

NATIONAL RELIGIOUS LIBERTY ASSOCIATION.



CONGRESS ON SUNDAY LEGISLATION.

DURING the years 1828-29 Congress was petitioned by certain religious bodies to pass a law prohibiting the opening of post-offices and the transportation of mails on Sunday. The petitions were referred to the proper committees, and a report upon the question was returned to the Senate Jan. 19, 1829.* The report was made by Colonel Johnson, of Kentucky, subsequently Vice-President of the United States, who was then chairman of the Senate Committee on Post-offices and Post-roads. It was adopted by the Senate, and received the approbation of both press and people. Thus, in the Twentieth Congress, the Sunday-law agitators, in the words of one of the memorials, met with "a most signal defeat." So, early the next session, with a "vigor increased by disappointment," they renewed their petitioning, and were more importunate than before. Daily the petitions, representing all parts of the country, came into Congress. According to Mr. Crafts, in his work entitled, "Sabbath for Man," "467 petitions were sent in from twenty-one States."

But this expression of zeal on the part of the religious "reformers," aroused their Christian brethren who preferred to have the Government keep its hands off of religion, and consequently they, too, sent in a few memorials.

Another peculiar political event happened about this time that completed the discomfiture of the Sunday-rest advocates. The Senatorial term of Colonel Johnson had expired, and, instead of the Legislature returning him to the Senate, the people sent him to represent them in the House of Representatives. He was immediately appointed chairman of the House Committee on Post-offices and Post-roads,

* For a copy of this and also of the House report of 1830, see the work, "American State Papers," pp. 89-124, published by the National Religious Liberty Association.

and, as such, received these petitions on the Sunday-mail question. The valiant Colonel was happy to receive them, and perfectly willing to present another "Sunday mail report," which he accordingly did at his first opportunity. This report, which was communicated to the House of Representatives, March 4 and 5, 1830, adopted and printed, we present as a logical, comprehensive, and conclusive argument upon this question, and worthy of the careful consideration of all men. It reads as follows:—

Mr. Johnson, of Kentucky, from the Committee on Post-offices and Post-roads, to whom had been referred memorials from various parts of the United States, praying for a repeal of so much of the post-office law as authorizes the mail to be transported and opened on Sunday, and to whom had also been referred memorials from other inhabitants of various parts of the United States remonstrating against such repeal, made the following report:—

That the memorialists regard the first day of the week as a day set apart by the Creator for religious exercises, and consider the transportation of the mail and the opening of the post-offices on that day the violation of a religious duty, and call for a suppression of the practice.

Others, by counter-memorials, are known to entertain a different sentiment, believing that no one day of the week is holier than another. Others, holding the universality and immutability of the Jewish decalogue, believe in the sanctity of the seventh day of the week as a day of religious devotion, and, by their memorial now before the committee, they also request that it be set apart for religious purposes. *Each has hitherto been left to the exercise of his own opinion, and it has been regarded as the proper business of Government to protect all and determine for none.* But the attempt is now made to bring about a greater uniformity, at least in practice; and, *as argument has failed,* the Government has been called upon to interpose its authority to settle the controversy.

Congress acts under a Constitution of delegated and limited powers. The Committee look in vain to that instrument for a delegation of power authorizing this body to inquire and determine what part of time, or whether any, has been set apart by the Almighty for religious exercises. *On the contrary, among the few prohibitions which it contains, is one that prohibits a religious test, and another that declares that Congress shall pass no law respecting the establishment of religion, or prohibiting the free exercise thereof.*

The Committee might here rest the argument upon the ground that the question referred to them does not come within the cognizance of Congress; but the perseverance and zeal with which the memorialists pursue their object seems to require a further elucidation of the subject; and, as the opposers of Sunday mails disclaim all intention to unite church and state, the Committee do not feel disposed to impugn their motives; and whatever may be advanced in opposition to the measure will arise from the fears entertained of its fatal tendency to the peace and happiness of the nation. The catastrophe of other nations furnished the framers of the Constitution a beacon of awful warning, and they have evinced the greatest possible care in guarding against the same evil.

The law, as it now exists, makes no distinction as to the days of the week, but is imperative that the postmasters shall attend at all reasonable hours in every day to perform the duties of their offices; and the Postmaster-General has given his instructions to all postmasters that, at post-offices where the mail arrives on Sunday, the office is to be kept open one hour or more after the arrival and assorting of the mail; but in case that would interfere with the hours of public worship, the office is to be kept open for one hour after the usual time of dissolving the meeting. This liberal construction of the law does not satisfy the memorialists; but the committee believe that there is no just ground of complaint, unless it be conceded that they have a controlling power over the consciences of others.

If Congress shall, by the authority of law, sanction the measure recommended, it would constitute a legislative decision of a religious controversy, in which even Christians themselves are at issue. However suited such a decision may be to an ecclesiastical council, it is incompatible with a republican legislature, which is purely for political, and not for religious purposes.

In our individual character we all entertain opinions, and pursue a corresponding practice, upon the subject of religion. However diversified these may be, we all harmonize as citizens *while each is willing that the other shall enjoy the same liberty which he claims for himself.* But in our representative character our individual character is lost. The individual acts for himself, the representative for his constituents. He is chosen to represent their *political*, and not their *religious*, views; to guard the rights of man, not to restrict the rights of conscience.

Despots may regard their subjects as their property, and usurp the divine prerogative of prescribing their religious faith; but the history

of the world furnishes the melancholy demonstration that the disposition of one man to coerce the religious homage of another, springs from an unchastened ambition, rather than [from] a sincere devotion to any religion. The principles of our Government do not recognize in the majority any authority over the minority, except in matters which regard the conduct of man to his fellow-man.

A Jewish monarch, by grasping the holy censer, lost both his scepter and his freedom. A destiny as little to be envied may be the lot of the American people who hold the sovereignty of power, if they, in the person of their representatives, shall attempt to unite, *in the remotest degree*, church and state.

From the earliest period of time, religious teachers have attained great ascendancy over the minds of the people, and in every nation, ancient or modern, whether pagan, Mohammedan, or Christian, have succeeded in the incorporation of their religious tenets with the political institutions of their country. The Persian idols, the Grecian oracles, the Roman auguries, and the modern priesthood of Europe, have all, in their turn, been the subject of popular adulation, and the agents of political deception. *If the measure recommended should be adopted, it would be difficult for human sagacity to foresee how rapid would be the succession, or how numerous the train of measures which would follow, involving the dearest rights of all — the rights of conscience.*

It is perhaps fortunate for our country that the proposition should have been made at this early period while the spirit of the Revolution yet exists in full vigor. Religious zeal enlists the strongest prejudices of the human mind; and, when misdirected, excites the worst passions of our nature, under the delusive pretext of doing God service. Nothing so infuriates the heart to deeds of rapine and blood, nothing is so incessant in its toils, so persevering in its determination, so appalling in its course, or so dangerous in its consequences. The equality of rights secured by the Constitution, may bid defiance to mere political tyrants; but the robe of sanctity too often glitters to deceive. *The Constitution regards the conscience of the Jew as sacred as that of the Christian, and gives no more authority to adopt a measure affecting the conscience of a solitary individual than that of a whole community.* That representative who would violate this principle would lose his delegated character, and forfeit the confidence of his constituents.

If Congress shall declare the first day of the week holy, it will not convince the Jew nor the Sabbatarian. It will dissatisfy both, and, consequently, convert neither. Human power may extort vain sacrifices, but the Deity alone can command the affections of the heart.

It must be recollected that in the earliest settlement of this country, the spirit of persecution which drove the Pilgrims from their native home was brought with them to their new habitations, and that some Christians were scourged, and others put to death, for no other crime than dissenting from the dogmas of their rulers.

With these facts before us, it must be a subject of deep regret that a question should be brought before Congress which involves the dearest privileges of the Constitution, and even by those who enjoy its choicest blessings. We should all recollect that Cataline, a professed patriot, was a traitor to Rome; Arnold, a professed Whig, was a traitor to America; and Judas, a professed disciple, was a traitor to his divine Master.

With the exception of the United States, the whole human race, consisting, it is supposed, of eight hundred millions of rational beings, is in religious bondage; and, in reviewing the scenes of persecution which history everywhere presents, unless the Committee could believe that the cries of the burning victim, and the flames by which he is consumed, bear to heaven a grateful incense, the conclusion is inevitable that the line cannot be too strongly drawn between church and state. If a solemn act of legislation shall, in *one* point, define the law of God, or point out to the citizen *one* religious duty, it may with equal propriety, proceed to define *every* part of divine revelation, and enforce *every* religious obligation, even to the forms and ceremonies of worship, the endowment of the church, and the support of the clergy.

It was with a kiss that Judas betrayed his divine Master; and we should all be admonished, no matter what our faith may be, that the rights of conscience cannot be so successfully assailed as under the pretext of holiness. The Christian religion made its way into the world in opposition to all human governments. Banishment, tortures, and death were inflicted in vain to stop its progress. But many of its professors, as soon as clothed with political power, lost the meek spirit which their creed inculcated; and began to inflict on other religions, and on dissenting sects of their own religion, persecutions more aggravated than those which their own apostles had endured.

The ten persecutions of the pagan emperors were exceeded in atrocity by the massacres and murders perpetuated by Christian hands; and in vain shall we examine the records of imperial tyranny for an engine of tyranny equal to the holy Inquisition. *Every religious sect, however meek in its origin, commenced the work of persecution as soon as it acquired political power.*

The framers of the Constitution recognized the eternal principle that man's relation with his God is above human legislation, and his rights of conscience inalienable. Reasoning was not necessary to establish this truth; we are conscious of it in our bosoms. It is the consciousness which in defiance of human laws, has sustained so many martyrs in tortures and in flames. They *felt* that their duty to God was superior to human enactments, and that man could exercise no authority over their consciences. *It is an inborn principle which nothing can eradicate.* The bigot in the pride of his authority, may lose sight of it, but, strip him of his power, prescribe a faith to him which his conscience rejects, threaten him in turn with the dungeon and the fagot, and this spirit which God has implanted in him rises up in rebellion and defies you.

Did the primitive Christians ask that Government should recognize and observe their religious institutions?—All they asked was toleration; all they complained of was persecution. What did the Protestants of Germany, or the Huguenots of France, ask of their Catholic superiors?—Toleration. What do the persecuted Catholics of Ireland ask of their oppressors?—Toleration. Do not all men in this country enjoy every religious right which martyrs and saints ever asked? Whence, then, the voice of complaint? Who is it that, in the full enjoyment of every principle which human laws can secure, wishes to wrest a portion of these principles from his neighbor?

Do the petitioners allege that they cannot conscientiously participate in the profits of the mail contracts and post-offices, because the mail is carried on Sunday? If this be their motive, then it is worldly gain which stimulates to action, and not virtue and religion. Do they complain that men less conscientious in relation to the Sabbath obtain advantages over them by receiving their letters and attending to their contents? Still their motive is worldly and selfish. But if their motive be to induce Congress to *sanction, by law, their religious opinions and observances*, then their efforts ought to be resisted, as in their tendency *fatal both to religious and political freedom.*

Why have the petitioners confined their prayer to the mails? Why have they not requested that the Government be required to suspend *all* its executive functions on that day? Why do they not require us to enact that our ships shall not sail; that our armies shall not march; that officers of justice shall not seize the suspected or guard the convicted? They seem to forget that Government is as necessary on Sunday as on any other day of the week. The spirit of evil does not rest on that day. It is the Government, ever active in

its functions, which enables us all, even the petitioners, to worship in our churches in peace.

Our Government furnishes very few blessings like our mails. They bear from the center of our republic to its distant extremes the acts of our legislative bodies, the decisions of the judiciary, and the orders of the executive. Their speed is often essential to the defense of the country, the suppression of crime, and the dearest interests of the people. Were they suppressed one day of the week, their absence must be often supplied by public expresses; and, besides, while the mail-bags might rest, the mail-coaches would pursue their journey with their passengers. The mail bears, from one extreme of the Union to the other, letters of relatives and friends, preserving a communion of heart between those far separated, and increasing the most pure and refined pleasures of our existence; also, the letters of commercial men convey the state of the markets, prevent ruinous speculations, and promote general as well as individual interest; they bear innumerable religious letters, newspapers, magazines, and tracts, which reach almost every house throughout this wide republic. Is the conveyance of these a violation of the Sabbath?

The advance of the human race in intelligence, in virtue, and religion itself, depends in part upon the speed with which a knowledge of the past is disseminated. Without an interchange between one country and another, and between different sections of the same country, every improvement in moral and political science, and the arts of life, would be confined to the neighborhood where it originated. The more rapid and the more frequent this interchange, the more rapid will be the march of intellect and the progress of improvement. The mail is the chief means by which intellectual light irradiates to the extremes of the republic. Stop it one day in seven, and you would retard one-seventh of the advancement of our country.

So far from stopping the mail on Sunday, the Committee would recommend the use of all reasonable means to give it a greater expedition and a greater extension. What would be the elevation of our country if every new conception could be made to strike every mind in the Union at the same time? It is not the distance of a Province or State from the seat of Government which endangers its separation; but it is the difficulty and infrequency of intercourse between them. Our mails reach Missouri and Arkansas in less time than they reached Kentucky and Ohio in the infancy of their settlements; and now, when there are three millions of people extending a thousand miles

west of the Alleghany, we hear less of discontent than when there were a few thousands scattered along their western base. To stop the mails one day in seven would be to thrust the whole Western country, and other distant parts of this Republic, one day's journey from the seat of Government.

But, were it expedient to put an end to the transmission of letters and newspapers on Sunday because it violates the law of God, have not the petitioners begun wrong in their efforts? If the arm of Government be necessary to compel men to respect and obey the laws of God, do not the State Governments possess infinitely more power in this respect? Let the petitioners turn to *them*, and see if they can induce the passage of laws to respect the observance of the Sabbath; for, if it be sinful for the mail to carry letters on Sunday, it must be equally sinful for individuals to write, carry, receive, or read them. It would seem to require that these acts should be made penal to complete the system. Traveling on business or recreation, except to and from church; all printing, carrying, receiving, and reading of newspapers; all conversations and social intercourse, except upon religious subjects, must necessarily be punished to suppress the evil. Would it not also follow, as an inevitable consequence, that every man, woman, and child should be compelled to attend meeting? And, as only one sect, in the opinion of some, can be deemed orthodox, must it not be determined by law which *that is*, and compel all to hear those teachers, and contribute to their support?

If minor punishments would not restrain the Jew, or the Sabatarian, or the infidel, who believes Saturday to be the Sabbath, or disbelieves the whole, would not the same system require that we should resort to imprisonment, banishment, the rack, or the fagot, to force men to violate their own consciences, or compel them to listen to doctrines which they abhor? When the State governments shall have yielded to these measures, it will be time enough for Congress to declare that the rattling of the mail coaches shall no longer break the silence of this despotism.

It is the duty of this Government to afford *all* — to Jew or Gentile, pagan or Christian — the protection or advantages of our benignant institutions on *Sunday* as well as every day of the week. Although this Government will not convert itself into an ecclesiastical tribunal, it will practice upon the maxim laid down by the Founder of Christianity — that it is lawful to do *good* on the Sabbath day.

If the Almighty has set apart the first day of the week as time which man is bound to keep holy, and devote exclusively to his worship, would it not be more congenial to the precepts of Christians to appeal exclusively to the great Lawgiver of the universe to aid them in making men better—in correcting their practices by purifying their hearts? Government will protect them in their efforts. When they shall have so instructed the public mind, and awakened the consciences of individuals as to make them believe that it is a violation of God's law to carry the mail, open post-offices, or receive letters on Sunday, the evil of which they complain will cease of itself, without any exertion of the strong arm of the civil power. When man undertakes to become God's avenger, he becomes a demon. Driven by the frenzy of a religious zeal, he loses every gentle feeling, forgets the most sacred precepts of his creed, and becomes ferocious and unrelenting.

Our fathers did not wait to be oppressed when the mother country asserted and exercised an unconstitutional power over them. To have acquiesced in the tax of three pence upon a pound of tea would have led the way to the most cruel exactions; they took a bold stand against the principle, and liberty and independence was the result. The petitioners have not requested Congress to suppress Sunday mails upon the ground of political expediency, but because they violate the sanctity of the first day of the week.

This being the fact, the petitioners having indignantly disclaimed even the wish to unite politics and religion, may not the Committee reasonably cherish the hope that they will feel reconciled to its decision in the case; especially as it is also a fact that the counter-memorials, equally respectable, oppose the interference of Congress upon the ground that it would be legislating upon a religious subject, and therefore unconstitutional?

Resolved, That the Committee be discharged from the further consideration of the subject.

Thus stands this report of the national Congress upon Sunday legislation, a monument of our early liberality, statesmanship, and Christianity; but the 52d Congress surrendered those grand principles, which were then valued so highly, and which have made America the most liberal government in the world; gave the government into the hands of the churches; and so established the religious despotism here warned against and denounced.

WHAT EMINENT MEN HAVE SAID.

“EVERY man who conducts himself as a good citizen, is accountable alone to God for his religious faith, and should be protected in worshipping God according to the dictates of his own conscience.” — *George Washington*.

“Almighty God hath created the mind free ; all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercion on either, as was in his almighty power to do.” — *Thomas Jefferson*.

“Religion is not in the purview of human government. Religion is essentially distinct from government and exempt from its cognizance. A connection between them is injurious to both.” — *James Madison*.

“Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contribution. Keep the state and the church forever separate.” — *U. S. Grant*.

“The whole history of the Christian religion shows that she is in far greater danger of being corrupted by the alliance of power than of being crushed by its opposition.” — *Macaulay*.

“Many thus imagined that the doctrine of the gospel requires the support of the civil power. They know not that it advances without this power, and is often trammelled and enfeebled by it.” — *D'Aubigne*.

“Secular power has proved a satanic gift to the church, and ecclesiastical power has proved an engine of tyranny in the hands of the state.” — *Dr. Philip Schaff*.

“Proscription has no part nor lot in the modern government of the world. The stake, the gibbet, and the rack, thumb-screws, swords, and pillory, have no place among the machinery of civilization. Nature is diversified ; so are human faculties, beliefs, and practices. Essential freedom is the *right to differ*, and that right must be sacredly respected.” — *John Clark Ridpath*.

“There are many who do not seem to be sensible that all violence in religion is irreligious, and that, whoever is wrong, the persecutor cannot be right.” — *Thomas Clarke*.

“Among all the religious persecutions with which almost every page of modern history is stained, no victim ever suffered but for the violation of what government denominated the law of God.” — *U. S. Senate Report, 1829*.

“Where legal enactment begins, moral suasion ends.” — *Christian Union*.

“Liberty of conscience requires liberty of worship as its manifestation. To grant the former and to deny the latter is to imprison

conscience and to promote hypocrisy and infidelity. Religion is in its nature voluntary, and ceases to be religion in proportion as it is forced. God wants free worshippers, and no others."—*Dr. Philip Schaff.*

"The national jurisdiction is confined strictly to *this world*. There are good citizens of all religions and of no religion. The only thing the state, *as a state*, is interested in, or has any right to be interested in, is the matter of a man's behavior, as a citizen, in this world. It is none of the state's business to engage in the work of *saving souls* in the next world. If it is, then it ought to decide which religion is true. Then it should adopt it. Then it should devote its first and chief energies to the conversion of the rest of this world. But America will probably think twice before it will decide to go back to the eleventh century. The world's experiments in this direction are not over-encouraging."—*Rev. Dr. Minot J. Savage, in "Public Opinion," July 13, 1889.*

"It is not in the legitimate province of the legislature to determine what religion is true or what false. Our government is a civil and not a religious institution. Our Constitution recognizes in every person the right to choose his own religion, and to enjoy it freely, without molestation. The proper object of government is to protect all persons in the enjoyment of their civil as well as their religious rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy. What other nations call religious toleration, we call religious rights. They are not exercised in virtue of governmental indulgence, but as *rights* of which government cannot deprive any portion of citizens, however small. Despotism may invade those rights, but justice still confirms them."—*U. S. Senate Report, 1829.*

"The only proper objects of civil government are the happiness and protection of men in the present state of existence; the security of the life, liberty, and property of the citizen; and to restrain and encourage the virtuous by wholesome laws equally extended to every individual: but the duty that we owe to our Creator, and the manner of discharging it, can only be directed by reason and conviction, and is nowhere cognizable but at the tribunal of the universal Judge. To judge for ourselves, and to engage in the exercise of religion agreeably to the dictates of our own conscience, is an inalienable right, which, upon the principles on which the gospel was first propagated, and the reformation from popery carried on, can never be transferred to another."—*Presbytery of Hanover, Va., 1776.*

"The real security of Christianity is to be found in its benevolent morality; in its exquisite adaptation to the human heart; in the felicity with which its scheme accommodates itself to the capacity of every human intellect; in the consolation which it bears to the house of mourning; in the light with which it brightens the great mystery of the grave. To such a system it can bring no addition of dignity or of strength, that it is part and parcel of the common law. It is not now for the first time left to rely on the force of its own evidences and the attractions of its own beauty."—*Macaulay.*

“Should he [the ruler] *persecute* his obedient, loyal subjects, on any religious account, this is contrary to all law and right; and his doing so renders him unworthy of their confidence, and they must consider him not a *blessing* but a *plague*.”—*Adam Clarke, on Romans 13.*

“What, then, is religious liberty?—It is that liberty or right which every man possesses to believe the gospel, to worship God, to profess and propagate religion, without human molestation. . . . Life, without this liberty, is, to a generous mind, a burden and a torment. What can be greater degradation to a rational being, imposed by his Creator with powers to think, judge, and decide for himself, than to become the property and slave of another, wearing the chains and fetters of the most infamous bondage?”—*Benjamin Brook.*

“It is hard for us to learn that the same right to hold and express honest convictions of truth which we so fondly claim for ourselves, we are in duty bound to extend to others who may differ from us however widely.”—*Anon.*

NATIONAL RELIGIOUS LIBERTY ASSOCIATION.

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