a disapproval of the oath in the New York constitution that compelled foreigners to renounce allegiance to the pope. The oath was “incompatible with our profession,” Carroll told Nugent. “With you,” he continued, “I am of the opinion

⁹²³ Duncan, *Citizens or Papists*, 72-73.

that the oath of office required in your state is inconsistent with our tenets.”⁹²⁴ Weeks later, when the opportunity arose to ratify the federal constitution, which prohibited all religious tests, Carroll and his coreligionists embraced that document and the new government it created.⁹²⁵ Carroll, Nugent, and others hoped that the spirit of the U.S. Constitution, if not its technical jurisdiction, would reach into those states where they continued to face disadvantage; had they harbored such a hope, they would have been in company with religious minorities throughout American history who believed that the spirit of the First Amendment should spread broadly throughout the land.⁹²⁶

That spirit had not fully reached New York in 1805, when a St. Peter’s trustee named Francis Cooper earned a nomination to the state assembly under the Republican ticket. An associate and friend to Governor DeWitt Clinton, Cooper’s background made it difficult for his detractors to hurl anti-Catholic stereotypes during the campaign. Cooper was born in America to German (not Irish) parents, was an active member of his church and community, and had a sterling record of supporting workers in New York City. Beginning in 1801 he served on the boards of several trade organizations, supporting mechanics and artisans. If these credentials were not enough, Cooper had certain circumstantial advantages: the Federalist Party was in such a crisis in 1805 that it failed to nominate an opposition candidate.⁹²⁷

After securing an uncontested victory, Cooper still had to swear the oath of allegiance that, as Father Michael Hurley of St. Peter’s noted, forced “our brethren of this

⁹²⁴ John Carroll to Don Diego de Gardoqui, April 19, 1788, in *JCP*, 1:298.

⁹²⁵ For Catholic support of the Constitution see Maura Jane Farrelly, *Papist Patriots: The Making of an American Catholic Identity* (New York: Oxford University Press, 2012), 256-257.

⁹²⁶ Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge: Belknap Press of Harvard University Press, 2010).

⁹²⁷ Duncan, *Citizens or Papists*, 119-120.

state to make their conscience subservient to their [political] ambition.”⁹²⁸ Since a Catholic had never been elected to an office that required an oath, Cooper’s election was the first time the 1788 statute came under scrutiny.⁹²⁹ Cooper’s decision about taking the oath would have lasting consequences on religious freedom in the state of New York. If he obliged, he would set a precedent that would help institutionalize religious discrimination in New York. If Cooper – who by all accounts was a believing, practicing Catholic – took the oath, Catholics would have difficulty challenging the 1788 statute in the future. But if Cooper refused and was able to amend the oath, his actions would unravel one of the last vestiges of religious discrimination in New York law.⁹³⁰

The Catholic community was united in their opposition to the oath. On January 6, 1806, a large group of Catholics who attended St. Peter’s parish met in the school room to discuss the matter. They weighed various political strategies they might use to have Cooper take his seat in the assembly. They decided to draft a petition that asked the legislature to rescind or amend the statute. Aware that they could use their growing presence to their political advantage, Catholics threatened to withdraw their support from the Republican Party if the latter did not support their reforms.⁹³¹ Catholics insisted that the oath issue was intertwined with the Catholic vote, which by 1806 made up nearly one in seven votes in New York. Their message even attracted some Federalists, such as Andrew Morris, who looked beyond partisan interests and united with Republicans to

⁹²⁸ Father Michael Hurley to John Carroll, January 6, 1806, in *Records of the American Catholic Historical Society of Philadelphia* (hereafter *RACHSP*), 20 (1909): 279.

⁹²⁹ The first Catholic elected to New York state office was Andrew Morris. See Duncan, *Citizens or Papists*, 115-116.

⁹³⁰ Duncan, *Citizens or Papists*, 121.

⁹³¹ Father Michael Hurley to John Carroll, January 6, 1806, in *RACHSP* 20 (1909): 278-279.

advance the cause of Catholic freedom. Together, Federalists and Republicans gathered over thirteen hundred signatures before submitting the petition under Morris' name.⁹³²

The content of the petition fit within the tradition of American Catholic dissent. It accused those who supported the oath of holding antiquated "religious prejudices," which, in an enlightened age, was especially appalling. The petition explored the republican sentiments shared by Catholic and Protestant alike and insisted that the former possessed the "purest and most steadfast allegiance and loyal attachment to the constitution and government of the United States in general and this State in particular." The U.S. Constitution, according to Morris and the other authors, ought to protect Catholics from the kinds of disabilities found in New York law. Instead, Catholics were "deprived of the benefits of the free and equal participation of all the rights and privileges of Citizens, granted by the enlightened framers of the Constitution of the United States." Although New York's Catholic population had "the cup of equalized rights dashed from their lips," the assembly had the power to restore their lost freedoms. They insisted that the oath was "unjust and oppressive," one that "disfigure[d] the politics of several European nations," and which had no place in liberal America. The petitioners closed their letter by predicting that "this honorable Legislature," which presided over "this liberal government" would repeal "the obnoxious part of the law," thus shaming the assembly into compliance. They reminded the assembly that Catholics now constituted a "considerable portion of the population of this City" and that they inhabited "various

⁹³² Duncan, *Citizens or Papists*, 119-122.

districts of the State,” thereby admonishing their political representatives of the consequences of turning down their petition.⁹³³

As the legislature prepared to meet for a new session, Cooper refused the oath and was denied his seat in the assembly. DeWitt Clinton, a Protestant and a long-time supporter of Catholic rights in New York, submitted the petition to the state senate and was named chair of the committee tasked with considering the request. He drafted a proposal that removed the word “ecclesiastical” from the 1788 statute, thus accommodating the Catholic petitioners.

Clinton’s amendment gained near unanimous approval in the senate before meeting Federalist opposition in the assembly. But by 1806 Federalists were a dying breed in New York. They no longer possessed the political capital needed to stop the Clinton-backed amendment, which received support in the local press. James Cheetham, an English deist whose *American Citizen* was by 1806 one of the most influential outlets in the state, followed the Clinton-backed amendment’s journey through the legislature in his newspaper. As the debate began, he informed his readers that the oath issue as it related to Catholic rights was “worthy of the most serious consideration of the Legislature.” Cheetham maintained that New York’s “*constitution forms no distinction among religious sects*. It would be despotic if it did.”⁹³⁴ His paper, along with the *Republican Watch-Tower*, advocated Catholic equality throughout the period. Both

⁹³³ Petition of the Catholics of New York in 1806 against a Religious Test for Office, in *ACHR* 11 (1894): 182-183.

⁹³⁴ *American Citizen*, February 4, 1806. See also *Republican Watch-Tower*, February 7, 1806.

presses not only published the petition that Catholics submitted to the legislature, but offered favorable commentary alongside of it.⁹³⁵

The debate on the floor of the assembly provoked outrage from commentators of all religious persuasions. The *American Citizen* reported that “illiberal men” in the Federalist Party “inveighed ... against Popery” without restraint. “Had you heard the debate,” Cheetham gasped, “you had fancied yourself not in this enlightened country.”⁹³⁶ Relating the events to Bishop Carroll, Father Hurley apologized for having to admit that the Federalist Party – of which Carroll had been a supporter – not only opposed the measure, but “some of them indulged their illiberality so far as to cast upon us all the filthy dregs of...prejudice and animosity.” Their “scurrility” and “invective” was not enough, however, to slow the liberal tide then sweeping the legislature, which passed the oath bill in the assembly by a vote of sixty three to twenty six. From that day, Hurley opined, “we may date the epoch of Catholic respectability in this state ... The prospects before us are bright, and unless darkened by ourselves, promise to be more so.”⁹³⁷ Catholics in New York and around the country celebrated their legislative victory. But in the years ahead, they still had to contend with cultural prejudices that made Catholics feel like second-class citizens. As the foremost advocate of Catholic religious freedom in the nation, Mathew Carey once again rose to Catholics’ defense.

Mathew Carey And the John Mason Controversy

⁹³⁵ *American Citizen*, February 12, 1806, *Republican Watch-Tower*, February 7, 11, 14, 1806. Federalist newspapers did not comment on the oath bill.

⁹³⁶ *American Citizen*, February 10, 1806.

⁹³⁷ Hurley to Carroll, [January 1806], in *RACHSP* 20 (1909): 275-276.

As the events in early national New York demonstrate, the revolution in religious freedom engendered by American independence was an important but incomplete step toward religious equality for Catholics. Even though Catholics won an important victory with Francis Cooper's election, they still suffered from cultural bigotry in newspapers, books, and magazines. Not long after Father Hurley proclaimed that the era of Catholic respectability had arrived in New York, his coreligionists endured an egregious rhetorical assault on their faith that illustrates the ways in which Catholics remained second-class citizens in some circles. In 1808 Reverend John Mason's *Christian's Magazine* printed a biographical sketch of John Rogers, a Protestant martyr struck down by Queen Mary in 1555 for denying a number of Catholic doctrines. After outlining Rogers' imprisonment, trial, and execution, Mason questioned the wisdom of granting modern Catholics equal civil and religious freedom. "Can we reasonably suppose," Mason wondered, "that the Papists of the present day, who announce the same creed with their bloody forefathers, will not, when it is in their power, be found in their forefathers' cruel practices; especially when through ignorance or superstition, they believe *that while they kill you, they do God's service?*"⁹³⁸ Mathew Carey confessed that when he first read the article he "heaved a sigh. I could hardly believe," he gasped, "that I had read a publication" like that in modern America.⁹³⁹ Protestants had been citing what they deemed intolerant Papal decrees since Pius V issued *Regnans in Excelsis* in 1570, which instructed Catholics not to obey Queen Elizabeth's civil authority. But the American Revolution had, Carey hoped, extinguished the flames of fanaticism. Advances like Cooper's election went a

⁹³⁸ John Mason, "John Rogers, the Proto-Martyr under Queen Mary," *The Christian's Magazine* 2 (New York: Hopkins and Seymour, 1808), 151.

⁹³⁹ Twenty Letters to the Reverend John Mason, D.D., of New York, in Mathew Carey, *Miscellanies* (Philadelphia: Joseph R.A. Skerrett, 1826), 2:149-50.

long way in securing Catholics the legal protections they sought, but Mason's libel reminded them that true religious liberty transcended legal texts and political oaths. Full religious liberty for Carey implied a kind of negative freedom – the freedom not to endure slanderous attacks on one's faith.

By the time Carey read Mason's attack, he was on his way to becoming the most outspoken advocate of Catholic rights in the United States and had assembled a small army of allies who helped answer charges against their faith.⁹⁴⁰ After alerting his coreligionists that a "most illiberal attack has been made upon the Roman Catholics," he requested their assistance, firing off nearly two dozen open letters in response to Mason's article.⁹⁴¹ Hoping to "set the question at rest for a long time to come," he wanted his letters to be distributed "to liberal protestants" in cities throughout the country.⁹⁴² If Protestants insisted on questioning Catholics' integrity, Carey and his allies made sure that those accusations would not go unchallenged. Cleverly casting Mason's anti-Catholic invective as un-American and antichristian, Carey hoped to silence his critics by using the same literary strategy that he did in Philadelphia in 1792. He attempted to publicly shame those who used intolerant rhetoric against his religion into submission. That effect, Carey reasoned, would finally cleanse American culture of its anti-Catholic impulses. The Dublin native charged Mason with acting "in a very *unchristian spirit*" and recommended that the minister acquaint himself with historical and literary books

⁹⁴⁰ Margaret Abruzzo, "Apologetics of Harmony: Mathew Carey and the Rhetoric of Religious Liberty," *The Pennsylvania Magazine of History and Biography*, 134, no. 1, (January 2010): 5-30.

⁹⁴¹ Carey to Walsh, September 8, 1808, Letterbook, Volume 25, Lei and Febiger Collection, Historical Society of Pennsylvania (hereafter HSP). Many of Carey's letters to his associates are located in this collection. For the other side of the correspondence, see Walsh to Carey, October 3, 17, 25, 29, 1808, in *RACHSP* 10 (1899): 109-11; Kohlmann to Carey, October 18, December 9 and 12, 1808 in *RACHSP*, 11 (1900): 67-8; DuBourg to Carey, November 7, 1808 in *RACHSP*, 13 (1902): 244-5.

⁹⁴² Carey to Walsh, September 8, October 18, 1808, Letterbook, Volume 25, Lei and Febiger Collection, HSP.

composed by Catholic scholars. Doing so would not only disabuse him of his mistaken beliefs, but serve “as a good model for the editor of a Christian Magazine, on the style in which he ought to treat other Christians.”⁹⁴³

The letters that followed turned Anglo-America’s standard Catholic-Protestant history on its head. In a brazen overturning of widely accepted facts, Carey emphasized the persecutory history of Protestant establishments and the magnanimous record of American Catholics.⁹⁴⁴ Challenging the mainstream understanding of the Protestant origins of American freedom, Carey located the roots of America’s religious liberty in Catholic soil before he debunked the romantic belief that the Protestants who migrated across the Atlantic were committed to religious freedom. “During the all-devouring rage of persecution, which was exercised in England with unceasing violence against every species of dissenters,” Carey reminded Mason that the Catholic founder of Maryland, “Calvert, Lord Baltimore... established a glorious system of liberty of conscience.” Indeed, Calvert “was the *first man* who ever had the immortal honor of erecting his political fabric on this noble basis,” decades before Roger Williams or “the ILLUSTRIOUS WILLIAM PENN” inaugurated their experiments in Rhode Island and Pennsylvania. Carey cited President Thomas Jefferson’s *Notes on the State of Virginia* to show how Protestants living in the Old Dominion fled to Maryland in the seventeenth century so that “*they might enjoy under A POPISH PROPRIETARY, that liberty of conscience, of which they were deprived by FELLOW PROTESTANTS.*” To the Catholic model in Maryland – which set a “godlike example of religious liberty” – Carey

⁹⁴³ Twenty Letters, in Carey, *Miscellanies*, 2:169, 158.

⁹⁴⁴ As noted above, Baptists and deists had been highlighting the evils of Protestant establishments for some time. See Isaac Backus, *A History of New England with Particular Reference to the Denomination of Christians Called Baptists* (Boston: Edward Draper, 1777-1796); Thomas Jefferson, *Notes on the State of Virginia* (Richmond: J.W. Randolph, 1853), 168-73.

juxtaposed the intolerant settlements of the seventeenth century. “While the *enlightened* and *tolerant* PROTESTANT EPISCOPALIANS in Virginia were *proscribing the Presbyterians*, and preparing the GALLOWS *for the hapless Quakers*,” he wrote, “the equally enlightened and tolerant Presbyterians in New England, were persecuting each other and every different denomination, and actually cropping and hanging the Quakers.”⁹⁴⁵ But even while he jabbed Protestants for their intolerance in favor of Catholic liberality, Carey was helping to make American religious liberty less sectarian and more universal. Pointing to the shortcomings of religious establishments, he hoped, would further separate the church from the state and thus expand religious freedom across the land.

Carey had long believed that Catholics would not have to defend themselves from libelous attacks in the press or advocate for their religious freedom if Protestants were better students of history. That is why he asked several Catholic colleagues such as Robert Walsh, Anthony Kohlmann, and Louis Dubourg to track down historical sources to help him make his case that Protestants were guilty of persecution and that Catholics had a long tradition of liberalism.⁹⁴⁶ Even though he wanted Americans to acknowledge their own ancestors’ moral shortcomings, he purported to seek only mutual forgiveness on each side.⁹⁴⁷ He and his coreligionists, Carey observed, “make no reproaches against the protestant or presbyterian of the present day” for acts of aggression that were “inflicted [by] their ancestors” because they understood that those transgressions were due to the “fanaticism of the time.” They merely sought “to bury the whole in oblivion.”

⁹⁴⁵ Twenty Letters, in Carey, *Miscellanies*, 2:215-216, 244.

⁹⁴⁶ Carey to Walsh, September 8, 1808, Carey to Anthony Kohlmann, October 20, 1808, Carey to Dubourg, October 25, 1808, Letterbook, Volume 25, Lei and Febiger Collection, HSP.

⁹⁴⁷ Twenty Letters, in Carey, *Miscellanies*, 2:244.

But if American Catholics were to extend an olive branch, they expected Protestants to return the favor. Writing on behalf of his coreligionists, Carey explained that Catholics “consider themselves entitled to an equal forgiveness” for the persecutions they faced under British Protestants.⁹⁴⁸

For their efforts, the champions of Catholic equality successfully silenced Mason, who did not respond to any of Carey’s twenty-two letters in defense of his faith. During the autumn of 1808, Catholics from around the nation thanked Carey “for your virtuous effort to rescue our holy religion from disgrace” and praised his “laudable pursuit” of truth.⁹⁴⁹ By that time, the Catholic clergy, led by Bishop Carroll and Fathers Anthony Kohlmann and Louis Dubourg, had joined forces with the laity, led by printers Carey and Walsh, in creating an incipient network of Catholic voices in American print culture.⁹⁵⁰ What began as an essentially solitary effort by Bishop Carroll in 1784 to defend Catholic rights from those he suspected of plotting to undermine his liberties, had, by the beginning of the nineteenth century, become a communal effort that extended across the country and over the Atlantic.⁹⁵¹ Anti-Catholic slurs continued to appear in the mainstream press, but Catholics answered in kind, letting the defamers of Roman Catholicism know that they could not unleash their attacks with impunity.

The reason for their partial victory over Mason, however, is not entirely clear. It is possible that after Mason read Carey’s letters he was genuinely ashamed that he had

⁹⁴⁸ Twenty Letters, in Carey, *Miscellanies*, 2:151.

⁹⁴⁹ Chas. Kenny to Carey, December 16, 1808, *RACHSP*, 11 (1900): 213; Kohlmann to Carey, December 12, 1808, *RACHSP*, 11 (1900): 68.

⁹⁵⁰ The first Catholic newspaper was the New York *Shamrock* in 1810. For more pro-Catholic activism regarding religious freedom, see William Lucey, *Edward Kavanagh: Catholic, Statesman, Diplomat from Maine, 1795-1844* (Francetown, New Hampshire: Marshall Jones Company, 1946), 34-8.

⁹⁵¹ The effort was in fact transatlantic. See Thomas Jodziewicz, “John Fletcher’s *Reflections on the Spirit of Religious Controversy* and John Carroll: Apologists Both,” *American Catholic Studies* 119, no. 2 (2008): 71-90.

used, as Carey wrote, “unchristian” rhetoric at odds with the American spirit of toleration.⁹⁵² But it is also possible that he did not care enough to respond. In private letters during the controversy, Carey admitted that he was “Struck with astonishment & regret that such a degree of torpor & apathy should prevail on a subject which I deemed so highly interesting.” When making plans to print his lengthy response as a single volume, Carey explained to Father Kohlmann that the public “looked on with much indifference, as if the whole was a fairy tale.” And it was not merely Protestants who were uninterested in the subject. Carey doubted whether “50 Roman Catholics in this city were designed to read” his letters in full. “Some read one or two numbers,” the disappointed printer acknowledged, but the issue was not as important to the general public as it was to Carey.⁹⁵³ The Irishman’s personal history with religious persecution made him more sensitive to the issue than most. But by 1808, most Americans believed that they lived in a country that set the standard for religious liberty in the world. Episodic slanders against a religion no longer captured the attention of the country like it had during the Revolution. Even Carey admitted in his first letter to Mason that “whatever be their vices,” Americans “cannot be justly charged with bigotry or intolerance.”⁹⁵⁴ While that was a fair generalization as applied to Roman Catholics, Mason’s article proved that some Americans were still unwilling to trust them with full political and religious equality.

Catholic Equality in a Time of War

⁹⁵² Twenty Letters, in Carey, *Miscellanies*, 2:169.

⁹⁵³ Carey to Anthony Kohlmann, December 10, 1808, Letterbook, Volume 25, Lei and Febiger Collection, HSP.

⁹⁵⁴ Twenty Letters, in Carey, *Miscellanies*, 2:149.

Four years after Carey rebuked Mason, a similar episode occurred in New York. At the beginning of the War of 1812, a Reverend Cuyler delivered a sermon after President James Madison declared a national day of fasting and prayer. Cuyler said that Catholicism was a “form of religion exceedingly corrupt, and by its corruptions liable to the objections of thinking men.” He claimed that “Papists” were “habitually insincere,” and suggested that they ought not to be trusted in a time of war.⁹⁵⁵ An anonymous respondent, “A Roman Catholic and Friend to Liberty,” answered these charges by first defending Catholic doctrines and then turning the issue into a discussion about Protestant bigotry. The author insisted that Protestant pulpits had been “the source of public prejudice, and the theatre of public animosity” since the war began. He argued that Cuyler was trying to “keep alive the fire of passion, or to enkindle those passions which bigotry has not yet enflamed.” The anonymous Catholic acknowledged that even though he lived in a country that was “really liberal, enlightened and humane,” Cuyler’s remarks were nevertheless “a mockery of religion” and an “insult to humanity!”⁹⁵⁶ Sermons like Cuyler’s were “devoid of reason, reasoning, or learning, they consist entirely of misrepresentation and abuse.”⁹⁵⁷

The author followed the script that his coreligionists had been using for centuries in defense of their faith. He explored the logical holes in the accuser’s argument, defended the doctrines of the church, and pointed to historical precedents to prove that Catholicism had a distinguished liberal past while Protestantism – and the English variant in particular – had a long, dark history of persecution and religious coercion. “Let us look

⁹⁵⁵ A Roman Catholic and a Friend to Liberty, *The Catholic Religion Vindicated: Being an Answer to a Sermon Preached by the Reverend Cuyler in Poughkeepsie, on the 30th Day of July, 1812...* (1813), 4-5.

⁹⁵⁶ A Roman Catholic, *The Catholic Religion Vindicated*, 17.

⁹⁵⁷ A Roman Catholic, *The Catholic Religion Vindicated*, 19.

back to the horrible period of English history,” he began, “when Calvinistic Protestantism, through streams of blood and scenes of profanation, had reached the sovereign power.”⁹⁵⁸ He recounted the persecutory history of the Anglican Church in Europe and America, and cited the contributions of several English- and Irish-Catholic theologians to the development and defense of modern religious freedom, including Richard Challoner and Arthur O’Leary.⁹⁵⁹ The writer accused Cuyler of attacking Catholics “as citizens and as men,” and asserted that their republican virtue was second to no other denomination.⁹⁶⁰

Typical of the Catholic dissenting tradition, the author ended on an irenic note, asking that “the Protestant and the Papist would live together in harmony.” Although “ignorance and fanaticism applaud the men who foment division,” he wrote, “wisdom and liberality would revere the ardour whose enlightened eloquence thus piously laboured to suppress it.” During a moment when America was saddled with heightened political and diplomatic turmoil, he called on “every heart and...every hand” to unite “for our county’s defence,” and asked his coreligionists to pray that Christians could unite under a single, universal church.⁹⁶¹ Reverend Cuyler, like many Protestants confronted by Catholic apologists in the public, declined to respond for reasons he never left behind. The anonymous Catholic, too, did not press the issue, perhaps believing that he had satisfactorily vindicated his faith.

Later in the year, President Madison issued another national day of fasting and prayer to be observed on January 12, 1813. A number of preachers in New York and

⁹⁵⁸ A Roman Catholic, *The Catholic Religion Vindicated*, 23.

⁹⁵⁹ A Roman Catholic, *The Catholic Religion Vindicated*, 31-33.

⁹⁶⁰ A Roman Catholic, *The Catholic Religion Vindicated*, 56.

⁹⁶¹ A Roman Catholic, *The Catholic Religion Vindicated*, 52, 57-58.

throughout the country commented on the surreptitious behavior of Catholics during the war, drawing a line connecting their apparent disloyalty to their faith. These ministers filled newspapers and pamphlets with lurid tales of priests enslaving their flocks and nuns teaching “heathen papists” doctrines incompatible with American institutions.⁹⁶² One minister, John Johnston, warned his countrymen that Catholics might “blow up the Congress hall, State houses, and all the protestant meeting houses of the United States,” and insisted that Catholics should “not be considered their fellow citizens.”⁹⁶³ Demetrius Gallitzin, a Russian aristocrat that came to America in 1792, composed an article defending his Catholic creed in a local newspaper. Johnston dismissed the article as being “too despicable to merit a reply.”⁹⁶⁴ Unable to provoke the response he had anticipated, Gallitzin issued a book that defended his coreligionists from those accusations and demanded an apology for attempting to “exclude the Catholics of the United States from their rank as citizens.”⁹⁶⁵ The controversy lasted for several years, each man issuing rejoinders to the other, but the dialogue eventually moved from the issue of Catholic religious freedom and their place as citizens in the United States to esoteric doctrinal matters within the Roman Catholic Church.⁹⁶⁶

These episodes suggest that Catholics in early national New York endured some degree of political and cultural discrimination even after winning legislative victories first during the American Revolution and then in 1806. Throughout the period, they defended

⁹⁶² Sarah M. Brownson, *Life of Demetrius Augustine Gallitzin: Prince and Priest* (New York: Pustet, 1873), 309-310.

⁹⁶³ Demetrius Gallitzin, *Defence of Catholic Principles: In a Letter to a Protestant Minister* (Pittsburgh: S. Engles, 1816), iii-iv.

⁹⁶⁴ John Johnston, *A Vindication of the Doctrines of the Reformation: Being a Reply to an Attack on the Protestant Religion...* (Huntingdon, Pennsylvania: James Barbour, 1818), iii.

⁹⁶⁵ Gallitzin, *Defence of Catholic Principles*, 5.

⁹⁶⁶ See Demetrius Gallitzin, *An Appeal to the Protestant Public* (Ebensburg, Pennsylvania: Thomas Foley, 1819).

their rights as citizens, arguing that Catholics were as American as those of any other Christian denomination. As was true during the colonial period, international relations – in this case, the War of 1812 – unleashed the latent anti-Catholicism within the culture. Catholics continued to respond in kind, defending their allegiances to the country, their rights as American citizens, and their doctrines, which they portrayed as compatible with republican and democratic ideals. Although the ecumenical moment wrought by the Revolution was coming to an end by the second decade of the nineteenth century, Catholics received resounding support when they needed it most. The confession case of 1813 demonstrates the obstacles that Catholics still faced in their search for religious equality as well as the liberalizing spirit within New York’s religious and political culture.

Anthony Kohlmann and the Confession Case

In his three volume opus of *Church and State in the United States*, Anson Phelps Stokes wrote in 1950 that the case involving Anthony Kohlmann, the Rector of St. Peter’s Church in New York, was “of vital importance . . . to the cause of religious liberty.” Since then, few historians have thought enough to include it in their studies.⁹⁶⁷ The case determined whether a Catholic priest had to disclose information to the state that he had obtained during auricular confession, one of the Catholic Church’s sacraments. Kohlmann returned stolen property to a man named James Keating in 1812

⁹⁶⁷ Anson Phelps Stokes, *Church and State in the United States* (New York: Harper & Brothers, 1950), 1:838. The case is not discussed in Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002); Steven K. Green, *The Second Disestablishment: Church and State in Nineteenth-Century America* (New York: Oxford University Press, 2010); David Sehat, *The Myth of American Religious Freedom* (New York: Oxford University Press, 2011); Michael I. Meyerson, *Endowed by Our Creator: The Birth of Religious Freedom in America* (New Haven, Connecticut: Yale University Press, 2012).

that someone had given to the priest during confession. Eager to track down the thief, Keating went to the police after Kohlmann refused to tell him who returned his belongings. The police summoned the priest when they began investigating the matter but Kohlmann again explained that he could not divulge the information they sought because it would violate his obligations as a man of the cloth.⁹⁶⁸

Keating filed suit with New York's Court of General Sessions in 1813, which, under DeWitt Clinton, a long-time supporter of Catholic rights, asked Kohlmann if he wanted the court to drop the case in order to avoid religious controversy. Sensing that they had a good legal case and that winning would prove an important victory for Catholic rights in the state, his defense team pressed ahead.⁹⁶⁹ The counsel was comprised of all Protestants, including William Sampson, one of the most successful lawyers in early national New York, and Richard Riker, one of Sampson's associates and himself a former district attorney in the state. Sampson had already distinguished himself as a staunch advocate of religious freedom, having defended the United Irishmen before he moved to America. Disturbed by the anti-Catholic sentiment in Ireland, he penned a number of articles in defense of Catholic rights before he was arrested during the Irish Rebellion of 1798. After a series of arrests and exiles in Ireland, England, France, and Portugal, Sampson took up permanent residence in New York in 1806.⁹⁷⁰ Riker had been an outspoken advocate of Catholic rights since at least 1806, when he fought to remove the oath bill that year. Riker was tasked with making the district attorney's case against

⁹⁶⁸ For a biographical sketch, see Peter Guilday, *The Life and Times of John Carroll, Archbishop of Baltimore, 1735-1815* (New York: Catholic Encyclopedia Press, 1922), 635-636.

⁹⁶⁹ Duncan, *Citizens or Papists*, 168.

⁹⁷⁰ William Sampson, *Memoirs of William Sampson: Including Particulars of his Adventures in Various Parts of Europe; His Confinement in the Dungeons of the Inquisition in Lisbon...* (New York, 1807), 80-81.

Kohlmann but excused himself from the case before lending his services to the defense.⁹⁷¹

Kohlmann was wise to employ pro-Catholic Protestants in his defense, but he was also fortunate to have a sympathetic DeWitt Clinton presiding over the court. While under examination Kohlmann explained that if he were summoned as a private citizen he would answer any questions the court thought worthy of asking. After all, Kohlmann confessed, “my holy religion teaches and commands me to be subject to the higher powers in civil matters, and to respect and obey them. But,” the priest cautioned, “if called upon to testify in quality of a minister of a sacrament... I must not answer any questions” because doing so would make him “a traitor to my church, my sacred ministry, and my God.”⁹⁷²

Kohlmann was not unaware that a judicial victory would translate into an important political and legal triumph for Catholics in the state. He had been an active contributor to Mathew Carey’s lengthy rebuttal to the Reverend John Mason’s attack on Catholics in 1808 and was, like many priests in America, a staunch advocate of Catholic rights. His lawyers also recognized that this case was a bellwether for religious freedom in New York. Riker explained that “every enlightened Catholic considers the free toleration of his religion involved in the decision that shall be made in this case,” and suggested that American religious freedom was incomplete without extending full rights of conscience to Catholics. “I consider this a contest,” Riker thundered, “between toleration and persecution.” Confident that “the laws and constitution are on our side,”

⁹⁷¹ Duncan, *Citizens or Papists*, 170.

⁹⁷² Sampson, the lead defense attorney, published a book that documented the case, which included a long apologetic for Roman Catholic doctrines, shortly after the case concluded. William Sampson, *The Catholic Question in America: Whether a Roman Catholic Clergyman be in any Case Compellable to Disclose the Secrets of Auricular Confession* (New York: Edward Gillepsy, 1813), 8-9.

Riker asked the court to uphold the civil and religious rights that were guaranteed in to all citizens.⁹⁷³ He claimed that the New York state constitution protected Kohlmann's right, as a priest, to withhold information from authorities.

The rhetorical strategies the counsel used imitated the arguments found in Catholic essays since the Revolution. Sampson and Riker couched their arguments in legalistic language that relied on a clause in the constitution that protected "the free exercise and enjoyment of religious profession and worship, without distinction or preference."⁹⁷⁴ But they also believed that they needed to convince the court that Catholicism posed no danger to the republic, that a knowledge of history proved that Catholics had a record of liberality, and that adherents of the Catholic Church in America were upstanding citizens who were worthy of their neighbors' trust. Riker recounted the admirable role that Catholics played in defending the country during the American Revolution and reminded his countrymen of their participation in the ongoing war with Britain. He cited George Washington's favorable remarks in his letter to Catholics in 1791 to suggest that even though they were a religious minority, Catholics served admirably during the Revolutionary War. He also noted that Washington hoped to see his countrymen become more tolerant of minority faiths. Washington hoped that although Catholics did not have full rights in all states in 1791, they would gain religious equality over time. Riker was also intent on proving that Catholics made distinctions between spiritual and temporal allegiance to the pope. He cited the numerous Catholic monarchs that went to battle with their spiritual leader to make that point. "History shews us," he

⁹⁷³ Sampson, *Catholic Question*, 13, 40, 14.

⁹⁷⁴ Sampson, *Catholic Question*, 25.

reckoned, “that Catholic princes have oftentimes gone to war against the Pope in his character of a temporal prince.”⁹⁷⁵

After celebrating the role Catholics played in establishing independence and showcasing their willingness to stand up for freedom, Riker turned his attention to illiberal comments made by “Mr. Gardinier,” the head lawyer for the prosecution. The case was, according to Riker, inconsistent with the spirit of 1776, as Washington’s letter suggested. Riker depicted the state’s request as something “more barbarous – more cruel – or more unjust” than any he could remember. “To compel the Reverend pastor to answer, or to be imprisoned,” the attorney reasoned, “must either force his conscience or lead to persecution.” With some degree of exaggeration, Riker called it “the highest violation of right that I have ever witnessed,” and predicted that if the court ruled with the prosecution they “would cast a shade upon the jurisprudence of our country. The virtuous and the wise of all nations, would grieve that America should have so forgotten herself, as to add to the examples of religious despotism!”⁹⁷⁶ The defense team, in brief, equated Gardinier’s case with that of “religious despotism,” and claimed that they stood for religious liberty.

One of the lawyers for the prosecution, Mr. Blake, argued that the request Kohlmann sought transcended freedom of worship and in fact touched on civil matters. He insisted that the priest was not asking for religious equality, but for special privileges insofar as Kohlmann wanted to be excused from the demands of civil society that Protestants had to uphold. While Protestants had to cooperate with the authorities in order to protect “the common safety” of the people, Catholic priests were asking for special

⁹⁷⁵ Sampson, *Catholic Question*, 35.

⁹⁷⁶ Sampson, *Catholic Question*, 40.

“preference,” which, Blake, reasoned, endangered public safety. He maintained that the constitution protected religious liberty “without discrimination or preference,” but it did not grant “exemption from previous legal duties.”⁹⁷⁷ Kohlmann’s case, according to Blake, fell into the latter category and therefore threatened social stability in New York.

Sampson followed Blake’s monologue by inverting his supposition. Far from ensuring social harmony, if the court sided with the prosecution, it would create “a moral monster” by increasing tensions between faiths during a time of war. One way “to make such persons dangerous,” Sampson reasoned, was to “put their clergymen in prison for not betraying the most holy of all religious engagements towards God or man.” But the Irish Protestant attorney reaffirmed that Catholics in America were peaceful republican citizens who “seek nothing but pure and perfect equality” with Protestants. Catholics “claim neither more nor less,” and promised to “invoke the constitution in your favour” if Protestants’ religious freedom came under assault in the future. Sampson was not only extending an olive branch on behalf of his Catholic client, but asking for a pact wherein Protestants and Catholics would defend each other from any group that might threaten religious freedom in America. “We will join with all good citizens,” Sampson vowed, “in loving, respecting, and defending it [the constitutional protection of religious liberty].”⁹⁷⁸

DeWitt Clinton delivered his decision after closing arguments. Since the defense counsel spent so much time proving that Kohlmann’s objection was rooted in legitimate religious doctrine, Clinton reviewed the points that Sampson and Riker made during trial. Clinton explained that after perusing Catholic literature, he found that the sacrament of penance was an established doctrine of the church and that priests were forbidden from

⁹⁷⁷ Sampson, *Catholic Question*, 51.

⁹⁷⁸ Sampson, *Catholic Question*, 80, 83, 85.

sharing any information they received during confession with civil authorities. He concluded that Gardinier and Blake were placing Kohlmann in an untenable position which forced him to either violate his religious conscience or prevaricate in front of the court. They were thus asking him to choose between his ecclesiastical or judicial responsibilities. The court, Clinton concluded, declared that Kohlmann “shall not testify or act at all.”⁹⁷⁹

Clinton’s legal reasoning is worth considering. He built off of a remark that Sampson made toward the end of the trial which suggested that the U.S. Constitution protected Kohlmann’s religious freedom. Echoing deist and Catholic calls for religious equality in the early national period, Sampson insisted that Blake incorrectly labeled Americans as “a protestant people,” and that “the fathers of our constitution” never intended Protestantism to receive special favor. Admitting that “the powers of congress do not extend beyond certain enumerated objects,” Clinton asserted that “in this country there is no alliance between church and state; no established religion; no tolerated religion – for toleration results from establishment – but religious freedom guaranteed by the constitution, and consecrated by the social compact.” While a clause in the New York Constitution received most of his attention, he argued that Catholics were “protected by the constitution and laws of this country, in the full and free exercise of their religion.”⁹⁸⁰ Clinton’s decision therefore added weight to the appeals that John Carroll, Mathew Carey, and other Catholics had made to the Federal Constitution to protect their religious rights.

⁹⁷⁹ Sampson, *Catholic Question*, 95-103.

⁹⁸⁰ Sampson, *Catholic Question*, 79-80, 110-111, 114.

The press in New York did not cover the case as closely as one would expect considering the implications it might have on religious freedom, as well as the prestige of the defense counsel. It seems that the war with England distracted the New York press from devoting more attention to the Kohlmann case. Soon after the trial, however, newspapers reported the outcome, sometimes celebrating the victory for religious freedom in the state and sometimes finding fault with the decision. An Irish-Catholic newspaper explained that the court upheld “Mr. Kohlmann’s constitutional right to this exercise of his religious duty” and reprinted an excerpt from one of Sampson’s speeches during the trial.⁹⁸¹ A Jeffersonian paper ran excerpts of the prosecution’s case, which posited that the Roman Church, by offering confession to Catholic parishioners, was encouraging crime and immorality. If the court accommodated Kohlmann, they reasoned, it was complicit in that process. The paper did not offer the defense’s legal reasoning, but did issue ad hominem attacks on Sampson before lamenting that the Clinton court decided that Kohlmann “could not be obliged to give evidence of the confession made to him.”⁹⁸²

Sampson, Riker, Kohlmann, and his coreligionists nevertheless celebrated the victory, which ran contrary to a judicial decision in Ireland many years prior. They wrote to their colleagues in England and Ireland explaining the ruling while Sampson had the text of the case bound into a single volume in late 1813.⁹⁸³ Charles Henry Wharton – who had debated Bishop Carroll in 1784-1785 over similar issues – saw Sampson’s book as an assault on religious harmony and issued a rejoinder, which essentially made the prosecution’s case that Catholic doctrine threatened the vitality of the republic. Another

⁹⁸¹ *The Shamrock*, August 6, 1814.

⁹⁸² *New-York Spectator*, June 26, 1813.

⁹⁸³ John Carroll to Charles Plowden, [December 12, 1813], in *JCP*, 3:248.

Catholic priest, Simon Felix O’Gallagher, ran to defend Kolhmann from Wharton’s essay. The two exchanged blows until 1817, when Wharton released a compendium of his debates with American Catholics over the last three decades.⁹⁸⁴ But with a cohort of Irish Protestants on their side, New York Catholics won an important legal victory in the courts. Years later, in 1828, the state legislature reinforced this victory by passing a statute declaring that “No minister of the Gospel or priest of any denomination” could be forced to “disclose any confession made to him in his professional character.”⁹⁸⁵ But by that time, the political culture had turned on Catholics in New York and throughout the country. The Revolutionary sentiment that brought Catholic and Protestant together in a united effort to overthrow British rule had long since passed, and a new set of challenges faced America’s Catholic population.⁹⁸⁶

Conclusions

The Roman Catholic population of New York experienced a number of important legal and cultural victories from the end of the American Revolution to the conclusion of the War of 1812, partially because the former event did not secure their full civil or religious rights. But Catholics’ incomplete religious freedom did not stop contemporary writers from referring to anti-Catholicism in New York as if it were a relic of the benighted past, and from depicting the American Revolution as an event which abolished all legal and cultural barriers to Catholic equality. One anonymous commentator

⁹⁸⁴ Robert Gorman, “Catholic Apologetical Literature in the United States (1784-1858),” (PhD Dissertation, The Catholic University of America, 1939), 28.

⁹⁸⁵ Stokes, *Church and State*, 1:849.

⁹⁸⁶ When anti-Catholic animosities were reaching a fever pitch in the 1830s, Sampson decided to re-print the records of the Kohlmann case to combat religious prejudice. Sampson contacted Mathew Carey for a comprehensive list of Irish Codes, which he added to the original. See William Sampson to Mathew Carey, July 22, 1830, in *RACHSP*, 13 (1902): 246-247.

explained in 1810 that New Yorkers “look back with astonishment” at the “rancorous hatred that prevailed against the Roman Catholics” during the seventeenth and eighteenth centuries. New Yorkers who were “born and educated before the American Revolution, will recollect how religiously they were taught to abhor the Pope, Devil and Pretender,” and recall “the horror and detestation in which the Roman Catholics were held” until the Revolution put an end to the “ignorance and illiberal prejudices [that] universally prevailed.”⁹⁸⁷

For all of the freedoms that Catholics enjoyed after the Revolution, Fathers Andrew Nugent and Anthony Kohlmann, as well as laymen such as Francis Cooper and Mathew Carey saw anti-Catholicism as an enduring problem; one that needed to be exposed and confronted before Catholics could attain equal citizenship. During the Kohlmann trial an Irish-Catholic inventor named Joseph Coppinger claimed that the state was flooded with “illiberal Protestant ministers [who] sought to keep the flames of superstition alive.” Like Carey, Coppinger wanted to vindicate his faith from the rumors and falsehoods which, he argued, polluted New York’s public discourse.⁹⁸⁸ In their pursuit of religious equality, Catholics found allies in DeWitt Clinton, William Sampson, Richard Riker, and James Cheetham, among others. Those Catholic sympathizers augmented religious liberty in the Empire State by wielding the power they possessed in the judiciary, legislative chamber, court house, and culture.

As the events in early national New York demonstrate, anti-Catholicism was never fully extirpated from American culture. While Catholics and their allies achieved a

⁹⁸⁷ The Trial of John Ury, *ACHR* 16 (1899): 3-5.

⁹⁸⁸ Joseph Coppinger, “The Catholic Religion Vindicated,” (New York, 1813), 16, quoted in Duncan, *Citizens or Papists*, 162; Joseph Coppinger to Thomas Jefferson, 6 April 1815, in J. Jefferson Looney, ed., *The Papers of Thomas Jefferson*, Retirement Series, 8 vols. (Princeton: Princeton University Press, 2011), 1:411.

number of victories during this period, the political and religious culture in the United States rapidly transformed after the War of 1812, when a wave of nativist, anti-Catholic fervor began to sweep over the American continent. This new religious culture posed the most serious threat to Catholic freedoms that they had experienced since the colonial period.

CHAPTER 10: NEW CHALLENGES TO THE OLD FAITH

On a brisk December morning in 1815, John Carroll died from illness. Embattled by years of conflict with unruly trustees in New York, Philadelphia, Norfolk, and Charleston, the eighty-year-old bishop passed away in his chamber, surrounded by family, friends, and fellow priests. The public received his death with somber gratitude, noting that the country lost one of its greatest patriots. Representative of the mainstream Protestant ethos in the country, the *North American Review* called him “one of the most remarkable men of his time,” recognized his part in securing Independence, and noted that the country will “bewail in his loss.”⁹⁸⁹ Closer to home in Baltimore, one observer noted that men and women of all persuasions mourned his passing. Never before did “so many of eminent respectability and standing among us” pay their respects at a funeral in that city. “Distinctions of rank, of wealth, of religious opinion,” the account continued, “were laid aside in the great testimony of respect to the memory of the man.” Newspapers noted that the “liberality of his character, and his Christian charity, endeared him to his Protestant brethren, with whom he dealt in brotherly love.”⁹⁹⁰ Those of all denominations celebrated Carroll as a “great, good, and pious man,”⁹⁹¹ and heralded his “learning, urbanity, benevolence, long pastoral service, and general worth,” which “justly rendered him an object of sincere esteem when living and of regret when dead.”⁹⁹² As Robert Walsh – whose father helped publicize Catholic essays on religious liberty alongside Carroll and Mathew Carey – wrote, Carroll’s countrymen “should not forget that his

⁹⁸⁹ *North American Review*, 2 (1816): 286.

⁹⁹⁰ Quoted in Peter Guilday, *The Life and Times of John Carroll, Archbishop of Baltimore (1735-1815)* 2 vols. (New York: The Encyclopedia Press, 1922), 2:828.

⁹⁹¹ *Washington Daily National Intelligencer*, December 5, 1815.

⁹⁹² *New York Shamrock*, December 9, 1815. See also, *New York Columbian*, December 8, 1815; *Boston Gazette*, December 11, 1815; *Salem Essex Register*, December 13, 1815.

exertions and benedictions as a man and as a Christian prelate were given to the cause and independence of his country.”⁹⁹³

The outpouring of regret over Carroll’s death might be seen as the final chapter in the period of Protestant-Catholic harmony in the early republic. Even though Carroll spent much of his adult life responding to anti-Catholic slanders, he privately admitted that the American model in church and state was the envy of the world and that most Americans were tolerant and respectful of Catholics.⁹⁹⁴ His successor, Bishop Leonard Neale, wrote almost a year to the day after Carroll’s death that the religious freedom afforded to Catholics in the United States was “unparalleled,” and that they were blessed to live “in a free country, under the most liberal and philanthropic Government” in the world.⁹⁹⁵

However, during the nineteenth century, such sanguine sentiment among American Catholics began to wane as they faced a number of challenges that had not existed in aftermath of the Revolution. First, as their population grew steadily, as immigrants of Irish, French, and German heritage began competing with native-born Americans for employment. That new demographic reality created tensions between the Catholic minority and Protestant majority.⁹⁹⁶ Second, the American Church was short on priests. Bishop Carroll reluctantly welcomed foreign clergy who were unaware of the

⁹⁹³ Robert Walsh, ed., *The American Register; or, Summary Review of History, Politics, and Literature* (Philadelphia: Thomas Dobson and Son, 1817), 2:421.

⁹⁹⁴ John Carroll to Ferdinand Farmer, [December 1784], in Thomas O’Brien Hanley, ed., *The John Carroll Papers*, 3 vols. (hereafter *JCP*) (Notre Dame, Indiana: University of Notre Dame Press, 1976), 1:156-158; John Carroll to Charles Plowden, June 11, 1791, in *JCP*, 1:505. He made this point in his public statements as well. See Sermon on Gratitude, 1785, in *JCP*, 1:159-160; John Carroll, The Establishment of the Catholic Religion in the United States [1790?], in *JCP*, 1:403-407.

⁹⁹⁵ John Donaghey, Bernard Mulhollan, Eugene Higgins, and Jasper Moran, “An Address to the Members of the Roman Catholic Congregation of Norfolk,” December 21, 1816, 12U3, Archbishop Neale Papers, Archives of Baltimore, Associated Archives at St. Mary’s Seminary & University, Baltimore, Maryland. (Hereafter cited as AAB, AASMSU.)

⁹⁹⁶ Jay Dolan, *The American Catholic Experience: A History from Colonial Times to the Present* (Notre Dame: University of Notre Dame Press, 1992), 103.

customs and values that, despite political and ideological conflict, were shared by Americans of all religious persuasions. That created rifts between priests, their parishioners, and the episcopacy. Splintered into rival ideological and ethnic factions, Catholics fought each other for ecclesiastical and civil authority within and outside the church. Such protracted disputes reflected poorly on the American mission, which left Catholics open to accusations that their faith was incompatible with American institutions and ideals. Third, Protestant reformers began again blurring the distinction between national and religious commitments by equating Protestant and American values. As evangelical revivals swept over the country, Catholics became more alienated from mainstream Protestant culture.⁹⁹⁷

Institutional changes within the Papacy also made Americans more suspicious of their Catholic neighbors. The ecumenical moment that accompanied the American Revolution was due partly to Protestant's willingness to ignore Rome and instead focus on domestic affairs about politics. The Holy See's power had waned during the eighteenth century. The French Revolution and rise of Napoleon Bonaparte, who kidnapped Pope Pius VI and his successor, further limited the Papacy's power and influence. Rome was also in the middle of what scholars have called the "Catholic Enlightenment" at that time. Many American Protestants recognized Rome's more liberal stance, and felt that it no longer posed a substantial threat to their liberties.⁹⁹⁸ Those relatively warm sentiments lasted until the College of Cardinals elected a series of more

⁹⁹⁷ On these developments generally, see Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study on the Origins of American Nativism* (New York: Rinehart & Company, 1952); Jon Gjerde, *Catholicism and the Shaping of Nineteenth-Century America* (New York: Cambridge University Press, 2012).

⁹⁹⁸ See John Lathrop, *A Discourse on the Errors of Popery* (Boston: S. Hall, 1793), 29, writing that "the usurpations of the Romish church are by no means so threatening to the liberties and happiness of mankind, as they were at the time when our fathers separated from her."

conservative popes in the 1820s. During that decade, anti-Catholicism found new life in the United States.

Amid these changes, Protestants once again began to prophesy about the impending “popish” overthrow of America’s republican institutions. Isolated hostilities during the early Republic therefore turned into existential and institutional threats during the second and third decades of the nineteenth century. Unflattering and sometimes salacious novels about Catholic priests and nuns appeared in bookstores while Protestants and Catholics clashed in Boston, New York, Philadelphia, and Baltimore. Religious periodicals like the *Boston Recorder*, the *Christian Watchman*, and the *New York Observer* published mean-spirited articles about the Catholic faithful at the same time that the Trustee Controversy seemed to validate those charges.⁹⁹⁹ Religious controversies between Catholics and Protestants became more widespread, and were laced with invective in ways uncommon in the first few decades following the Revolution. Heated arguments in newspapers, pamphlets, and books all across the United States discussed the relative merits of Catholicism and Protestantism, often spilling over into questions of citizenship and rights.¹⁰⁰⁰ Meanwhile, journalists, ministers, politicians, and intellectuals increasingly warned, as did John Pierce at Harvard’s annual Dudleian Lecture in 1821, of the “dangerous, aspiring pretensions of the Romish Church.”¹⁰⁰¹

This chapter explores Catholic discourses about religious freedom in early antebellum Philadelphia during the first third of the nineteenth century. Scholars of

⁹⁹⁹ Billington, *Protestant Crusade*, 43.

¹⁰⁰⁰ John Andrews, *An Attempt to Explain and Vindicate the Doctrine and Worship of the Roman Catholic Church* (Norfolk: Shields, Charlton & Co., 1818); A Gentleman of Petersburg, *The Querist; or, Letters from a Catholic to a Protestant* (Petersburg, Virginia: Edward Pescud, 1823).

¹⁰⁰¹ John Pierce, *The Right of Private Judgment in Religion, Vindicated Against the Claims of the Romish Church and All Kindred Usurpations* (Cambridge: Hilliard and Metcalf, 1821), 3.

religious liberty have been slow to examine Protestant-Catholic relations during the second and third decades of the nineteenth century, instead looking ahead to the School Question debates of the 1840s and 1850s. This chapter argues that several episodes prior to that crisis should inform how historians understand the development of religious freedom in the United States. It suggests that internal Catholic strife helped fuel inter-confessional mistrust, which gave credibility to stereotypes propagated by anti-Catholic agitators like F. B. Morse, Alexander Campbell, and Henry Ward Beecher. It looks at a number of public controversies that began in Philadelphia but gained attention across the country. Different factions within St. Mary's Catholic Church in Philadelphia fought over control of their parish, as bishops, laymen, and clergy vied for the power to appoint and remove priests and manage the financial resources of the church.

I argue that these controversies – which reached the highest levels of the judicial and legislative branches of the government of Pennsylvania as well as the executive office of the Federal government – are part of a longer history of Catholic involvement in the defining of American religious freedom. Although historians have relegated the events in this chapter to monographs and articles about Catholicism in Philadelphia or trusteeism more generally, the way Catholics wrote about their right to reform and administer the functions of their church tells historians how a religious minority understood the extent of, and limitation on, their constitutional right to religious liberty. For many Catholics, especially those like Bishops John Carroll, Leonard Neale, Henry Conwell, and even John England, a separation of church and state was a necessary prerequisite for religious freedom. Restricting the state's ability to meddle in the affairs

of the church, these bishops reasoned, would allow church leaders to consolidate authority and tame the democratizing impulses within their churches.¹⁰⁰²

The Coming of the Storm

Internal disturbances around the country caused tensions within and outside of America's growing Catholic Church. Trustees, priests, and bishops went to rhetorical war with each other over the right to administer the ecclesiastical, financial, and civil functions of the church. Congregations throughout the country divided over ethnic, ideological, and at times, theological issues that helped foment fears of a popish revival in the United States and threatened the civil and religious liberties of the Roman Catholic faithful. Churches originally divided over questions about church property and the appointment and removal of parish pastors. Who, they asked, had the authority to make those decisions? The laity, the priests, or the bishops? As discussed in chapter nine, those questions plagued New York's St. Peter's. Not long after the Revolution, two Philadelphia churches, Holy Trinity and St. Mary's, divided over those questions. By the second decade of the nineteenth century, these two parishes were attracting attention throughout the nation.¹⁰⁰³ Other churches struggled with the same kinds of questions. Those in Baltimore, New Orleans, Charleston, and Norfolk failed to peaceably address these questions, which produced schism in several congregations.

But the events in Philadelphia, more than any other city, captured the nation's attention, and will be the focus of this chapter. Philadelphia's Catholic population,

¹⁰⁰² On the separation of church and state serving as a useful end for conservative-minded bishops, see Patrick W. Carey, *People, Priests, and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeism* (Notre Dame, Indiana: University of Notre Dame Press, 1987), 197.

¹⁰⁰³ Billington, *Protestant Crusade*, 39.

several historians have argued, was swept up in the republican ideals of the Revolution.¹⁰⁰⁴ Catholics wanted to enact democratic reforms within their own institutions by allowing the laity – through elected trustees – to administer the civil and ecclesiastical functions of the church. They assumed responsibility for temporal concerns such as collecting pew rents, furnishing the interior of the church, selling gravesites, and, most important, determining the salary of priests. Lay participation in the government of the church, the trustees argued, was part of the Catholic tradition that had been lost. While the trustee system worked well for the vast majority of parishes, several experienced prolonged infighting, especially over the issue of appointing and removing priests. Bishop Carroll reached a compromise on the right to appoint clergymen with St. Mary’s trustees in 1788 when the two parties agreed that the trustees would choose among a number of priests that Carroll provided. But the hierarchy within the church repeatedly wrestled with the trustees as each attempted to assert their influence within the church.¹⁰⁰⁵

The Church of the Holy Trinity, not far from St. Mary’s, underwent a similar experience not long after, but was at first unable to reach a compromise. The trustees of that parish undermined episcopal authority when they appointed a Capuchin cleric named John Helbron as their resident priest without Carroll’s approval. The trustees argued that since they owned the property on which the edifice was built, they had civil and legal authority to administer over church affairs. Carroll, only recently consecrated as Bishop of the United States, wrote to Helbron, arguing that his appointment would, if left unchecked, “reduce the American church” to a “state of vassalage.” Lay control of a

¹⁰⁰⁴ Carey, *People, Priests, and Prelates*, 40.

¹⁰⁰⁵ Jay Dolan, *In Search of an American Catholicism*, 29-31.

church, Carroll argued, replaced spiritual and godly authority with financial and civil. Anyone – Catholic, Protestant, Jew or deist – could, by the trustee’s reasoning, govern the affairs of the Catholic Church permitting they owned the property upon which it was erected.¹⁰⁰⁶ To Carroll’s astonishment, Helbron refused to move and – in front of a mixed and distinguished Protestant-Catholic audience – presided over the opening services of the church on November 22, 1789. Contemporary newspaper accounts celebrated Helbron’s homily, noting that “spectators of different countries and denominations” found his words “instructive, elegant and pleasing.” Another paper praised the interfaith efforts of both Catholics and Protestants, asking what was “more pleasing than to think, that men far from despising, hating and persecuting each other, on account of religious tenets ... now unite together with one voice in praising and adoring their common Father and Creator?”¹⁰⁰⁷ Carroll nevertheless insisted that Helbron had forced his hand.

After several letters failed to bring Helbron or the trustees into line, Carroll traveled to Philadelphia to confront the unruly priest. Helbron eventually agreed to make a public statement during his next sermon announcing that he and other priests in the country could not “preach or perform any parochial function but inasmuch as we are approved by the ecclesiastical Superior whereof.”¹⁰⁰⁸ Immediately after, in front of the inter-denominational audience, Carroll delivered a sermon on the discipline of the Church, which included a section on obedience to superiors that shocked many in attendance. Since the governor of Pennsylvania, several congressmen, and other men of

¹⁰⁰⁶ John Carroll to John Heilbron, [November 1789], in *JCP*, 1:391-392.

¹⁰⁰⁷ *The Federal Gazette and Philadelphia Evening Point*, December 5, 1789; *The Pennsylvania Packet and Daily Advertiser*, December 9, 1789.

¹⁰⁰⁸ Testimony against Peter Heilbron, February 25, 1797, in *JCP*, 2:207.

distinction attended Holy Trinity, word spread throughout the city of the disturbances in the church and the authoritarian tendencies of the American mission. The trustees remained quiet during the sermon and in the weeks after Carroll's reprimand, giving the impression that the opposing parties had reached agreement. Because the matter seemed resolved, public reaction was relatively muted. Yet, as historian Dale Light notes, the issue promised to resurface because the trustees never agreed to anything of significance, only finding common ground with Carroll on trivial matters that had little to do with the initial conflict in the church. Left unresolved was the crucial matter of appointing and relieving priests as well as the rights of the trustees vis-à-vis the local bishop. The trustees were, moreover, still demanding an apology from Carroll for the way he spoke about their actions. The opening chapter of the trustee issue in Philadelphia might have closed, but darker days lay ahead.¹⁰⁰⁹

Carroll's temporary solution to the trustee problem in Philadelphia eased tensions for some time, but periodic episodes rekindled those flames throughout the remaining years of the eighteenth and the first few decades of the nineteenth centuries. In each case, the infighting among Catholics and the anti-Catholic rhetoric they utilized to denounce their opposition threatened the vitality of the fledging mission and jeopardized the religious freedom of the faithful. In 1796, Holy Trinity's trustees filed a lawsuit in the Pennsylvania courts after Father Peter Helbron refused to step down as parish priest. The trustees argued that they merely sought to "govern themselves by the laws of God & those of the land where they lived," independent of "all foreign jurisdiction."¹⁰¹⁰

¹⁰⁰⁹ Dale Light, *Rome and the New Republic: Conflict and Community in Philadelphia Catholicism between the Revolution and the Civil War* (Notre Dame: University of Notre Dame Press, 1996), 18.

¹⁰¹⁰ Leonard Neale to John Carroll, December 13, 1796, in *Records of the American Catholic Historical Society of Philadelphia* (hereafter cited as *RACHSP*), 23 (1912): 17.

According to their interpretation of events, the Roman Catholic hierarchy, represented by Bishop Leonard Neale, was trying to undermine their civil and religious rights, enshrined in the Pennsylvania Constitution, to exercise their individual religious liberty. The dissenting trustees were articulating an individual conception of religious freedom in arguing that the church was made up of the individuals who worshipped in the church. On the opposite side of the issue, Bishop Neale articulated a corporate understanding of religious freedom, arguing that the governance of the church lay in the superiors atop the hierarchy. If individuals did not want to be a part of the Catholic Church the way it was traditionally organized, he contended, they could leave. But far be it their “right” to alter the doctrine, practice, or discipline of the Mother Church. In short, Neale, Carroll, and the American hierarchy believed that each denomination – whether Catholic, Episcopalian, Baptist, or Congregational – had the right govern their affairs as they wished, without the interference of the civil authorities. To do otherwise would be an assault of their religious freedom.

In response to the episcopacy’s assertions, one of the leaders of the dissenting faction within Holy Trinity, James Oellers, utilized the anti-Catholic rhetoric that Protestant crusaders had used against the Mother Church, insisting that the congregation was sovereign and independent of any “foreign jurisdiction.” Neale, whose impulses were more conservative than Carroll’s, responded with equally inflammatory language that portrayed the American Catholic Church as an institution at odds with America’s republican ethos. Sensing they could exploit Neale’s position to their favor, the trustees argued that they were fighting not only for their own religious freedom but that of all Americans. In an effort to gain the support of the non-Catholic public, they slandered

their own church institutions, including “its laws, doctrines, and government, Pope and Holy Council of Trent” with some of “the foulest abuse” Carroll had ever heard. The dissenters denounced the papal bull responsible for the creation of the Baltimore See with Carroll at its head as “a grave act of tyranny” that ran “contrary to the American people[’s] right and liberty.” It was, Carroll later confessed, “as if they had ransacked all Protestant libraries to defame it [the Church].”¹⁰¹¹

As Carroll realized, the dissenters were jeopardizing the entire American Catholic mission by casting themselves as defenders of religious liberty against a “foreign tyranny” within their own church. But Carroll was less aware of how his actions, in suppressing the dissenters, similarly reinforced the kind of stereotypes he worked so diligently to remove from American culture. In that sense, he and the bishops that succeeded him provided a caricatured image of religious power, stamping out democratic-minded dissenters. Those actions, alongside the dissenters’ rhetoric, reinforced the anti-Catholic prejudices still lingering in the press that suggested that Catholics were incapable of handling the responsibility that came along with republican government and that even the most liberal members of their church – including John Carroll – viewed reasonable, enlightened, and democratic reforms within the church as intolerable acts of treason. Those charges became a staple argument of anti-Catholic crusaders in the beginning of the nineteenth century. Fewer did more to lend credence to that idea than Bishop Henry Conwell and the trustees of St. Mary’s Church.

The Making of a Schismatic Parish

¹⁰¹¹ John Carroll to James Oellers, November 19, 1801 and John Carroll to Caesar Brancadoro, October 12, 1799, in *JCP*, 2:367, 287.

The events at the end of the eighteenth century at Holy Trinity and St. Mary's were precursors to future flare ups in Philadelphia in the nineteenth century. By 1809, Bishop Carroll was warning his priests that disagreements amongst Catholics had received negative attention in the secular and Protestant press. Carroll, according to Bishop Neale, "complains that we make our affairs too public."¹⁰¹² Within a few years, almost all of Philadelphia would be focused on the schism at St. Mary's Church. The disruptions began in 1808, when the bishop-elect of Philadelphia, Michael Egan, selected an Irish Dominican priest named William Harold to be his clerical assistant. A Dominican priest from Ireland who spent a brief time in New York before heading to Philadelphia, Harold arrived with "strong recommendations from [the Bishop of Dublin] Doctor [John] Troy and the Provincial of his Order" in 1808.¹⁰¹³ Harold won the favor of the St. Mary's congregation and its trustees almost overnight. A gifted orator with a passion for his ministry, Harold played a similar role for Catholics in Philadelphia that revivalists like Alexander Campbell and Charles Finney did for Protestant congregations, bringing lapsed Catholics of working and middling status back into the pews. That changed the demographic and ideological structure of the parish, however, which Harold instilled with a democratic and egalitarian spirit. But not everyone was a fan of the popular priest. Conservative-minded traditionalists began to sense that his popularity could undermine their authority in the church. Liberal laymen like St. Mary's own

¹⁰¹² Anthony Kolhmann to John Grassi, July 26, 1809, in Thomas Hughes, ed., *History of the Society of Jesus in North America: Colonial and Federal, Documents*, 1, part 2 (New York: Longmans, Green & Company, 1910), 1:974.

¹⁰¹³ Michael Egan to John Carroll, Philadelphia, December 3, 1808, in *The American Catholic Historical Researches* (hereafter cited as *ACHR*), 9 (1892): 123.

Mathew Carey also sensed danger, complaining that Harold at times used “intemperate language” and promoted “violence and turbulence” in his sermons and writings.¹⁰¹⁴

While the trustees, Harold, and Bishop Egan were able to compromise on most issues in his first few years as priest, tensions reached new heights in April of 1811, when Harold’s uncle, James Harold, immigrated to Philadelphia from Ireland. As a member of the United Irishmen and a radical proponent of civil and religious liberty, the elder Harold steered the congregation into turmoil just months after his arrival. He did so by appealing to the working-class Catholics who did not have the financial resources to purchase pews. Eager to consolidate their authority, the Harolds advanced money to their supporters, who then used those funds to purchase pews. That move expanded the suffrage within the church and allowed more of their supporters to sit on the board of trustees. The Harolds, in short, were buying votes so that their supporters could raise clerical salaries and vote out the trustees with whom they differed. But by 1812, a year that according to Carey, “produced an unhappy change” at St. Mary’s, the church was in debt and unable to pay the clerical salaries it promised.¹⁰¹⁵ That unfortunate circumstance made unlikely allies of the populist preachers and the conservative bishop.

The clergymen joined forces against the more fiscally responsible trustees who wanted to cut clerical salaries and remove the elder Harold from the parish. The pro-Harold camp threatened violence against that group of trustees. At a meeting designed to calm tensions in 1812, Carey reported that “Threats of violence were reciprocated.

Clenched fists were held up in the faces of different persons ... and one severe blow was

¹⁰¹⁴ A Catholic Layman, *A Desultory Examination of the Reply of the Rev. W. V. Harold to a Catholic Layman’s Rejoinder* (Philadelphia: H. C. Carey & Lea, 1822), iii.

¹⁰¹⁵ A Catholic Layman, *Rejoinder to the Reply of the Rev. Mr. Harold, to the Address to the Right Reverend the Bishop of Pennsylvania, the Catholic Clergy of Philadelphia, and the Congregation of St. Mary’s* (Philadelphia: H. C. Carey & I. Lea, 1822), 12.

given and received.”¹⁰¹⁶ Another attendee explained to Bishop Carroll that “most of the trustees had received letters, threatening their lives, and the burning of their property.” One of the Harold supporters threw a letter into the home of Charles Johnson which advised him to “Lookout” because “fire an [sic] faggot is your portion if you dont let the Clergy alone.” Another trustee received a letter promising that “Death is your portion if you dont behave your self,” and warned him to “keep your self quiet and – and nobody will touch you.”¹⁰¹⁷

The threats worked. On September 8, 1812, Charles Johnson stepped down from the board of trustees and announced he would no longer attend St. Mary’s, citing his family’s safety as his chief concern. Another trustee described the congregation as “mostly of a class to be dreaded in any society,” and called them “violent Jacobins” who were “strangers” to civility and almost certain to “tyrannize over the Clergy and the people” of Philadelphia.¹⁰¹⁸ Until this point, these disturbances were mostly internal and elicited only scattered commentary outside of St. Mary’s. A group of trustees, however, noted that some of the inflammatory pamphlets circulated within the church jeopardized the integrity of their parish. Those documents had been put into “the possession of persons of other denominations, who are known to frequent our church on Sundays, and some of whom are hostile to our religion, and could have no higher gratification than any thing tending to its disparagement.”¹⁰¹⁹ Their destructive rhetoric, in other words, was bleeding into the public at large, which, John Ashley and other trustees feared, could be

¹⁰¹⁶ A Catholic Layman, *Rejoinder to the Reply of the Rev. Mr. Harold*, 20.

¹⁰¹⁷ John Carrell to John Carroll, September 15, 1812, in Guilday, *The Life and Times of John Carroll*, 2:663-664; Light, *Rome and the New Republic*, 62.

¹⁰¹⁸ John Carrell to John Carroll, September 15, 1812, in Guilday, *The Life and Times of John Carroll*, 2:664.

¹⁰¹⁹ *Sundry Documents Submitted to the Consideration of the Pewholders of St. Mary’s Church* (Philadelphia: Lydia R. Bailey, 1812), 7.

used to undermine their reputation in the city. When the trustees petitioned John Carroll for help and the elderly bishop refused to get involved, they appealed to the public for support. That move turned a serious but relatively private conflict into a national scandal that inflicted untold damage on the reputation and character of the American mission. Protestants in and around Philadelphia soon heard Catholics insisting that members of their own faith posed existential threats to American religious freedom and the most cherished democratic and republican institutions in the country.

The anti-Harold trustees first published a circular that outlined their position and included a list of more than sixty pew-holders that supported them. Unable to sway the Harold faction or gain popular support from the surrounding Philadelphia community, they sent a letter to the Pennsylvania legislature asking for an amendment to the St. Mary's charter that banned clergymen in general and the Harolds in particular from sitting on the board of trustees. Harold responded with a sermon, again in front of an interdenominational audience that included state legislators, chastising the trustees. On another occasion he ridiculed Bishop Egan. Carey again provides the best record of the episode. According to the esteemed printer, Harold called Egan, among other things, a word that "begins with b- and ends with -d, but is really too coarse for my page."¹⁰²⁰ Events continued to divide the troubled parish as the pro-Harold faction sought more control over the church. But by early 1813, Bishops Egan and Carroll had had enough of the Harolds and began making plans for James' removal back to Ireland. Even while Carroll recognized "the advantage of his [William Harold's] talents," and the fact that his departure "will be felt here very much," compromise with the more authoritarian Egan

¹⁰²⁰ [Mathew Carey] A Catholic Layman, *Review of Three Pamphlets Lately Published by the Rev. W. V. Harold* (Philadelphia: H. C. Carey & I. Lea, 1822), 21.

was by that time impossible, and replacing a priest was much easier than replacing a bishop.¹⁰²¹

Tensions escalated in July, when Egan excluded the Haroldite trustees from the sacraments. The latter again appealed to Carroll, but in the process they used language reminiscent of the conspiracy-laden literature that pervaded colonial America and early modern England. The trustees claimed that the Harolds and their supporters were victims of an elite conspiracy perpetrated by Carroll, Egan, and other high-ranking officials in the church. They concluded that Egan and his supporters were the religious equivalent of the monarchs of Europe who demanded “absolute unconditional obedience” from their subjects.¹⁰²² Even after William Harold resigned from his position and left Philadelphia for Lisbon, the congregation continued to be a thorn in Egan’s side.¹⁰²³ By 1814, the parties had not reached a resolution despite private and public pleas from Bishop Carroll, Mathew Carey and other moderate members of the church who were willing to cast some blame on each side in order to restore harmony within the parish.¹⁰²⁴ In the fall that year the trustees and the bishops wrote to Rome to settle a number of issues, ranging from clerical appointments to salaries. As a result of the disruptions in Philadelphia, Rome concluded that it could not trust American bishops to appoint their own affairs. To resolve that issue, the Holy See decided to appoint all future bishops in the United States. In that way, the Philadelphia controversy began to change the administration of the American Catholic Church from a body that at least appeared to hold a degree of

¹⁰²¹ John Carroll to John Troy, April 12, 1813, in *JCP*, 3:221.

¹⁰²² Remonstrance of the Roman-Catholic inhabitants of St. Mary’s parish to John, Archbishop of Baltimore, October 14, 1813, AAB, file 11B N5, quoted in Light, *Rome and the New Republic*, 70.

¹⁰²³ Life of Bishop Conwell, *RACHSP*, 25 (1914): 237.

¹⁰²⁴ John Carroll to Luis De Onis, March 26, 1813, in *JCP*, 3:220; [Mathew Carey,] *To the Congregation of St. Mary’s Church* (Philadelphia, 1814).

autonomy to one that was under the control of a foreign and authoritarian jurisdiction at odds with American institutions.

The Hogan Schism

As the Holy See began to exert more authority over the internal affairs of the church, Catholic Philadelphians placed pressure on local and state officials to interfere with the government of St. Mary's. But it is worth noting that these conflicts were not confined to Philadelphia. Schism erupted in Norfolk, Virginia while St. Mary's was in disarray. What began as a conflict between the local priests and the Bishop of Baltimore, Ambrose Maréchal, became an international crisis when a group of Norfolk's trustees wrote to Pope Pius VII warning him that "if the influence of the Jesuits and Sulpicians there received not an immediate check, either a frightful schism will take place, or that the member of our church, will become protestants." When Bishop Maréchal visited Norfolk to reconcile their differences, a layman named Dr. John F. Oliveira Fernandez responded with a *Letter to Thomas Jefferson*, which was printed as a broadside in December of 1818. The letter was circulated to every governor, federal and state legislator, and federal judge in the union. The trustees ensured its delivery to President Monroe, his administration, and President Jefferson, who had been aware of the disturbances in Norfolk for some time.¹⁰²⁵ Fernandez asserted that the Sulpicians, who held all bishoprics in the United States save one, announced their "submission to a foreign government," which held values that "differ from that of the state [of Virginia]."

¹⁰²⁵ Thomas W. Spalding, *The Premier See: A History of the Archdiocese of Baltimore, 1789-1989* (Baltimore: The Johns Hopkins University Press, 1989), 81-82. For Jefferson's knowledge of the schism, see Thomas Jefferson to Ambrose Maréchal, January 17, 1820, Founders Online, National Archives (<http://founders.archives.gov/documents/Jefferson/98-01-02-1022>).

Since the Papacy was “dependent on, and subservient to all the great powers of Europe,” Fernandez reasoned that it was the “duty incumbent on the heads of the state, to temper the influence of that foreign power, so as to prevent it from becoming injurious to the commonwealth.” He maintained that the American hierarchy was “blindly devoted to the views of the French cabinet,” and was in the process of undermining America’s “religious and civil institutions.”¹⁰²⁶ The bishops, he continued, had recently “overwhelmed and extinguished [the parishioner’s] civil and religious rights.” His essay explored the severity of the crisis afflicting the Roman Catholic Church, noting that the federal and state governments needed to “pass a law to protect them [Catholics and non-Catholics alike] in those rights.” Otherwise, Americans were allowing a “foreign power to exercise an authority in this country” that would give way to “arbitrary and despotic laws” in opposition to American civil and religious liberty. The Catholic Church in the United States, in short, was run by men “against true liberty” and who “hold political principles dangerous to the State, and which they may spread under the mask of religion.”¹⁰²⁷ He closed by urging “America to limit the power of every foreign government within her territory, even in matters of religion.”¹⁰²⁸ Jefferson, however, refused to get involved in the schism, noting that “my principles require me to take no part in the religious controversies of other sects.” The retired President was “contented with enjoying freedom of religious opinion myself, and with having been ever the

¹⁰²⁶ *Letter to Thomas Jefferson* (1818), in Peter Guilday, *The Catholic Church in Virginia (1815-1822)* (New York: The United States Catholic Historical Society, 1924), 93-94.

¹⁰²⁷ *Letter to Thomas Jefferson*, 98.

¹⁰²⁸ *Letter to Thomas Jefferson*, 101.

advocate for securing it to all others, I deem it a duty to stand a neutral spectator on the schisms of our kindred sects.”¹⁰²⁹

Disgruntled Catholics utilized similar rhetoric when addressing local, state, and national officials during trustee controversies in Baltimore, Charleston, New Orleans, and New York. As Patrick Carey has summarized, “Repeatedly, from 1815 to 1855, from New York to Louisiana, lay and clerical trustees appealed to the federal government, to state legislatures, and to the courts to protect them from what they considered the unjust and ‘foreign,’ i.e., either Roman or episcopal, decisions and interventions regarding their civil rights.”¹⁰³⁰ The outbursts in those churches encouraged the trustees in Philadelphia to press for the right to elect their priests and to manage the temporal affairs of the church. While some Catholics urged disparate parties to “live in peace, charity, and friendship with each other,” for fear that their disputes would damage the integrity of the church, conflict raged throughout the country.¹⁰³¹

By the end of the decade, the Harold faction was at war with Egan’s successor, Bishop Henry Conwell, even after the Harolds resigned from their post and departed from the city. As one letter-writer summarized in 1818, even with the Harolds removed from the scene, the parishioners of St. Mary’s rejected “the discipline of the Church” and insisted “that only the civil law of the States should prevail in ecclesiastical affairs.”¹⁰³² When a new priest named William Hogan arrived in April of 1820, those on all sides of

¹⁰²⁹ Thomas Jefferson to Ambrose Maréchal, January 17, 1820, Founders Online, National Archives (<http://founders.archives.gov/documents/Jefferson/98-01-02-1022>).

¹⁰³⁰ Patrick Carey, “The Laity’s Understanding of the Trustee System, 1785-1855,” *The Catholic Historical Review* 64, no. 3 (Jul., 1978): 364.

¹⁰³¹ Jasper Moran, *A Vindictory Address, or, an Appeal to the Calm Feelings of Unbiased Judgments of the Roman Catholics of Norfolk...* (Norfolk, Virginia, 1817), 53.

¹⁰³² Peter Guilday, “Trusteeism,” *U.S. Catholic Historical Society, Records and Studies* 18 (1928): 29.

the controversy hoped that the popular Irish priest would be the anodyne to the tensions that had divided the schismatic congregation for more than a decade.

Like Harold, Father Hogan was a product of the Second Great Awakening. His charisma and charm filled the pews at St. Mary's. "Previous to his coming to this city," one contemporary noted, "the Roman Catholic Religion was in a state of somnolency [sic]; the fire of faith burnt feebly in the bosoms of many Catholics." But upon his arrival, Hogan "broke the lethargy that was pervading the congregation, he fed the fire of faith with the oil of religion."¹⁰³³ He contributed to the social and moral progress of the city as well, renovating the dilapidated Sunday-school and charity organizations that had fallen apart during the Harold years. Mathew Carey, among others, credited Hogan for having restored the reputation of the troubled congregation, and for impressing the surrounding Protestants with his fine preaching skills and his "extraordinary degree of zeal."¹⁰³⁴

Hogan was unable, however, to win the favor of the more conservative members of the parish who supported episcopal power. He also alienated himself from his fellow clergymen by demanding separate living quarters. The house granted to the pastors of the church was, according to Hogan, unlivable due to the unsanitary and uncomfortable conditions. Prone to enjoy the high life of elite Philadelphia society, Hogan drew the ire of his peers as the surrounding priests at Holy Trinity and Saint Augustine's Churches launched a smear campaign from their pulpits against the popular Irish preacher. Nearly every Sunday, for example, Father Michael Hurley accused "the Limerick boy" of having multiple affairs with women, drinking, and gambling; and he pointed to Hogan's living

¹⁰³³ John Leamy, *et al.*, to Henry Conwell, December 20, 1820, in *RACHSP*, 24 (1913): 218.

¹⁰³⁴ Life of Bishop Conwell, *RACHSP*, 24 (1913): 38.

arrangements as his evidence. Why else would Hogan want to live apart from the other priests, Hurley and others argued, if not to conceal his immoral behavior?¹⁰³⁵

Into that cauldron walked a new Bishop of Philadelphia, Henry Conwell, during the winter of 1819-1820. Conwell was perhaps the most conservative bishop in the United States. A septuagenarian when he was consecrated, Conwell was eager to resolve the conflicts that had plagued the Philadelphia diocese for the last decade. But his traditional upbringing and conservative mores left him out of touch with the democratic and republican sympathies of his flock. The Irish-born bishop demanded absolute obedience from his priests and scoffed at the ideas of clerical and congregational rights that had caused so much turmoil in the city and had such a strong following among Philadelphia's faithful. Conwell was forewarned about the dissensions in Philadelphia before he agreed to take the position. Rome informed him that the American mission "was in great confusion, and that anarchy prevailed in many places" because reprobate priests had "seduced many into their errors."¹⁰³⁶ Carey also tried to give the aging bishop advance notice of the sentiments then dominant in the parish. He informed Conwell that "the extreme freedom of our civil institutions has produced a corresponding independent spirit respecting our church affairs."¹⁰³⁷ The first mass that the bishop attended in Philadelphia provided him the opportunity to assert the authority he believed the congregation needed.

The ever-popular Hogan delivered a sermon that Sunday morning denouncing the recently deceased Louis DeBarth, the Vicar General of Philadelphia. DeBarth and Hogan

¹⁰³⁵ Life of Bishop Conwell, *RACHSP*, 24 (1913): 40.

¹⁰³⁶ Life of Bishop Conwell, *RACHSP*, 24 (1913): 219.

¹⁰³⁷ [Mathew Carey], *Address to the Right Rev. the Bishop of Pennsylvania, and the Members of St. Mary's Congregation* 1, no. 17 (Philadelphia, 1821), 3.

had exchanged words since the latter's arrival in early 1820. Conwell saw his tendentious sermon as an opening to assert his own episcopal authority. The text of the sermon has not survived, but it was provocative enough to earn the condemnation of ideological and ecclesiastical liberals like Carey, who complained that Hogan's homily was "unbecoming a clergyman."¹⁰³⁸ To help control Hogan, Conwell ordered the preacher to move back into the living quarters with the other priests. Hogan, however, refused. His defiance forced Conwell to revoke his faculties. Hoping to avoid further controversy, Hogan explained that he was willing "to do anything to prevent Scandal," acquiesce to Conwell, agree to live with the other priests, and offer to resign his position if asked.¹⁰³⁹ But the elderly bishop was intent on ridding himself of Hogan and refused to reinstate him on any terms. He even charged the disruptive pastor with having an affair with several women in the parish. Committed to tarnishing Hogan's character, Conwell exclaimed that "no young woman was safe in a room alone with him."¹⁰⁴⁰ Hogan appealed to church authorities and to the public at large, professing his innocence and associating his plight with the long struggle for religious liberty in the modern world. Catholic Priests in the United States were, according to Hogan, nothing more than "slaves in a land of civil and religious liberty" who wore the "badges of cruelty and despotism" sewed by authoritarian bishops like Conwell.¹⁰⁴¹

If Hogan's words – which were printed in pamphlet form in Philadelphia in 1821 – were not enough to cause a stir in Philadelphia among those already fearful of Catholic

¹⁰³⁸ A Catholic Layman, *Rejoinder to the Reply of the Rev. Mr. Harold*, 41.

¹⁰³⁹ William Hogan to Henry Conwell, December 17, 1820, in Francis E. Tourscher, *The Hogan Schism* (Philadelphia: Peter Reilly Company, 1930), 15; quoted in Light, *Rome and the New Republic*, 100.

¹⁰⁴⁰ Life of Bishop Conwell, *RACHSP*, 24 (1913): 168.

¹⁰⁴¹ William Hogan, *Continuation of an Address to the Congregation of St. Mary's Church, Philadelphia* (Philadelphia, 1821), 33.

authority in the city, Bishop Conwell reconfirmed their suspicions. “I am the church for I am the bishop,” Conwell declared, paraphrasing the Sun King’s famed words in seventeenth-century France. The bishop proclaimed that he was “sent here by the Pope with extraordinary powers to act in a papal way.” Several Catholics defended Conwell’s absolutist interpretation of episcopal rights, including Bishop of Bardstown Benedict Flaget, who cited “that absolute power invested in by bishops,” which gave them authority to revoke clerical faculties “for any conscientious reason, even of a hidden crime, even without trial.” Another defender of episcopal absolutism backed Flaget’s claims. Mark Frenaye insisted that bishops possessed the power “to suspend a clergyman, even for a *hidden crime*, and without entering into a judgment.” Indeed, priests had no recourse to appeal. The very act of filing for an appeal, he wrote, rendered the priest “*immediately irregular*” in the eyes of the church.¹⁰⁴²

Protestants convinced that popery was on the ascent in the United States quoted those remarks from Conwell and others for the next two decades. As Patrick Carey has suggested, Catholics’ contentious actions and rhetoric “did as much to confirm negative opinions about Catholicism as did those of their opponents.”¹⁰⁴³ One contemporary account reprinted Conwell’s writings at length, asking his readers to “Look at this, ye Protestants!” before explaining that Hogan had been made to “suffer the most vile defamations from the errors and tyranny of Popery,” at the hands of Bishop Conwell’s own “Holy Inquisition.” Hogan had been “persecuted by the Bishop”, who had brought back “Popery, Priestcraft, &c.” to Philadelphia.¹⁰⁴⁴ Another critic quoted Conwell’s

¹⁰⁴² Quoted in Light, *Rome and the New Republic*, 102. Frenaye may or may not have known, but that was only true if priests filed an appeal in a civil court, which he left unclear in his writing.

¹⁰⁴³ Carey, *People, Priests, and Prelates*, 95.

¹⁰⁴⁴ *Truth’s Advocate against Popery and Fanaticism* (January 1822), 280-282.

response to Hogan, concluding that “if only a small part of what these pious and most loving bishops and priests say of each other and of their church be true,” it would go a long way to prove that “they are a most infamous set of vagabonds and their church a most detestable den of reprobates.”¹⁰⁴⁵

Protestant writers also used Hogan’s words against him, citing his distasteful comments about the other clergymen to prove the immorality of Catholic priests. One anti-Catholic crusader noted that “the popish priests of Philadelphia ... were persons of character so contemptible, that Mr. Hogan could not, without sacrificing his own character, associate with them.”¹⁰⁴⁶ A newspaper reported that the Hoganites used “a good deal of inflammatory and abusive language” when criticizing their coreligionists. Robert Walsh, a Catholic aristocrat and the editor of the *National Gazette*, “expressed his regret” at the way his coreligionists slandered each other, as well as “the extent to which they have been carried ... in the public journals” of the city. Walsh voiced his “strongest disapprobation of the temper and conduct that has been manifested in the controversy.”¹⁰⁴⁷ Another critic noted “the arrogance of his [Hogan’s] tone, and the disrespectful manner in which he speaks.”¹⁰⁴⁸ The absolutist tendencies of Conwell, alongside the overheated and sometimes nativist rhetoric by Hogan’s faction, in other words, unintentionally undermined the reputation of the church in Philadelphia.

Violence and riots between warring factions also contributed to that effect. One newspaper account reported that “the *schism* in the Roman Catholic Church of St. Mary

¹⁰⁴⁵ Papistry of the XIX. Century in the United States, in Robert J. Breckinridge and Andrew B. Cross, *The Baltimore Literary and Religious Magazine* 6 (January 1840), 85.

¹⁰⁴⁶ See Henry Conwell, A Pastoral Charge, February 11, 1821, in William M’Gavin, *The Protestant: Essays on the Principal Points of Controversy between the Church of Rome and the Reformed* (Hartford: Hutchinson and Dwier, 1833), 2:450-454. M’Gavin argues that Conwell proved that “popish hierarchy” was a danger to America’s republican institutions.

¹⁰⁴⁷ *Christian Register*, April 19, 1822.

¹⁰⁴⁸ *The Gospel Advocate*, July 1, 1821; *Christian Register*, August 24, 1821.

... has, of late, been greatly increased.” It explained that “there was a riot,” which resulted in “a violent discharge” by several members of the parish, who threw “stones and bricks on those assembled in the church yard.” It soon “became necessary for the civil authorities to interfere,” whereupon “the contest ceased.”¹⁰⁴⁹ Citing the language and behavior of those involved in the schism, another periodical framed the controversy as one over the vitality of the American experiment in religious freedom. “The experiment,” the author began, would determine “whether a free government ... has within itself the principles, whence will ensure its continuance in a large and populous territory ... We allude particularly to the Roman Catholic religion,” the newspaper continued, especially the “portion of emigrants from Europe, who have arrived, and are continually arriving in this country. The excitement which has been recently produced in Philadelphia, and a somewhat similar one, not long since, in New-York,” went to the heart of the meaning of America. If “the Roman Catholic Church should flourish in the United States,” the writer argued, “a considerable abatement must be made in the pretensions of its hierarchy, to render it more conformable with the ideas of those, who are accustomed to think much of their civil and religious privileges.” The Holy See would have to “make great concessions to the people,” so that “the discipline of that church will assume a milder form.” If not, the author concluded “the many abuses” Protestants identified with the Roman Catholic Church “will be rectified” in modern America.¹⁰⁵⁰ Even at this early stage of the schism, many Philadelphians took the violent

¹⁰⁴⁹ *Christian Register*, April 19, 1822.

¹⁰⁵⁰ *Christian Register*, August 24, 1821.

behavior and abusive language used by nearly all involved as reason to question the ability of the Roman Catholic Church to adapt to America's republican institutions.¹⁰⁵¹

The Catholic Bill

External condemnations notwithstanding, Hogan continued to cry foul on the “ecclesiastical despotism” that the church hierarchy had inflicted on him, arguing that the “rights of Man” were being violated in Philadelphia.¹⁰⁵² The pugnacious priest accused Conwell of a “scandalous usurpation of authority,” and announced that he would return to the pulpit in front of “an enlightened public” in defiance of the bishop’s censure.¹⁰⁵³ His supporters drew up two petitions in the next few weeks that portrayed Hogan’s dismissal from St. Mary’s as inconsistent with the civil laws of the country. Even moderates that abstained from choosing one side over the other in the controversy, like Carey, used language that suggested that American institutions were incompatible with traditional Catholicism; language, in other words, not dissimilar from the rhetoric that anti-Catholic critics utilized in their writings. Conwell had, according to Carey, used an “arbitrary exercise of power” and had an “overweening idea of the extent of episcopal authority, which,” he continued, “is not suited to this meridian.” The Irish printer suggested that Conwell made an unwarranted “attempt to control by harsh or violent measures” the St. Mary’s faithful and that the whole episode was “disgraceful to Congregation, and

¹⁰⁵¹ Indeed, Hogan was still writing about the episode thirty years afterward, when he used these events to prove that Catholicism was incompatible with American values. See William Hogan, *Popery as it Was and as it Is* (Hartford, Connecticut: Silas Andrus & Son, 1853), 476.

¹⁰⁵² William Hogan, *A Brief Reply to a Ludicrous Pamphlet...* (Philadelphia, 1821); quoted in Light, *Rome and the New Republic*, 103.

¹⁰⁵³ Life of Conwell, *RACHSP*, 24 (1913): 232-234.

pernicious to the vital interests of [the Catholic] religion.”¹⁰⁵⁴ His advice might have been sound, but he gave fodder to those who wished to fan the flames of anti-Catholicism. Meanwhile, Conwell corrected the errant petitioners, noting that they believed “the nature of the constitution of the United States” prohibited Bishops from “exercis[ing] authority in this country.” Conwell instead argued for a strict separation of church and state, where the latter had almost no contact with the former. Even though many in the congregation insisted that “the clergy were subject to no control,” and that the laity had, by the constitution, “a right to subvert all order, by defying and despising the Bishop,” Conwell was intent on upholding traditional Catholic ecclesiology.¹⁰⁵⁵

In a second booklet, which according to Conwell “made an impression on the public,” Hogan continued to accuse Conwell and the Catholic hierarchy of committing “ecclesiastical tyranny and despotism” which, he posited, threatened the democratic institutions of “this enlightened country.” He and his supporters predicted that if Conwell was left unchecked, America would become like benighted Ireland; an “oppressed, unhappy country” where, because of corrupt priests, the “people are kept in utter ignorance” and forced into “a *blind* submission to their pastors.” Hogan added that although Irish Catholics in the United States had thrown off the shackles of “civil and religious slavery” during the American Revolution, the chains were “no sooner disentangled from the former, than the latter were flung around us.” The American Catholic Church, in short, was vitiating the moral and religious health of the republic. He accused Conwell of being “a despot” who was “incapable of living in the pure air of

¹⁰⁵⁴ [Mathew Carey] A Catholic Layman, *Address to the Right Reverend the Bishop of Pennsylvania, the Catholic clergy of Philadelphia, and the Congregation of St. Mary's in this City* (Philadelphia: H. C. Carey & I. Lea, 1822), v, 8.

¹⁰⁵⁵ *RACHSP*, 24 (1913): 219.

freedom and independence.” For Hogan, Catholics like Conwell had no place in the United States. Tolerating such men, he explained, jeopardized the American experiment in religious freedom. “[I]n vain have we fled from our native country in search of freedom, if such an evil be tolerated.” Why, he asked, “did we not rather submit to it in the land of our birth” if they were going to allow popery free range in Philadelphia? “Here,” Hogan proclaimed, “a system of religious slavery is attempting to be introduced, by which, an ascendancy will be acquired over the physical and mental powers of one fifth of our [American] population, and if tolerated, will ultimately degrade a large portion of a noble and generous nation who have fought for their rights and enjoy them.” Hogan contrasted the Old World tendencies of Conwell with the enlightened and free institutions of the United States. He charged Conwell with attempting to “establish despotism amid a free people” and of raising “the standard of tyranny in a land of civil and religious freedom.”¹⁰⁵⁶

In language more tame but hardly less damning, Mathew Carey agreed that Conwell was indeed imposing a religious despotism on the American Church. The famed printer at first invited Conwell to his home to discuss how they could relax tensions within the church. Carey, however, “soon saw how impracticable the object was,” and concluded that Conwell, like other American bishops, was essentially an alien in a foreign land.¹⁰⁵⁷ Carey’s heart bled for Ireland his whole life, but he nevertheless lamented that in his native country, “the relations between the pastor and his flock” were characterized by “high-toned authority on the one side, and servile submission on the other.” He warned Conwell against attempting to “carry on such a system” in the United

¹⁰⁵⁶ Hogan, *A Brief Reply to a Ludicrous Pamphlet*, (Philadelphia, 1821), quoted in *The Baltimore Literary and Religious Magazine*, 6 (January 1840): 91; Light, *Rome and the New Republic*, 109-111.

¹⁰⁵⁷ A Catholic Layman, *Rejoinder to the Reply of the Rev. Mr. Harold*, 29.

States, boldly proclaiming that “our citizens will never submit to it.” Carey predicted that Americans would “revolt at, resist, and defeat any attempt” to overturn the system of individual civil and religious liberty in America. Hogan similarly envisioned the American masses fighting off the arbitrary and unjust declarations of the Catholic hierarchy. If Americans turned a blind eye to events in Philadelphia, Hogan warned, “the angel of liberty, both civil and religious, will no longer wave her all-protecting wings over us; no, she will retire to the tomb and weep where her rights have been buried.”¹⁰⁵⁸ Conwell was not only a threat to his coreligionists, but to his compatriots. And if he stayed in Philadelphia, the Hoganites warned, that city would witness an “awful, scandalous, and disgraceful scene of Bloodshed.”¹⁰⁵⁹

In February of 1821, Conwell threatened to excommunicate Hogan and anyone who had the temerity to attend his services. The bishop had already absconded to nearby St. Joseph’s Chapel as public sentiment rested squarely with Hogan and his band of followers. Until that point, Conwell had still not given any reason for Hogan’s suspension, a fact that Hogan used to depict the bishop as an “arbitrary” and “tyrannical” autocrat. Hogan loyalists condemned the principle of excommunication as “an ecclesiastical monster.” It was the “scourge of all Christendom,” a remnant of the benighted past when Popes spread “all the horrors of war and extermination.” The Hoganites were ashamed that “in the nineteenth century, in the United States of America,” the superstitions of the Old World “have been again brought to light.”¹⁰⁶⁰ With

¹⁰⁵⁸ [Mathew Carey,] *Rejoinder to the Reply of the Rev. Mr. Harold*, 42-43.

¹⁰⁵⁹ Memorial to His Holiness, Pope Pius VII, April 10, 1821, in Peter Guilday, ed., *The Life and Times of John England, First Bishop of Charleston (1786-1842)* 2 vols. (New York: The America Press, 1927), 1:387.

¹⁰⁶⁰ Address of the Lay Trustees to the Congregation of St. Mary’s (Philadelphia: Robert, Desilver, 1822), 19; quoted in Light, *Rome and the New Republic*, 121.

Conwell in hiding at St. Joseph's, the congregation voted to restore Hogan as the parish priest and released the news to several local newspapers. Next, they filed suit in Pennsylvania courts, arguing that Conwell had no legal right to administer over St. Mary's. They proposed an amendment to the constitution of the church that would have allowed them to elect the pastor of their choice. Conwell in turn argued that because the Hoganites separated themselves from the church, they had no right to that property and thus no right to choose their pastor; to attempt such a thing, Conwell charged, would be a violation of Catholic canon law. Both parties believed the case would have significant influence on American Catholicism. Conwell eagerly anticipated the "most important trial" because it was going to settle, once and for all, whether or not "the doctrine and discipline of the Catholic Church" was protected under the Constitution. The dissenters held that the trial would be "important to the whole Catholic Church in the United States" because it would decide whether or not bishops could act with arbitrary will, thus depriving the local clergy and laity of their religious liberty.¹⁰⁶¹

Conwell had his share of loyalists, who sent letters of support from all over the nation. A group of Catholics in Baltimore passed a series of resolutions showing solidarity with the obdurate bishop. Their resolutions held that the "schism is alone attributable to the anti-catholics and rebellious conduct of the pretended pastor [Hogan]" and his followers. Conwell acted "in strict conformity with the canon law," and Hogan was "not a lawful minister of the Catholic Church." An aging and ill Charles Carroll of Carrollton composed a letter announcing his support for Conwell on the eve of the trial, wishing to see an abrupt end to "the turbulence and schism prevailing so unhappily in your Church." A congregation in New York passed its own set of resolutions. It

¹⁰⁶¹ Quoted in Light, *Rome and the New Republic*, 120.

maintained that Hogan was “no longer a Catholic Pastor” and that the trustees who held communion with the disgraced priest “have ceased to be Catholics.” It offered encouragement to Conwell and emphasized the dangerous precedent Hogan was taking by appealing to civil courts to settle an ecclesiological matter. Several newspapers including Robert Walsh’s *National Gazette*, as well as the *American*, the *Evening Post*, and the *Shamrock*, re-printed these words of support for the embattled bishop.¹⁰⁶²

Even though Conwell received encouragement from some of the most prominent Catholic aristocrats in the country, public sentiment rested with Hogan. Many commentators interpreted the schism as a matter of religious freedom and used anti-Catholic tropes to make their point. A “Friend to the Civil and Religious Liberties of Man” expressed astonishment that in an enlightened century Roman Catholic Bishops were still trying “to trample on your religious rights, and pervert the civil laws of this happy land.” Another observer insisted that Conwell and his followers “can have no more right usurp the rights of citizens of the United States, than they have to establish ... the INQUISITION.” Americans, he advised, ought to exclude “foreign monks and priests from meddling in the affairs of their church, and the rights of the laity.” Another pamphleteer argued that Conwell’s behavior reminded him of those responsible for “the inquisition” and that his values were inconsistent with “the Constitution of the United States ... This is a land of liberty,” he declared, “conscience is here unshackled.” Laying supine before the Catholic Church’s assault on Hogan would render the sacrifices made by those who fought for independence worthless. Another commetator reminded his audience that their “forefathers blood was spilled on the altar of Liberty.” It was

¹⁰⁶² *RACHSP*, 26 (1915): 64-68, 134. Carroll’s letters of approval were reprinted in the Baltimore *Federal Gazette*, February 21, 1823 and the Philadelphia *Democratic Press*, January 29, 1823.

Americans' duty not to "crouch under the tyranny of a foreign power" or "tolerate oppression" in their midst. And if American Catholics failed in that duty, another pamphleteer wrote, "the government will have to interfere . . . lest its interference should be too late. When despotism reaches to a certain height, but particularly ecclesiastical despotism, it is almost impossible to impede its progress." Ignoring the Catholic menace, he concluded, risked "the total overthrow of our political institutions."¹⁰⁶³

With rhetoric like this all over Philadelphia, the justices on the court considered the case before them. They ruled that it was outside the state's jurisdiction to alter the charter of a private corporation. The proposed amendment, in other words, was unconstitutional. Chief Justice William Tilghman noted in his decision that the choice of a pastor was, in the Catholic faith, decided by the bishops, not the laity. He issued a judicial sermon that warned Conwell that, although he upheld the bishop's side of the conflict in this case, American bishops would be wise to "exercise their power with great moderation" and "consult the reasonable desires of the laity, both in the appointment and removal of pastors." If they did not, it was "easy to foresee how the matter may end."¹⁰⁶⁴ A dissenting opinion by Justice John B. Gibson, however, reinforced not only the dissenters' argument, but the anti-Catholic rhetoric that they had by then adopted. Gibson maintained that Catholic priests were under strict orders to obey their bishops, who, in turn, were required to give "unconditional submission to the Papal See." "Here then," Gibson countered, "is a foreign jurisdiction [Rome], in its nature political as well as

¹⁰⁶³ *A Letter to the Roman Catholics of Philadelphia and the United States by a Friend to the Civil and Religious Liberties of Man* (Philadelphia: Robert Desilver, 1822), 1; Richard Meade, *An Address to the Roman Catholics of the City of Philadelphia* (Philadelphia, 1823), 4-16; *An Answer to an Address by a Catholic Layman, to the Roman Catholics of the United States* (Philadelphia, 1821), 13-14; Light, *Rome and the New Republic*, 122-123.

¹⁰⁶⁴ A Reporter, *A Graphic Account of the Alarming Riots at St. Mary's Church...* (Philadelphia, 1844), 5.

ecclesiastical, holding and exercising the power of appointing to offices, created by the government of Pennsylvania for purposes entirely civil and domestic.”¹⁰⁶⁵

With their judicial case lost but their hopes not yet dashed, the Hoganites crafted a piece of legislation and submitted it to the Pennsylvania legislature, where the wealthy men on the board of trustees had considerable political connections. The proposed bill would have banned clergymen from holding any temporal functions within a church and allotted the laity the right to appoint and remove pastors. The Hoganites claimed that it was “contrary to the genius of our institutions and diametrically opposed to our laws to admit foreign jurisdiction over the property of American citizens.”¹⁰⁶⁶ Since the priests were appointed and removed by bishops, who of course answered to the Pope, the dissenters argued that a foreign jurisdiction presided over – and compromised – the civil and religious rights of American citizens. Remarkably, the petition garnered nearly six hundred signatures. In it, they articulated an individual concept of religious freedom that placed the rights of individuals within churches or other institutions above the corporations of which they were a part. “The great end of every religious association,” the Hogan faction argued, was the “spiritual welfare of the members. Each individual,” they continued, had a “vital interest in the selection of those” who provided the church with moral and religious instruction. The Conwell position was contradicting the “universal practice” of churches in the United States, which allowed members of a church the right to choose their pastors. The “whole body of worshippers” was “compelled blindly to submit” to the bishop or the parish priest, which made them “subservient to the wishes of a single person.” While the legislature previously moved Catholic petitions like

¹⁰⁶⁵ A Reporter, *A Graphic Account*, 6. The local press reported the decision. See *National Gazette*, April 21, 1821.

¹⁰⁶⁶ History of St. Patrick’s Church, Carlisle, Pennsylvania, *RACHSP*, 6 (1895): 395.

this to the courts, this proposal “excited considerable interest” throughout the state, as well as from New York and Maryland, as spectators filled the halls of the assembly to watch the debate unfold.¹⁰⁶⁷

Those who supported the legislation situated Hogan’s cause within the long struggle for religious freedom in America. The journalist and politician Thomas Earle, for instance, pleaded during the Senate hearings that “The cause of these petitions” was “decidedly the cause of religious liberty.” As Americans, the members of St. Mary’s had a “natural and unalienable right to choose” their superiors “in religious as in civil matters.” Unless the state interjected, it left the Catholic dissenters “under the dominion of a detestable tyranny, when *compelled* to forego the one right, as the other.”¹⁰⁶⁸ They depicted unhindered episcopal prerogative as a threat to the democratic and republican institutions upon which the United States was formed. If the Senate chose not to pass the bill, they were “admitting the existence of the exercise of a foreign Jurisdiction by the Pope, incompatible with the freedom of our political institutions, and derogatory to the character of our republican government.”¹⁰⁶⁹

On other side of the debate, Senator Stephen Duncan charged that the bill violated the religious rights of those in good standing with Conwell. It also compromised the rights of those who chose through the “dictates of their consciences” to partake in a church that granted authority to the superiors to appoint and remove priests. The bill was, according to Duncan, of considerable importance because it affected “the religious rights of the members” at St. Mary’s, which were “guaranteed to them by the constitution.” He

¹⁰⁶⁷ Life of Bishop Conwell, *RACHSP*, 26 (1915): 134-136; Light, *Rome and the New Republic*, 161-162.

¹⁰⁶⁸ Thomas Earle, *The Right of States to Alter and Annul Charters, Considered...* (Philadelphia: Carey & Lea, 1823), 27, quoted in Light, *Rome and the New Republic*, 163.

¹⁰⁶⁹ *RACHSP*, 26 (1915): 70.

highlighted the constitutional protections to religious liberty in the constitution throughout his statement and paid particular attention to the fact that most Catholics in Philadelphia, especially those from Ireland, journeyed to the United States because it was a beacon of religious freedom. “The great allurements held out to them,” he reminded the senate, “was the security which our constitution and laws afforded to the enjoyment of their indefeasible and natural rights to worship God agreeably to the dictates of their consciences. They now all claim the exercise of the rights and privileges of American citizens; they claim the protection of the laws and constitution of the State, in the enjoyment of their religion.” The Catholic Bill, however, was a “signal of persecution, a prelude to what is to follow” if the Senate did not vote accordingly.¹⁰⁷⁰ Other Senators such as William R. Smith and John Wurts defended the right of the Catholic Church to appoint and remove pastors and administer to the needs of the church without state intervention. The proposed bill, they argued, would in fact violate the rights of the bishops and clergymen who would be disenfranchised in a way inconsistent with the traditions of their church and at odds with the constitutions of Pennsylvania and the United States. Smith contended that the Catholic Bill “would be taking away, by legislative enactment, [the] rights [and] liberties” of “the clerical members of the Board of Trustees” and “placing them at the disposal of others.”¹⁰⁷¹

After intense debate, the Senate voted on the Catholic Bill, but only after rescinding several key clauses therein. One of the removed clauses would have prohibited pastors from serving on the board of trustees. Several of the essential elements in the bill, in brief, were withdrawn from the text. By the time the Senate approved of the measure,

¹⁰⁷⁰ *RACHSP*, 26 (1915): 68-74.

¹⁰⁷¹ *Aurora*, June 21, 1823; *Life of Bishop Conwell*, *RACHSP*, 26 (1915): 230.

the bill was so watered down that the dissenters were unable to celebrate. Compounding their disappointment, the Attorney General of Pennsylvania, Thomas Elder, wrote to Governor Joseph Heister, “declaring it [the bill] an infringement of the constitution.” Heister accepted Elder’s reasoning and vetoed the Catholic Bill when it arrived on his desk in the spring of 1823.¹⁰⁷² For all of the commotion and controversy it caused, the Catholic Bill, like Hogan’s hopes to wrest control of the parish away from Conwell, went down in flames.

The final outcome of the bill had important implications for the Hogan schism and the reputation of Catholicism in Philadelphia. The dissenters, who had long identified with the democratic and egalitarian ethos prevailing in the United States in the early antebellum period, appeared as the reactionary faction attempting to use the coercive arm of the state to deprive others of their religious freedom. Conwell and his allies in the press capitalized on their victory, casting Hogan and his followers as usurpers of others’ rights. For weeks the Philadelphia *Aurora* reminded readers of the dissenters’ efforts “during the last session of the Legislature to trample upon our religious rights.” The dissenters countered that it was Conwell’s faction that was “attempting to blend religion with politics.” They accused Conwell of promoting a “union of religion and politics of Church and State,” which, they argued, was “incompatible with Civil liberty.”¹⁰⁷³ Despite the Hoganite’s charges, traditional Catholics celebrated their victory. They thanked Governor Heister, who, one Catholic priest noted, “came to their aid and championed the cause of justice and religious liberty.” Congregations in Conewago, Carlisle, and Harrisburg sent Heister personal notes of gratitude for having the “constitutional fidelity

¹⁰⁷² Thomas Elder to Joseph Heister, March 26, 1823, in *RACHSP*, 26 (1915): 68-74.

¹⁰⁷³ Life of Bishop Conwell, *RACHSP*, 26 (1915): 228-230.

and justice to protect the *Right of Conscience and Chartered Immunities*, against the contemplated violation of *religion, law, and the constitution of the land.*¹⁰⁷⁴ A trio of gentlemen wrote a letter to the governor, expressing “Eternal thanks to the immortal revolutionary founders of this great Republic,” who founded “this glorious land of *religious toleration,*” before thanking Heister for upholding that tradition.¹⁰⁷⁵ But these encomiums notwithstanding, the legislation, in the end, failed to resolve the issue at the heart of the schism. Hoganites and bishopites continued to fight over ecclesiastical authority in the church. What is more, the legislation propelled the schism into the forefront of Pennsylvania politics, which, in the minds of many, further tarnished the reputation of the Catholic faith, leaving the Hoganites embarrassed, bitter, and in search of redemption.

Self-Inflicted Wounds

During the debate over the Catholic Bill, Philadelphia’s Catholic community continued to inflict damage on itself by utilizing nativist rhetoric that was typically confined to anti-Catholic treatises and Protestant pulpits. Accusatory language reached new heights shortly after William V. Harold made an unexpected return to Philadelphia in the winter of 1821. Bishop Conwell thought the troublesome priest might help him by weakening the Hogan faction if Harold could divide Hogan’s loyalists. Conwell appointed Harold as Vicar-General gain his support. The latter made his first public comments about the schism on January 6, 1822. Contemporary accounts report that over a thousand people – Protestant and Catholic alike – pushed their way into St. Mary’s

¹⁰⁷⁴ Life of Bishop Conwell, *RACHSP*, 26 (1915): 137-138.

¹⁰⁷⁵ A History of Saint Patrick’s Church, *RACHSP*, 6 (1895): 398-399.

Church to hear Harold's sermon, eager to know where the much-admired preacher stood on the controversy. Mathew Carey hoped that he would be "the angel of peace to St. Mary's Church" that all yearned for. But the aging defender of civil and religious liberty was disappointed in his former pastor, who instead "fanned into a violent flame the embers of discord."¹⁰⁷⁶

To Carey's surprise, Harold took a hard line in favor of Bishop Conwell, censuring Hogan and his followers, whom he faulted for the schism. He denounced them as not only unruly children, but veritable enemies of the church. Harold called the Hoganites the "no popery party," and argued that they were intent on tearing down the church rather than reforming what they considered abuses within the Philadelphia Diocese. Others reinforced Harold's claim. A Roman Catholic "Of Olden Time" charged Hogan with drumming up "an anti-Catholic conspiracy" alongside "the enemies of [the Catholic] church." The purportedly elderly author explained that the dissenters were free to believe whatever they wanted and hold whatever doctrinal or ecclesiastical practices they desired, but they could not, in good conscience, call themselves Catholics. "This may be *republicanism*," one observer boomed, "but it is not *catholicism*." As Dale Light explains, "Once more the fatal question had been raised – whether the Roman Catholic Church could accommodate liberal principles – and once again the answer was an emphatic 'No!' This in itself was a perilous position for the Church to take in the new republic, for it lent credibility to nativist rhetoric." Moreover, in labeling republican-minded Catholics as anti-Catholic – often associating them with Protestants – the bishopites "identified republicanism with Protestantism."¹⁰⁷⁷

¹⁰⁷⁶ A Catholic Layman, *A Desultory Examination*, 46.

¹⁰⁷⁷ Light, *Rome and the New Republic*, 140.

Despite noble attempts from the parties involved to achieve some harmony, violent outbursts ensued as the spring elections approached.¹⁰⁷⁸ Outsiders like the Bishop of Charleston, John England, tried to ameliorate tensions in Philadelphia by writing letters to friends and associates he had in that city, but he too, failed to put out the fire that had been raging in Philadelphia for more than a decade.¹⁰⁷⁹ The church was stuck in a state of chaos, with competing factions using brute force to take control of St. Mary's. After losing control to the Hoganites, the bishopites "took possession of" the church, carrying "guns, blunderbusses, pistols, swords, and consecrated clubs," but lost control shortly after "the police interfered," and restored order to the surrounding neighborhood.¹⁰⁸⁰ Meanwhile, heated rhetoric continued to give anti-Catholic crusaders the evidence they needed to depict the Roman Catholic Church as an anti-republican institution. Hogan surmised that "a dark conspiracy had been formed against me" and that "all avenues to justice were long since closed." The conspiracy may have had its roots in Rome, but it was executed, Hogan contended, by "the Church Militant in *this Country*."¹⁰⁸¹ There again he provided those hostile to his church with the kind of evidence they needed to prove that American Catholicism posed an existential threat to the republic. Hogan charged Irish Catholics with believing that "it is no crime to murder a Protestant," and that those outside of the Catholic faith forfeited all of their civil rights, words that reappeared in anti-Catholic tracts throughout the century.¹⁰⁸² In the aftermath

¹⁰⁷⁸ Hogan's supporters tried to ensure a peaceful election in the weeks preceding that event. See J. R. Ingersol to Thomas Kitters, March 5, 1822, in A Reporter, *A Graphic Account*, 11.

¹⁰⁷⁹ See John England to Henry Conwell, September 6, 12, 1822, in Ignatius Aloysius Reynolds, ed., *The Works of the Right Rev. John England*, 5 vols. (Baltimore: John Murphy & Co. 1849), 5:118-132 (hereafter *WJE*).

¹⁰⁸⁰ A Reporter, *A Graphic Account*, 15

¹⁰⁸¹ Hogan, *Continuation of an Address*, 10.

¹⁰⁸² See *The Baltimore Literary and Religious Magazine* 5 (January 1839): 286.

of his judicial and legislative defeats, Hogan tried to turn the public against Conwell and Harold by exploiting growing ethnic tensions in the city. Hogan asserted that the American episcopacy was attempting to “establish in this country, the same system of church government upon which they now act in Ireland.” That, he reasoned, was the major source of conflict in the embattled church.¹⁰⁸³

And so the schism continued into the summer of 1823. By then, the Hoganites had entered negotiations with Conwell. All parties realized that the only solution was to remove Hogan from the parish altogether. Even while maintaining that Hogan had been “persecuted in the most outrageous and unwarrantable manner for no other cause than his virtuous and correct conduct,” the dissenters reached an agreement with Conwell.¹⁰⁸⁴ When the trustees brought a new priest to St. Mary’s, Hogan accepted his removal and made plans to go to Europe. For a short period, tranquility settled over the embattled parish. Hogan made one final return to Philadelphia in the summer of 1824, but the trustees successfully stymied his plans.

St. Mary’s, however, never fully recovered from the divisions within the church. By 1826, Harold and the bishopites had abandoned the aging Conwell. With almost no support, the bishop was forced to compromise, agreeing to recognize the “right of the trustees to recommend suitable persons as pastors” even while the bishop retained final authority on all appointments.¹⁰⁸⁵ That settlement, too, elicited outrage when Conwell published the text of the agreement alongside a commentary that said the dissenters were “penitent” for their actions. As he did in 1812 and again in 1821, Mathew Carey tried to ease the tensions within his parish. Carey mediated between Conwell and the dissenters

¹⁰⁸³ *ACHR*, 22 (1905): 206.

¹⁰⁸⁴ *RACHSP*, 26 (1915): 242.

¹⁰⁸⁵ *Life of Bishop Conwell, RACHSP*, 28 (1917): 160.

and wrote several essays to help stamp out religious intolerance – be it internal or directed toward others – in the city.¹⁰⁸⁶ Like many parishioners at St. Mary’s, Carey realized that the schism was bad for Catholicism in the United States and had the potential to curtail his coreligionists’ religious freedom. “Every kingdom divided against itself,” he wrote, “is brought to desolation: and every city or house divided against itself, shall not stand.” Regardless of who was at fault, Carey continued, “the case of religion and morality” had “greatly suffered,” and the whole episode was “a scandal to the community.”¹⁰⁸⁷ William Harold agreed, lamenting in 1827 that the schism had “ruinous effects ... on the moral character of our Clergy, on the religious character of our people, and on the reputation of the Catholic religion among the good people of the United States already too much prejudiced against it.”¹⁰⁸⁸

However much he regretted his behavior in 1827, a year later Harold again brought the congregation into disrepute. When Archbishop Ambrose Maréchal, under orders from Rome, tried to remove Harold and a like-minded priest named John Ryan to another diocese, the priests warned their superior that they would file suit in the civil courts, taking protection under the United States Constitution. Under the legal advice of a distinguished lawyer named Horace Binney, Harold vowed “to maintain my rights at a tribunal where I have reason to expect justice and equity,” reminding Maréchal that “I am a Citizen of the United States.” He interpreted his removal from Philadelphia as a violation of his civil and religious freedom. “The power of banishing an American citizen

¹⁰⁸⁶ Mathew Carey, *Letters on Religious Persecution*, 3 no. 20, [1826]; *Brief View of the Policy of the Founders of the Colonies of Massachusetts, Rhode Island, West Jersey, Pennsylvania, Maryland, Virginia and Carolina, as Regards Liberty of Conscience* 3, no. 44, (Philadelphia, 1828).

¹⁰⁸⁷ Carey, *Address to the Right Rev. the Bishop of Pennsylvania*, 1; Carey, et al., *To the Congregation of St. Mary’s* (Philadelphia, 1827), 1.

¹⁰⁸⁸ William Harold to Maréchal, April 14, 1827, AAB, file 22 D6; quoted in Light, *Rome and the New Republic*, 220.

under the cloak of spiritual right,” he continued, “is a species of tyranny for which this country is not yet prepared.” Harold argued that his appointment at St. Mary’s was “a civil contract,” and the Constitution therefore protected him from the bishop’s intrusions.¹⁰⁸⁹ The Irish priest also appealed to Rome, informing the Cardinals that “no foreign prince is allowed to [force] an American citizen” to move from one city to another, and that if he and Father Ryan obeyed their order, they would be “violating the loyalty we have sworn to the Republic.” But of course, Maréchal was not prohibiting them from living in Philadelphia, only from serving in their spiritual positions in the Roman Catholic Churches of that city. That did not stop Harold from raising the specter of anti-Catholic backlash once Protestant and secular newspapers received word of Rome’s action. According to Harold, his removal “greatly disturbed the minds of men, and the enemies of the Holy See made a great outcry ... The eyes of all were turned on us.” Harold insisted that his defiance was well-intentioned, and in fact, for the greater good of Catholicity. His disobedience was designed to preserve Catholics “from any suspicion” of holding conflicting allegiances to God and country. He contended that his religious rights were being compromised and that “this cause is no longer ours but that of our country, which allows no one to be oppressed.”¹⁰⁹⁰

Harold did not stop there. He also wrote a letter to Secretary of State Henry Clay on July 2, 1828, complaining of an “infraction of my rights, as a citizen of the United States.” He assured Clay that the order was inconsistent with the canon law of his church on grounds that Rome’s jurisdiction was limited to the spiritual realm. Playing on the anti-Catholic anxieties that had begun to take hold of the country by 1828, Harold alluded

¹⁰⁸⁹ William Harold to Ambrose Maréchal , April 14, 23, 1827; quoted in Light, *Rome and the New Republic*, 220.

¹⁰⁹⁰ William Harold and John Ryan to Cardinal Cappellari, June 30, 1828, in *RACHSP*, 28 (1917): 335-6.

to the “incontrovertible fact, that [Americans] have not lent, nor will the Constitution suffer them to loan, any portion of the sovereignty of the people to the See of Rome, or to any other foreign jurisdiction.” Harold reasoned that Rome’s injunction might have “consequences which do not belong to religious discipline, so much as so much as they do to political power. “ He highlighted the dangers of “such an interference in the personal freedom of the citizens of these United States, as this injunction would establish if obeyed or tolerated,” referring to Rome as a “menace” that had to be resisted. “I claim the protection of the President,” Harold continued, “against this novel and unauthorized invasion of my private rights.”¹⁰⁹¹ Father Ryan also wrote to Secretary Clay, complaining of the “unwarrantable nature of the injunctions from Rome, as interfering with the civil rights and institutions of the United States.”¹⁰⁹² Both priests, it seems, were convinced that the ecclesiological mandates of Rome had enough civil and political consequences to constitute a violation of their civil and religious rights.

Secretary Clay’s office forwarded the priest’s appeals to President Adams. His office responded to the priests by referring them to a diplomat stationed in France who was well positioned to resolve the issue. The Minister to France, James Brown, reported to Secretary Clay that he “was at a loss to know on what grounds they [Harold and Ryan] could make an appeal [to Rome], and at a still greater loss to know on what grounds our government could intermeddle in the spiritual concerns of our Church.” Brown was under strict orders from the Adams administration to reassure Rome that the government of the United States had no desire to interfere with “the doctrines or discipline of the Catholic Church, nor the spiritual supremacy of the Holy See.” Rome likewise insisted to several

¹⁰⁹¹ William Harold to Henry Clay, July 2, 1828, in *WJE*, 5:213-215.

¹⁰⁹² John Ryan to Henry Clay, July 2, 1828, in *WJE*, 5:216.

American diplomats that it had “neither the right nor the disposition in any way to abridge the rights, or interfere with the temporal concerns of the citizens of the United States.” The Holy See instructed William Matthews, the Vicar General Apostolic stationed in Washington, D.C., to write to Secretary Clay, reminding him that Rome was only exercising spiritual powers and that the American government had no jurisdiction in the matter.¹⁰⁹³

When Bishop England learned of these events, he “could not believe that the government of the United States,” to the extent that it did, would interfere “with the concerns of the Church.”¹⁰⁹⁴ In the fall of 1829, England fired off multiple letters to Harold, asking for full documentation of the events that led to his appeal. He also wrote to President Andrew Jackson, who had by then assumed office. England lectured Jackson on the doctrines of the Roman Catholic Church, informing the president that the “spiritual and ecclesiastical supremacy of the Pope” was “an essential portion of the Roman Catholic religion,” and that “the Constitution of the United States forbids” any “attempt to overawe” the Holy See in those powers. If anything, England argued, it was up to “the representatives of the states and of the people” to negotiate with Rome on matters that mixed church and state. Articulating a traditional interpretation of the First Amendment, England insisted that the federal government had no “constitutional ground for its interference.” The bishop explained his disappointment in how Secretary Clay and President Adams handled the affair. They had, England wrote, treated Harold and Ryan “in such a manner as appears to interfere with the freedom of agency of the spiritual head of the Roman Catholic Church.” The two politicians had engaged in actions that

¹⁰⁹³ William Matthews to Henry Clay, October 10, 11, 1828, James Brown to Henry Clay, in *WJE*, 5:220-223.

¹⁰⁹⁴ John England to William Harold, September 17, 1829, in *WJE*, 5:226.

constituted “a union of church and state, as well as an unconstitutional meddling with the affairs of our ecclesiastical body.”¹⁰⁹⁵

To solidify his case, England called on two well respected Catholic jurists, Roger Taney and William Gaston. Taney explained that in his opinion Harold voluntarily pledged his allegiance to the Dominican order and was obligated to retain the oath he took to that society. His removal from Philadelphia, Taney reasoned, did “not violate any of his rights as a citizen of Pennsylvania or the United States” because papal prerogative “is merely spiritual.” In other words, Harold could choose not to follow his instructions, but he would then be liable to censures within the church. Those consequences had no temporal or civil effect as relates to his citizenship in the United States, but they did carry social, economic, and cultural ramifications that were out of the control of the civil authorities. Any interference from the government, Taney, concluded, “would be an unwarrantable invasion of the rights of the citizens of this country, and a palpable violation of the principles of the Constitution.”¹⁰⁹⁶ Judge Gaston isolated the controlling issue at stake: “whether an order from a religious superior can issue in our country without an interference with civil liberty – whether religious subordination can be tolerated in our land.” Like Taney, Gaston insisted that Harold’s submission to the Holy See “has no connexion with or reference to [any] temporal authority.” The United States “government is not concerned in a matter purely of religious obligation,” which meant that the government had no legal right to involve itself in the affairs of the Roman Catholic Church.¹⁰⁹⁷ Soon after, President Jackson concurred, giving the American-

¹⁰⁹⁵ John England to Andrew Jackson, September 26, 1830, in *WJE*, 5:227-228.

¹⁰⁹⁶ Roger Taney to John England, November 23, 1829, in *WJE*, 5:231.

¹⁰⁹⁷ William Gaston to John England, November 2, 1829, in *WJE*, 5:231-232.

Catholic hierarchy the victory it wanted. By September of 1829, Harold had conceded defeat, and finished his career in Ireland, never again to return to the United States.

Conclusions

In the twilight of his career, William Harold reflected back on his experiences in Philadelphia. “If I only could cancel those unfortunate days,” he wrote to friend, “or make proper reparation! how my heart and my cheek crimsons when I think of them!”¹⁰⁹⁸ But the damage by then, had already been done. As one scholar summarizes, anti-Catholic slurs hurled by and toward other Catholics in early national Philadelphia “had repeatedly been projected outward into the secular press, into civil institutions, and even into politics.”¹⁰⁹⁹ Their conflicts, according to Ray Allen Billington, “did Catholicism much harm” and the controversies in that city “attracted hostile attention from the entire nation.”¹¹⁰⁰ Events before, during, and after the Hogan Schism, Patrick Carey notes, ignited “great resentment against” Catholicism in Philadelphia because the behavior of nearly all of the actors involved – Conwell, Hogan, Harold, even Carey – made it seem as if Catholics of all stripes were “intent on perpetuating in America the autocratic systems evolved in despotic Europe.” Protestants “singled out” events at St. Mary’s as “illustrations of inherent Catholic anti-republicanism” and used the schism “as ammunition against Catholicism” for years to come.¹¹⁰¹ The publicity the schism received gave Protestant critics all the ammunition they needed. Justice John B. Gibson was the loudest voice proclaiming that Catholic episcopal tradition was in conflict with

¹⁰⁹⁸ Quoted in *ACHR* 14 (1897): 14.

¹⁰⁹⁹ Light, *Rome and the New Republic*, 217.

¹¹⁰⁰ Billington, *Protestant Crusade*, 39-41.

¹¹⁰¹ Carey, *People, Priests, and Prelates*, 48.

the institutions of the country, warning that tolerating such power posed grave threats to the young nation. The observers criticized the bishops for trying to “infringe upon [the] civil rights” of the parishioners, and of using “foreign emissaries” to achieve that end.¹¹⁰² Senators Stephen Duncan, William R. Smith, and John Wurts, as well as Justices William Tilghman, Roger Taney, and William Gaston, in addition to laymen like Charles Carroll of Carrollton, made the opposite argument. They reasoned that the church, like any corporation, had the right to organize itself however it desired, and that intransigent dissenters therein were free to distance themselves from the Catholic Church. They did not, however, have the right to enforce their own ecclesiologies, doctrines, or practices onto the church. In that way, Philadelphians saw the dissenting Hoganites as a threat to American religious freedom.

Both sides of the schism at St. Mary’s – the one favoring an individual and the other advocating a corporate understanding of religious freedom – to be sure, held legitimate interpretations of American religious liberty. But in steadfastly clinging to the one without recognizing the validity of the other, each side opened up Philadelphia’s Catholic community to ridicule, scorn, and resentment. The dissenters and bishopites both placed religious freedom at the center of the controversy. Each side accused the other of gross violations of that quintessential American ideal, tarnishing the reputation of the beleaguered church and paving the way for the anti-Catholic crusade that lay ahead.

While both sides undermined the respectability of the Catholicism in Philadelphia, only one side seemed to gain anything from the schism. After John England wrote to President Jackson, the latter invited the bishop to the White House, whereupon

¹¹⁰² A Reporter, *A Graphic Account*, 4, 17.

the chief executive “expressed his coincidence with” England’s views and assured the prelate that the government of the United States would not embroil itself in the affairs of the American Catholic Church.¹¹⁰³ As one scholar notes, Jackson’s approval “represented a decisive victory for ecclesiastical authorities” as well as the corporate interpretation of religious freedom that prevailed in antebellum America. Catholics of various stripes had been fighting “at the local, state, and national level, in the courts, the legislatures, and in the federal executive, and the outcome had always been the same – the regularly constituted leaders of the America church, when faced with challenges from dissenting individuals and groups, had been confirmed in the exercise of their authority.”¹¹⁰⁴ The corporate interpretation of religious freedom, in other words, reigned supreme in antebellum America.

Curiously enough, the trusteeship controversies in late eighteenth- and early nineteenth-century Philadelphia do not appear in several recent monographs on American religious freedom. Carey, Hogan, and Harold do not appear in the indexes of some of the most acclaimed histories of American religious liberty, or for that matter, studies of early-national Catholicism.¹¹⁰⁵ But closer examination into the events that shaped Catholicism in early nineteenth-century Philadelphia can nevertheless inform scholars about how Americans understood conceptions of religious freedom. Although dissenting Catholics tested the corporate interpretation of religious liberty in their church at every turn, the American hierarchy, with a number of miscalculations along the way that made

¹¹⁰³ *WJE*, 5:228.

¹¹⁰⁴ Light, *Rome and the New Republic*, 235.

¹¹⁰⁵ Philip Hamburger, *Separation of Church and State* (Cambridge: Harvard University Press, 2002); Steven K. Green, *The Second Disestablishment: Church and State in Nineteenth-Century America* (New York: Oxford University Press, 2010); David Sehat, *The Myth of American Religious Freedom* (New York: Oxford University Press, 2011); Jon Gjerde and S. Deborah Kang, *Catholicism and the Shaping of Nineteenth-Century America* (New York: Cambridge University Press, 2012).

it appear as authoritarian as many anti-Catholic crusaders suggested, won important victories at every level of government.

After two centuries of fighting against prejudices from Protestant critics intent on circumscribing Catholics' citizenship, internal schism began to tear at the seams of the American Catholic Church. Events at St. Mary's exceeded the kind of internal quarrels that always existed within American Catholicism. To an extent that was unknown even in early national Boston and New York, where a disorderly Catholic presence interrupted the irenic period following the American Revolution, Catholics in antebellum Philadelphia tarnished the reputation of their church, allowing hostile Protestants to associate the Mother Church with anti-Christian and un-American values. But despite the public outcry against the church and the marked sympathy that many Philadelphians had for the dissenters, American institutions protected the rights of the American Catholic Church, even at the expense of the individual religious liberties of many of its adherents. Philadelphia Catholics in the 1820s, as their coreligionists had for two centuries all over America, were still testing the boundaries of religious freedom.

Chapter 11: CONCLUSIONS

“It had been fondly hoped,” wrote an aging Mathew Carey in 1834, that “the atrocious and fiendish spirit of persecution, which for centuries had perpetrated such cruelties, and inflicted such complicated misery on mankind, wherever it prevailed, had subsided.” But in the aftermath of the burning of the Ursuline Convent near Boston, Massachusetts, Carey lamented that, alas, “These have been day dreams.”¹¹⁰⁶ The burning itself, according to Carey, was bad enough. Worse, several Protestant preachers defended the act before a court found twelve of the thirteen perpetrators not guilty.¹¹⁰⁷ When asked if it was a violation of the American ideal of religious liberty, one “intelligent gentleman” summarized what many Bostonians thought about Catholic convents, noting that there was “no law in the United States to authorise unmarried men to erect a prison for unmarried women and to lock them up in it.”¹¹⁰⁸ After a lifetime of advocating for Catholic religious freedom, Carey, now in his seventy-fifth year, was exhausted. In his public response to the burning, he rehearsed the same lines he had been using to combat Protestant prejudice for half of a century. “Was not the Rev. John Carroll,” Carey asked, a true patriot who embodied the spirit of 1776? Did legions of Catholics, including “the Barrys, the Fitzsimmons,” and others, Carey inquired, not contribute to the sacred cause

¹¹⁰⁶ A Catholic Layman, August 22, 1834, in Mathew Carey, *Address to the Public on Religious Intolerance and Persecution* 4, no. 1, (Philadelphia, 1834), 1, Kislak Center for Special Collections, Van Pelt-Dietrich Library Center, University of Pennsylvania.

¹¹⁰⁷ Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study on the Origins of American Nativism* (New York: Rinehart & Company, 1952 [1938]), 74-76.

¹¹⁰⁸ John Dunmore, *Language, Religion and Education in America: With Notices of the State and Prospects of American Unitarianism, Popery, and African Colonization* (London: T. Ward, 1840), 409. Newspapers had reported for weeks leading up to the first riot that a “mysterious woman” was being held in the nunnery against her will. See Jenny Franchot, *Roads to Rome: The Antebellum Protestant Encounter with Catholicism* (Berkeley: University of California Press, 1994), 136-146.

of liberty?¹¹⁰⁹ But by 1834, Carey recognized that a sizable portion of his countrymen retained prejudices against his faith. Despite all their advances in attaining civil and religious rights, it seemed as if Catholics were destined to remain – at least in a cultural sense – second-class citizens.

As chapter ten suggested, the romantic revival within the Catholic Church did not help those like Carey who tried to accommodate Catholic doctrine to the intellectual currents running through the United States. Many historians have emphasized the reactionary turn that American Catholicism took in the middle third of the nineteenth century. During that period Catholics altered their tone when discussing their own faith and others. While previous generations of Catholic leaders like the Carrolls and Carey encouraged Catholics to embrace America's democratic and egalitarian ideals and to promote harmony between denominations, many antebellum Catholics saw the danger those values posed to Catholic traditions. Jay Dolan writes that the "republican blueprint" fashioned by John Carroll first "began to come apart ... by 1820 or so." What he calls "the Catholic Enlightenment" was rapidly disintegrating, as America's immigrant population embraced a form of "Tridentine Catholicism" that vested authority in the traditions of the church.¹¹¹⁰ Joseph Chinnici concurs. He argues that the "enlightened Roman Catholic program in the United States collapsed by 1830."¹¹¹¹ Dale Light places the Romanization of the American Church around the same time, noting that events in Philadelphia had, by the 1820s, demonstrated "the influence that Rome exerted over

¹¹⁰⁹ Catholic Layman, August 22, 1834, in Carey, *Address to the Public on Religious Intolerance and Persecution*, 10-11.

¹¹¹⁰ Jay P. Dolan, *The American Catholic Experience: A History from Colonial Times to the Present* (Notre Dame: University of Notre Dame Press, 1992), 112, 190. Dolan argues elsewhere that the turn came with the 1829 Provincial Council. See Jay Dolan, *In Search of an American Catholicism: A History of Religion and Culture in Tension* (New York: Oxford University Press, 2002), 43.

¹¹¹¹ Joseph P. Chinnici, "American Catholics and Religious Pluralism, 1775-1820," *Journal of Ecumenical Studies* 16 (1979): 727.

affairs on the American mission.”¹¹¹² James McGreevy dates the “Ultramontane” turn to the 1830s, noting that Catholics during that decade “defined themselves against dominant ideas of [individual] freedom” in vogue in the United States.¹¹¹³ Margaret Abruzzo argues that “By midcentury, the rapprochement” that emerged during the early Republic “had given way to straightforward sectarianism, unabashed avowals of Catholic superiority, and an antagonistic relationship with Protestantism.” Once again, she concludes, Catholics and Protestants “stood at odds, invoking competing and antagonistic notions of freedom and the individual.”¹¹¹⁴ Finally, the late Jon Gjerde argues that after a liberal interlude following the Revolution, American Catholicism was, by the middle of the nineteenth century, “anything but liberal.”¹¹¹⁵

While there is no denying the presence of this traditionalist turn, these accounts have understated the marked continuity that Catholics displayed while advocating for their religious liberty. Mid-century American Catholics still invoked the liberal tradition of which they were a part to make their case, citing the Maryland experiment, the American Revolution, and the U. S. Constitution as guarantors of their civil and religious rights. In other words, while Catholics indeed embraced a more conservative ecclesiology in the middle of the nineteenth century – shunning American norms in favor of their faith tradition – they also retained some of the liberal impulses that they had been present since the colonial period.

¹¹¹² Dale Light, *Rome and the New Republic: Conflict and Community in Philadelphia Catholicism between the Revolution and the Civil War* (Notre Dame: University of Notre Dame Press, 1996), 139.

¹¹¹³ John McGreevy, *Catholicism and American Freedom: A History* (New York: W.W. Norton & Company, 2003), 13.

¹¹¹⁴ Margaret Abruzzo, “Apologetics of Harmony: Mathew Carey and the Rhetoric of Religious Liberty,” *The Pennsylvania Magazine of History and Biography*, 134, no. 1 (January 2010): 29.

¹¹¹⁵ Jon Gjerde and S. Deborah Kang, ed., *Catholicism and the Shaping of Nineteenth-Century America* (New York: Cambridge University Press, 2012), 89.

This conclusion looks at a number of episodes during the Jacksonian and Antebellum periods, when anti-Catholic and nativist sentiments reached new heights. It begins with a litany of Catholic responses to an incendiary book published by Joseph Blanco White in 1826 and argues that these essays show marked continuity with those defending Catholic rights during the early Republic. From there this chapter covers a number of debates between Catholic priests and Protestant ministers in the 1830s. Those exchanges suggest that Catholics viewed themselves as persecuted minorities during that decade even though they celebrated the religious freedom they possessed in the United States. That tension, which began during the colonial period, persisted throughout the nineteenth century. I again highlight the continuities between their writings and those of Bishop John Carroll nearly half of a century earlier. Time and again, Catholics harkened back to the founding of Catholic Maryland and harnessed the rhetoric and ideals of 1776 to make their case for perfect equality under the law and within the culture. As they moved farther in time away from the colonial period, the American Revolution took on increasing importance in their arguments for equality. Catholics maintained that the Revolution was not a moment of Protestant ascendancy, but a hallmark in the advance of religious freedom. Although the Maryland model continued to appear in most defenses of Catholic religious liberty, the Revolution emerged as an even more useful event for Catholics who wanted to make their case for Catholic equality.

Next, the chapter moves to the North Carolina Constitutional Convention of 1835. During that event, a Catholic jurist named William Gaston delivered a speech on behalf of Catholic – indeed universal – religious liberty. By that time, many Protestants had adopted the Catholic dissenting narrative, as they made the case for Catholic rights on the

floor of the assembly. Aided by Protestants and deists at the convention, Gaston, too, repeated many of the themes seen in the writings of a previous generation of Catholic reformers. This chapter then examines some of the later advocates of Catholic religious liberty in the United States, including John Hughes, Thomas Spalding, and Orestes Brownson – all of whom carried the mantle of Catholic dissent in the aftermath of the Civil War. Their writings suggest that Catholic discourses continued to test the limits of religious freedom in the United States, even after Catholics attained legal equality at the local and state levels. While repeating many of the refrains seen in Catholic writings since the seventeenth century, this later generation of advocates, however, pushed farther than their predecessors. While those like the Carrolls insisted that Catholicism was not incompatible with republican government, by the late nineteenth century, prominent Catholics like Hughes and Brownson maintained that Catholicism was essential to the vitality of the American experiment in civil and religious freedom. Catholics were not merely appendages to the American nation, but, these reformers insisted, the glue which held it together. I close with conclusions about Catholic experiences with religious liberty in America and offer suggestions for historians who, I contend, can learn from the events discussed in this dissertation.

New Threats to the Old Faith

During the Philadelphia Schism, Catholics accused their coreligionists of attempting to undermine the civil and religious liberties of others. At the same time they also came under assault from those outside of their faith. Local observers, state Senators, and jurists insisted on the dangers that Catholicism posed to republican government. But

criticism also came from afar. At the height of the controversy, a book published in London suggested that Catholics could not be granted equal rights with Protestants because, if the former were trusted with that freedom, they would undermine the rights of everyone else. The author, Joseph Blanco White, was a Spanish-born priest of Irish descent who abandoned the Mother Church shortly after his ordination in 1800. White traveled along a spiritual journey that included brief adherence to Catholicism, Anglicanism, deism, atheism, and Hopkinsianism before he adopted a Unitarian theology in 1810. During that time he moved to England, where he grew suspicious of the religion of his youth. Titled *Practical and Internal Evidences against Catholicism*, his book was part of the debate over Catholic Emancipation in Ireland and England. Growing anxieties that Emancipation overseas would threaten the liberties of Protestants in America had already become a part of mainstream political discourse prior to the release of White's book. Americans believed that the emancipation movement was being directed by nefarious Roman bishops who were intent on seizing control of England and her dominions. Once those bishops "Romanized" the British Empire, critics warned, it would extend its imperial ambitions to the United States.

With that mode of thought present in many American's minds, White's book caused a stir when it reached the United States. White caught Catholics' attention when he argued that "*sincere* Roman Catholics cannot conscientiously be *tolerant*" and deduced from this premise that "the only security of *Toleration* must be a certain degree of intolerance," similar to how "prisons in the freest governments are necessary for the preservation of freedom." He warned that Catholics were "striving to obtain direct influence in this Government" and that strict measures had to be taken to avoid that

end.¹¹¹⁶ His book was published in Washington D.C. in 1826 and signed with endorsements from thirty-two religious leaders from a variety of denominations. Catholics were by then accustomed to rebutting attacks on their faith. They answered their accusers – whether they were Protestants, deists, or fellow Catholics – by reaffirming their constitutional and natural rights through pro-Catholic editorializing in newspapers like Charleston’s *U.S. Catholic Miscellany*, the *New York Truth Teller* and in monograph-length essays of their own.¹¹¹⁷ In the same year that White’s book reached the United States Mathew Carey formed The Society for the Defense of the Catholic Religion from Calumny and Abuse in Philadelphia. The society’s *raison d’être* was that “an envenomed warfare is unceasingly carried on against the Roman Catholics by bigoted and illiberal members of various other religious denominations.” Carey’s society, which included nearly two hundred members, published tracts to correct the “utter disregard of historical truth” found in the pulpit and the press.¹¹¹⁸ The society set its sights on White’s book, unleashing a chorus of responses to prove that Catholics were upstanding citizens of the republic who valued American religious freedom, among other ideals, as much as any other denomination. In addition to building support for the Catholic cause, they tore down Protestant narratives that equated reformed Christianity with liberal and democratic ideals. They attempted to achieve that end by narrating many episodes of persecution conducted by Protestant governments against dissenters in America and England. The Society received support from newspapers throughout the country.

¹¹¹⁶ Joseph Blanco White, *Practical and Internal Evidence against Catholicism* (Georgetown, D.C.: James C. Dunn, 1826), iv-v.

¹¹¹⁷ Sacredos, *An Address to the Flocks of the Reverend Approvers of Blanco White’s ‘Internal Evidences against Catholicism’* (Baltimore: Fielding Lucas, 1826).

¹¹¹⁸ Constitution of the Society for Vindicating the Roman Catholic Religion from Calumny and Abuse, October 31, 1826, Box 27, Folder 12, Edward Carey Gardiner Collection, Historical Society of Pennsylvania (hereafter ECGC, HSP).

Several pro-Catholic papers, such as the *Baltimore Gazette*, condemned White's "peculiarly scandalous" book and the clergymen who recommended it to their "discordant flocks," following the script that Bishop Carroll had composed at the end of the eighteenth century. As Carroll and Carey had done since that time, the *Gazette* sought to shape cultural sensibilities by associating anti-Catholic sentiments with anti-American and antichristian values. The paper explained that if White's supporters were "resolved to continue arrayed in hostility to a large portion of their Catholic brethren...an exact, impartial, and rigorous criticism will be passed on its contents." The forthcoming responses, the *Gazette* promised, would prove that White's work was "profane and impious as regards Christianity, illiberal and antisocial in its antipathies to Catholic freedom...and a mere party engine to prop up a Church establishment by law."¹¹¹⁹

The latter phrase hinted at the movement among many Presbyterians and other Protestants to shape local, state, and federal laws in a way that incorporated teaching from the Bible. Most prominent among those activists was Ezra Stiles Ely, whose campaign for a "Christian Party in Politics," coincided with the White's attack on Catholics and which insisted that every elected official be "an avowed and sincere friend of Christianity."¹¹²⁰ While Ely was careful not to recommend any specific legislation that might be construed as a violation of the First Amendment, his message was unequivocal. The *Baltimore Gazette*, then, was in part responding to that larger trend in American political culture, but it was hardly alone in its defense of Catholic rights.¹¹²¹

¹¹¹⁹ *Baltimore Gazette*, September 11, 1826.

¹¹²⁰ Ezra Stiles Ely, *The Duty of Christian Freemen to Elect Christian Rulers* (Philadelphia: William F. Geddes, 1828).

¹¹²¹ Most Protestants, of course, pushed back against Ely and his cohort. See Hamburger, *Church and State*, 198-201.

The New York *Truth Teller* attacked White's character and argument in successive issues in the autumn of 1826. The Irish-Catholic newspaper used White's own words against him, noting that he admitted during his spiritual quest that he was "bordering on ATHEISM" at one point and "embraced *infidelity*" at another. A Unitarian with a position in the Anglican Church by 1826, White had previously referred to Christianity as "nothing but a groundless fabric," and ridiculed it as a "fable" of ancient literature. To discredit White's book, the *Truth Teller* explained that even "by his own account he is a most despicable character, and wholly unworthy of the smallest credit." Like other newspapers, it condemned White's "valuable friends ... who have recommended his *mighty* work" to their congregations.¹¹²² White's book was a commentary on the "illiberality and ignorance" of the age. The "prejudice and error" that Protestants maintained when speaking of the basic tenets of Catholicism, the paper continued, had hardly receded despite advances in philosophy, history, politics, and literature. It equated those who approved of White's book with White himself, noting that "One such act of injustice is but the stepping-stone to another. One such act of folly is but the foretaste of ultimate shame."¹¹²³ Anti-Catholic books, in other words, would bring shame upon those who wrote and received them. The paper devoted seven issues to rebutting White's historical, theological, and moral claims, answering charges that Catholic doctrines were incompatible with the civil and religious rights they had gained in the United States.¹¹²⁴ It included commentary from Mathew Carey, who insisted that White aimed to deny a peaceful body of citizens their civil rights and perpetuated erroneous stereotypes that threatened their liberties.

¹¹²² *Truth Teller*, September 9, 1826.

¹¹²³ *Truth Teller*, September 16, 1826.

¹¹²⁴ *Truth Teller*, September 23, 30, October 7, 14, 21, 1826.

Carey's essay reinforced the same moral and historical claims he had made throughout his career. He informed his countrymen that religious intolerance was equally distributed among denominations and throughout history. Until the American Revolution, Carey wrote, most Protestants "regarded a general toleration... as an utter abomination."¹¹²⁵ History proved that all religious groups coerced others whenever they gained the power to do so. If Americans had been better educated in history, Carey wrote, they would not "dare to upbraid the Roman Catholics with their intolerance or their persecuting spirit."¹¹²⁶

By pointing to the dangers of Protestant establishments, Carey aimed to strip American religious liberty of its sectarian assumptions. He recounted the oppression that Catholics and dissenting Protestants suffered under the Anglican Church in England and Virginia as well as under the Congregational establishment in New England before moving onto Continental Europe – all of which suggested that prejudicial histories like White's unfairly singled out the Catholic Church. Deeply read in the history of religious persecution, Carey fused cultural biases with legal disabilities and conflated the past with the present by informing his readers that he was "at a loss to conceive why the holding of certain religious doctrines" continued to have any "connexion with civil or social duties," and recommended that all jurisdictions remove religious intolerance from their code of laws.¹¹²⁷

By the time Carey penned his response, he had already developed a close relationship with another Irish-American radical, Bishop of Charleston John England.

¹¹²⁵ A Catholic Layman, *A Roland for an Oliver: Letters on Religious Persecution* (Philadelphia: Bernard Dornin, 1826), vii.

¹¹²⁶ Catholic Layman, *A Roland for an Oliver*, 29.

¹¹²⁷ Catholic Layman, *A Roland for an Oliver*, 53.

They first met during the spring of 1821, shortly after the bishop arrived in the United States. England became one of Carey's closest allies in the struggle for Catholic equality. The bishop confessed to Carey in private that he was "anxious to vindicate our religion from the misrepresentations of libellers who are called Historians," and asked Carey to print his rejoinders to White's book in Philadelphia.¹¹²⁸ He developed a reputation for defending the civil and religious rights of man. One Protestant observer admired England "for his devotion to civil and religious liberty," while many others esteemed him for his "sincerity, and [commitment] to toleration," his "profound intellect, his deep learning, his age and experience, all [of] which combine to attach some deference to his doctrines."¹¹²⁹ Carey and England frequently discussed strategies to cleanse the church's soiled reputation, kept each other abreast of recent books, pamphlets, and other apologetic materials in the press, and critiqued each other's writings. Their objective was to expand Catholic freedoms and mitigate anti-Catholic bias in America; so when England learned about White's anti-Catholic screed, he composed his own refutation and used his newspaper, the *U.S. Catholic Miscellany*, as his mouthpiece.

Like many Catholics who witnessed the rise of anti-Catholic sentiments in the 1820s, England was concerned about America's flagging commitment to religious tolerance. The support that White's book received was especially disheartening. In the letters he published in response, England explained that the main reason he moved to America "was not merely the excellence of its political institutions, but, as I flattered myself, the absence of bigotry. I was led to believe that, although men differed from each

¹¹²⁸ John England to Mathew Carey, June 23, 1823 and April 14, 1827, Box 22, Folder 5, Edward Carey Gardiner Collection, Historical Society of Pennsylvania (hereafter HSP).

¹¹²⁹ *U.S. Catholic Miscellany*, July 24, 1830; *Cincinnati Daily Gazette*, July 8, 1830, quoted in Margaret C. DePalma, *Dialogue on the Frontier: Catholic and Protestant Relations, 1793-1860* (Kent, Ohio: Kent State University Press, 2004), 71.

other in religion,” religious toleration was a universal value in the United States. “I must confess,” England lamented, that “I have been disabused” of such a belief. The problem for England lay not in America’s political or legal structures, but that “a Roman Catholic, though legally and politically upon a level with his fellow-citizen, was however too often looked upon, by reason of his religion, as in some degree morally degraded.” Still more troubling, England discovered that this kind of intolerance “was by no means considered a want of liberality, on the part of Protestants.” If a Catholic “even insinuated any thing derogatory to the Protestant religion, he was marked out as a shocking bigot,” but Protestants like White had license to employ “the harshest and most offensive terms” when writing about “*Popish* priests,” the “*Romish* Church,” and her adherents.¹¹³⁰ The bishop thus illuminated the double-standard under which many nineteenth-century American Catholics lived.

For Bishop England, like Carey, modern anti-Catholic bigotry was rooted in the history that Protestants learned in school. He complained that “under English teachers,” American youths were indoctrinated into believing “English fabrications” about the Catholic Church, including the mistaken notion that Catholics could not be “good republican citizens.”¹¹³¹ Battling the “gross misrepresentations which are miscalled English history,” the bishop sought to correct what he viewed as the historical and theological inaccuracies in American culture in general and White’s book in particular.¹¹³² Distortions in English history, then, explained why so many American

¹¹³⁰ Letters on the Calumnies of J. Blanco White against the Catholic Religion, in Ignatius Aloysius Reynolds, ed., *The Works of the Right Rev. John England, First Bishop of Charleston*, 5 vols. (hereafter *WJE*) (Baltimore: John Murphy & Company, 1849), 1:106.

¹¹³¹ *WJE*, 1:107.

¹¹³² *WJE*, 3:514.

clergymen who celebrated White's book sought "to prove that Roman Catholics ought not to be admitted to an equality of civil and political rights with their fellow-subject."¹¹³³

Like Carey, the Irish bishop used White's anti-Catholic assault to highlight the discriminatory statutes still in effect in the United States as well as the shortcomings of so-called "Protestant liberty." Ignoring historical and contemporary examples of Catholic intolerance toward Protestants, England declared that throughout the British Empire "Protestant governments were and are intolerant." Official policy in New England, Virginia, Maryland, Georgia, and New York, according to England, exhibited intolerance toward dissenters of all persuasions. Moving from past to present, England noted that "at this day the Protestant governments of North Carolina and of New Jersey are intolerant...which allow no choice of Catholicism without disqualification." The bishop was referring to the surviving constitutional prohibitions against non-Protestants holding office in those two states, which he compared with the magnanimous experiment in religious liberty under "Maryland Catholics" who granted Protestants "an equality with themselves" until rapacious Protestants overthrew the government in 1689.¹¹³⁴ Like Carey and others, England's objective was "to silence, if possible, those who charge the Catholics with intolerance and persecution."¹¹³⁵ By answering charges against their faith, England and his coreligionists collaborated with each other and aimed to rebuke, refute, and even suppress anti-Catholic speech, which, they calculated, would create a more tolerant religious climate and less discriminatory laws.

England's considered response to White was just one of more than a dozen essays he wrote combatting anti-Catholic prejudice in the United States from the time he arrived

¹¹³³ *WJE*, 1:112.

¹¹³⁴ *WJE*, 1:184-5.

¹¹³⁵ *WJE*, 1:182.

in Charleston in 1821 to the end of the decade. Many of these stemmed from protests against Catholic Emancipation in Britain, but England also responded to displays of anti-Catholicism that began in the United States. Those included items in secular newspapers, published sermons, political speeches, an essay written in the *North American Review*, and several found in religious periodicals.¹¹³⁶ England committed much of his public life to advocating for Catholic religious freedom in the United States. In many of his essays written on behalf of that cause, he looked to the American Revolution for inspiration and historical precedent. Nearly a half of a century after the American Revolution, Catholics were still finding value in the ideals of 1776.

John England and the Spirit of 1776

The American Revolution played a formative role in how John England thought about politics, society, and culture. England was born in Cork, Ireland in 1786 to a Catholic family that had suffered under the penal laws. From a young age he expressed admiration for America, writing that an American could “boast of the superiority of his code when compared to ours, upon Religious subjects.” England applauded “the superior wisdom of American jurisprudence” and hoped Ireland would experience a revolution similar to the one that took colonial America by storm in 1776.¹¹³⁷ He became a leading voice in the struggle for Catholic Emancipation, frequently looking to America as a model for his own country to follow. But when England came to the United States he encountered more anti-Catholicism than he anticipated and lamented the double standards

¹¹³⁶ See Robert Gorman, “Catholic Apologetical Literature in the United States (1784-1858),” (PhD Dissertation, The Catholic University of America, 1939), 40.

¹¹³⁷ Patrick Carey, *An Immigrant Bishop: John England’s Adaptation of Irish Catholicism to American Republicanism* (Yonkers, New York: U.S. Catholic Historical Society, 1982), 49.

that applied to his coreligionists.¹¹³⁸ As he did while living in Ireland, Bishop England battled those who claimed that by virtue of their creed, Catholics were incapable of being loyal citizens of the republic.¹¹³⁹

England had a tendency to write with flare, but most of his writings followed the measured example Bishop Carroll had set at the end of the eighteenth century. When defending or advocating for Catholic liberties, England commented on the magnanimous history of colonial Maryland before recognizing the role that Catholics played in forging the American Revolution. These dual themes, England hoped, would undercut claims that Catholicism was incompatible with civil and religious liberty. The Irish bishop stated that the Maryland charter granted “perfect religious liberty for every Christian,” and that Lord Baltimore was “the first who gave the example of establishing religious freedom at this side of the Atlantic.”¹¹⁴⁰ When the Richmond *Southern Religious Telegraph* warned that, because of a swelling Catholic population, the American “Republic [was] in Danger” in 1831, England found a useful past in the story of colonial Maryland. The Catholics of that colony, according to England “laid the foundations of our religious liberty” by giving “equal protection to the feelings of their Protestant brethren as they claimed for their own.” The Catholic Church, he reasoned, held “the glorious prerogative of being the mother of the religious liberty of America.”¹¹⁴¹ On another occasion, he reminded his countrymen that “The Catholics of Maryland first gave to our country the

¹¹³⁸ *WJE*, 1:106.

¹¹³⁹ Inventor Samuel Morse was perhaps the most persistent critic of Catholicism in the country. He claimed that Catholicism was a form of “despotism, cloaking itself, to avoid attack, under the sacred name of religion,” and that Catholics perforce held “anti-republican tenets.” Samuel F. B. Morse, *Foreign Conspiracy against the Liberties of the United States* (New York: H. A. Chapin & Co., 1841), 95, 48.

¹¹⁴⁰ John England, American Catholicity, September 28, 1836, in Hugh P. McElrone, *The Works of the Right Rev. John England*, 2 vols. (Baltimore: The Baltimore Publishing Company, 1884), 2:339.

¹¹⁴¹ *WJE*, 4:18.

blessings of freedom of conscience,” while elsewhere he explained that “Catholic Maryland established equal rights for all Christians upon its settlement.”¹¹⁴²

Like his predecessors, England looked to the Revolution for inspiration and historical precedent. In a letter he wrote to a Protestant adversary in 1825, England celebrated the “wisdom of those men of former times who formed our government,” which, he argued, granted civil and religious freedom to all Americans as a birthright.¹¹⁴³ The bishop heralded the actions of the Maryland faithful, who, led by “the illustrious Carroll, hazarded their lives and fortunes, and sustained their sacred honour in the struggle for independence.”¹¹⁴⁴ He portrayed the Founding period as one of unrivaled harmony before explaining that a dark cloud of religious bigotry descended upon the republic. The Irish bishop argued that anti-Catholic bigotry was “in direct opposition” to the ideas set forth by the “enlightened minds who framed” the Constitution. He chastised his countrymen for forgetting “the great lesson” of the Founding and for having reverted “to a persecuting spirit” against the Catholic faithful.¹¹⁴⁵

When making his appeals for Catholic equality, Bishop England expressed adoration for the founding period and the U.S. Constitution. He cited the heroic role that John Carroll and his cousin, Charles, played during the Revolutionary War. England noted that the most esteemed of the Founders supported religious liberty for Catholics. “Shade of the immortal Washington! – genius of Patrick Henry! can you slumber in peace,” England asked the deceased founders, “while this doctrine [of religious

¹¹⁴² Sebastian G. Messmer, ed., *The Works of the Right Reverend John England, First Bishop of Charleston* (hereafter *WRRJE*) (Cleveland: Arthur H. Clark Company, 1908), 1:478; 3:325.

¹¹⁴³ *WRRJE*, 7:68.

¹¹⁴⁴ *WRRJE*, 7:239.

¹¹⁴⁵ *WRRJE*, 7:72-73. England published a revised edition of this letter in 1841 as “On American Citizenship.”

discrimination] is proclaimed?” The bishop framed injustices against Catholics as betrayals of the principles that guided the Revolution. He insisted that “Jefferson and Adams” would not “sanction the reproach of black treason against your venerable brother, Charles Carroll,” who, alongside countless Catholics, “aided you to fling off the tyranny” that Britain roped around American’s necks decades earlier.¹¹⁴⁶ On another occasion England protested against “the unjust and improper restrictions against Catholics,” that were “found in the constitutions of New Jersey and North Carolina, and those of some of the New England States.” Like many pro-Catholic commentators since the end of the eighteenth century, England cited George Washington’s letter assuring American Catholics that their countrymen “will not forget the patriotic part you took in the accomplishment of their Revolution.” England recalled Charles Carroll of Carrollton’s role as a statesman during the Revolution as well. “All of the affections which we would transmit to the venerable fathers of our republics converge in him,” England proclaimed, again harnessing the legacy of the Revolution to sustain his argument. He concluded by asking if Carroll, whose “honour is yet untarnished and sacred,” was undeserving of the same rights and freedoms that Protestant Americans enjoyed without qualification.¹¹⁴⁷

England filled the pages of his newspaper with these kinds of arguments. He admitted to Judge William Gaston that he sought to “silence” anti-Catholic critics and “deter others” from writing against their creed in the future.¹¹⁴⁸ But he realized that his audience was largely Catholic and that he was usually preaching to the choir. When a

¹¹⁴⁶ *WJE*, 2:248.

¹¹⁴⁷ *WJE*, 4:28-29.

¹¹⁴⁸ England to Gaston, December 18, 1824, *Records of the American Catholic Historical Society of Philadelphia*, 19 (hereafter *RACHSP*) (1908): 103.

number of politicians invited the bishop to speak before Congress on January 8, 1826, he saw an opportunity to make the legislature aware of the persistent legal disabilities that Catholics faced in several states as well as the cultural prejudices they confronted throughout the republic. England confessed to Gaston that he gave the speech with the hope of “removing some prejudices” against Catholics in the country.¹¹⁴⁹

During the address England lauded the U.S. Constitution as a wise document that preserved citizens’ freedom of conscience.¹¹⁵⁰ He spent considerable space outlining the widespread support that the American government received from its Catholic population, the republican values shared by Catholic and Protestant alike, and clarified common misconceptions about Catholic doctrine. In response to charges that his church was “aristocratic, if not despotic, in its principles,” England again pointed to the role that Catholics played in the American Revolution. “Men who made the assertions to which I have alluded,” England cried in the House of Representatives, “cannot have read history! Amongst ourselves, what is the religion of the venerable Charles Carroll of Carrollton? Men who make these assertions cannot have read our Declaration of Independence. What was the religion of the good, the estimable, the beloved Doctor [John] Carroll ... the friend of Washington, the associate of Franklin?” England noted that far from being “degraded in our church because they aided your struggle for the assertion of your rights,” the Carrolls were, to Catholics, “jewels which we prize” and “patriots of our country.”¹¹⁵¹

England’s language here, as elsewhere, harnessed the republican rhetoric that guided the Revolution and appropriated those tropes to satisfy his cultural and political

¹¹⁴⁹ *RACHSP* (1908): 104.

¹¹⁵⁰ *WJE*, 4:184.

¹¹⁵¹ *WJE*, 4:185.

ambitions. He celebrated the virtues of the American settlement before offering incisive critiques of the culture and the law. England also created a usable past in order to lend credence to his argument. The bishop claimed that the Founders were rolling in their graves over the continued discriminations that religious minorities faced in several states and that those who upheld those prejudices were undermining the principles of 1776. He borrowed from esteemed American Catholic gentlemen, including the Carrolls and Judge Gaston, all to advance the cause of religious liberty in the United States. Nearly a decade later, Gaston drew from England's speech in front of Congress in order to expunge from the North Carolina constitution the clause barring Catholics from holding executive office. He too, pointed to the Revolution in order to make his case.

William Gaston and the Constitutional Convention of 1835

William Gaston grew up hearing stories about the valiant role that his father, Alexander Gaston, had played in the American Revolution. The latter left his native Ireland to immigrate to America in the 1760s. Once the Revolutionary flames spread south of the Chesapeake he led a rebel movement in New Bern, North Carolina. Alexander Gaston fought in several battles during the first few years of the war, but he was targeted and killed by British and Loyalist forces in 1781. Young William was only a toddler at the time, but as an adult he found solace knowing that he was “baptized an American in the blood of a martyred father,” an experience that helped him develop “every moral and natural tie” to the “cause of my country.”¹¹⁵² Political and religious freedoms were not abstract principles for which Gaston stood; they were tangible values that he held close to

¹¹⁵² William Gaston, June 18, 1813, *Abridgement of the Debates of Congress, from 1789 to 1856*, 16 vols. (New York: Appleton & Company, 1857), 5:34.

his heart. His mother, Margaret, surrounded Gaston with mentors who cultivated those principles during his youth. She enrolled her son at John Carroll's newly established Georgetown University, the first Catholic college in the United States. When the opening of the school was delayed he studied under the tutelage of Father Francis Fleming in Philadelphia, a Dominican priest who was a friend of Mathew Carey's and an associate of Bishop Carroll's. Fleming involved himself in several public debates over Catholic rights in the U.S. between 1790 and 1792, but suffered a premature death when Yellow Fever infected Philadelphia, and his immune system, in 1793. Under Fleming's tutelage, Gaston learned about the history of Protestant persecution and the long tradition of Catholic dissent.¹¹⁵³

As an adult, Gaston became a respected member of polite society. After studying law at Princeton in the 1790s, he returned to his native North Carolina in 1800 to become a member of the state senate. A devout Federalist, Gaston intermittently served in the legislature from 1800 to 1833, pausing to serve in the federal House of Representatives from 1813-1817. He was appointed to the state Supreme Court in 1833, a position he held until 1844. While on the bench he became an outspoken critic of controversial issues like slavery, internal improvements, and continued discrimination against Catholics, Jews, and other religious minorities.

By the time Gaston entered public discourses about religious freedom, the political and religious cultures of the country had soured toward Catholicism. The ecumenical outpouring that marked the Revolutionary period all but dissipated during his career. Soon after the War of 1812, when he first entered the legislature, the Catholic

¹¹⁵³ For Fleming's influence and instruction on Gaston, see J. Herman Schauinger, *William Gaston: Carolinian* (Milwaukee: The Bruce Publishing Company, 1949), 8-9.

population grew from an insignificant minority to one that possessed considerable political and social capital. That demographic change led Protestants and Catholics to enter a new chapter of interdenominational conflict. Though Catholics never suffered from the kind of political backlash many feared, the rhetoric between faiths was as vitriolic as that heard during the colonial period, and several episodes – including the burning of the Ursuline Convent near Boston in 1834 – led to episodes of violence.

Americans who were already suspicious of the Catholic Church developed new anxieties as the hierarchy in Rome consolidated power within the church. In 1832, the Holy See released the encyclical *Mirari Vos* in response to a group of French clerics who advocated for a strict separation of church and state and flirted with religious indifference. The encyclical elicited a deluge of responses in secular and religious periodicals throughout the Atlantic world because, in it, Pope Gregory XVI condemned liberty of conscience, religious toleration, and the notion of church-state separation.¹¹⁵⁴ “From that polluted fountain of indifference,” Gregory wrote, “flows that absurd and erroneous doctrine, or rather raving, in favor and in defense of ‘liberty of conscience.’” His words confirmed the worst fears and anxieties of even fair-minded Protestants throughout the United States, who insisted with renewed vigor that “Popery in the

¹¹⁵⁴ For reaction to the encyclical, see Samuel F. B. Morse, *Foreign Conspiracy against the Liberties of the United States: The Numbers Under the Signature of Brutus* (New York: American and Foreign Christian Union, 1833), 56-59; Lyman Beecher, *A Plea for the West* (Bedford, Massachusetts, 1835), 172-174; John Hughes and John Breckenridge, *A Discussion of the Question, is the Roman Catholic Religion in any or in all its Principles or Doctrines Inimical to Civil or Religious Liberty? And of the Question, is the Presbyterian Religion in any or in all its Principles or Doctrines Inimical to Civil or Religious Liberty?* (Baltimore: John Murphy & Company, 1867 [1836]), 301; Alexander Campbell, *The Millennial Harbinger* (Bethany, Virginia: A. Campbell, 1843), 318-320; John C. Smith, *The Religion and Patriotism of '76* (Washington, D.C.: J. & G. S. Gideon, 1844), 13-14; H. A. Boardman, *Intolerance of the Church of Rome* (Philadelphia: Presbyterian Board of Publication, 1844), 93-94; George Peck, ed., *The Methodist Quarterly Review* 27 (New York: Lane & C. B. Tippet, 1845): 77-78; Rufus W. Griswold, ed., *The Quarterly Review of the American Protestant Association* 2 (January 1845): 51-53; John Dowling, *The History of Romanism: From the Earliest Corruptions of Christianity to the Present Time* (New York: Edward Walker, 1845), 618-620; *The American Protestant Magazine* (New York, The American Protestant Society, 1845), 41-42.

nineteenth century is as utterly incompatible with the enjoyment of the blessings of civil and religious freedom, as it was in the sixteenth.”¹¹⁵⁵

To make the contrast between American republicanism and Catholic tyranny even starker, it is worth reinforcing that the romantic revival that was sweeping the universal church coincided with the democratic impulses ushered in during the Age of Jackson. Heightened tensions between Protestants and Catholics made assimilation more difficult for Gaston and his coreligionists than it had been in the wake of the Revolution. Coupled with nativist anxieties, anti-Catholicism took hold of the country as newspapers, pamphlets, books, and sermonic literature depicted the Mother Church as an institution at odds with American ideals. By the time Gregory’s declaration reached American shores, even those who could not reasonably be called anti-Catholic doubted that the teachings of the Mother Church were compatible with republican government.¹¹⁵⁶

For these reasons it is striking that Gaston gained prominence in public life just as the nation was turning against its Catholic population. He earned the admiration and respect of Protestant and Catholic citizens throughout North Carolina. He befriended many Protestant judges on the state and federal circuits while also developing relationships with the leading Catholics in the country. Bishop England reached out to

¹¹⁵⁵ *A Voice from Rome Answered by an American Citizen...* (Philadelphia: James M. Campbell, 1844), 3.

¹¹⁵⁶ See William K. Ruffin to Thomas Ruffin, September 8, 1829, in J. G. de Roulhac Hamilton, ed., *The Papers of Thomas Ruffin*, 4 vols. (Raleigh, North Carolina, Edwards & Broughton Printing, 1918), 1:516. The opposite dynamic also held true. Some of the most popular anti-Catholic periodicals in the country printed pieces warning like-minded Protestants of taking their anti-Catholicism too far. One outlet reasoned that “although some of the most enlightened men and states in past ages, have declared that the toleration of the Roman faith is utterly incompatible with the freedom of states, —we would prefer to retain this noble feature of American liberty, and indulge to all, even the right to think wrong.” See Judge Gaston, of North Carolina: Religious Liberty – Mental Reservation, in *The Baltimore Literary and Religious Magazine* 1 (January 1835): 213.

Gaston soon after the former arrived in America in 1820.¹¹⁵⁷ They developed an enduring friendship and found a shared interest in combatting the unfair treatment that Catholics received in American print culture. Gaston and England wrote to each other about incidents of anti-Catholicism, shared ideas on how to correct prejudices against their faith, and edited each other's writings on the subject before giving important speeches or publishing defenses of their creed.¹¹⁵⁸

In 1809, even before England began asking Gaston to help him fight for religious equality, the latter successfully defended the right of a Jewish politician, Jacob Henry, to serve in the state legislature.¹¹⁵⁹ Gaston again fought for religious liberty in 1832, when he and a small cohort of supporters defended his right as a religious minority to hold judicial office in his state.¹¹⁶⁰ But his most lasting contribution to American religious freedom arose in 1834-1835, when North Carolinians voted Gaston as a delegate to the state's constitutional convention.

As a member of that convention, one of the revisions he considered was rephrasing the thirty-second article of the constitution, which prohibited those who declined to acknowledge "the truth of the Protestant religion" from "holding any office or

¹¹⁵⁷ J. Herman Schauinger, "The Domestic Life of William Gaston, Catholic Jurist," *The Catholic Historical Review* 30, no. 4 (January 1945): 418.

¹¹⁵⁸ This kind of correspondence began in 1821. See John England to William Gaston, June 6, 1821 and September 21, 1822, *RACHSP* 18, no. 4 (December 1907): 369-372, 381-383. For Gaston's letters to the bishop, see Folder 29, William Gaston Papers, Southern Historical Collection, Louis Round Wilson Special Collections Library, University of North Carolina.

¹¹⁵⁹ John Hill Wheeler, *Historical Sketches from North Carolina, From 1584 to 1851...*, 2 vols. (Philadelphia: Lippincott, Grambo and Co., 1851), 2:77.

¹¹⁶⁰ See Thomas Ruffin to Gaston, May 23, 1832; Gaston to Ruffin, August 25, 1832; Romulus M. Sanders to Ruffin, October 13, 1833, Thomas P. Devereux to Ruffin, November 14, 1833, in *Ruffin Papers*, 2:92-93, 99, 107. Private correspondences on the subject began months earlier when Gaston's son was offered a position as justice of the peace.

place of trust or profit in the civil department within” the state.¹¹⁶¹ Remarkably, Gaston contended that the wording was more ambiguous than it seems and that Catholics could in fact hold office. In private correspondence just months before the convention began, Gaston argued that the constitution never “defines the Protestant religion,” and that it “excludes *by name* no sect of Christians from office.”¹¹⁶² A year earlier he told Judge Thomas Ruffin – who had expressed his own interpretation that Catholics were not prohibited from holding office – that although it is possible that the framers “intended to exclude R. Catholics from office,” he was convinced that “this disqualification is not plainly expressed in it.”¹¹⁶³ After several years of private discoursing on the subject, including a last minute appeal to Bishop England to edit the speech he planned to deliver at the constitutional convention, Gaston was prepared to convince his fellow North Carolinians that Roman Catholics deserved equal treatment under the law.¹¹⁶⁴

The debate on article thirty-two began on June 26th, 1835. Some of those who were in favor of upholding the wording in the article posited that Catholics were, by virtue of their creed, an untrustworthy and deceitful group of people. Others insisted that while there were “some ... honest Roman Catholics,” the convention needed to make sure that “in protecting this one [honest Catholic], we must take care we don’t [sic] let in

¹¹⁶¹ Francis Newton Thorpe, ed., *The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, 7 vols. (Washington, DC : Government Printing Office, 1909), 5: 2793.

¹¹⁶² Gaston to William A. Graham, Nov. 12, 1834, *Gaston Papers*, quoted in Stephen M. Klugewicz, “‘A Democratic and Republican Religion’: Catholics in American Public Life, 1765-1895,” (PhD Dissertation, University of Alabama, 2002), 202.

¹¹⁶³ Gaston to Ruffin, August 23, 1833, in *Ruffin Papers*, 2:94.

¹¹⁶⁴ Gaston sent England a draft of the speech he prepared for the convention. The bishop offered his critiques and advised Gaston to consult the sermon England had delivered to Congress in 1826. England to Gaston, June 6, 1835, in *RACHSP*, 19 (1908): 155-158.

a thousand dishonest ones.”¹¹⁶⁵ Gaston remained quiet the first three days of deliberations as men from around the state defended Catholic rights using a host of historical, logical, religious, and moral arguments in line with the long tradition of religious dissent in the United States.¹¹⁶⁶ Gaston sat in silence in the convention hall, nodding with appreciation as he heard distinguished Protestants arguing that continued discrimination against his coreligionists was inconsistent with the ideals of the Revolution.

James Bryan, a delegate from Carteret who was a member of the Episcopal Church, reasoned that article thirty-two was a betrayal of the intentions of the Founders. “I should be sorry to find,” he cried on the assembly floor, “that this country,” which “established a general religious liberty,” and which was “so impressed with the highest sense of liberty, should adopt principles on this subject that were narrow and illiberal.”¹¹⁶⁷ Bryan quoted the historian of North Carolina Joseph Seawell Jones to make his case. Through Jones, Bryan argued that the thirty-second article “is so repugnant to the feelings of an *American*, it is so contrary to the nature of our institutions; to the very spirit of the Revolution, that I was for a long time ashamed of it, as an instance of gross bigotry and illiberality.”¹¹⁶⁸ Another delegate, Kenneth Rayner, a young and aspiring Whig politician, asserted that article thirty-two was opposed to “the principles of the Revolution,” and had “long united the Church to the State.” He looked to the U.S.

¹¹⁶⁵ *Proceedings and Debates of the Convention of North-Carolina, Called to Amend the Constitution of the State, which Assembled at Raleigh, June 4, 1835, to which are Subjoined the Convention Act and the Amendments to the Constitution together with the Votes of the People* (Raleigh: Joseph Gales and Son, 1836), 242.

¹¹⁶⁶ *Proceedings and Debates*, 221-239.

¹¹⁶⁷ *Proceedings and Debates*, 237.

¹¹⁶⁸ *Proceedings and Debates*, 234. The original is in Joseph Seawell Jones, *A Defence of the Revolutionary History of the State of North Carolina* (Raleigh, North Carolina: Turner and Hughes, 1834), 317.

Constitution as a model for North Carolina to follow, noting that it “contained the principle, the glorious principle of religious toleration.”¹¹⁶⁹

The president of the convention, Nathaniel Macon, defended Catholics by referencing the patriotic part they played in the Revolution. One of the senior members of the delegation, Macon was affiliated with the Baptist Church in Buck Spring but attended churches of all denominations.¹¹⁷⁰ Having served in the war himself as a young man, Macon recalled Catholic efforts, domestic and foreign, in securing independence. He reminded the other delegates that “when our country was in distress” during “our Revolutionary struggle, we applied to Catholics for assistance and it was generously extended.” He maintained that without Catholic support, “we never should have achieved our independence.” One of those Catholics who sacrificed so much for American liberty, Macon noted, was Gaston’s martyred father, who had been “murdered by the Tories in our Revolutionary struggle.” The president of the convention insisted that based on his father’s valor and his own esteemed career, Gaston was worthy of “a seat in the Legislature.” According to Macon, Gaston followed in the footsteps of a number of patriotic Catholic statesmen. He claimed that Charles Carroll of Carrollton – who had died at the age of ninety-five just two years before the convention – risked “more by signing the Declaration of Independence than any other individual” and that Bishop John Carroll was “a man so pure, that even sectarian bigotry could find nothing to allege against him.” From these points he concluded that it “was not, therefore, the particular

¹¹⁶⁹ *Proceedings and Debates*, 258.

¹¹⁷⁰ William S. Price Jr., *Nathaniel Macon of North Carolina: Three Views of his Character and Creed* (Raleigh: North Carolina Office of Archives and History, 2008), 39.

Religious notions, which a man entertained, that made him a good citizen or a good man.”¹¹⁷¹

Judge Gaston took the floor the next morning. He spoke for several hours, offering a litany of legalistic, historical, religious, and moral arguments for universal religious liberty. He recounted the colonial history of Maryland, quoting the eminent historian George Bancroft as his source. Through Bancroft, Gaston explained that the Catholic founder of that colony, Lord Baltimore, “deserves to be among the most wise and benevolent law-givers of all ages. He was *the first* in the history of the Christian World to seek for religious security and peace by the practice of justice.” Gaston narrated the whole colonial history of the province, focusing on the liberal policies that the Catholic founders instituted and the way that “jealous” Protestants usurped those freedoms during the seventeenth and eighteenth centuries. He claimed that “The early history of Maryland is one” marked by “benevolence, gratitude, and toleration,” as Catholics and Protestants lived with each other undisturbed until Protestants made “an ungrateful attempt, to mar the scene of harmony and moral beauty” Baltimore had created.¹¹⁷²

Gaston harnessed the cultural legacy of the American Revolution to expound on his point that Catholics had long been and continued to be virtuous republicans worthy of full citizenship. He observed that Charles Carroll of Carrollton voluntarily jeopardized his fortune for “the cause of liberty,” and that countless other Catholics sacrificed life and limb for the same principle. He shared John Carroll’s letter to President Washington and the latter’s response to Roman Catholics. Gaston repeated Carroll’s sentiments as

¹¹⁷¹ *Proceedings and Debates*, 247-248.

¹¹⁷² *Proceedings and Debates*, 288-289.

expressed to Washington, hoping that Catholics would gain “equal rights of citizenship, as the price of our blood spilt under your eye, and of our common exertions for her defence.” In response, Washington desired “ever to see America among the *foremost* nations in examples of justice and liberality: and I presume that your fellow-citizens *will not forget the patriotic part which you took in the accomplishment of their Revolution.*”

Gaston described Bishop Carroll as a veritable republican citizen, noting that Protestant and Catholic alike esteemed his piety and patriotism. He highlighted Carroll’s wholesome reputation and his diplomatic mission to Quebec with Benjamin Franklin, Samuel Chase, and his cousin Charles, in 1776. He did not forget to include Thomas Fitzsimmons, one of “the illustrious” statesmen who served at the “Convention that framed the Constitution of the United States.” After heralding their patriotic commitments, Gaston asked if these Catholics were “foes to freedom and unfit for Republicans? Would it be dangerous,” he inquired, “to permit such men” to hold public offices in North Carolina? No, Gaston answered, because they, like modern Catholics, held values that were “democratic enough to suit the taste and find an echo in the hearts of the sternest Republican amongst us.”¹¹⁷³

Gaston’s closing remarks focused on the republican legacy of 1776 and the spirit that guided the Framers in establishing religious freedom in the United States. He implored his fellow delegates to remove “every vestige of the spirit of persecution for conscience sake, every trace of disqualification and proscription because of religious principles” in his state. “I hope and trust,” he wrote, shaming the delegates into submission, “that this will be done, and that North Carolina will shake off the reproach of lagging behind the other States of the Union ... and behind the spirit of the age, by

¹¹⁷³ *Proceedings and Debates*, 298.

incorporating into her fundamental institutions the principle of perfect Religious freedom.” He concluded by noting that while article thirty-two had been debated for nearly a week, “the cause of intolerance has been undefended, because it is indefensible.” Gaston suggested that if article thirty-two remained unchanged, it meant that “all our boasted Patriotism” was merely “an empty name.”¹¹⁷⁴ “The question before us,” Gaston asserted, was one “of fundamental principles” about “the foundation of our institutions.” The legacy of the Founding Fathers, the ideals for which their fathers and grandfathers fought and died, the sacred cause of liberty, the honor of North Carolina: all of these, Gaston argued, would rise and fall on how the convention voted on article thirty-two.¹¹⁷⁵

During his closing remarks the judge declared the U.S. Constitution as his model for reform. “I shall not be content with any thing short of the total abrogation of Religious Tests,” he thundered.¹¹⁷⁶ Not only Catholics, but religious minorities of all stripes, according to Gaston, should receive protection under North Carolina law. That proposal, however, failed by a vote of 87 to 26. But by a count of 74 to 52, the delegates approved an amendment to article thirty-two that replaced “Protestant” with “Christian,” thereby opening public office to Catholics while upholding the restrictions on Jews, Muslims, and atheists. Despite his disappointment, Gaston accepted a partial victory and voted for the amendment. In private correspondence, he was bitter about the result, noting in the aftermath of the convention that the amendment “ought to have guaranteed the most unlimited freedom of opinion,” consistent with the spirit of 1776. Instead, he only

¹¹⁷⁴ *Proceedings and Debates*, 302-303.

¹¹⁷⁵ *Proceedings and Debates*, 305.

¹¹⁷⁶ *Proceedings and Debates*, 302.

managed to secure a “paltry change” to the existing order.¹¹⁷⁷ But that “paltry change” meant that Catholics received full citizenship in North Carolina and that only New Jersey and New Hampshire retained disabilities against their Roman Catholic citizens.

Catholic historians have praised Judge Gaston’s efforts ever since. But they have rarely placed it in the context of the long tradition of American-Catholic dissent. However valuable Gaston’s speech was to Catholics in North Carolina, the major battle that they waged was not in the court house or the assembly hall. By the middle third of the nineteenth century, as they had since the eighteenth, Catholics usually fought for cultural equality, social respectability, and a sense of belonging, all of which transcended legal formalities. As anti-Catholicism soared to new heights in the United States, a group of Catholic bishops continued to defend their coreligionists from calumny and abuse.

John Hughes and Continuation of the Dissenting Tradition

While Judge Gaston was railing against Catholic injustices at the North Carolina Convention, the Archbishop of New York, John Hughes, did his part to protect and spread Catholic freedoms in America. His writings, like those above, demonstrate the continuity of the Catholic dissenting tradition in the United States. Born in Ireland in 1797, Hughes immigrated to America as a youth in 1816, a decade before he received his ordination into the priesthood. Like the Carrolls, Carey, England, and Gaston, Hughes’ family suffered from persecution under the English penal laws. He also shared the view

¹¹⁷⁷ Gaston to [Barth.?] Moore, August 16, 1835; quoted in Schauinger, *Gaston*, 198. Gaston’s colleague Matthias Evans Manly expressed the same sentiments in strikingly similar language the same day, writing to the judge that although he was glad to see the delegates make “the 32nd section of the Constitution consistent with the great principles of Freedom,” the new wording “ought to have guaranteed to them [Catholics] the most unlimited freedom of opinion.” M. E. Manly to Gaston, August 16, 1835, Box 70, Gaston Papers, University of North Carolina.

that, while America was a bastion of religious freedom, it could do more to accommodate religious minorities. That belief helped him become a leading advocate of Catholic rights.¹¹⁷⁸ While his advocacy began in the 1820s, Hughes gained national recognition for participating in a pair of debates with a Presbyterian minister named John Breckenridge between 1833 and 1836. The first was a written dispute, wherein the participants weighed the relative merits of the Protestant and Catholic faiths. The second was an oral debate held in Philadelphia over the course of six nights.

Just as his predecessors and contemporaries emphasized their constitutional rights before moving to the historical role that Catholics played during the Revolution, so too did Hughes couch his language in constitutional rhetoric before referring his audience to American Catholics' noble actions during the war. In his first debate with Breckenridge, Hughes lauded his countrymen for not excluding "Catholics from the privileges which the constitution secures to ALL." He compared Breckenridge and his followers to the backward classes of Europe that thrived on "sectarian hatred" and "intolerance," and that sought to light "the fires of persecution" in "these United States." The archbishop argued that "no *true* son of the Constitution" could support Breckenridge because the latter sought to divide Americans along denominational lines even though the American people knew "no distinction of creeds." In stark contrast to those who tried to divide the country, Hughes argued, Catholics took up arms in defense of American liberty not merely for themselves but for all Americans. "When the tree of American liberty was planted," the archbishop asked, "was it not watered with Catholic blood? When the instrument of

¹¹⁷⁸ John Hughes, Sermon on Catholic Emancipation, May 31, 1829, in Lawrence Kehoe, ed., *The Complete Works of the Most Rev. John Hughes, D.D., Archbishop of New York* 2 vols. (hereafter *WJH*) (New York: Lawrence Keho, 1866), 1:30-40.

American Independence was drawn up, was it not signed with Catholic ink?”¹¹⁷⁹ The legacy of the Revolution, here, as elsewhere, provided a useful reference point in the pursuit of Catholic equality.

The second debate, which was conducted orally but went through multiple printings, asked whether Roman Catholicism was “in any or in all its Principles or Doctrines Inimical to Civil or Religious Liberty.”¹¹⁸⁰ Held in the aftermath of Gaston’s speech in North Carolina, Hughes praised the wisdom of America’s founding generation for establishing the civil and religious freedoms that he enjoyed, favorably citing the Constitution as the guarantor of Catholic rights.¹¹⁸¹ But he quickly turned to the lingering prohibitions on Catholic equality in the United States and to the threat to American religious freedom that Protestants in general and Presbyterians in particular posed to the country. Arguing in the negative to the question at hand – whether the Catholic religion was inimical to civil or religious liberty – Hughes pointed to the patriotic role that American Catholics played in the Revolution. To Breckenridge’s charge that “no good Catholic can be a consistent American,” Hughes replied that his adversary ought to inscribe such a statement “on the tomb of Charles Carroll of Carrollton, and the very marble will blush for him, if he cannot blush for himself.”¹¹⁸² The bishop stated “that the independence of this country was won by the efforts and blood of Catholics, as well as Protestants.” Moreover, “Archbishop Carroll, then a Jesuit priest, was among the most zealous in co-operating with the other Catholic and Protestant patriots by whom it was

¹¹⁷⁹ *Controversy between the Reverend John Hughes, of the Roman Catholic Church, and the Reverend John Breckenridge, of the Presbyterian Church* (Philadelphia: Joseph Whetham, 1833), 170-171.

¹¹⁸⁰ John Hughes and John Breckenridge, *A Discussion of the Question, is the Roman Catholic Religion in any or in all its Principles or Doctrines Inimical to Civil or Religious Liberty? And of the Question, is the Presbyterian Religion in any or in all its Principles or Doctrines Inimical to Civil or Religious Liberty?* (Baltimore: John Murphy & Company, 1867 [1836]).

¹¹⁸¹ Hughes and Breckenridge, *A Discussion of the Question*, 51.

¹¹⁸² Hughes and John Breckenridge, *A Discussion of the Question*, 81.

secured.”¹¹⁸³ Hughes quoted at length from Gaston’s speech before the North Carolina convention, asking if General Lafayette, among other French Catholics who risked their lives for American independence, was “a foe to civil freedom? Was Charles Carroll, of Carrollton,” Hughes continued, again bringing up the signer of the Declaration of Independence, “unwilling to jeopard [sic] his fortune in the cause of liberty?”¹¹⁸⁴ To this Catholic model the bishop contrasted what he considered the authoritarian tendencies of the Presbyterian Church.¹¹⁸⁵

Hughes depicted the Presbyterian Church in the same fashion that anti-Catholic crusaders portrayed the Church of Rome. Within the context of their failed attempt to ban Sunday mail, Hughes accused Presbyterians of perpetrating “a dark conspiracy” designed “to make the Presbyterian Church the dominant religion of this country.” Their “unhallowed purpose” was to “combine all Protestants in a general effort” to stamp out minority religious groups like Catholics and Quakers, “and then, by the same rule, to graduate the scale in reference to other sects, until Presbyterians shall be dominant ... Under the pretense of solicitude for the preservation of CIVIL AND RELIGIOUS LIBERTY,” Hughes contended, “the Catholics are to be robbed of both.” Other denominations had already allowed Presbyterians to “sting the Republic, and distil into its veins the poison of bigotry and intolerance, which,” Hughes promised, “will soon

¹¹⁸³ Hughes and John Breckenridge, *A Discussion of the Question*, 277.

¹¹⁸⁴ Hughes and John Breckenridge, *A Discussion of the Question*, 256-257.

¹¹⁸⁵ Hughes was not alone. Catholics had been warning about Presbyterians assuming control of the country for some time. John England cautioned his audience about the “creation of a Christian party in politics” shortly after Ezra Stiles Ely attempted to do just that in 1826. See *WJE*, 4:46. For commentary, see John G. West, Jr., *The Politics of Revelation and Reason: Religion and Civic Life in the New Nation* (Lawrence, Kan.: University of Kansas Press, 1996), 126-34.

reach its heart.”¹¹⁸⁶ While underscoring the reactionary strains within the Presbyterian Church, Hughes insisted that the Founders supported Catholics during the Revolution.

Hughes attempted to make that point by claiming the founding generation as his own. He turned to “the testimony of George Washington” in order to recruit that illustrious figure as a supporter of Catholic equality. The letters that John Carroll and the president had written to each other become an important part of the legacy of the Catholic dissenting tradition since it implied that Washington wanted Catholics to have equal rights alongside Protestant Americans. Quoting both letters, Hughes suggested that the father of the country was in favor of Catholic equality and opposed the kind of bigotry that Breckenridge and his coreligionists had displayed during the debate. Citing the diplomatic work of both Carrolls in Quebec in 1776, as well as Thomas Fitzsimmons’s function as a delegate at the Constitutional Convention in 1787, Hughes again quoted from Gaston’s speech, asking if these men were “foes to freedom” or “unfit for republicanism? Would it be dangerous,” Hughes continued, “to permit such men to be sheriffs or constables,” or to hold political rights on an equal level to those of all Protestant denominations, such as existed in New Jersey and New Hampshire?¹¹⁸⁷ Finally, the archbishop claimed Thomas Jefferson as a supporter of Catholic rights and insisted that those who opposed Catholic equality were demonstrating their “contempt [for] the American Constitution.”¹¹⁸⁸

¹¹⁸⁶ Hughes and Breckenridge, *A Discussion of the Question*, 281-282.

¹¹⁸⁷ Hughes and Breckenridge, *A Discussion of the Question*, 256-257.

¹¹⁸⁸ Hughes and Breckenridge, *A Discussion of the Question*, 323, 80. Breckenridge was unmoved by these arguments, noting that “the Gastons, the Carrolls, and the Careys” might have been esteemed Americans, but were in fact “faithless to the principles of the religion which they profess.” Hughes and Breckenridge, *A Discussion of the Question*, 256.

While Hughes and Breckenridge were sparing with each other, Father John Purcell quarreled with Reverend Alexander Campbell over similar issues. Those two men caught the nation's attention in 1833 as they debated the tenets of the Roman Catholic Church and their relationship to America's democratic and republican institutions. Purcell recalled the "patriotic example" set by the founding generation of Catholics who were led by the Carrolls in order to showcase Catholic commitments to republican government. The priest noted that "during those perilous times that tried men's souls," Catholics were at the front lines of American independence. He claimed that Bishop Carroll did "more for freedom, happiness and the UNION, than any other" clergyman in the United States.¹¹⁸⁹ Summoning the memory of President Washington, Purcell insisted that unlike Campbell and many contemporary Protestants, Washington "held warm feelings" toward Catholics because he knew that they "stood by his side in the battles for freedom." When Washington "drew his sword for this republic," Catholics "never flinched," following their commander "to victory or to death." From the moment of America's founding, Purcell wrote, Catholics had "bled or conquered in the trenches of liberty."¹¹⁹⁰ On cue, Purcell used his closing remarks to recall "the language of the illustrious Washington," quoting in full the favorable letter that the president composed to American Catholics after the latter appealed to him for religious freedom in 1790.¹¹⁹¹

All of these writers insisted that because Catholics were patriots during the American Revolution and because the Founders left clues suggesting that they favored Catholic equality, American Protestants were turning their backs on the legacy of the

¹¹⁸⁹ Alexander Campbell and John Purcell, *A Debate on the Roman Catholic Religion* (Nashville, Tennessee: McQuiddy, 1914 [1833]), 373-374.

¹¹⁹⁰ Campbell and Purcell, *A Debate on the Roman Catholic Religion*, 399.

¹¹⁹¹ Campbell and Purcell, *A Debate on the Roman Catholic Religion*, 450-451.

Revolution when they deprived Catholics of civil and religious liberty. What is more, Catholic dissenters maintained that Protestants like Breckenridge and Campbell were betraying the spirit of 1776 by slandering Catholics from their pulpits. Derogatory screeds found in print, they argued, perpetuated the kinds of stereotypes that deprived Catholics of full citizenship, even if prejudicial laws had largely been removed from the books. These antebellum Catholic reformers followed the model that Carroll had developed at the end of the eighteenth century, one which they continued – with some alterations – until the eve of the Civil War.¹¹⁹²

Continuity and Change

After Carey and England passed away in 1839 and 1842, respectively, Bishop Hughes emerged as the leading spokesman of the American Catholic dissenting tradition. Beginning in 1840, Hughes fought against local officials in New York over the use of Catholic Bibles in public schools and for a portion of the funds that the state allotted to education. Known as the school controversy, Hughes defended the rights of Catholics to equal citizenship in New York and throughout the United States, once again harnessing a familiar set of arguments that his predecessors employed for similar purposes. As Steven Green has noted, the school controversy was “chiefly a cultural dispute rather than a legal

¹¹⁹² For more examples of this argument, see Hughes, School Question, July 20, 1840; Meeting in the Basement of St. James’ Church, July 27, 1840; Address of the Catholics to their Fellow Citizens of the City and State of New York (Speech of Hughes), August 10, 1840; Speech before City Council – Second Day October 30, 1840; Speech in Washington Hall, February 11, 1841; Speech in Carroll Hall, March 30, 1841; The Catholic Chapter in the History of the United States, March 8, 1852, in *WJH*, 1:41-48, 49-54, 64-65, 172, 245, 247, 2:102, 107-108.

one” even though both sides “implicated constitutional principles” when making their case.¹¹⁹³

Scholars of American religious freedom have investigated the school question from many angles, incorporating issues related to religion, ethnicity, urbanity, and gender into their analysis. The point this chapter underscores is that Hughes, his coreligionists, and non-Catholic supporters continued the tradition of Catholic dissent, but added a few wrinkles to that tradition. Hughes explained at a meeting in 1840 that they “did not ask for the Catholics anything that was not just; that was not constitutional. All the laws of the country – all constitutional laws – are necessarily founded on the principle which secures to every man his religious rights, and if any law trenches on that right, he asserted that it was not, and could not be constitutional.”¹¹⁹⁴ Hughes proclaimed at another meeting that “if their just claim was still denied, then let it be branded on the flag of America that Catholics were denied and deprived of equal rights.”¹¹⁹⁵ This constitutional rhetoric of shame and guilt was typical of his writings and, indeed, had appeared in the writings of the Carrolls, Carey, Francis Fleming, Robert Walsh, William Gaston, and Bishop England. Nearly every public and private address that Hughes gave on the subject made reference to the “principles of the Constitution, which secures equal civil and religious rights to all.”¹¹⁹⁶ During his *Address of the Catholics to their Fellow Citizens of the City of New York*, Hughes shamed his audience into agreement, asking his countrymen to “Put yourselves in our situation, and say whether it is just, or equal, or constitutional, that whereas we are contributors to the public fund, we shall be excluded

¹¹⁹³ Steven K. Green, *The Second Disestablishment: Church and State in Nineteenth-Century America* (New York: Oxford University Press, 2010), 251.

¹¹⁹⁴ *WJH*, 1:44-45.

¹¹⁹⁵ *WJH*, 1:49.

¹¹⁹⁶ *WJH*, 1:54.

from our share of benefit in their expenditure.” He accused his opponents of fixing “a blot on the Constitution, by oppressively denying our just claims.”¹¹⁹⁷ The Catholic cause, in other words, was a litmus test for the constitutional guarantee of religious freedom in the United States. “Should the American people ever stand by and tolerate the open and authoritative violation of their *Magna Charta*,” Hughes boomed, “then the Republic will have seen the end of its days of glory.”¹¹⁹⁸ Catholic religious freedom was not only consistent with the ideals of 1776, upholding their rights was essential to the moral integrity of the nation.

After appealing to his constitutional rights – federal and state – Hughes turned to history, again pointing to the contributions of the Revolutionary generation of Catholic patriots in securing independence. In his speech before the City Council, the Irish bishop recalled that “Catholics and Protestants fought bravely side by side in the ranks of independence – while a Catholic Carroll was signing [the Constitution], and another Carroll ... was employed on an embassy” to protect American interests.¹¹⁹⁹ Moving on from the Revolution, Hughes invoked the words of Judge Gaston on the floor of the assembly during North Carolina’s constitutional convention in 1835. Through Gaston, Hughes pointed to the heart of the matter. “[I]t has been objected, that the Catholic religion is unfavorable to freedom: nay, even incompatible with republican institutions.” To this claim, Hughes asked, again quoting from Gaston, “Was Charles Carroll, of Carrollton, unwilling to jeopard [sic] his fortune in the cause for liberty?” The Bishop of New York finally appealed to the words of George Washington, who praised Catholics in

¹¹⁹⁷ *WJH*, 1:63-64.

¹¹⁹⁸ *WJH*, 1:65.

¹¹⁹⁹ *WJH*, 1:172.

their fight for American independence and for their allegiance to republican ideals.¹²⁰⁰ Restricting Catholics from political and religious equality, he insisted, was turning ones back on the father of their country and on the ideals of the Revolution. But in the end, Hughes never gained equal rights to public funding in the schools. All of his efforts, many historians have shown, had the unintended consequence of removing not only the Protestant bible but all religious texts from the classroom.¹²⁰¹

Although Hughes lost his case in New York, he continued battling for Catholic religious liberty throughout his career. On the eve of the Civil War, he was still composing essays that upheld the historical narrative that Catholics had been crafting for generations. Drawing from the work of “an impartial pen” – George Bancroft – Hughes argued that “civil, but especially religious liberty” in America began in “the Catholic colony of Maryland.” In that noble province, Hughes maintained, “religious liberty obtained a home, its only home in the wide world.” In fact, “Maryland, at that day, was unsurpassed for happiness and liberty” because “the design of the law of Maryland was undoubtedly to protect freedom of conscience.” Taking the argument one step farther than Bancroft was willing, Hughes suggested that the U.S. Constitution was indebted to the original Maryland charter and to the Catholics who founded the colony in the 1630s. The “provision of the Federal Constitution securing universal freedom of religion,” he wrote, “corresponds, or might be regarded as having been almost literally copied from the provision of the charter and statutes of the Catholic colony of Maryland, proclaimed and acted upon them one hundred and forty years before the war of independence.” From this point he deduced that his coreligionists “are entitled in their own right to a full

¹²⁰⁰ *WJH*, 1:174-175.

¹²⁰¹ Steven Green, *The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine* (New York: Oxford University Press, 2012).

participation of all the privileges, whether civil or religious, which have been acquired by this country in the progress of her history.”¹²⁰²

Hughes again looked to the spirit of 1776 to reinforce his argument that Catholics had a long history of advocating for religious freedom and that they were worthy of equal citizenship in the United States. He lauded the Revolutionary generation for moving beyond mere toleration, noting that “the great men who framed the Constitution saw, with keen and delicate perception, that the right to tolerate implied the equal right to refuse toleration.” The Framers “denied all right to legislate in the premises, one way or the other.” Those statesmen were propelled, in some measure, by American Catholics, who “were among the first and most ardent to join their countrymen in defence of common rights. Charles Carroll, of Carrollton, signed the Declaration of Independence,” Hughes continued, shortly after he and his cousin, Bishop Carroll, returned from a diplomatic “mission to conciliate,” their Canadian neighbors. Turning an historical aside into modern politics, Hughes celebrated “the late Judge Gaston” for having expunged from the North Carolina Constitution the clause banning Roman Catholics, and praised the legislators in New Jersey who in 1844 granted Catholics equal rights. Still, Hughes wrote, on the eve of the Civil War, New Hampshire “clings to her old unaltered charter,” which includes “a clause disabling Catholics” from holding executive office.¹²⁰³

Arguing on behalf of Catholic equality, Hughes, like those before him, pieced together the long history of Catholic dissent that began in colonial Maryland in 1633. Even though his causal relationships about the development of religious liberty in America do not withstand scrutiny, Hughes was articulating a historical narrative that

¹²⁰² *WJH*, 2:112-114.

¹²⁰³ *WJH*, 2:102-103, 108.

several generations of American Catholics had learned from their parents. Catholics, they insisted, were the originators of American religious freedom. Catholics, they claimed, wore the mantle of liberty in America. Catholics, they boasted, were the most committed group to America's republican and democratic ethos. Protestants, on the other hand, had a long history of persecution in America and, left unchecked, would oppress those who did not adhere to their faith. That same narrative appears in the writings of some of the most acclaimed Catholics of the second half of the nineteenth century, including Orestes Brownson and Thomas Spalding.

Brownson was born into a Calvinist New England home in 1803, baptized a Presbyterian in 1822, became a Universalist preacher in 1824, a minister at a Unitarian church in 1831, and was a founding member of the Transcendental Club in 1836. By the 1840s, however, Brownson became disillusioned with the foundations of his beliefs, and eventually turned from his extreme social, political, and religious liberalism to a more conservative Catholicism. Brownson's writings differ in some ways from those like the Carrolls, Carey, England, and Hughes, who were raised with the Catholic counter-narrative. But his writings also show marked continuity with that tradition. Following Hughes, Brownson cited Bancroft as an authority when pleading his case for Catholic religious freedom, noting that the eminent historian celebrated Lord Baltimore as "being 'the first in the history of the Christian world to adopt religious liberty as the basis of the state.'" While Brownson applauded the "noble and peaceful colony of Maryland," the Catholic convert also criticized Bancroft and, by extension, his coreligionists like Hughes, for claiming that Maryland was the "first to recognize and adopt religious liberty as the basis of the state." Religious freedom, Brownson countered, "was born somewhat

prior to the year of grace 1632,” reasoning that liberty of conscience was “an inalienable natural right” which no jurisdiction could either bestow or rescind.¹²⁰⁴ While offering this slight correction, Brownson also changed the Catholic narrative from suggesting that Catholics were among the first to demonstrate their republican principles in 1776 to insisting that if Roman Catholicism did not counterbalance the dangerous tendencies of Protestantism, America’s most cherished institutions would collapse.

Here Brownson was articulating an idea similar to that articulated by Alexis de Tocqueville and Bishop Hughes, both of whom believed that Protestantism and Catholicism formed a dialectic in the United States, which worked together to promote liberty and individualism alongside obedience and collective order. These men believed that the liberal, democratic ethos in America would, unless checked by the traditions and customs of the Roman Catholic Church, spiral downward into social and political anarchy. They argued, in short, that Catholics helped the United States because their creed “constructively fused progressive and conservative impulses” within American political and religious cultures. These Catholics believed, writes one scholar, that “republican America needed Catholicism as much as members of the Church benefited from membership in American society.”¹²⁰⁵ Tocqueville wrote in 1835 that American Catholics “constitute the most republican and the most democratic class in the United States.” Although Catholicism “has erroneously been regarded as the natural enemy of democracy,” the French critic observed, “Catholicism seems to me, on the contrary, to be one of the most favorable to equality of condition among men,” and was an indispensable

¹²⁰⁴ Orestes Brownson, Bancroft’s History of the United States (1852), in Henry Francis Brownson, ed., *The Works of Orestes A. Brownson: Literary Criticisms*, 19 vols. (Detroit: Thorndike Nourse, 1885), 19:413.

¹²⁰⁵ Gjerde, *Catholicism and the Shaping of Nineteenth-Century America*, 66-67.

asset to the maintenance of republican government.¹²⁰⁶ Brownson went one step farther, writing in 1845 that “without the Roman Catholic religion it is impossible to preserve a democratic government, and secure its free, orderly, and wholesome action. Infidelity, Protestantism, heathenism, may institute a democracy,” he asserted, “but only Catholicity can sustain it.”¹²⁰⁷ This was a departure from John Carroll’s argument which held that Catholics deserved equal treatment under the law because they demonstrated their republican bone fides during the American Revolution. While previous Catholic reformers saw the compatibility and (at least in their rhetoric) recognized that Protestantism and Catholicism benefitted republican government, Brownson saw Protestantism as a blight on the democratic order because it eschewed the moral authority necessary to preserve the liberty that the American government granted.

By the middle of the century, Catholics were facing an intense anti-Catholic crusade coming from a number of influential newspaper editors and political campaigns – most notably the nativist-inclined American Party, which formed in 1845 and promised to expunge Irish Catholics, among other foreigners, from American politics. Reaching their peak influence in the 1850s, The American Party’s accusations provoked a flurry of pro-Catholic literature from Hughes, Brownson, Bishop of Louisville Martin Spalding, and an Irish immigrant named Thomas D’Arcy McGee, in addition to several Catholic newspapers. These authors also considered American Catholic experiences with religious freedom. Like those before them, they began with colonial Maryland.

Bishop Spalding reminded his audience that “the Catholics of the colony of Maryland, were the first to proclaim universal liberty, civil and religious, in North

¹²⁰⁶ Alexis de Tocqueville, *Democracy in America* (New York: Vintage, 1957), 311.

¹²⁰⁷ Orestes Brownson, *Catholicity Necessary to Sustain Popular Liberty*, (1845), in *Essays and Reviews Chiefly on Theology, Politics, and Socialism* (New York: D. & J. Sadlier & Co., 1862), 368.

America,” citing Bancroft as his source. “Why give so undo a prominence to the ‘Pilgrim Father’” in New England, Spalding wondered, when they were “any thing but the friends of, at least, religious liberty?” Spalding asserted that colonial Catholics “did at least as much for civil liberty as the pilgrims, and much more than they for religious liberty.” At the end of the colonial period, continued Spalding, “American Catholics fought side by side with their Protestant fellow-citizens,” citing George Washington’s letter to John Carroll to reinforce his point. The venerable Washington, according to Spalding, insisted that American Catholics “should have equal rights with their Protestant fellow-citizens.” Washington attested to the fact that Catholics soldiers “bled so freely” during the Revolution, while Protestants were “consulting their safety by flight.” By contrast, “there was no Catholic traitor during our revolution,” and the statesman who “periled most in signing the Declaration of Independence” was none other than “the illustrious Charles Carroll of Carrollton.”¹²⁰⁸

McGee echoed Spalding’s narrative of American religious liberty, privileging the Catholic experience above all others. He followed in the footsteps of Mathew Carey, departing his native Ireland to the United States incognito in 1842. The Irish exile edited *The Nation* magazine and became an outspoken proponent of Catholic freedoms in Canada and the United States. In response to the rise of the Know Nothings, who reasoned away Catholics’ liberal experiment in colonial Maryland as a matter of political expediency, McGee delivered a series of lectures from 1853 to 1854 in Boston, New York, Baltimore, Washington D. C., and Cincinnati.¹²⁰⁹ Later published into a single

¹²⁰⁸ Martin J. Spalding, Influence of Catholicity on Civil Liberty, and Webster’s Bunker Hill Speech, in *Miscellanea: Comprising Reviews, Lectures, and Essays, on Historical, Theological, and Miscellaneous Subjects* (Baltimore: John Murphy & Co., 1869 [1855]), 1:150.

¹²⁰⁹ Gorman, “Catholic Apologetical Literature,” 114.

volume, McGee hyperbolically argued that “the independence of the United States was, in a great degree, established by Catholic blood, talent, and treasure.”¹²¹⁰ To make that case he began with the history of colonial Maryland, erroneously declaring that the Toleration Act of 1649 was “the first ordinance of its kind known in America.”¹²¹¹ The Irish immigrant spent several pages narrating the “cruel” history of that colony after Protestants overthrew the magnanimous Catholic government. Turning to a section he subtitled “Catholics and the American Revolution,” McGee commented on Charles Carroll of Carrollton signing the Declaration of Independence, Bishop Carroll advocating for American liberty, Daniel Carroll helping frame the U.S. Constitution, and the military records of John Barry and Stephen Moylan, all of which, according to McGee, “contributed to your independence.” He concluded by praising the Catholic faithful for displaying their patriotism and loyalty to republican values, citing Washington’s famous letter in 1790 wherein the president wrote: “I presume that your fellow-citizens will not forget the patriotic part which you took in the accomplishment of their revolution and the establishment of their government, or the important assistance they received from a nation in which the Roman Catholic faith is professed.”¹²¹²

McGee, like Spalding, Hughes, England, and Carey before him, might have overstated his case, placing undue weight on Washington’s letter and labeling the Protestant statesman William Paca as “an Italian Catholic by descent,” but in attempting to respond to slanders against his faith, he was reaffirming the equal rights that the

¹²¹⁰ Thomas D’Arcy McGee, *The Catholic History of North America. Five Discourses: To which are Added Two Discourses on the Relations of Ireland and America* (Boston: P. Donahoe, 1855), 9.

¹²¹¹ McGee, *The Catholic History of North America*, 70.

¹²¹² McGee, *The Catholic History of North America*, 85.

constitution granted to Catholics in the United States.¹²¹³ He placed himself within the tradition of Catholic dissent, reiterating the common themes found in the writings of those before him.

This later generation of Catholic reformers was fighting a different battle than the one that the Carrolls of Maryland fought in the seventeenth and eighteenth centuries or that which John Carroll and Mathew Carey had waged in the aftermath of the American Revolution. In 1776, Catholics acquired many of the rights that colonial Catholics longed after. While certain restrictions lingered for many decades, by the eve of the Civil War, Catholics – by law if not in practice – were granted equality alongside Protestant Americans in every state of the union except New Hampshire. Even there, the prohibition against Catholics holding office was, according to Bishop Hughes, “a dead letter.”¹²¹⁴ Yet, as Carey, Francis Fleming and John Thayer wrote in the 1790s, and Gaston, England and Hughes reiterated in the 1820s and 1830s, Catholics realized that their major struggle was not with American law but instead with American culture. They had to battle against cultural prejudices long after their attained legal equality with Protestant Americans.

As many historians have argued, Catholics’ acquisition of legal parity with Protestants was often a function of larger shifts in American law, as they benefitted from the efforts Baptists and other religious minorities who petitioned for more universal applications of religious freedom. Yet, as this dissertation makes clear, Catholics were not passive actors in that process. Rather, they contributed to discourses about religious liberty in many ways. They held Protestants their expressed high ideals, challenging them

¹²¹³ McGee, *The Catholic History of North America*, 79.

¹²¹⁴ *WJH*, 2:103.

to tolerate a disruptive and seemingly dangerous religious minority in late eighteenth-century Boston as well as Jacksonian Philadelphia. Catholics also contributed to the development of American religious freedom through their revisionist histories. American Catholics – especially those of Irish ancestry like Carey, England, Hughes, and McGee – illustrated the dangers that Protestant establishments posed to individual freedoms. They presented a historical narrative that questioned those who linked Protestantism with liberty and cast all religious establishments as infringements on rights of conscience. The historical component to the Catholic argument for religious freedom was perhaps the most salient because it echoed the writings of deist and Baptist reformers, transcending theological and denominational affiliations. Finally, Catholics participated in the development of American religious liberty by successfully reforming anti-Catholic laws. The most direct example came in North Carolina in 1835, where Judge Gaston played a leading role altering the state constitution. But as previous chapters have shown, Catholics petitioned local officials in throughout the nation, as Protestant legislators voted to grant them equal rights at the beginning of the nineteenth century.¹²¹⁵

While they acknowledged the advances in their religious freedom, Catholics at times felt like social outcasts well into the twentieth century, especially while nativist and anti-Catholic activism took hold of the country in the Jacksonian period. The cultural prejudices that hung over the heads of Catholics in colonial Maryland, in other words, came back to haunt their descendants in the middle of the nineteenth century, even as they acquired more legal privileges in the years after the Revolution. When they gained

¹²¹⁵ For Catholic activism in Maine, see William Lucey, *Edward Kavanagh: Catholic, Statesman, Diplomat from Maine, 1795-1844* (Francetown, New Hampshire: Marshall Jones Company, 1946). For the petition they sent to the Maine legislature, securing independence, see “Petition of Catholics of Maine,” *Maine Catholic Historical Magazine* 8 (October 1919): 12-15.

equal civil and political rights, cultural biases reminded Catholics of how precarious those rights could be. But regardless of what specific goal they had in mind – political equality or social respectability – or what time or place they were writing – colonial Maryland, early national Boston, or antebellum North Carolina – Catholics continued to articulate their revisionist histories, highlighting their heroic role in the Revolution, the dangerous pretensions of Protestant establishments, and the compatibility of Catholic doctrine with American values.

While they spoke in subdued tones during the colonial period, by the middle of the nineteenth century, the writings of Carey, England, Hughes, Purcell, Spalding, and McGee evoked strong responses from some of the leading Protestant ministers and theologians in the country. Protestant writers spent considerable time constructing those responses because, as Catholics often reminded their countrymen, the most respected historian of the era, George Bancroft, among others, extolled the virtues of the Lords Baltimore and the Carrolls. Bancroft noted that the Calverts were “the first in the history of the Christian world . . . to plan the establishment of popular institutions with the enjoyment of liberty of conscience,” and that the Carrolls served on legislative committees and as diplomatic aids to General Washington in 1776.¹²¹⁶ While the Catholic dissenting narrative had been inducing responses since the seventeenth century, it gained considerable traction by the middle of the nineteenth century, appearing in the works of

¹²¹⁶ George Bancroft, *History of the United States: From the Discovery of the American Continent* (Boston: Little, Brown, and Company, 1874 [1837]), 1:244; Bancroft, *History of the United States: From the Discovery of the American Continent* (New York: D. Appleton and Company, 1889), 4:252, 377-378. Bancroft redacted this comment from the 1889 reprint. See Bancroft, *History of the United States*, 1:158.

many Protestant writers who became convinced that – to a degree at least worthy of mention – American religious liberty had its foundations in colonial Maryland.¹²¹⁷

But not all Protestants were convinced. A member of the Carroll lineage, Anna Ella Carroll became a vociferous critic of the American Catholic dissenting narrative. She was the daughter of Thomas King Carroll, the Governor of Maryland, and she advised President Abraham Lincoln during the Civil War. Born into a mixed Protestant-Catholic home, she intended to “justify the truth of history,” regarding Catholic experiences in America, writing a series of essays about colonial Maryland and the role that the Carrolls played in the American Revolution. “The public mind of this country,” she wrote, “has rested too long under a delusion in relation to the Maryland act of *Toleration*, as it is falsely called! The Romish hierarchy,” she continued, “have earnestly and artfully used all its power to give the impression to Americans that the Roman Catholics enacted a law in Maryland favorable to civil and religious liberty and that Maryland was the first state of the confederacy to enact such a law.” She argued, first, that in 1614, under Dutch control, the New York settlement was the first to practice “complete religious liberty.” Second, she asserted that the assembly which passed the Toleration Act of 1649 was comprised of mostly Protestants, and that the governor of Virginia, “*William Clayborne had set the example* [of robust toleration] years before.”¹²¹⁸ Hardly advocates of religious

¹²¹⁷ See John Frost, *History of the United States...* (Philadelphia: Edward C. Biddle, 1836), 74; Bancroft, *History of the United States*, 1:244; *The Monthly Review* 1 (January 1839): 390; Marcius Willson, *American History, Comprising Historical Sketches of the Indian Tribes...* (New York : Ivison & Phinney, 1855 [1846]), 38; Smith, *Religion and Patriotism of '76*, 9-10; William Meade Addison, *Letter of William Meade Addison, of Baltimore, Upon Religious Toleration in America* (Baltimore: Murphy & Co., 1854); Martin Joseph Kerney, ed., *The Metropolitan: A Monthly Magazine, Devoted to Religion, Education, Literature, and General Information*, 2 (Baltimore: John Murphy & Co., 1854): 563.

¹²¹⁸ Anna Ella Carroll, *Essay on Maryland's Toleration Act*, n.d., MS 1976, Carroll, Cradock, and Jensen Collection, Anna Ella Carroll Section, Reel 1, 3, 12. Carroll relied on John Leeds Bozman, *The History of Maryland, from its First Settlement, in 1633, to the Restoration, in 1660* (Baltimore, Maryland: J. Lucas & E. K. Deaver, 1837), 336-352, to make her case against the liberal tradition of American Catholicism.

freedom, the Lords Baltimore were, according to Carroll, trying to destroy “the established religion of the Church of England,” and wanted to enact “not a general toleration of all religious opinions, but [and establishment of] their own sect,” which, she concluded, would “put down by force all others.”¹²¹⁹

Moving from the colonial period to the American Revolution, Carroll noted that Protestant writers, who she called the “friends of Roman Catholicism, have been unceasingly [sic] in their efforts to persuade the people that their religion is *liberal* because Mr. Charles Carroll of Carrollton participated in the Declaration of Independence.” But, Anna Ella Carroll wrote, “the ‘American Archives’ shew that he did not take his seat until after the 11th of November 1776,” long after the document was written, thereby making his signature ancillary to the cause of freedom. She conceded that Charles Carroll was “a devoted patriot,” but her overarching theme was that Catholics and their sympathizers had created a false narrative that underestimated the danger Catholicism posed to the republic.¹²²⁰ According to Carroll, it was “the *system* of Popery against which [she] warn[ed], not individuals.”¹²²¹ But she took direct aim at the leading individuals in the Catholic Church, including Bishop Hughes, whom Carroll accused of trying to “spread Romanism in America, and to crush out Republicanism.”¹²²²

Anna Ella Carroll’s writings demonstrate the influence that the Catholic dissenting tradition had gained by the middle of the nineteenth century. Authors from all over the nation felt obligated to combat the pro-Catholic narrative that American

¹²¹⁹ Anna Ella Carroll, *Essay on Religious Freedom in Maryland*, n.d. MS 1976, Carroll, Cradock, and Jensen Collection, Anna Ella Carroll Section, Reel 1, 16.

¹²²⁰ Carroll, *Essay on Religious Freedom in Maryland*, 30.

¹²²¹ Anna Ella Carroll, *The Great American Battle: Or, the Contest between Christianity and Political Romanism* (New York: Miller, Orton, & Mulligan, 1856), x.

¹²²² Carroll, *The Great American Battle*, 329.

Catholics and their allies had been repeating for nearly two centuries. That narrative changed over time – incorporating events during the American Revolution as well as the individual accomplishments of the Carrolls, Carey, Bishop England, and Judge Gaston. At times it focused on colonial Maryland, while for many Irish-born writers like Carey, it concentrated on the “1641 Massacre” and the oppression of Irish Catholics by Protestants.¹²²³ For all of the success Catholics had in persuading Americans that they posed no threat to American institutions – after all, they attained most civil and political rights in the United States long before their counterparts in Ireland and England – Carroll’s writings suggest that they were unable to remove the stain of prejudice that soiled their reputation.

Conclusions

This dissertation has examined discourses about religious freedom. It suggests that although Catholics were not the primary actors in the shaping of American religious liberty, the significant role they did play can inform how historians understand that development – and it reminds us that Catholics played that role at a much earlier period than scholars have typically appreciated. By democratizing the subjects that historians consider while trying to unravel America’s long history with religious freedom, they can challenge longstanding assumptions about the development of that ideal. While studies

¹²²³ Mathew Carey, *Ireland Vindicated: An Attempt to Develop and Expose a Few of the Multifarious Errors and Falsehoods Respecting Ireland, in the Histories of May, Temple, Whitelock, Borlase, Rushworth, Clarendon, Cox, Carte, Leland, Warner, Macauley, Hume, and Others: Particularly in the Legendary Tales of the Conspiracy and Pretended Massacre of 1641* (Philadelphia: Mathew Carey, 1819); *Sketch of the Irish code, entitled "Laws to prevent the growth of popery:" but really intended, and with successful effect, to degrade, debase, and enslave the Roman Catholics of Ireland, and to divest them of their estates: with a brief notice of some of the penal sanctions of that Code still in force*, 2, no. 5 (Philadelphia, 1823); *Review of the Evidence of the Legendary Tale of a General Conspiracy of the Roman Catholics of Ireland "to Massacre all the Protestants that would not Join with them" on the Twenty-Third of October, 1641* (Philadelphia, 1834).

focusing on Thomas Jefferson, James Madison, and George Washington have illuminated our understanding of American religious liberty, individuals and groups on the periphery of those studies – like the Catholics under consideration in this project – can help scholars understand what religious freedom meant to more than a handful of Founding Fathers. Their participation in public debates, legislative assemblies, and constitutional conventions sheds light on the tensions between law and culture, the limits of toleration, religious freedom and coercion, American citizenship, identity formation, nationhood, and pluralism.

I have argued that the narrative landscape of American religious liberty changes if one focuses on Catholics instead of mainstream or dissenting Protestants. The trajectory of religious freedom for Catholics was anything but linear. The uneven line plotting that development diverges from most narratives of religious freedom in America. True, Protestants and Catholics alike arrived in the New World looking for, among other things, a land to practice their faith free from government interference. After arriving in Maryland with great hopes, international and local events compromised Catholic's religious freedom in ways unknown in New England.¹²²⁴ The 1640s and 1650s were fraught with turmoil, a period in which Catholics suffered from a series of coups. The Lords Baltimore were able to reclaim their colony, but by the end of the century, they had to concede political power to Protestant authorities. In 1689 the Glorious Revolution instigated a number of reforms which stripped Catholics of the right to hold office, vote, transfer property, and worship in public. As I suggested in chapter three, Catholics like

¹²²⁴ That is not to say, however, that New Englanders did not face their own obstacles to religious freedom, as did “heretics” such as Anne Hutchinson. See Michael P. Winship, *Making Heretics: Militant Protestantism and Free Grace in Massachusetts, 1636-1641* (Princeton: Princeton University Press, 2002); *The Times and Trials of Anne Hutchinson: Puritans Divided* (Lawrence: University Press of Kansas, 2005).

Charles Carroll the Settler played no small role in provoking anti-Catholic legislation in the years following the Revolution of 1688. But whatever the ultimate cause – whomever historians find culpable for the changes in Maryland law – the trajectory of religious freedom for Catholics nevertheless took a downward turn with the so-called Toleration Act in 1689, a date many scholars have depicted as a moment of increased toleration in Anglo-America but which in fact circumscribed Catholic rights throughout the British Empire.¹²²⁵ A similar outcome occurred during the middle of the eighteenth century.

The Great Awakening of the 1740s and 1750s created an atmosphere of increased pluralism, as denominations splintered over political, ecclesiological, and theological questions. Clergy and laity negotiated with each other for power within the church, which broadened religious freedom insofar as individuals had more choices, choices about which church they attended, what kind of minister they supported, and which doctrines and practices their church would uphold. Those deviating from traditions faced resistance, but the middle decades of the eighteenth century expanded religious freedom for most Americans, especially as Protestant rivals united against a common Catholic nemesis during the French and Indian War. At the same time, Catholics faced penal measures during the war, including special taxes on their property. Far from seeing an expansion of freedom, American Catholics in the 1750s wrote scores of petitions pleading for the maintenance of their civil and religious rights. Once again, the trajectory of religious liberty becomes more complicated if scholars consider the experiences of Catholics alongside other Americans. Rather than the steady whiggish line moving

¹²²⁵ Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park: The Pennsylvania State University Press, 2001), 127.

toward greater freedom, the Catholic path shows the true colonial contingency of the story of American liberty.

Another hallmark of religious liberty – the American Revolution – takes on new form when viewed through a Catholic lens. Chris Beneke has noted how valuable the Catholic example is at this time, remarking that “Roman Catholics make for an especially revealing case study of how radically American religious culture shifted during the late eighteenth century, and how even the most unlikely of religious outsiders were able to accommodate themselves to those changes.”¹²²⁶ This dissertation has shown the difficulties Catholics had in attaining legal parity with other denominations at the state level as well as the barriers they faced in earning cultural acceptance from their neighbors. But it has also highlighted the marked improvements to their political, social, and cultural conditions in the aftermath of the Revolution. Indeed, this study has posited that Catholic experiences in the new Republic suggest how fluid and contested ideas such as religious freedom, national identity, and citizenship were in the years following independence.

After the Revolution, Catholics acknowledged that they possessed unprecedented civil and religious freedom, even while they complained that they did not have access to certain liberties at the state and local level. In 1784 John Carroll reminded his coreligionists that they had been “blessed with civil and religious liberty” in the United States and later remarked “what perfect freedom Catholics enjoy nearly everywhere in

¹²²⁶ Chris Beneke, “The ‘Catholic Spirit Prevailing in Our Country’: America’s Moderate Religious Revolution,” in Chris Beneke and Christopher S. Grenda, eds., *The First Prejudice: Religious Tolerance and Intolerance in Early America*, (Philadelphia: University of Pennsylvania Press, 2011), 277-278.

these states.”¹²²⁷ Mathew Carey, too, recognized and appreciated the robust freedoms he enjoyed in America even while pointing to the disabilities he and other Catholics faced. “Under the happy government of America,” he wrote during his dispute in the winter of 1792, “conscience suffers no constraint from penal statues.” He celebrated “the boundless freedom concerning religious matters, which all enjoy as a birth right.”¹²²⁸ Years later John England gloried in the “wisdom which pervaded the councils of those who framed the constitution under which we live.”¹²²⁹ “I do not know any system more favourable to the security of religious rights,” England wrote in 1836, “than that of American law.”¹²³⁰ Brownson also praised the American experiment in religious freedom, writing in 1867 that in the United States, “Catholic and Protestant stand on the same footing before the law, and the conscience of each is free before the state.”¹²³¹

Catholics across time and space, then – those born into the American Catholic tradition and those who either immigrated or converted to the Mother Church – expressed gratitude for the freedoms they had won during the Revolution even while they recognized their status as social outcasts in some circles. They used sermons, public debates, newspapers, pamphlets, books, petitions, courts, and assembly halls to make their voices heard in America’s political culture – a culture that had democratized to the point where religious minorities like Catholics could indeed make their voices heard. Their rhetoric might have seemed inconsistent or at times contradictory, but it only

¹²²⁷ John Carroll, *An Address to the Roman Catholics of the United States of America by a Catholic Clergyman*, 1784, and, Religious Toleration, in Thomas O’Brien Hanley, ed., *The John Carroll Papers*, 3 vols. (hereafter *JCP*) (Notre Dame, Indiana: University of Notre Dame Press, 1976), 1:140; 3:472.

¹²²⁸ Mathew Carey, *The Calumnies of Verus; or, Catholics vindicated, from certain old slanders lately revived* (Johnston & Justice, Philadelphia, 1792), 47, iv.

¹²²⁹ *WRRJE*, 7:68.

¹²³⁰ *WJE*, 3:241.

¹²³¹ Orestes Brownson, *Union of Church and State* (1867), in Henry Francis Brownson, ed., *The Works of Orestes A. Brownson*, (Detroit, T. Nourse, 1884), 13:135.

reflected the tensions that were a part of the political settlement coming out of the Revolution and that continued into the nineteenth century. As Americans were proudly reflecting on what their Revolution meant, Catholics attempted to hold their countrymen accountable for the lofty rhetoric that guided much of America's early national political discourse. These same trends continued well into the nineteenth century, when a new cast of Catholic leaders defended their faith. As this dissertation has shown, antebellum Catholics looked back to colonial Maryland and the Revolution with nostalgia, citing the ideals of 1776 and the U.S. Constitution as moral and legal justifications for their civil and religious rights.

In closing this study, it is worth noting that even when they conceded that the Constitution had no bearing on state laws, Catholics and their supporters appealed to the "spirit of the Revolution" when making their case for religious liberty.¹²³² As Sarah Barringer Gordon has shown of Americans during the late nineteenth and twentieth centuries, religious dissenters were aware that the Constitution had no jurisdiction over the states on religious matters, but nevertheless insisted that the Federal Constitution ought to guide church-state policy in the states. Early American Catholics, too, Gordon might have added, like John England and William Gaston, explained that those who wished to deprive Catholics of their religious rights were engaging in a "*practical* violation of the constitution of the United States."¹²³³ Time and again they insisted that the "spirit of our political institutions," rather than the letter of the law, ought to place Catholics on equal footing with Protestants.¹²³⁴

¹²³² *Proceedings and Debates*, 258.

¹²³³ The Republic in Danger, October 3, 1831, in *WJE*, 4:62. Emphasis added.

¹²³⁴ *WJE*, 4:17; *Proceedings and Debates*, 302-303.

Even after Catholics attained legal parity with Protestants in states like Massachusetts, New York and North Carolina, which initially withheld full political participation from Roman Catholics, cultural prejudices kept their discourses of liberty and equal rights alive throughout the nineteenth century. As England wrote in the 1830s, although Catholics “have the full protection of an equality of law,” they did not possess “the full protection of religious sympathy.”¹²³⁵ That inequity, he argued, imposed barriers to Catholics that members of other denominations of Christians did not face. His struggle for religious freedom, then, was by the 1830s a largely cultural, rather than a legal battle. And it was part of a longer tradition of Catholic dissent that has gone relatively unnoticed in the historiography of American religious liberty. Even if Catholics spoke with muted voices during the period under consideration, their examples suggest that the story of religious liberty in America has been a constant negotiation that included actors from many religious backgrounds and drew from the experiences of those in distant lands, including Ireland, and England. In victory and defeat, American Catholic experiences with religious freedom offer a fresh lens through which scholars may explore the most enduring questions in American history – questions about the very fabric of the American nation.

¹²³⁵ *WJE*, 3:260. England supports this claim by pointing to the resistance that Roger Taney faced in the “sectarian presses” of the country when he was nominated to become the Attorney General of the United States in 1831.

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Education

University of Nevada, Las Vegas

- Ph.D. in American Intellectual, Cultural, and Religious History
 - Dissertation: “‘Reviving a Spirit of Controversy’: Roman Catholics and the Pursuit of Religious Freedom in Early America”
 - Advisors: Dr. David Tanenhaus

Monmouth University

- M.A. in American Political and Cultural History, 2008
 - Thesis: “Onward, Christian Soldier: The Religious Mind of the American World War Two Soldier”
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- B.A. in American History and Education, 2005

Refereed Book Chapters and Articles

- “John Thayer and the Pursuit of Religious Liberty in Post-Revolutionary New England,” *New England Quarterly* (under final review).
- “John Carroll and the Making of a Christian Nation,” *American Catholic Studies* (forthcoming, summer 2015).
- “Popular Constitutionalism in the Early Republic: The First Amendment and the Spirit of the Law,” *U.S. Catholic Historian* (under review).
- “‘Enlightened, Tolerant, and Liberal’: Mathew Carey, Catholicism, and Religious Freedom in the New Republic,” in Christopher S. Beneke and Christopher Grenda, eds., *The Lively Experiment: The Story of Religious Toleration in America, from Roger Williams to the Present* (Lanham, Maryland: Rowman & Littlefield, 2015), 133-148.

- “Coercing Freedom: New Directions in the Historiography of American Religious Liberty,” *Essays in History* 56, no. 3 (Summer, 2014).
- “Embattled Belief: The Religious Experience of the American Soldier, World War Two and Today,” *Journal of Military Experience* 3, no. 1 (October, 2013): 156-176.
- “Thy Will be Done: Divine Directive in Anglo-American Church-State Debates,” *Journal of History and Cultures* 2, no. 1 (February, 2013): 17-38.

Book Reviews

- Review of Zachary Hutchins, *Inventing Eden: Primitivism, Millennialism, and the Making of New England* (New York: Oxford University Press, 2014) in the *New England Quarterly* (forthcoming).
- Review of Anne C. Loveland, *Change and Conflict in the U. S. Army Chaplain Corps since 1945* (Knoxville: University of Tennessee Press, 2015) in the *Journal of Southern Religion* (forthcoming).
- Review of John C. Pinheiro, *Missionaries of Republicanism: A Religious History of the Mexican-American War* (New York: Oxford University Press, 2014) in *American Catholic Studies* 126, no. 1 (Spring 2015): 73-74.
- Review of Melvyn Hammarberg, *The Mormon Quest for Glory: The Religious World of the Latter-day Saints* (New York: Oxford University Press, 2013) in *Nova Religio: The Journal of Alternative and Emergent Religions* 18, no. 4 (May 2015): 134-136.
- Review of Mary Beth Fraser Connolly, *Women of Faith: The Chicago Sisters of Mercy and the Evolution of a Religious Community* (New York: Fordham University Press, 2014) in *Catholic Library World* 85, no. 2 (December 2014): 127-128.
- Review of Roberta Stringham Brown and Patricia O’Connell Killen, eds. *Selected Letters of A.M.A. Blanchet, Bishop of Walla Walla & Nesqually, 1846-1879* (Seattle: University of Washington Press, 2013) in the *Pacific Northwest Quarterly* 105, no. 1 (Winter 2013/2014): 40-41.

Fellowships and Awards

- Dissertation of the Year Award, History Department, University of Nevada, Las Vegas, 2015

- Foundation Board of Trustees Dissertation Fellowship, University of Nevada, Las Vegas, 2013-2015
- Andrew W. Mellon Fellowship, Massachusetts Historical Society, 2013-2014
- Lord Baltimore Fellowship, Maryland Historical Society, 2013-2014
- Mellon Fellowship, Virginia Historical Society, 2013-2014
- Summer Scholarship, University of Nevada, Las Vegas, 2013
- Travel Award, Pacific Coast Conference on British Studies, 2013
- Outstanding Graduate Assistant Teaching Award, History Department, 2012-2013
- Best Doctoral Student in History, University of Nevada, Las Vegas, 2012
- GPSA Travel Grant, University of Nevada, Las Vegas, 2011
- Lied Library Digital Media Fellow, University of Nevada, Las Vegas, 2010
- Information Literacy Fellow, University of Nevada, Las Vegas, 2009
- Outstanding Graduate Scholar in History, Monmouth University, 2007-2008
- Freshman Faculty Teaching Award, High Point School, 2007
- Emilia Mattone Memorial History Scholarship, Monmouth University, 2006
- Academic All-American, Monmouth University, 2004 and 2005
- All-Academic Northeast Conference, Monmouth University, 2001-2005

Select Conference Papers

- “‘The Fanciful Alliance of Church & State’: Transatlantic Influences on American-Catholic Religious Freedom Discourse,” American Catholic Historical Association, New York, January, 2015.
- “‘The American Empire was not the Work of this or that Religion’: Advocacy and Resistance to a National Establishment of Religion in the New Republic,” American Society of Church Historians, New York, January, 2015.

- “Reviving a Spirit of Controversy: The Anti-Catholic Origins of American Religious Freedom, 1787-1792,” Society for Historians of the Early Republic, Philadelphia, July 2014.
- “Defending the Faith: Historical Revisionism and the Catholic Influences on American Conceptions of Religious Freedom,” Newport Historical Society, Providence, Rhode Island, October, 2013.
- “‘I am my Own Master, Left to my Own Direction’: Center, Periphery, and the Liberalization of the American Catholic Church, 1773-1789” Society of Early Americanists, Cleveland Ohio, April, 2013.
- “Redefining Religious Freedom: Catholic Contributions to the Separation of Church and State,” American Academy of Religion Western Conference, Phoenix, Arizona, March, 2013.
- “‘Extravagantly Erroneous Impressions’: Irish-Catholic Revisionist History during American Church-State Debates, 1776-1792,” Pacific Coast Conference on British Studies, Berkeley, California, March, 2013.

Encyclopedia Entries

- “Enlightenment, History,” *Encyclopedia of Theory*. SAGE Publishers, Inc., 2015. (6,000 words)
- “Northern Sympathizers,” *The World of the Civil War: A Daily Life Encyclopedia*, ABC-CLIO, 2013. (1500 words)
- “Catholicism,” *The World of the Civil War: A Daily Life Encyclopedia*, ABC-CLIO, 2013. (1000 words)
- “Detached Memoranda,” *Encyclopedia of Religion and Politics in America*, Routledge, 2012. (500 words)
- “Jonathan Edwards,” *Encyclopedia of Religion and Politics in America*, Routledge, 2012. (500 words)

Courses Taught

- HIST 101 American History to Reconstruction. University of Nevada, Las Vegas, Fall 2011.

- HIST 102 American History from Reconstruction to the Present. University of Nevada, Las Vegas, Spring, 2012.
- HIST 251 Historical Investigation. University of Nevada, Las Vegas, Spring 2011.

Campus and Community Outreach

- Organizer, Western Conference on British Studies, Las Vegas, Nevada, September 20-23, 2012.
- Lecture, “The Middle Passage and European Colonialism,” Professional Development Workshop, Clark County School District, March 17, 2012.
- Organizer, Urban History Association Conference, Las Vegas, Nevada, October 20-23, 2010.

Professional Affiliations

- American Catholic Historical Association
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