

# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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# Religious Liberty Association

## DECLARATION OF PRINCIPLES

Scriptural Basis: "Render to Caesar the things that are Caesar's, and to God the things that are God's." "The powers that be are ordained of God."

1. The Bible is the Word of God, and Jesus Christ the Saviour of the world.
2. The ten commandments are the foundation of all morality, and comprehend the whole duty of man, both to God and to man.
3. The religion of Jesus Christ, being founded in the love of God, needs no human power to support or enforce it. Love can not be forced.
4. It is the right, and should be the privilege, of every individual to worship, or not to worship, according to the dictates of his own conscience, provided that in the exercise of that right he does not interfere with the equal rights of others.
5. Civil government is of divine origin, designed for the protection of men in the enjoyment of their natural rights. It is ordained to rule in civil things, and in this realm is entitled to the respectful obedience of all.
6. The civil power is not authorized to enter the realm of religion, enacting legislation to define or to enforce any religious dogma, ritual, or observance. Coercion in matters of religion always means persecution.
7. All religious legislation on the part of the state, and all movements tending to unite church and state, are subversive of human rights, persecuting in character and opposed to the best interests of both church and state.
8. It is proper, therefore, for all to protest against, and use every laudable and legitimate means to prevent, religious legislation, or the union of church and state, in order that all may enjoy the inestimable blessings of religious liberty.
9. The warfare of modern science and modern theology upon the Word of God is a warfare upon the liberties of men, which are defined and guaranteed by that Word.
10. The liquor traffic is a curse to the home, to society, and to the nation, and a menace to civil order, and should be prohibited by law.

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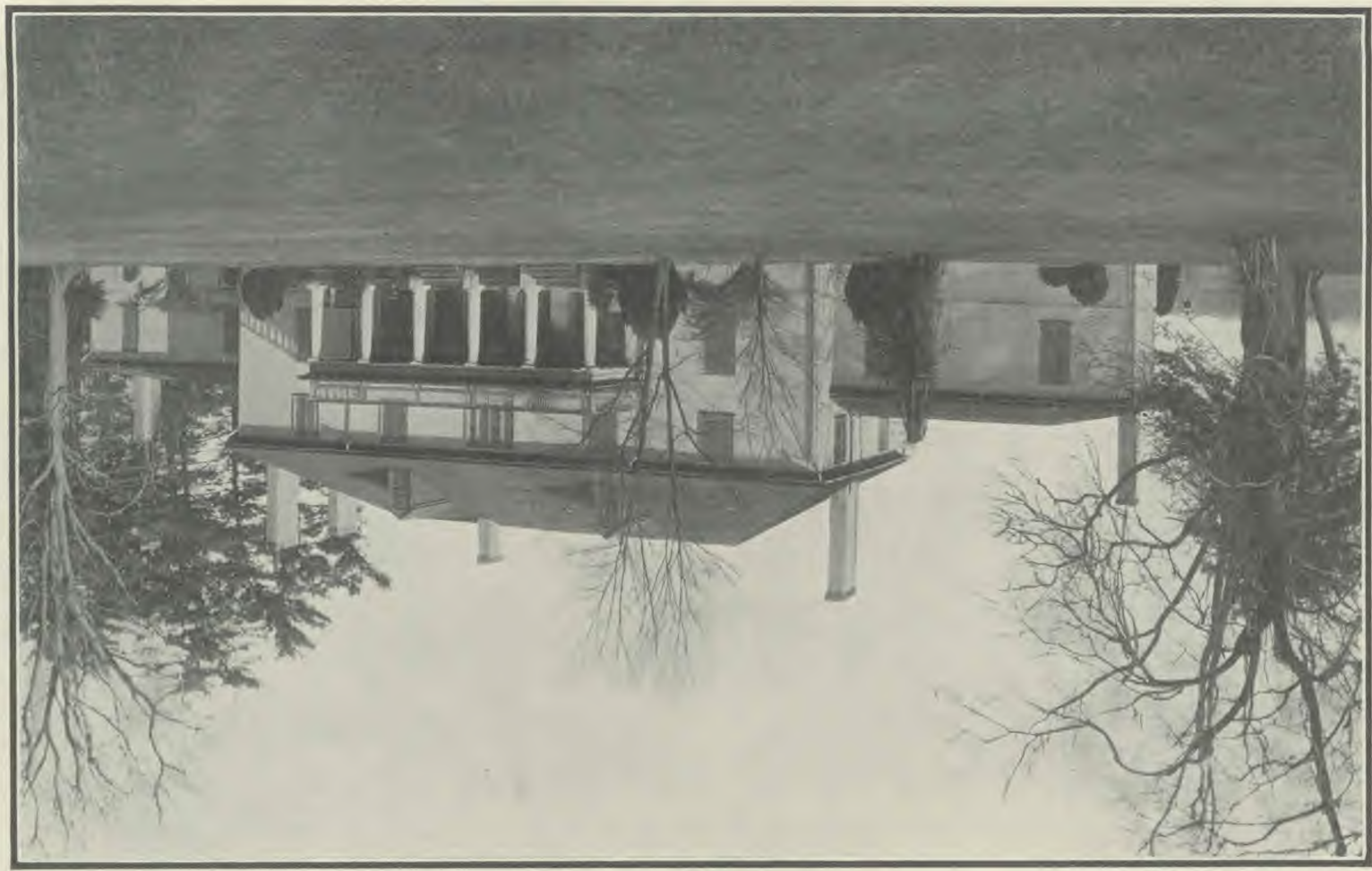
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ANOTHER VIEW OF THE HOME OF JAMES MADISON



# LIBERTY

*"Proclaim liberty throughout all the land unto  
all the inhabitants thereof." Lev. 25: 10.*

VOL. VII

SECOND QUARTER, 1912

No. 2

## A City Without a Sunday Law

MILTON C. WILCOX

SEEMINGLY, nothing could be more deplorable to our National Reform and Sunday-law friends than a city without a Sunday law, and a State similarly blessed. Hence they are putting forth their mightiest efforts to secure a Sunday law in California, which has been for years without any such encumbrance upon its statute-books. Its cities have gone on just like other cities. Most of its business places are closed on that day, not because they must perforce close on Sunday, but because the people have been generally taught to observe the day. Thousands go to church, thousands more seek pleasure elsewhere, as they do in other great cities of our land. One would think, to read the ardent appeals made by Sunday-law men for "graceless California," that without a Sunday law it would be one of the wickedest and most godless places on the face of the earth.

In view of such declarations repeatedly made, we note for the readers of LIBERTY some opinions on the other side. For instance, Dr. Charles F. Aked, who recently came from the Fifth Avenue Baptist Church of New York to become pastor of the First Congregational Church in San Francisco, does not believe what is said regarding "the city by the Golden Gate." On February

28 he said, in reference to a call from the Central Church of Chicago, from which Dr. Frank W. Gunsaulus is about to resign:—

"It would have to be a very marvelous call put in a very wonderful way to tempt me from San Francisco now. . . . Nothing that I know of, or might dream of, could make me leave this most lovable city. . . . I came to San Francisco expecting to find it the wickedest city in the world. I had been led to expect—evidently by those who knew nothing about the place—that it was a sort of hell upon earth. I have found it an earthly paradise. Gay? frivolous?—Certainly, but that is not wickedness. To call a city wicked, you must have wicked men for its citizens; but in San Francisco there is a finer set of men to dwell together and work together than in any other city that it has ever been my lot to know. San Franciscans are primarily honest men. Honesty is a preeminent characteristic of the men of San Francisco. They are clean-souled, strong-hearted, pure-minded men. . . . I wish people wouldn't talk as they do, so flippantly about wickedness. It is so easy to stand afar and hold hands up, and shock modesty, at the evils of some place that lights up its streets after twilight." He declares that "in California

one gets at the real American spirit."

The Rev. William Rader, of Calvary Presbyterian Church, a noted preacher of San Francisco, being interviewed upon the matter, said:—

"I greatly object to visitors, especially clergymen, coming to San Francisco to speak disparagingly of our city. Men who say that San Francisco is the wickedest city in the country have no just estimate of the relative morality of the East and West. . . . The real religion of San Francisco is not in the hands of the churches. The larger manhood outside of the church, which breathes the true, fine, strong spirit of the West, must be reckoned with when we come to sum up the real moral and religious life of this city."

The Rev. Father Joseph McQuaide said:—

"Of course I do not believe the town is so bad as it is painted. . . . Throughout the world some people have a notion that we have a sort of hell-hole out here. I think the idea originated years ago when stories of the Barbary coast were carried to the far ends of the world."

Mr. J. Emmet Hayden, member of the Public Welfare Committee, says:—

"I have been in all the capitals of Europe, and in many large cities in different parts of the world, as well as most of them in this country, and I fail to see where San Francisco is worse than any of them. I think as a matter of fact that she is better than most of them. I agree in every way with Dr. Aked."

Mr. William P. Wobber, member of the Board of Censorship, declared:—

"I heartily agree with Dr. Aked in his expression as to the alleged wickedness in San Francisco. We have no immoral city here."

J. G. Chown, one of the most prominent Presbyterian laymen in the city, said:—

"Dr. Aked is a great man, and he has been in San Francisco long enough to know what he is talking about. He came here with a prejudiced mind, not of his own creating, but influenced by

the poisonous sting of rumor that rises from ignorance."

The *Argonaut* takes up the question, and intimates that the Eastern visitors seem to be more anxious to see the slums than any other part of San Francisco, and the whole city is looked upon in the light of what they see there.

Much more might be given, but this is sufficient to show the general trend of feeling of many in San Francisco who have had opportunity to compare it with other cities.

Possibly some of these very men may be in favor of a Sunday law, but this one thing is clearly evident, that Sunday laws do not help the general morality of cities. What is true in San Francisco as compared with cities of the East, is as true throughout the State of California in general as compared with States in the East. People go to church, if they are interested in church matters, and find enough in the church to pay them for going. If they prefer to stay away, they stay away, as they do in the East. If they wish to find a little recreation in going out into the country, they do that, as people do in New York, or Massachusetts, or Pennsylvania. Some of them prefer the quiet recreation of working in their gardens on that day. This would not be permitted in some of the districts in the East, and yet the sermons preached by the plants and flowers would have a much stronger influence on the lives of the people than sermons preached in churches which a Sunday law would, if possible, compel them to attend.

Now the lesson of all that we have said and quoted is this: Morality, neither general nor particular, is ever enforced or enforceable by law. Religion is not helped by it; personal piety is not advanced by it. All these must have their basis in the heart, in the motive, in the inner man. If the moral principle be within, it will work out in life. And the testimony of all the ages is the mightiest confirmation of these statements. What San Francisco needs, what Cali-

fornia needs, what the whole United States and the world need, is not Sunday laws, nor the legal enforcement of any religious or moral dogma whatever, but the converting power of the religion of the Lord Jesus Christ in the hearts of individuals. And until this has been brought about, no moral reform will ever be effective.

There may be spasmodic attempts that seem to promise great things, like the Men and Religion Forward Movement; but without the moral sentiment in the

heart at the back of it, it will sooner or later go down, and men's consciences will be harder than before, and less easily reached.

Let all the readers of this journal take home into the heart the great lesson: God only can make men moral, truly religious, pious, devoted; civil law can make only hypocrites of men when it compels them to do what is out of harmony with their conscience and contrary to their belief.

*Mountain View, Cal.*



## California and the Sunday Law

W. M. HEALEY

NATURE has bestowed her gifts upon California with a lavish hand; and nature's liberality seems to have produced a like condition in the spirit of the people.

The population is cosmopolitan, coming from every nation and clime, representing all stages of wealth and poverty, and holding every kind of belief and non-belief in religion. These people mingle together with a general recognition of one another's rights, not merely with a spirit of toleration and sufferance for one another's views. There are classes and orders of society, to be sure, but there is no caste. Many a millionaire would stop and give a civil answer to a ragpicker on the street, and never think it beneath his dignity to do so.

California was for years, before the admission of Arizona, the only State in the Union that was without any form of religious laws. No religious form or precept is enforced, and yet all forms of worship are protected. The maximum penalty for disturbing any religious meeting, on any day of the week, is a fine of five hundred dollars and six months in jail.

Since 1883 the State has had no Sunday-rest law, although Sunday is made a legal holiday. The question of the repeal

of the Sunday-rest law was made a test in the election of 1882. About forty-one thousand votes showed the majority in favor of the repeal. Since then the disposition to maintain perfect freedom in religious matters has prevailed in every session of the State legislature.

There are those in the State who have sought, by every means in their power, to obtain a Sunday-rest law. They have dressed their proposed laws in varied styles according to the character of the class to which they were to be presented. For certain religious people the proposed laws wore the somber garb of "a Puritan sabbath," and claimed to be essential to the preservation of the Christian religion. To the non-religious laboring man they have been presented in the loose, easy-fitting dress of "merely a day of rest for the laboring man, not religious at all." They have even been presented by the ministry attired in the fantastic argument that saloon-keepers need a Sunday-rest law, and that theatrical performers should be obliged to rest on Sunday (that they may be able to do better work?).

The State now has a law allowing all laborers one day of rest in each seven, one clause of which reads, "And it shall be unlawful for any employer of labor to cause his employees, or any of them, to

work more than six days in seven." By this law they are permitted to arrange for any day that may be best suited to their wishes, with the liberty to use it for rest in their own way. What more need be asked as a day of rest? It is sufficient, and will satisfy all save those who would ignore the religious rights of the people.

The Religious Liberty Association has taken a leading part in preserving the liberty vouchsafed to us by the founders of the nation. In this work it has had the assistance of many prominent men, Christians and non-Christians, Catholics, Protestants, and men of no religious connection or belief. That association stands, and has always stood, for the greatest liberty of the individual consistent with the equal rights of all men. Standing on such a platform, it must necessarily oppose the enactment of any law that would enforce any religious tenet or ordinance upon the people. That is why the association is now opposing a Sunday law for California, and feels in duty bound to continue such opposition.

While California enjoys such liberty as she is now blessed with, it must be remembered that she is young, and her people have been living close to nature's

freedom. There is danger that age may bring in many artificial ways, and among them laws enforcing religious tenets, such as Sunday observance, the support of religious schools by public taxation.

At this time California is facing a new political condition. The women have been given the right of franchise, and they outnumber the men. The people have the right of the initiative, and, through this means, it is now proposed by the advocates of Sunday laws to bring the question before the people for their vote, independent of the legislature.

In 1882 the men, who alone were entitled to vote, gave their overwhelming testimony against the enactment of a Sunday law. We sincerely hope that both the men and the women of this State, whether or not they observe Sunday as a religious day, possess and will manifest enough spirit of true American liberty to vote against the enactment of a Sunday law. Otherwise they would establish, by law, a religious institution, and thus open the way for still further religious legislation, which would, as it has always done in the past, bring persecution and martyrdom.

*San Diego, Cal.*

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## The Moral Condition in California

JOHN ORR CORLISS

FOR some years it has been the custom for certain "reformers" from the East to term California a pagan State because she has no compulsory Sunday-rest law upon her statute-books. It is true that California has no law requiring all her citizens to rest on the first day of the week, but it is positively *untrue* that her people are lacking in those qualities that characterize desirable citizens. If compared with the dwellers of any other State in the American Union, California's sons and daughters will be found as public-spirited, as generous-hearted, and doubtless as religious as the best among them all.

They are not found lagging in those

enterprises which make for the upbuilding of spiritual life. There are as many church spires pointing heavenward from California soil, and as many people in that State regularly attending church services, as in any other State, in proportion to its population. Not many days ago this sentiment was reported to have been strongly emphasized in a gathering of San Francisco clergymen; and yet at the same time they were expressing their regrets that no Sunday law exists in the State.

With this favorable condition freely admitted, it is not easy to divine why a Sunday-rest law should be demanded, unless it be for the sole purpose of for-



cing larger attendance at church services, through the closing of other places in which the people might spend their Sunday hours. Be this as it may, the State has been besieged for years by clergymen, who deliver impassioned speeches in favor of enforced Sunday rest for all the people. The voicing of these misleading appeals becomes more pronounced as legislative sessions draw near; and in some cases, men have been elected to the State legislature on the promise that they would work for the enactment of a Sunday law.

Nevertheless, in each legislative session there have been enough sensible, level-headed men to prevent the accomplishment of such an object. They have perceived that society would not be improved, but would rather be made worse, through the sectarian strife and the inevitable persecution which such a law would engender. In the general election of 1911, however, the hopes of Sunday-law advocates were brightened somewhat, by their being granted the privilege of the initiative and referendum. At once they set the machinery at work to furnish the necessary petition by which to refer the question to the people at the next general election.

The Lord's Day Alliance seems to be taking the lead in this campaign. A celebrated lecturer from Boston has been canvassing the State in behalf of the enactment of a Sunday law. The Federated Churches are in sympathy with the movement, and stand ready to lend their strength to it at the proper time. The latter part of February and the early part of March found the Men and Religion Forward Movement, with a strong "team" from the East, attacking the cities about San Francisco Bay, in favor of the uplift of society.

Rev. Robert T. Moore, pastor of St. John's Methodist Episcopal Church of Brooklyn, N. Y., in an address before the monthly meeting of the San Francisco church federation, said regarding the need of a Sunday law for laboring

men: "This Men and Religion Forward Movement is occupying itself with the affairs of men, who if they were to protest against their employers' demands, would simply lose their positions. This movement is seeking to say, 'Why is it that men under our flag and institutions have to work seven days in a week instead of six?' It is going to ask that question with so much emphasis, too, that the nation will be driven to speak favorably in behalf of Sunday rest."

The last thought was strongly emphasized by an appeal to national patriotism, in the words: "In unity there is strength. 'United we stand, divided we fall.' If that works in politics and statesmanship, why won't it work in Christianity? Under that starry old flag many States are bound up into the Union. When the army of the living God brings into its forces the same unity, nothing can withstand it. But that is certainly coming; lay hold on it."

Let this movement, combined with other religious organizations, such as the Federated Churches, the Lord's Day Alliance, National Reform, and all others of the same character, which stand for the same purpose, rise to that degree of influence where they may with impunity dictate religious laws to the civil government, and history will begin to repeat itself in the persecution of honest dissenters.

California is as yet free from any and all church and state alliance. Let her remain so as an example of what a State may be, morally, without legal coercion. Moral suasion is the only potent influence by which to elevate humanity. Let it reign supreme in society to the glory of God, and the uplifting of his kingdom in the hearts of men, and all will be well. But beware of state-enforced religious ceremonials; for they will but lead to hatred and strife, and to that shameless bane of past ages, persecution for conscience' sake.

*Mountain View, Cal.*

# Rome's Interference With the Rights of Citizens

W. W. PRESCOTT

The Pope is as it were God on earth, sole sovereign of the faithful in Christ, chief king of kings, having plenitude of power, to whom has been entrusted by the omnipotent God direction not only of the earthly, but also of the heavenly kingdom.—*Ferraris's "Promp̄ta Bibliotheca,"* article "The Pope."

Whence it is not to be wondered at if to the Roman pontiff, as to the vicar of Him whose is the earth and the fulness thereof, the world and they that dwell therein, there have been granted, when just cause demands it, the most complete authority and power of transferring kingdoms, of dashing in pieces scepters, of taking away crowns, not only unsheathing the spiritual but also the material sword.—*Id.*

The present Pope is an honest, well-meaning old man, who seems to be quite incapable of realizing that he is living in the twentieth century, and not in the dark ages when Europe trembled before the bull of excommunication. He is as bold and extravagant in his claims as were the popes of the middle ages, and is apparently doing more to weaken the position of his church in the world than all anti-Roman agitators put together.—*New York Weekly Witness, March 13, 1912.*

THIS estimate of the results of the administration of the present Pope, Pius X, is doubtless based quite largely upon two of his utterances which have attracted much attention of late. First is the one called the *Ne temere* decree, relating to marriage, dated Aug. 2, 1907, which declares all marriages of Roman Catholics to be no marriages unless they are solemnized according to the rites of the church; and the other is the *Motu proprio*, dated Aug. 9, 1911, which asserts the immunity of the clergy from secular jurisdiction. It is with this latter document that we propose to deal in this article.

The text of the *Motu proprio* as published in *Acta Apostolica Sedis*, the official organ of the Vatican, runs thus:—

"Official memorandum of our own motion concerning bringing clergy before the tribunals of lay judges:—

"Though all diligence be employed in framing laws, it is often impossible to guard against every doubt which may subsequently arise owing to adroit interpretation of the same. Sometimes, moreover, on the part of purists who have undertaken to investigate the nature and force of a law, there are such contrary opinions that what has been settled by

law can not be otherwise ascertained than by authoritative pronouncement.

"This, we see, has happened after the promulgation of the ordinance of the apostolic see limiting *Censuræ latae sententiæ*. For among writers who have expounded that ordinance a great dispute has arisen concerning Section 7; namely, whether the word compelling applies only to legislators and public persons, or whether it applies also to private individuals who, by appealing to a lay judge, or bringing an action before the latter, may 'compel' the lay judge to bring a member of the clergy before his tribunal.

"Doubtless the meaning of this section has been repeatedly declared by the congregation of the holy office. But now in these times of injustice, when so little regard is paid to the immunity of ecclesiastics that not only clerics and priests, but also bishops and even their eminences the cardinals, are brought into a court of laymen, the case altogether demands from us that by the severity of the punishment we keep to their duty those men who are not deterred from an act of such sacrilege by the gravity of their offense. Therefore, we of our own motion do ordain and decree as follows:—

### “EXCOMMUNICATION

“Whatever private individuals, whether of the laity or in holy orders, men or women, summon to a tribunal of laymen any ecclesiastical persons, whatever be the case, criminal or civil, without any permission from an ecclesiastical authority, and constrain them to attend publicly in these courts—all such private individuals incur excommunication at the hands of the Roman pontiff.

“Moreover, it is our will and pleasure that what has been ordained by these letters be established and ratified, notwithstanding anything whatsoever to the contrary.

“Given at Rome at St. Peter's, on the ninth day of the month of October, in the ninth year of our pontificate.

“POPE PIUS X.”

This granting of special privileges to the clergy is by no means a new thing, but dates from the time of the Emperor Constantine. That time-serving prince, writing in A. D. 313 a letter to Anulinus, proconsul of Africa, purely from political motives expressed his intention of conferring special favors upon ministers of religion. The fact and his reason for such an action are thus stated:—

“It being certain that the contempt of the Christian religion, which honors God in so perfect a manner, has drawn down the greatest evils on the empire, and that fidelity in embracing and in preaching it is, by the divine mercy, a source of prosperity for the state as well as for individuals, I have resolved to reward those who consecrate themselves to the support of that august religion by the holiness of their lives, and by the assiduous discharge of their functions. My will is, therefore, that all those who are called clerics, and who are attached to the ministry of that religion in the Catholic Church, of which Cecilian is pastor, be exempted from all public charges throughout the whole province under your jurisdiction; lest, by a fatal error, or a sacrilegious exaction, they be diverted from the divine worship; and that they may in perfect liberty consecrate

themselves to the functions of their ministry; for I am convinced that the homage which they shall thus give to the Divine Majesty will procure the greatest favors for the empire.”

M. Gosselin, a Roman Catholic writer, justifies this action on the part of Constantine and his successors in the following words:—

“All those motives which should naturally incline the Christian emperors to favor the arbitration of the bishops in the case of the simple faithful, should of course influence them still more powerfully to exempt the clergy from secular jurisdiction. Very slight reflection must be sufficient to suggest the grounds of propriety on which such an immunity should be granted, and the serious injury inevitably resulting to religion and to society from making the clergy amenable to civil tribunals, even in purely temporal matters. The natural result of such a practise would be to deprive the clergy gradually of that respect and veneration without which the exercise of their ministry becomes absolutely impossible. For what can more effectually degrade a sacred minister in the eyes of the people than to see him dragged before a secular tribunal, where his real or apparent weaknesses shall be published before the world, and made the source of scandal?” —*The Power of the Pope During the Middle Ages*, London, C. Dolman, 1853, page 151.

Successive popes have not been slow to perceive the advantage which would accrue to the Papacy by continuing this immunity of the clergy from secular courts. Thus we find Pope Boniface VIII, who occupied the papal chair from 1294 to 1303, saying in his bull *Clericis laicos*, issued in 1296:—

“Antiquity teaches us that laymen are in a high degree hostile to the clergy, a fact which also the experiences of the present times declare and make manifest; inasmuch as, not content within their own bounds, they strive after what is forbidden, and loose the reins in pursuit of what is unlawful. Nor have they the

prudence to consider that all jurisdiction is denied them over the clergy — over both the persons and the goods of ecclesiastics.”—“*Select Historical Documents of the Middle Ages*,” translated and edited by Ernest F. Henderson, London, George Bell and Sons, 1903, page 432.

In the same bull the Pope threatened dire results to any one who should disregard this immunity of the clergy. We quote the anathema:—

“From the aforesaid sentences of excommunication and interdict, moreover, no one shall be able to be absolved, except in the throes of death, without the authority and special permission of the apostolic chair; since it is our intention by no means to pass over with dissimulation so horrid an abuse of the secular powers. Notwithstanding any privileges whatever — under whatever tenor, form, or manner, or conception of words — that have been granted to emperors, kings, and other persons mentioned above; as to which privileges we will that, against what we have here laid down, they in no wise avail any person or persons. Let no man at all, then, infringe this page of our constitution, prohibition or decree, or, with rash daring, act counter to it; but if any one shall presume to attempt this, he shall know that he is about to incur the indignation of Almighty God and of his blessed apostles Peter and Paul.”

With a view to the preservation of this ancient privilege Pope Pius IX in the famous syllabus of 1864 (Prop. 31) condemned the teaching that ecclesiastical courts for the benefit of the clergy ought to be abolished. Here is the statement which he condemned:—

“Ecclesiastical courts for temporal causes, of the clergy, whether civil or criminal, ought by all means to be abolished, even without the concurrence and against the protest of the Holy See.”

In spite of the fearful consequences which it was declared would attend a disregard of the papal bull of Boniface VIII, it appears that the church herself had largely abolished the immunity until

it was revived by the recent action of the present Pope. Thus we read:—

“The privilege of the tribunal has disappeared almost completely to-day, with the consent, whether tacit or explicit, of the church in the various concordats.”—“*The Catholic Encyclopedia*,” Vol. VII, page 691. (Printed 1910.)

In thus attempting to revive and to enforce the doctrine of the immunity of the clergy from the secular courts, Pope Pius X is therefore harking back to the middle ages, and following the lead of that most arrogant Pope, Boniface VIII, who claimed complete jurisdiction over both church and state.

It requires only a cursory examination of this *Motu proprio* to show that it is a direct interference with the civil rights of every Roman Catholic citizen, and that if it is carried into effect, it practically places a large number of persons in the United States entirely outside the jurisdiction of the courts of the country. We are heartily in favor of any proper effort to induce the members of any church, whether clergymen or laymen, to settle their difficulties according to the Scriptural method, and we are not justifying their bringing each other into the courts, yet we do protest against any ecclesiastical authority claiming the right to forbid this under pain of excommunication. Furthermore, the intent of this document is not to discourage lawsuits among laymen, but simply to protect the clergy from such actions, and thus to give them a very decided advantage over laymen. The prohibition therefore is not so much in the interest of good morals as in the interest of a class of especially favored persons.

The light in which this papal utterance is regarded in England is shown by an extract from a letter from the London correspondent of the *Homiletic Review*. This extract which appeared in the issue of that magazine for March, 1912, reads:—

“This latest of Vatican thunderbolts is causing intense indignation both in the United Kingdom and on the Continent.

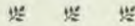
The anachronistic spirit displayed in the document is as singular as its extreme audacity. The Pope ignores the whole tendency of this age when he thus declares that any Roman Catholic who dares to cause a Catholic priest to be summoned before a lay tribunal will be excommunicated. A French critic points out that 'the greatest scandal' of the *Motu proprio* is the fact that it has been published at a time when a priest is being tried at Viterbo, in Italy, with other members of the hideous and murderous Camorra, on the charge of having committed abominable crimes. Such is the power of the Camorra that it is extremely improbable that the jury will dare to convict. This extraordinary reminder that they will all be excommunicated if they convict will not encourage them to do their duty. The Camorra, whose devotion to the church is well known, will no doubt be grateful to Pius X for his timely intervention. This is how many who are not leaning toward Protestantism are regarding the fatuous edict. It is as alarming to enlightened

and progressive Catholics as to any Protestants."

It would appear that the *Motu proprio* is applicable only in such countries as submit to this papal interference in civil affairs; and that where a vigorous protest is made, it is deemed inexpedient to insist upon this clerical immunity. Thus in Germany the foreign secretary, Herr von Kiderlen-Waechter, in response to a question in the lower house of the Prussian Diet, declared that as the result of diplomatic communications with the Vatican it had been clearly laid down in writing that the *Motu proprio* had no force in Germany.

It would be quite in order for the State Department of this government to make formal protest against this latest effort of the Pope to dictate in the affairs of state, and to give the Vatican clearly to understand that the rights of the citizens of the United States can not be abridged by any foreign potentate, even though he claims a universal jurisdiction in both spiritual and temporal affairs.

Washington, D. C.



## Religious Liberty Under the Monarchy and Under the Republic of Portugal

C. E. RENTFRO

SINCE the fall of 1904 the writer has lived in Portugal, where he has been engaged in religious work,—six years under the monarchy and about one year and six months under republican rule.

The constitution for the kingdom was adopted in 1826. A few of its articles bearing on liberty of worship, or tolerance, are as follows:—

"ARTICLE 6.—The Roman Apostolic Catholic religion shall continue to be the religion of the kingdom. All other religions shall be permitted to foreigners with their private or domestic worship, in houses to this destined, without exterior form of a temple."

At that time all or nearly all were really Roman Catholics, and no provi-

sion seemed to be necessary for others. We see, however, certain restrictions against foreigners. In Article 145 are given the rights of Portuguese citizens:—

"The inviolability of the civil and political rights of Portuguese citizens, that have as a base liberty, individual security, and property, is guaranteed by the constitution of the kingdom in the following manner: . . . Paragraph 4: No one may be persecuted through motive of religion, so long as he respects that of the state and does not offend public morals."

Although this article would have an outward appearance of liberty, yet how easily could a pretext be invented to

prove that the sale of Bibles, the preaching of the gospel, the distribution of literature, public worship in houses without form of a temple, were offenses against public morals. Were it not for the strength of the liberal parties, these supposed offenders would have been severely punished. Even so, many colporteurs and ministers saw the interior of prison cells.

Several colporteurs of the British and Foreign Bible Society were imprisoned and their books confiscated by order of

carried on by a supposed servant of God, in the name of Christ our Saviour, were made to feel that Christian love was inferior to the love of money.

Through this cause many were separated from the faith of their fathers. Many times burials were delayed because the money to pay for the religious service was not forthcoming. Many young people began to live together in family relations because of the exorbitant sums charged by the priests for marriage fees. Children went without



LISBOA—(Portugal) Edifício das Cortes e estatua de José Estevão

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LEGISLATIVE HALL OF THE PORTUGUESE REPUBLIC

the ecclesiastical authorities, because the sale of Bibles constituted a crime against the state religion. One notable case was judged by the archbishop of Evora, but his sentence was revoked by the supreme court at Lisbon.

In almost all localities the priests were functionaries of the state to keep the registry of all births, marriages, and deaths. The price of each was determined according to the supposed social position, riches, or poverty of those who required their services. These prices were very exorbitant. If the individual affected was of strong religious faith, no complaint would be made; but many times the people, seeing this commerce

names and could not prove who were their parents because the fee charged by the priest for christening the child was more than the parents could pay. These are the complaints one could hear on all sides.

We have seen the host being carried to the sick by a priest. An attendant with a bell warned all of its approach. Street-cars stopped. Motor-men, pedestrians, police, soldiers, and all in the various walks of life would kneel until the procession had passed. The men were obliged by law to remove their hats.

Many times during the year there would be processions when certain images would be carried through the

streets, accompanied by music and a company of soldiers. Women did penance going barefoot or on their knees; all men were compelled to remove their hats, or be sued and taken to prison. This once befell a noted lawyer, who was a member of the national legislature, because he did not see fit to do obeisance to the images.

On one occasion we witnessed what was called field mass, when the troops commanded by the general with his staff, accompanied by the king, were present to render homage to their superior, the host. As the host was elevated, the bugle sounded, the king saluted, the soldiers knelt and presented arms. Will the same be done in the United States? Let the Roman Church govern, and it will be so.

Many years ago the real nature of the works of these "shepherds of the flock" was made manifest to the public. Especially was this true of the Jesuits. In 1759 they were banished. In 1834 the other religious orders were abolished. Laws to this end still existed up to October, 1910, but certain decrees made possible their reentrance, until Portugal was almost subjugated by them again. But it took only about thirty-two hours to bring about a change, although many attempts had been made during twenty or more years.

#### *A Notable Date in Portuguese History*

The fifth of October, 1910, is another notable date in Portuguese history. That date marked the establishment of the republic by the revolutionists. The proclamation of religious and civil liberty, the banishment of the Jesuits and the royal house of Bragança, and the abolishment of all religious orders or societies were among the first measures. The government applied to the various orders the laws which had been in existence since 1759 and 1834.

Liberty of conscience for all, foreigner as well as native, now exists in Portugal. All may worship God according to the dictates of their own conscience, or they may abandon all re-

ligion; for religion is left to the church and the individual, where it properly belongs, and the government does not concern itself with that matter. The public exercise of religion is somewhat circumscribed that the infant republic may protect itself. The course is justified in view of the situation here and the elements with which the government has to deal. It is perfectly understood by those who are acquainted with the working of so-called Christian organizations and with clericalism.

In February, 1911, a law of civil registry was decreed by the provisional government, taking from the hands of the priests this means of controlling the destinies of families. No more can they decide who shall be married and who shall not, or how much must be paid for a christening or a burial. However, after having complied with the law of civil registry, the parties may act in harmony with their convictions in these matters.

This was cause for much complaint on the part of the clericals. Why?—For no other reason apparently than that their power over families had slipped from their grasp. The prevailing idea in the mind of the government was to cut loose from such a dominating power. All mankind ought to know that when the church is united with the state, the church assumes control in civil as well as in spiritual concerns.

On April 20, 1911, the law of separation of church and state was decreed, giving to all the right of religious liberty and civil rights to a limited degree. Paul, writing to the Galatians said: "For, brethren, ye have been called unto liberty; only use not liberty for an occasion to the flesh, but by love serve one another." Gal. 5:13. Because the church had the liberty to control affairs, men under a religious cloak permitted their sinful passions to govern and their love of money and power to overshadow their love of God and their brethren.

As all know, masses for the "repose" of the souls of the dead are a great source of revenue for the Catholic

Church, and under the influence of the priests vast fortunes have been turned over to the church or its functionaries to serve their own purposes. To this the republican government has put an end.

Such masses are considered public worship, and the twenty-ninth article of the constitution prohibits the giving of money to religious associations by wills for this purpose. If such is done contrary to law, the heirs may within a year reclaim such sums; if they do not, the money reverts to works of beneficence. Yet one may by a will provide for one-eighteenth part of his goods to be applied on masses if he so desires.

In order that public worship may be sustained, and for the donating of money to support the pastor or priest and pay the expenses of all acts of worship, the members may form a cultural corporation, which may receive donations and make expenditures, possess buildings and furniture, and in fact have and do everything any organized church can have or do in America.

When we note the privileges and protection a minister and the cultural corporations enjoy after having complied with certain requirements of the same law, we wonder at the hostile attitude of the hierarchy toward the government here. Other articles declare that the church shall not be used for political purposes, the minister of any religion shall not in his sermon touch on political topics, but shall limit himself to the work of the gospel. And this is certainly proper. When a minister gets out of his place, then the civil law should have the power to remind him of his sphere of action.

Various bishops, including the patriarch of Lisbon, who, it was expected, would receive the cardinal's cap, took their position against the formation of these cultural corporations. They forbade the formation of such associations. The government responded, according to the law of the separation, by banishing them for two years from their respective dioceses. Here we have the cause of the conflict between the spiritual and tem-

poral powers. The church is opposed to relinquishing her power over the people and over the government.

We may judge as to the feelings of a very great number of the people by such demonstrations as took place Jan. 14, 1912. The chief manifestations consisted of anticlerical processions and speeches in different parts of the republic. Banners were carried through the streets with the inscriptions: "Down with the Jesuits," "Down with religious reaction," "Down with clericalism," "Long live religious liberty," "Let the law of separation be complied with." The majority of the hurrahs were for liberty. The shouts of "Down with the religious tyrants" were mingled with "vivas" to the liberators of the nation.

We were able to hear a few speeches, and they were against the union of church and state, against clericalism, against priestly interference in family affairs, and in favor of the granting of religious liberty to all. There was a marked tendency on the part of some to use expressions of infidelistic and atheistic nature. Experience has taught the world that state religions create infidels and hypocrites. All religions are classed with the false religion with which the people are acquainted, and which has been forced upon them. Ignorance of the Bible and the abandonment of true Christian principles by those who stand as the representatives of religion, lead multitudes into infidelity and to final destruction. That is what has occurred in every country where religion and the state have been united; and it matters not what religion it is, the result is ever the same. Let Americans take warning from the disastrous consequences of such a union in other lands, and refuse to take even the first step in that direction. Let America voice an emphatic refusal when any organization demands the enactment of legislation that deals with the religious life and practise of the people. Only thus can she avoid the deplorable mistakes chronicled against other nations in the matter of religious intolerance.

*Rua da Boa Vista, 145, Porto, Portugal.*



# Religious Liberty in Mexico

G. W. CAVINESS

WHEN the Spaniards landed in that part of the New World which now constitutes the country of Mexico, they found a state of civilization much in advance of that of the Indian tribes farther north. The settled nations of Mexico had attained to a highly organized government. There was a system of courts

were given to religious matters, and the sacrificial stone of the *teocalli*, or temple, of Mexico, is still to be seen in the museum of Mexico City. The calendar of religious festivals has been preserved, and indicates that every month of twenty days there were one or more celebrations, or religious feasts. In these festivals



CATHOLIC CATHEDRAL, MEXICO CITY, BUILT ON THE RUINS OF AN AZTEC TEMPLE

of law that administered justice, and lands were set apart for the maintenance of the judges.

Pyramids rivaling those of Egypt, and cities so long buried that the houses and palaces appeared like great mounds of earth, bore witness to the fact that another earlier race had preceded those found by the Spanish conquerors. Of these ancient races there remains no history except what can be gathered by a study of the vast ruins found in various parts of the country.

The religion of the Mexicans whom Cortes found was pagan sun-worship. Vast temples, or pyramids, still bear witness to the fact that much time and labor

there were processions, prayers, music, and dancing, culminating with human sacrifices. The victim was taken to the top of the temple, or pyramid, seized by the priests, and his heart cut out and offered to the god, his flesh serving for a cannibal feast.

The Spanish conquerors changed this somewhat, but their methods were those by which the Catholic Church has often made her converts. When Cortes had overpowered the Mexicans, he ordered his soldiers to enter the temples and throw out their images and put in those of the church. Mass was said, and the people, with scarcely any instruction, were sprinkled and made Catholics. It

is true that the sacrifice of human victims as carried on by the Mexican Indians was stopped, but the Catholic Church did the same thing in another manner and by another name; for the Inquisition during two hundred fifty years sacrificed many a victim as cruelly as was ever done by a pagan Mexican.

An Inquisition tribunal was established in the capital in 1571, and the first *auto da fé* was celebrated by the burn-

downfall of one and the installation of another "savior" of his country.

During the rule of Spain there was no religious liberty, and but very little advancement in any direction. The Catholic Church was everywhere supreme, and illiteracy almost universal. After the republic was established, the power of the church still remained almost unchallenged until the promulgation of the present constitution in 1857. It is said that



A PYRAMID BUILT BY ANCIENT MEXICANS ON WHICH TO OFFER HUMAN SACRIFICES

ing of "twenty-one pestilent Lutherans." The Inquisition was finally abolished May 31, 1820. The number of victims will never be known until the books of God are opened in the final judgment.

Mexico raised the cry of independence in 1810, and celebrated her one-hundredth anniversary one year ago last September, but she did not gain her independence until 1821. From this latter date she has called herself a republic, but the country was so torn by revolutions for about forty years that no president served a full term until Juarez, the reform president. As soon as one man was declared elected, some one in another part of the country would declare himself the rightful occupant of the presidential chair, and a revolution would begin, which would terminate with the

at this time the church owned one third of all real and personal property in the republic.

The reform laws of 1857 confiscated the property of the church, abolished its numerous orders and institutions, and deprived it of state support and of all participation in politics. These laws, among other things, declared freedom of religion, freedom of the press, and the nationalization of the two hundred million dollars' worth of property held by the clergy, from which and from other sources the church received an annual income of no less than twenty million dollars. The church as such can hold no property now in Mexico, but has the free use of the church buildings for worship.

Although the new constitution was

promulgated in 1857, it was not carried into effect until ten years later. The church made a last desperate effort to save her power by calling in Maximilian and the French army to assist her, but in vain. Since the downfall of Maximilian and the establishment of the new order, religious liberty has prevailed in

The free exercise of religious services. No official recognition of any religious festival, except Sunday as a day of rest.

Religious services to be held only within the place of worship.

Clerical vestments forbidden in the streets, also religious processions.

The use of church bells to be restricted



STONE ON WHICH ANCIENT MEXICANS OFFERED HUMAN SACRIFICES

Mexico. Of course the power of the church is still great, but a liberal government has afforded protection to all forms of religion.

Additions to the reform laws were made in September, 1873, and January, 1877. These reform laws marked a radical departure from the principles which had so long prevailed in Mexico. In these laws we find the following principles established:—

The absolute separation of church and state.

Congress forbidden to pass any laws establishing or prohibiting any religion.

to the calling of the people to worship.

Pulpit discourses advising disobedience to the law or injury to any one strictly forbidden.

Worship in churches must be public.

Gifts to religious institutions unlawful.

Monastic orders not recognized.

The Sisters of Charity organization suppressed.

The Jesuits expelled.

Marriage made a civil contract to be duly registered, but a religious service permitted after the civil ceremony.

The Protestant missionaries have had but a short time to work in Mexico. It

is said that some of the soldiers of the United States army of invasion left a few Testaments in the wake of the army. These created an interest in a few sincere hearts. The first missionary to enter the field was a woman. Miss Melinda Rankin in the early fifties went to reside in Brownsville, Texas. While studying Spanish, she employed some Mexicans to act as colporteurs among their own people. Later she moved to Monterey, Mexico, and opened a school. In this school she taught the Bible, and after a while her boys went out to read and explain God's Word to the people. Soon she had fourteen little congregations.

The leading denominations entered the country in the early seventies. In 1900 the census gave over fifty thousand believers divided among the various Protestant churches in the country. At present there are probably about one hundred thousand professed evangelicals in the republic. These bodies are coming together as much as possible, and are showing a willingness to unite with Rome in enforcing the observance of Sunday. In

various ways they are seeking to gain influence with the government, and the results will no doubt be the same here as in other parts of the world, where the government under pressure from religious organizations, has enacted laws enforcing religious practises. The result has always been oppression of conscience, persecutions, martyrdoms.

The party in power at present proclaims its adherence to the reform laws, but there is one political party now formed that openly calls itself the Catholic party. As the Catholics are clearly in the majority, if ever matters go by majorities, they will be able to control affairs as in the past. We are hoping that the day of their power may be delayed.

Mexico has had but a few decades of religious liberty, and we know not how much longer she may retain this priceless boon, but hope it may be retained until the everlasting gospel shall have been preached in all parts of the country for a testimony to its inhabitants.

*Mexico City.*



## Why the Jew Hates Christianity

A FRIEND OF THE JEW

THE question has often been raised why it is that the Jewish people have not been more kindly disposed toward Christianity. It has been repeatedly stated that if the Jews had only read the New Testament, the teachings of Christ and of his apostles, they would have seen that Christ was of the Jewish people, and came to redeem and to befriend them. Therefore why is it that there has been so strong an antipathy on the part of the Jew toward the gospel of Jesus?

To the student of history the answer is clear,—so-called Christianity has persecuted the Jew. While it is not in the province of this article to enter into the merits of the persecutions, it remains a fact that for centuries, many of the so-called Christian peoples and nations have treated the Jew cruelly and barbarously,

and have done this in the name of Christianity.

Liberty of conscience has repeatedly been purchased very dearly by the Jewish people, and they have handed down to the world many remarkable object-lessons in this particular, where their people have stood firmly for what they believed to be true and right. The saddest and foulest blot on the pages of history is the story of the persecutions of the Jew by so-called Christian nations, and the taking away of their liberties and their rights as a result of these persecutions.

The most that the Jew has read of Christianity for centuries has been the story of the conduct of these people toward him in mistreating and massacring his fellow countrymen. It is to be regretted that the Jews have not taught

their children to read the precious words of the Saviour as recorded in the New Testament; but they have seen a great deal of professedly Christian conduct—but conduct which was really very unchristian—toward themselves on the part of people who claimed to be followers of Jesus. It is but natural that this should embitter them and turn them against Christianity.

We know that Christ and his true followers never sanctioned such a course. Christ, when he was here, healed the sick among the Jews, raised their dead, opened the eyes of their blind, healed their leprous ones, and worked mighty miracles among the Hebrew people; for to these people he came, came to seek them and to save them. He did not come to destroy them. Christ came to heal and not to hurt.

For centuries Rome and Russia have waged bitter warfare against the Jews, and all this has been done in the name of the religion of Christ. As a result, the Jews have believed that this conduct must be a part of Christianity. The page of history is colored with blood, which tells the story of the dealings of Rome with the sons of Abraham. Morocco, Rome, Spain, Portugal, France, and other nations, which in days gone by bitterly persecuted the children of the covenant, have washed their hands and bathed their swords in the blood of the Jewish people. Bitter and relentless have been the dealings of the Papacy and of Russia with these people.

Liberty for the Jew was an unknown thing in these lands, and while Russia still denies them any liberty, civil or religious, the Papacy has not the power now to do as she did in former days. But her attitude toward the Jew has not changed.

Judging it by the Word of God, by the teachings of Christ, is such conduct Christian? The answer is emphatically, No. It is one of the most regrettable facts of human history that such prejudice has been created in the hearts of these people because of the antichristian

conduct of these professedly Christian peoples. The gospel of Christ is a gospel of freedom. There is freedom and liberty for the Jew as well as for the Gentile in that gospel. This the Jew should understand. He should know that neither the Christian religion nor its Author ever sanctioned the persecution of any one. True Christianity does not and can not persecute. Christianity does not condemn men; it seeks to help and to redeem men. It does not destroy; it saves.

It is therefore time that Christian people should awaken to the fact that they owe the Jewish people a debt of information in reference to this matter. The Christian world should let the children of Abraham know that the conduct of such powers styling themselves the followers of Christ has been and is as hateful in the sight of Christ as was the conduct of Ahab and Jezebel in the sight of the Lord. Jesus taught the golden rule; he never allowed men to compel any one to accept his teachings. He came that men might see in him the Christ, the Saviour, and thus be drawn to him by the cords of love. Let the Christian people amend their ways in these days, and prove to the Jewish people that the Christian religion is a religion of liberty and equality. Let the Christian show to his Jewish friend and neighbor that liberty is a precious gift which Christ gave to all men freely and without distinction. He came to proclaim liberty to all, not to declare a warfare against any man. The Christian religion is God's religion of love, and not Satan's religion of hate. That religion which would force the consciences of men or oppress men because of their religion, is not the religion of Christ, and its inhuman activities are not sanctioned by him, nor are they helping in the establishment of his kingdom. A fearful responsibility rests upon the professed followers of Christ who have maltreated their fellow men in the name of religion; and they are not to be envied who have such a record against their names in the books of

God. Yet they who are seeking in our day to make certain religious customs compulsory are opening the way for another sorrowful epoch in human history. The right to freedom of conscience has been dearly bought. The price has been paid in the blood of the most conscientious men and women in the world. Let

the followers of Christ see to it that never again shall his name be coupled with oppression, or his character and purposes and love be misrepresented by making any religious custom compulsory or by outlawing or oppressing any human being on account of his faith or his mode of worship.

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## The Governor and the Cardinal

*A Church and State Affair in Massachusetts*

C. S. LONGACRE

NEW ENGLAND has been greatly agitated over the recent visit of President Taft to Boston. The Boston Charitable Irish Society of Catholics gave President Taft a royal banquet on the evening of March 18 in the Banquet Hall of the Hotel Somerset. The program for the evening was previously arranged, and Cardinal O'Connell was to occupy the position of first place next to the President in the commonwealth of Massachusetts, and Governor Foss and Mayor Fitzgerald were to occupy third and fourth places respectively. Accordingly Cardinal O'Connell was seated next to President Taft on his right, and was also accorded the second position on the program of speeches for the occasion.

The presiding officer of the Irish Society introduced Cardinal O'Connell as "the first citizen of the commonwealth of Massachusetts." The governor of the State was informed that the cardinal of the Roman Catholic Church was to occupy the first position as the representative of the church and be introduced as "the first citizen of the commonwealth of Massachusetts," and that the highest civil officer of the commonwealth was to come in as the second citizen; and thereupon the governor refused to be present and take part in the program, being unwilling to have the church exalted above the state on such an occasion.

The stand which the governor took has caused much comment throughout the country, and has started a heated controversy. A few quotations from the

daily newspapers will indicate the feeling that exists. The *Boston Journal* of March 21 contained the following editorial, under the title of "Church and State":—

"Governor Foss must be commended and supported in his stand that the governor of this commonwealth can not take a secondary place at a public affair to any church official of any church, however exalted or dignified. It is unfortunate that such a question was ever precipitated, because the people at large do not wish such a question ever to be raised. But being raised, there is absolutely no question as to what the people of the State will decide. They will not suffer the public representative of all the people to wait till any ecclesiastic has taken a superior place."

Another article, entitled "A Protest," appeared in the same paper on the same date, and reads as follows:—

"To the Editor of the *Boston Journal*: The Pope's power in America needs a shock to adjust it to its proper place. When a foreign representative demands precedence over our governor, it is high time for another Martin Luther. It may be well for Europe to be under the Pope's thumb and subservient to his wish, but in America it is about time such medievalism came to a close, and orders of precedence in state matters not be dictated by Cardinal O'Connell or any other prelate. If Catholics are cultured enough to understand and not approve this action, then it is time the cardinal

learned that he is in America. In any event, an apology is due our governor."

Evidently the Catholics do not intend to make an apology for placing the cardinal above the governor on this occasion, as the following, published in the *Boston Journal* on March 23, indicates:

"To the Editor of the *Boston Journal*: What is all this fuss about Governor Foss saying the state was not accorded its proper place at the Irish Charitable Society dinner at the Hotel Somerset last Monday night?

"He tells us that the commonwealth's representative should speak before the representative of any foreign or ecclesiastical body. I do not agree with him. He had no more right to speak before the church representative than I had. . . . We Catholics do not owe Governor Foss any apology, and will not make any."

Joseph M. Shepley, a minister of the Methodist Church, speaks in behalf of the Methodists of Boston as follows:—

"To the Editor of the *Boston Journal*: I desire to express to you my hearty appreciation of your attitude on the incident regarding the relative prominence which it was intended by those in charge of the Irish Society banquet should be given the governor of the commonwealth and Cardinal O'Connell, and I am sure I speak not only for myself, but for all Methodist people hereabouts.

"It is good to know that we have a paper in Boston that stands squarely for American principles, and will speak out when the circumstances call for such expression. . . . Your editorial is absolutely right, and no right-thinking man can question it."

It was the privilege of the writer to be present at this banquet and at the preliminary and subsequent functions in which the President and the cardinal participated. The whole affair seemed more akin to courtship between the President and the cardinal, the state and the church, than anything the writer had ever seen. From the loving glances, embraces, bowing attitudes, and almost

undivided attentions during the whole evening, one would judge that the wedding day between the church and the state can not be far distant.

As Cardinal O'Connell entered the reception-room of the Hotel Somerset, the members of the Irish Society bowed their knees at his feet and kissed the gem in the ring on his hand. Judges of the supreme court of Massachusetts and other officials in high positions bowed the knee and kissed the hand. The whole proceeding harked back to the days of medievalism, when the red caps, frocks, and gowns flourished in the civil courts and swayed the civil scepter.

A writer in the *Boston Journal* made the following very appropriate comment on the affair: "What a misrepresentation of the meek and lowly Nazarene and of true Christianity was this exaltation and pomp sought by the cardinal on this occasion!"

While the President has gained the favor of the Catholics by participation in this event, the liberty-loving Americans, who are opposed to the idea of the church's meddling in politics, feel that most vital principles have been violated; that what its chief executive has gained in this matter has been gained at a fearful price which the nation will pay in sorrow not far in the future. The whole affair is regarded as most incongruous, un-American, and antichristian. It has served as an eye-opener and a warning-signal indicating which way the affairs in the nation are tending. We are living over again the days of Constantine. The church and state are passing through the courting transition, and are playing each into the other's hands. If the rulers of this nation employ the same tactics as Constantine did, and follow the course which he took with the Roman Church, the same result will follow here in our time that followed there in his. Is our country to be surrendered into the hands of an ecclesiastical trust with such a history and such a purpose as that of the Roman Church?

*South Lancaster, Mass.*

## Sectarian Garb in Government Schools

*Argument Presented by Hon. Robert G. Valentine, Commissioner of Indian Affairs, at a Hearing Before Secretary Fisher of the Department of the Interior, April 8, 1912, on the Question of Religious Garb in Indian Schools Conducted by the Government*

THE issue raised in connection with Indian Office Circular No. 601 is simple, clear-cut, and susceptible of exact statement.

The circular was directed to the superintendents in charge of Indian schools. These schools are a concrete expression of the policy adopted by the government in discharging its trust toward its wards, the Indians. The schools are owned by the United States, and under the law are subject solely to the management and control of the United States and its agencies. In short, they are public schools.

The persons affected are government employees engaged by the Indian Office for the purposes of these schools, subject entirely to the direction of the office. In a word, they are public officers who have taken the usual oath of office. These employees have been accustomed while on duty to wear the distinctive garb and insignia of religious societies or orders to which they belong. They have also caused or permitted to be displayed on the walls and elsewhere in government buildings other insignia, pictures, badges, and mottoes peculiar to these societies. The garb and insignia are striking and unmistakable in their connotation of a religious element in the schools.

Circular No. 601 reads as follows:—

“In accordance with that essential principle in our national life—the separation of church and state—as applied by me to the Indian Service, which as to ceremonies and exercises is now being enforced under the existing religious regulations, I find it necessary to issue this order supplementary to those regulations, to cover the use, at those exercises and at other times, of insignia and garb as used by various denominations. At exercises of any particular denomination there is, of course, no restriction in

this respect, but at the general assembly exercises and in the public-school rooms, or on the grounds when on duty, insignia or garb has no justification.

“In government schools all insignia of any denomination must be removed from all public rooms, and members of any denomination wearing distinctive garb should leave such garb off while engaged at lay duties as government employees. If any case exists where such an employee can not conscientiously do this, he will be given a reasonable time, not to extend, however, beyond the opening of the next school year after the date of this order, to make arrangements for employment elsewhere than in federal Indian schools.”

The question before me was: Should employees in government Indian schools be permitted to wear while on duty as public officers the garb, and to display in the schoolrooms the insignia, distinctive of any religious order or society?

### *The Essential Principle—Separation of Church and State*

The order was issued—as appears on its face—simply because it became clear to me that to permit a continuance of the practise against which it was directed would be irreconcilable with the American axiom, the complete separation of church and state. The conclusion seemed to me at the time quite inescapable; subsequent investigation and consideration have but confirmed that conviction.

This essential principle of American polity needs, of course, at this day neither defense nor proof of existence. It is accepted.

“The right of conscience; the right to the free exercise of one’s own religion, the right not to be compelled to adopt any religion, or to pay taxes for any church; the right not to be deprived of any privilege or any office on account of one’s religious sentiments,”—these



immunities from governmental interference are but different phases of "the very principle which brought about the settlement of our country; and although, at first, our Puritan ancestors endeavored to enforce their own religion or their own sectarian beliefs on others, that effort was soon given up, and the denial of any such attempt forms one of the corner-stones of the Declaration of Independence and the federal Constitution."—*Frederick J. Stimson on the American Constitution, pages 84, 85.*

Mr. Justice Story has said:—

"It was under a solemn consciousness of the danger from ecclesiastical ambition, the bigotry of spiritual pride, and the intolerance of sects, exemplified in our domestic as well as in foreign annals, that it was deemed advisable to exclude from the national government all power to act upon the subject. . . . It was impossible that there should not arise perpetual strife and perpetual jealousy on the subject of ecclesiastical ascendancy if the national government were left free to create a religious establishment."—*Commentaries on the Constitution, sec. 1879.*

Again Von Holst says:—

"The principle of the separation of church and state is as completely carried out in the United States as it can be in any nation based upon law.—*Constitutional Law, sec. 74.*

And the Supreme Court has said:—

"The First Amendment to the Constitution . . . was intended to allow every one under the jurisdiction of the United States to entertain such notions [respecting religion] as may be approved by his judgment and his conscience, and to exhibit his sentiments in such form of worship as he may think proper, not injurious to the equal rights of others, and to prohibit legislation for the support of any religious tenets or the modes of worship of any sect."—*Davis vs. Beason, 133 U. S., 342.*

And again:—

"Religious freedom is guaranteed everywhere throughout the United States

so far as Congressional interference is concerned."—*Reynolds vs. United States, 98 U. S., 145, 162.*

An admirable statement of the principle is that in Secretary of War Root's instructions to Governor Taft to be observed in the negotiations with the Vatican for the purchase of the friars' lands in the Philippines:—

"One of the controlling principles of our government is the complete separation of church and state, with the entire freedom of each from any control or interference by the other. This principle is imperative wherever American jurisdiction extends, and no modification or shading thereof can be a subject of discussion."

Thus we are dealing with no mere policy susceptible of compromise with the expediency of the moment; it is a principle embedded in our federal and State constitutions—a fundamental and inevitable premise in the consideration of any public problem to which it can be related.

#### *The Relation of the Principle to Public Education*

That the education of the youth is a real governmental function, and that the public schools are the instruments of the state for the exercise of the function, scarcely need the saying. So much is universally accepted. This, of course, is not to say that the function may not be assumed independently by private persons or organizations. It may be and is. But with that fact we are concerned not at all—not even with the doctrine that the state may if necessary impose on a private school certain standards. The all-sufficient fact here is that the particular schools in question are all purely public schools conducted by the government of the United States for a public purpose.

If the experiences of American life have shown anything,—the experiences particularly of the nineteenth century attending the growth of the common-school system,—they have shown that nowhere are the evils of any partnership between church and state more accentuated, no-

where must a more scrupulous regard be observed to maintain complete separation, than in the realm of the common school. Any conflict over this principle I assume to be now closed. The moral of it has been embodied in substantially every State constitution. The spirit of all State constitutions and the explicit

authorities, Prof. Paul H. Hanus, of Harvard University, says:—

“But if it were not impossible, for reasons already set forth, to give explicit and formal instructions in religion in the public schools, it ought not to be given for another reason. As has been already pointed out, there are few divisive influences in human society that cut deeper and entail greater rancor than differences in religious belief. The public school is, and should be, our greatest unifying influence. It is the function and it is the glory of our public school that it is the most successful instrument yet devised for preparing people of every sect and of no sect, people of every grade, and people of the most diverse nationalities, for progressive citizenship in our American democracy.”—*Beginnings of Industrial Education*, page 145.

*Religious Carb and Insignia  
in the Schools in Conflict  
With the Essential  
Principle*

The crux of the matter, then, lies in this: That to countenance the practises here in question would be inconsistent with the duty that an executive officer



DR. SUN YAT-SEN, PROVISIONAL PRESIDENT OF THE  
YOUNGEST REPUBLIC IN THE WORLD

expression of most of them is that schools supported wholly or in part by the public funds shall be free from sectarian control or influence. The common school is to be neutral ground.

Not only is this matter of law; it has the approval of modern educationists. The educationists but give a more closely reasoned expression of the policy underlying the law. One of the leading au-

thorities, Prof. Paul H. Hanus, of Harvard University, says:—

must, from what has been said, regard as his,—the duty to maintain the complete separation of church and state,—the duty, to be more specific, of preserving the public schools free from sectarian influence. The issuance of Circular No. 601 seemed to me therefore imperative.

That the introduction of these ecclesiastical robes and insignia into the school must exert a sectarian influence is a mat-

ter of plain psychology. The garb proclaims to the world that the wearer is set apart from it by vows of extraordinary devotion to a particular order in a particular church; that life, services, and fortune are dedicated to that cause. It is simply this signification that is objected to—not at all the wearer. How-

ever successful the latter may be in restraining the spoken word or deliberate act of persuasion, the unspoken declarations and intimations of the garb are so striking and pronounced, are so constantly and necessarily asserting their cause, that the mere presence of the dress in a school-room lends the school a denominational character. The teachers appear not in their capacities as public officers and teachers, but as ecclesiastical persons. The effect is inevitable: no child can be expected, as no adult should be asked, to keep in mind the distinction. The result is all the respect inspired by the teacher's office, all the tendency so natural among all children and intensified among Indians,— toward emulation of the teacher,— is drafted to serve the mission of the ecclesiastic. And only in slightly less degree must it so affect the whole Indian community.

I do not see how it can be seriously contended—if it is contended at all—that these practises are of no significance to a people among whom symbols have been peculiarly effective to convey meaning. That they are effective, no surer testimony could be had than is to be

found in the contention advanced against the order that the Indians, so far from objecting to the garb and insignia, really like it, and, in some instances, "will fight for it." If the Indians like it and "will fight for it," it means something to them. The only meaning, the only influence, it can have is religious, and because of its



YUAN SHI KAI, THE PRESENT PRESIDENT OF CHINA

distinctive nature it is denominational, sectarian. And so it will not do to say that since the regulations already issued forbid employees while on duty to promote the cause of any denomination or its tenets, it is to be presumed that no such influence is attempted. For, granting the strictest compliance with the explicit di-

rections of the present rules, the basic principle is still violated. The wearing of the garb itself in the school does promote the cause of whatever church it represents. This is the effect on the Indian. And to the casual visitor the school must appear as one conducted by a religious order; he would have no reason to think he was in an institution conducted by the United States. Since I am unable to see how this government can countenance such a use of its agencies, the order forbidding the garb and insignia in the schools was to my mind a necessary supplement to existing regulations.

Such, too, is the position taken by State legislation. In New York the State superintendent of public instruction issued in 1903 a ruling in which he declared that the wearing of an unusual dress or garb, worn exclusively by members of a religious denomination for the purpose of indicating membership in that denomination, by teachers in the public schools during school hours while teaching therein, constitutes a sectarian influence and the teaching of a denominational tenet or doctrine which ought not to be persisted in. The ruling required teachers to discontinue the wearing of such garb while on duty, and for failure to comply with this required their dismissal. The validity of this ruling having been questioned by members of the Order of the Sisterhood of St. Joseph, it

was upheld by a unanimous judgment of the court of appeals. In the opinion, after citing the constitutional provision prohibiting denominational influence in the public schools, the court said:—

“Here we have the plainest possible declaration of the public policy of the State as opposed to the prevalence of sectarian influences in the public schools. The regulation established by the State superintendent of public instruction through the agency of his order . . .

is in accord with the public policy thus evidenced by the fundamental law. There can be little doubt that the effect of the costume worn by these Sisters of St. Joseph at all times in the presence of their pupils would be to inspire respect if not sympathy for the religious denomination to which they so manifestly belong. To this extent the influence was sectarian, even if it did not amount



HON. ROBERT G. VALENTINE, COMMISSIONER  
OF INDIAN AFFAIRS

to the teaching of denominational doctrine.”—*O'Connor vs. Hendrick*, 184 N. Y., 421, 428.

And in Pennsylvania the act of June 27, 1895, declared:—

“That no teacher in any public school of this commonwealth shall wear in said school or whilst engaged in the performance of his or her duty as such teacher any dress, mark, emblem, or insignia indicating the fact that such teacher is a member of or adherent of any religious order, sect, or denomination.”

This act was passed to meet the decision of the supreme court of Pennsylvania in 1894, in the case of *Hysong vs. School District* (164 Pa., 629), which refused to restrain the employment of Sisters of Charity wearing their garb in the public schools, although it held these teachers even after school hours could not in the public-school building teach the catechism of their church. The statute was upheld in *Commonwealth vs. Herr* (229 Pa., 132).

In 1872 Judge Alphonso Taft in passing adversely upon the reading of the Bible and the singing of hymns in public schools, said these practises were "Protestant worship, and are used as a symbol of Protestant supremacy, and as such are offensive to Catholics and Jews."

An important distinction is to be kept in mind here. There must be no misconception of what is proposed. Too great emphasis can not be laid on this. The point of objection in the case of these teachers is not their religion, not their membership in a church or society, not that they hold ecclesiastical offices. None of these things — no question of personal disqualification — is thought of.

"There is no reason either in morals or in law why they or any other qualified persons should not be allowed thus to teach, whatever may be their religious convictions, provided they do not by their

acts promote any denominational doctrine or tenet."

The sole objection is to the garb, and to the fact that it promotes denominational tenets. Suggestions will perhaps be made that since under their vows these employees can not lay aside their garb,—if that is so,—and so can not serve in the schools if Circular No. 601 is sustained, they are in effect disqualified from employment by reason of their religion in violation of the Constitutional

provision that—

"No religious test shall ever be required as a qualification to any office or public trust under the United States." — *Art. 6, par. 3.*

But this can not for a moment be admitted. Of course, as already pointed out, nothing of the sort was intended. As the court said in the *Herr* case:—

"We can not assent to the proposition that the intent or the effect of the leg-

islation is to disqualify any person from employment as a teacher 'on account of his religious sentiments.' It is directed against acts, not beliefs, and only against acts of the teacher whilst engaged in the performance of his or her duties as such teacher. . . . Chief Justice Waite said: 'Laws are made for the government of actions, and while they can not interfere with mere religious belief and opinions, they may interfere with practises. . . . So here, as a law of the organization of society under the exclusive dominion of



HON. WALTER L. FISHER, SECRETARY OF THE INTERIOR

the United States, it is provided that plural marriages shall not be allowed. Can a man excuse his practise to the contrary because of religious beliefs?"—*229 Pa., 132.*

Personal liberty — in dress as in other matters — is of course to be recognized. But this does not mean it is absolute and to be utterly devoid of restraint. In a conflict, inevitable at times, with the public welfare, the public welfare is paramount. As the New York court said:—

"As to the reasonableness of the regulation prohibiting the use of a distinctive religious garb by teachers in the common schools, some other considerations may be mentioned. It must be conceded that some control over the habiliments of teachers is essential to the proper conduct of such schools. Thus, grotesque vagaries in costume could not be permitted without being destructive of good order and discipline. So, also, it would be manifestly proper to prohibit the wearing of badges calculated on particular occasions to constitute cause of offense to a considerable number of pupils, as, for example, the display of orange ribbons in a public school in a Roman Catholic community on the twelfth of July."

What has been said ought to be enough to close the discussion. Indeed, there does not seem to be any serious denial entered of the general principle. The only argument advanced against the issuance of the order seems to be that by reason of certain facts in the history of the relation between the government and certain schools, formerly mission schools, there has arisen a sort of equity, or prescriptive right, so that the government is now estopped to take the action proposed.

Legally, of course, such an argument is untenable. The government can not be bound by the actions of its officers to countenance that which is in violation of the fundamental governmental principles. But an examination of the history of these schools discloses nothing on

which could be based any obligation, moral or otherwise, on the part of the government to permit the practises against which Circular No. 601 was directed.

#### *The Development of the School System*

Previous to 1869 conditions on the Western frontier among the Indians were in a chaotic state. There had long been great turbulence and wide-spread guerilla warfare. Such education as had been attempted was largely in the hands of the various church missions. The inauguration of President Grant in 1869, however, marked a new epoch. He immediately initiated a policy, which in a short time became known as the "peace policy." The Secretary of the Interior in 1873 said that this policy had "for its main object and aim the restraint and elevation of the wild tribes of the frontier through firm but kind treatment."

In short, the President sought to put an end to an administration of affairs on Indian reservations so scandalous that it had attracted wide-spread public attention, and he endeavored to bring about a new order of things by securing honest Indian agents. In his attempt to obtain honest administrators, he adopted the plan of asking each religious denomination to assume the responsibility of nominating to him fit men for the reservations where they carried on their missionary enterprises. The President undoubtedly meant also to secure harmony between the mission authorities on the reservations and the representatives of the government; their differences in belief had caused great friction and personal misunderstanding, where there should have been only sincerest cooperation in one great purpose — service to a backward and needy people.

Although the President's policy immediately sought greater integrity in the management of material affairs, its deeper humanitarian purpose brought out the importance and the necessity of schools for Indian children, and at once the entirely separate responsibilities of

the government and of the mission authorities were recognized. The distinction is clear in the following statement of the Secretary of the Interior made in 1873:—

“It is the further aim of the [peace] policy to establish schools, and through the instrumentality of the Christian organizations acting in harmony with the government, as fast as possible to build churches and Sabbath-schools.”

What President Grant's opinions were about sectarian influences in schools is clearly apparent from recommendations for legislation which he made in his seventh annual message:—

“No sectarian tenets shall ever be taught in any school supported in whole or in part by the State, nation, or by the proceeds of any tax levied upon any community.”

By 1880 the expedient of securing nominees from religious organizations had been discarded as unsatisfactory, but the President's policy had developed a settled conviction that the Indian race was to be prepared for useful American citizenship through education of Indian children with government aid.

That when the responsibility was recognized Congress was not slow in making appropriations was affirmed in the report of the Commissioner of Indian Affairs for 1885:—

“The appropriations made by Congress [for education], which has seconded every effort for Indian advancement with commendable liberality, have steadily increased from year to year.”

In the same year appropriations for education exceeded one million dollars and have ever since remained in the millions. Meanwhile Congress had provided for a system of large non-reservation boarding-schools,—Carlisle, Salem, Chilocco, Genoa, Haskell,—and had created the position of Superintendent of Indian Schools, expressly enjoining on this official the duty of reporting a plan for the education of all Indian youth.

Since President Grant unequivocally declared against sectarian influence in

any public school, no responsible or authoritative public statement of a government official, as far as I can learn, has departed from this attitude. The only public statement that could be construed otherwise was made by the Superintendent of Indian Schools in 1885. But that it can not be taken as a real exception is seen from the report of the Commissioner of Indian Affairs for the same year, in which he said:—

“It will be the policy of this bureau, while under its present administration, to manage by and through its own appointees all schools which occupy buildings erected with funds furnished by the government. The government should manage its own schools, and different denominations should manage theirs, separately. In a word, in the management of schools the government should be divorced from sectarian influences or control. Any other course would end in heart-burning, confusion, and failure.”—*An. Rep.*, 1885, page 13.

Although such was the general policy of the government, it may sometimes have been obscured by the administrative peculiarities of the moment. But the purpose was always clear. Year after year the Secretary of the Interior and the Commissioner of Indian Affairs reiterated a public policy of having a system of government schools for Indian children in which sectarianism had no place.

(To be concluded)

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### “Civil” Sunday Laws

E. L. MAXWELL

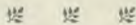
THAT all Sunday laws are religious rather than “purely civil” is seen in the fact that they make certain acts crimes when done on Sunday that are not considered crimes when done on other days. Take, for example, baseball. If the Sunday law forbidding baseball is “purely civil,” then it is uncivil to play baseball on any other day; but if the latter is not true, then baseball is un-

civil on Sunday solely because of some real or imaginary superiority of Sunday over all other days.

In brief, is baseball on Sunday a crime because of its inherent incivility, or simply because it is played on Sunday? Sunday-law advocates will evade this question when possible; but it demands an answer, and every one who has given the subject any special thought will say at once that baseball is wrong on Sunday because of some supposed sanctity attached to or inherent in the day. But this sanctity is wholly the result of the relation Sunday sustains to religion; hence it can only follow that the province of a Sunday law is to define, protect, conserve, and enforce the essentially religious superiority of the day.

To those who have no religious conviction of such superiority, its enforced recognition and observance can result only in idleness, discontent, and hypocrisy. It brings persecution to those who conscientiously observe another day, and it is a menace to the state and a curse to the church. May God deliver us from "civil" Sunday laws.

*Hammond, La.*



### ***What Strange Contradictions!***

I HAVE been much interested in the attitude of many Protestant leaders toward the various movements of the Catholic Church. Any sign whatever of an effort on the part of Catholics to secure legislation in favor of that church is enough to arouse Protestant leaders to a frenzy over what they regard as a step toward uniting church and state. More than once in the Federal Council committee meeting at Washington did a noted bishop raise the cry of alarm because the Catholics were trying to get a bill through Congress appropriating lands in the far West to their use. I can hear his positive and outspoken warnings yet, as he pleaded for steps to be taken to head off any effort that looked like bringing about a union of

church and state. He felt that all legislative bodies should be watched closely by Protestants in order to guard against the passing of laws tending to establish religion. In denominational and religious matters legislators should keep hands off.

Why is it so heinous for Catholic Christians to besiege Congress in behalf of church legislation, while it is regarded as commendable for Protestant Christians to crowd legislative halls for the same purpose? Why is it a dangerous step in regard to religious freedom for the Catholic people to seek favorable laws to sustain them in their belief, and yet a commendable step for Protestants to petition Congress to compel men to keep Sunday? Why is not the latter a step toward union of church and state as well as the former?

I know very well that the bishop referred to would be in the front ranks of those who urge Congress to pass Sunday laws, if such a measure were, at any time, pending before that body.

One other strange contradiction always impresses me. That the very ones among Protestants who can see no good in the Catholic Church, who protest strongly against everything belonging to Catholicism, should at the same time accept as a sabbath the very day the Catholics claim to have put in place of the Sabbath of Jehovah, and so help them in the enthronement of error, makes a contradiction hard to understand. Here are Protestant followers of the Christ—the Christ who kept the Sabbath of the fourth commandment—rejecting his holy day, and accepting in its stead the Catholic Sunday of Constantine, pagan in its origin, for which no word of Bible authority can be found!

No wonder that men whose practise is so squarely against the commandments of Jehovah, and who are put to their wit's end to harmonize Sunday-keeping with the Bible, should now desire to "revise the ten commandments"!—*Sabbath Recorder*.





# EDITORIAL

## Religious Garb in Government Schools

THE government of the United States, through an unfortunate incident, is face to face with a serious problem. In taking over certain Catholic Indian schools, the government took over with them the teachers theretofore employed in them without even the formality of a civil service examination to test the fitness of the teachers. Here was the first mistake. The second was in permitting these teachers, government employees, to continue to wear their religious dress and display religious insignia in the schoolrooms. The situation was, in effect, this: the government was now maintaining and supporting Catholic schools instead of the Catholic Church having to support them as heretofore. The same buildings were used, the same teachers employed, and the same religious garb and religious insignia were in evidence. To all appearances and for all practical purposes the schools were still religious schools, Roman Catholic schools, but supported by the government.

Commissioner of Indian Affairs Robert G. Valentine, recognizing the incongruity and the illegality of the situation, ordered that all teachers in the government employ should cease to wear religious garb or display religious insignia in their schoolrooms. This order has created a great stir among Catholics, and President Taft revoked the order until such time as a hearing could be given to all parties concerned.

We quote from the *Outlook* of March 30 the following very pertinent comments on the present situation:—

We see nothing on the face of Com-

missioner Valentine's order which is not wholly in harmony with the essential principle of complete separation of church and state in education; but if the President believes that the order is not in harmony with this long-established principle, we are very glad that he has called for a full hearing. We urge a full attendance at the hearing of all those who are interested in government education.

If it is impossible for the government of the United States to conduct Indian schools in which the principle of the separation of church and state is absolutely maintained,—not merely nominally but actually, not merely in letter but in spirit,—then we believe that the whole system of government Indian schools should be abandoned. For it will be better for the country, Catholic and Protestant, to abandon its Indian schools and to turn them over to denominational missions or to private philanthropy than to jeopardize in the least degree the principle of the separation of church and state, upon which rests, in the last analysis, the religious liberty of every denomination and of every individual.

The welfare of the Indian is important, but far more important is the right of every American citizen to form his own theological beliefs without the aid, the advice, the influence, or the compulsion of government.

Concerning the same matter the *United Presbyterian* of February 29 says:—

We join with the great body of the Protestant people of the country in protest against the unbecoming and un-American admission of denominational and sectarian influence in the government schools. It is a fixed and settled principle in our national administration that the church and state are separate. It is an unwarranted intrusion. It be-

longs to the persistently followed effort to give the Roman Catholic Church a direct recognition in our public-school system. It is a line of action that would not be allowed in any other connection. There is no infringement of personal rights in the prohibition now revoked, for such distinctive recognition of a church, or religious association, carries with it a personal influence which may become a potent religious proselytism.

The question has been passed upon in some of the States prohibiting distinctive religious garb in the school as inconsistent with our school system, and un-American.

We exceedingly regret the action of the President. There was no call for his interposition. There is no good that can come out of it. One can not avoid the thought that political influence entered into the case. If it is found desirable to rent such buildings, it should be remembered that renting buildings does not include the teachers and pupils.

The effect of this revocation is to continue the admission of teachers who are not required to submit to the civil service examination. A different and a lower grade of teachers is admitted to the exclusion of the public teachers. These schools, so allowed, cease to be under full government control while yet under the national support.

We trust such a general and influential protest may be made that Commissioner Valentine's order may be restored and the government placed on the true American, non-sectarian basis.

The *New York Weekly Witness*, in its issue of February 21, goes into the merits of the case in the following vigorous manner, heading its article, "Government Support for Catholic Schools":—

The schools involved in this dispute are schools which the Catholic Church for a time conducted as avowedly sectarian mission work—work designed to make Catholic converts. For similar enterprises no Protestant denomination would ever dream of trying to get public support. But Catholic priests still stick to it that public tax money ought to pay the expenses of their parochial schools, and in the Indian schools of the federal government they seem to be working for

a practical exhibit of their theory. So they have persuaded the Indian Bureau to take over one after another of their mission schools and finance them out of the national treasury. The schoolhouses are rented from the Catholic Church and the Catholic teachers are put on the public pay-roll without even the formality of a civil service examination, which other teachers in the same work are not allowed to escape.

Of course, when this transfer takes place, a pretense is made of secularizing the schools. But the same schoolrooms are used, the same distinctive symbols of papal ideas remain displayed on the walls, and the same monks and nuns continue to teach, wearing just as before the dress which invests them with religious authority in the eyes of the schoolchildren. In some cases instruction in Roman doctrine and ceremonial is even given in school hours.

From conditions of this sort the whole broad problem of upholding the religious impartiality of the American commonwealth rises into view. Protestants would deem it a disgraceful subterfuge to unload their missionary institutions in any such fashion on the shoulders of the government. Shall they forbear to protest when Roman priests are practising strategies so insidious for a purpose so un-American?

Indian Commissioner Valentine got at the heart of the complication when he ordered sectarian clothing out of school buildings. He knew that if the order was enforced the Romanists would not be anxious to foist any more of their schools on the government.

President Taft, vacating the order for the time being, calls the question "a matter of great delicacy," and says it should be further investigated. Well and good; let him investigate it. Perhaps he, too, now supposes it "only a fuss about clothes." When he gets to the bottom of the subject, he will surely see why Valentine thought differently. And we doubt not that by that time the President will think differently, too.

The hearing suggested by the President was held before the Secretary of the Interior, Hon. Walter L. Fisher, on April 8. There were present at this hearing

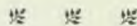
Hon. Robert G. Valentine, Commissioner of Indian Affairs; Rev. Chas. L. Thompson, president of the Home Mission Council; Rev. Wallace Radcliffe, pastor of the New York Avenue (D. C.) Presbyterian Church; Wm. H. Ketcham, superintendent of the Bureau of Catholic Missions; Dr. Laws; Edgar H. Gans, of Baltimore, attorney for the Bureau of Catholic Missions; Rev. S. H. Woodrow; Rev. E. B. Sanford, secretary of the Federal Council of the Churches of Christ in America; H. B. F. Macfarland, attorney for the Home Mission Council; Prof. W. W. Prescott, secretary of the Religious Liberty Association of Seventh-day Adventists; S. B. Horton, assistant secretary of the last-named organization; Hyland C. Kirk, president, and John D. Bradley, secretary, of the Washington Secular League; A. T. Jones; and Attorney Scoville.

The hearing was a most interesting one, and we are glad to be able to give in this issue a considerable portion of the logical and unanswerable argument presented by Commissioner Valentine in defense of the order which he issued and

which the President revoked. It is well worthy of careful study. The entire matter is now before the Secretary of the Interior, who will be expected to make a ruling as to whether the order of the Indian Commissioner shall be re-issued, shall be issued in amended form, or remain revoked.

We note that at this hearing the only persons who supported the revocation of the decree were Mr. Ketcham, the superintendent of the Bureau of Catholic Missions, and the Catholic attorney who spoke in the bureau's interests. Protestantism and Catholicism, on this issue, stood squarely opposed to each other. If on all issues where a union of church and state exists or is threatened, Protestantism would stand as definitely opposed to the proposition as it did in this case, it would be vastly better for Protestantism, better for the country, and more difficult for the hierarchy to carry out its un-American ideals and purposes. But for Protestantism to do so, it must face squarely about on the question of religious legislation, and especially Sunday legislation.

C. M. S.



## The State and the Sabbath

### *A Question Now Before the Ohio Constitutional Convention*

FOR some weeks there has been in session in Columbus, Ohio, a constitutional convention called to consider amendments to the State constitution, to be submitted to the electors for adoption or rejection. Among the many proposals presented to this convention is one with the unique title "The Sabbath Shall Be a Mere Civic Regulation." We quote this proposal in full:—

The General Assembly of the State of Ohio shall never recognize by law the moral, religious, or divine character of the first day of the week, commonly called Sunday, for worship or spiritual uplift; but the General Assembly shall

always be actuated and guided in all its legislative work concerning the first day of the week by the idea and principle that the same is a mere civic, municipal, and police regulation and institution; and the General Assembly shall never pass or enact any law prohibiting any person who conscientiously keeps and observes any other day of the week as his or her sabbath to do any common labor or to keep and observe in any way any other sabbath, or any part of the same, besides the one he or she conscientiously keeps and observes as the sabbath of his or her creed.

The language of this proposal is not altogether clear, and in fact is in some

places decidedly muddled, but its general intent may perhaps be determined by mentally reconstructing some of the sentences. The title involves a strange contradiction of terms. The Sabbath, which is a purely religious institution based upon the divine commandment, is to be regarded as "a mere civic regulation." How this anomaly is to be created is set forth in the terms of the proposal.

The first prohibition which is imposed upon the General Assembly involves the mistaken idea that "the first day of the week, commonly called Sunday," can be distinguished from other days of the week in legal enactments without recognizing the supposedly religious character of the day. On no other basis can an act which is deemed proper on the other days of the week be regarded as improper on Sunday, than on the ground that the conduct of men on Sunday should be different from what it is at any other time. But this demand for changed conduct grows out of reasons that are purely religious. It rests upon the mistaken belief that Sunday has been set apart by divine authority as a day of rest and worship, and there are many well-intentioned persons who feel that it is the duty of government to foster the observance of this day by passing such laws as would prevent citizens from treating this day the same as any other day.

If legislators would bear in mind the simple principle that civil government has been instituted to protect men in the enjoyment of their rights, but not to deprive them of any such rights, and that its sphere is limited to things civil, it would save much confusion of thought and action, relieve the statute-books of much unwise legislation, and materially advance the best interests of both religion and the state. Every citizen has the right to claim protection every day in the week in the exercise of his God-given privilege to worship or not to worship,

as he may choose, so long as in the exercise of this privilege he does not interfere with the equal rights of other citizens. Such laws as are adequate for the protection of religious assemblies on one day of the week are sufficient for a similar purpose on every day of the week. Any further enactments, applicable only to a specified day, are for the protection of a religious institution rather than for the protection of the citizen, and being thus of a religious character, are wholly outside the proper realm of civil government. To label such acts as merely municipal or police regulations does not change their real character. The figment of a civil sabbath, which is often introduced in the interest of Sunday legislation, will not survive a logical analysis, and is a mere excuse for religious legislation.

The second prohibition imposed upon the General Assembly in this proposal concedes to that body a jurisdiction in spiritual things which does not of right belong to it. It implies that the legislature has the authority to regulate Sabbath observance, that it is its duty to require the observance of some day in the week, but it grants to each citizen the right to choose which day he shall keep, demanding, however, the conscientious observance of the day chosen. But this whole conception of the relation of the lawmaking body to the Sabbath is altogether wrong. The guardianship of the Sabbath has not been committed to any civil power. The question of Sabbath observance is not a matter of legislative inquiry. The conscientious observance of a day of rest and worship is a matter which lies wholly between man and God, and does not come within the purview of civil government.

Even a superficial study of this provision will show that it involves an inquisitorial investigation which is utterly foreign to freedom in religion. Accord-

ing to the terms of this proposal, a citizen must satisfy the State authority that he "conscientiously keeps and observes" one day in the week as a sabbath, or he may be compelled to observe as a sabbath some other day selected by the State. Not only is such an act repugnant to the simplest idea of religious liberty, but it is also class legislation, inasmuch as it grants special privileges to a certain body of citizens, and makes their religious belief and practise a bar against prosecution under a general statute.

It should also be borne in mind that the right to make an exemption in favor of those who observe "any other day of the week" as a sabbath involves the right to withdraw such an exemption at will and to compel uniformity in the observance of the Sabbath. The only as-

urance of religious liberty is found in the denial of the right to legislate upon the subject of the Sabbath, or any other subject in which religion is involved.

To avoid legislation tending to restrict the religious freedom of its citizens, it would be a wise act on the part of the State of Ohio to adopt an amendment to its constitution which would prohibit any measure designed to protect and foster a religious institution, and which would confine the legislative enactments to civil matters. Such an amendment would be a credit to the State which adopted it, and would exercise an influence in favor of religious liberty in other States.

We hope the proposal that we have considered will not be adopted by the constitutional convention of the State of Ohio.

W. W. P.

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## Rome Attacks the Sanctity of the Home

### *The Religious Liberty of the Individual Involved in the Attack*

THE Roman Catholic hierarchy has revived and is attempting to put into force in all the world, an ancient decree known as the *Ne temere* decree, which strikes a most wicked blow at the sanctity of the home, the honor of parenthood, and the heritage of childhood. Already we begin to see the baleful results of the decree's operation in America, as the facts given in this article and the legal documents herewith reproduced will clearly demonstrate.

According to the *Ne temere* decree the marriage of two Catholics before a justice of the peace, or magistrate, or before a Protestant minister, is no marriage at all, and persons so married are held to be living in "foul concubinage," and all children born to them are illegitimate.

According to this decree, where two persons, a Catholic and a non-Catholic, are married before a magistrate or a Protestant minister, the marriage is null and void, the persons so married are liv-

ing in "foul concubinage," and their offspring are illegitimate.

Thus by this decree every mixed marriage performed outside the Catholic Church is null and void, and all the children of such unions are illegitimate.

This decree is recognized as being in full force only where it has been promulgated. The German government has sufficient respect for its own laws and for the good name of its people to refuse to permit the decree to be published in Germany. Catholic Hungary's protest against the decree has secured an exemption for Hungarians. Neither is it regarded as binding upon Croatians, Slavonians, nor the inhabitants of Transylvania and Fiume. But Great Britain and the United States do not enjoy such immunity. In these two dominantly Protestant nations the Roman Church tramples upon the marriage laws of the land, and defames the characters of both parents and children. Canada, more

Catholic perhaps than either the mother country or the United States, has risen up against the decree, her legislature has

show how the decree works in America. On August 4, 1909, a Roman Catholic Hungarian, Stephen Dagonya, of Perth


Amboy, N. J., was married to Mary Csoma, also a Hungarian, but a member of the Reformed Church. The marriage ceremony was performed by Rev. Louis Nanassy, the bride's pastor, who was at the time, and still is, pastor of the Magyar Reformed Church of Perth Amboy. This marriage was performed in accordance with the laws of New Jersey, and was duly recorded in the office of the city clerk of Perth Amboy. A copy of this official record, together with a certified copy of the record preserved in the office of the Magyar Reformed Church, is in the hands of the editor of this journal, and will be published if occasion should demand. There can be no question as to the legality of the marriage or the legitimacy of the offspring.

When a child was born to this couple, the father desired that it receive baptism at the hands of the Roman Catholic priest. This was done; but when he asked for a certificate of baptism, which, should he ever return to Hungary, would

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LAUDETUR JESUS CHRISTUS.

TESTIMONIUM BAPTISMI



LECTURIS SALUTEM IN DOMINO.

Esso Inscriptus Rector Ecclesiae Hungaricae Rom. Cath. sub titulo SANCTAE CRUCIS in Civitate PERTH AMBOY, N. J., in Diocesi TRENTONIENSI, Statibus Foederatis Americae Septemtrionalis, omnibus et singulis quorum interest, aut quomodo interesse poterit, Notum Testatumque Facio in Libro BAPTISATORUM huius Ecclesiae id quod sequitur inventi

Anno Domini 1910-e. die 6-a. mensis Novembris.....  
In Ecclesia S'tae Crucis Perth Amboyensis, Middlesex County, N J  
Diocesis Trentoniensis, iuxta ritum Ecclesiae Rom. Catholicae Baptisavi  
Annam Suramam (illegitimarum).....  
natae die 5-emensis Novembris A. D. 1910-e. in Perth Amboy N. J.  
ex Patre Stephano Dagonya Rom. Cath..... ex loco originis  
Kivarda (con. Szabolcs) habitantis.....  
et ex Matre Maria Goma Ref..... ex loco originis  
Szabolcs (con. Szabolcs) habitantis.....  
Patrini fuerunt Imericus Salatergi.....  
Anna Karskes.....  
NOTA parentes vivunt in concubinato.....  
(Subscriptum) Franciscus Gross

In quorum fidem has testimoniales litteras sigillo Ecclesiae munitas,  
manu propria subscribo:

Datum Perth Amboy, N. J., A. D. 1910-e die 5-emensis Anni

Franciscus Gross  
Rector Ecclesiae Hungaricae

THE DEFAMATORY CERTIFICATE

taken cognizance of it in an adverse manner, and the action of her legislature is now under review by the British government.

A few concrete cases will serve to

the father desired that it receive baptism at the hands of the Roman Catholic priest. This was done; but when he asked for a certificate of baptism, which, should he ever return to Hungary, would

be necessary to prove the legitimacy of the child, he was informed that his marriage was not a real marriage; that he and the mother of his child were merely living in concubinage, and that their child was illegitimate. He was informed, however, that if he would be remarried in the Catholic Church, and pay the priest fifteen dollars, the marriage would be a real marriage, the stigma of concubinage would be removed, and their child would be legitimized. Mr. Dagonya replied that he was married in accord with the laws of New Jersey, and was satisfied as to the legality of his marriage.

The certificate of baptism was then made out by the priest, sealed with the official seal of the church, and delivered to the father of the child. On the preceding page is a photographic reproduction of the certificate. It reads:—

LET JESUS CHRIST BE PRAISED  
CERTIFICATE OF BAPTISM

*To those who read, peace in the Lord*

I the undersigned rector of the Hungarian Roman Catholic Church of the Holy Cross, in the City of Perth Amboy, New Jersey, in the Diocese of Trenton, in the Federated States of North America, to each and all whom it concerns, or possibly in any way can concern, make known and attested in the books of the baptized of this church that which follows, to wit:—

On the sixth day of the month of November, in the Year of Our Lord 1910, in the Church of the Holy Cross of Perth Amboy, Middlesex County, New Jersey, Diocese of Trenton, according to the rite of the Roman Catholic Church, I baptized Anna Susanna (illegitimate), born on the fifth day of the month of November, A. D. 1910, in Perth Amboy, New Jersey, of the father Stephen Dagonya, Roman Catholic, whose place of birth was Kis-Varda (comitat Szabolcs), and whose place of living is —; and of the mother Mary Csoma, Reformed, whose place of birth was Patroha (comitat Szabolcs), and whose place of living is —. The sponsors were Emericus Szlatenji, Anna Kecskes. Remarks:

The parents are living in concubinage.  
[Signed] FRANCIS GROSS.

In proof of which I sign with my own hand these testimonial letters certified with the seal of the Church. Given at Perth Amboy, New Jersey, A. D. 1911, on the fifth day of the month of June.

FRANCIS GROSS,  
*Rector of the Hungarian Church.*

On the seventh of January, 1912, Stephen Dagonya took his second child to the same Roman Catholic priest for baptism. In the "extract from the matriculum of baptism," this child also is stigmatized as illegitimate, and the priest testifies that "the parents are living in concubinage." The document closes:—

I testify with my signature, and with the seal of my office that this extract of matriculum corresponds word for word with the items taken into the matriculum of the Hungarian Catholic Church of Perth Amboy.

Perth Amboy, New Jersey, January  
21, 1912.

FRANCIS GROSS, *Clergyman.*

Now Mr. Stephen Dagonya, married according to the law of the land in which he lives, is entitled to the protection of the law, as are also his wife and his children, and he who defames their character should be held accountable for that defamation. If it is a serious offense for one individual to declare either in public or in private that a certain man and woman are living in concubinage, and that their offspring are illegitimate, much more serious is it for an organization to make such declaration in an official document, and seal it with the seal of the organization. And this is not only a defamation of the character of the parents and their children; it is an insult to the government itself. The organization making such a declaration sets itself above the laws of the land, and tramples the character of the people in the dust.

Stephen Dagonya has a right to return to the place of his birth with documents to prove the legitimacy of his offspring,

and with no smirch upon the character of himself or his helpmeet. But what has he received at the hands of the church that was paid for baptizing him

his wife as a concubine, and his children as illegitimate.

But the matter does not end with Stephen Dagonya. We have before us



# KIVONAT

Engedjétek, hogy a kisgyermek hozám jöjjenek, mert hívenké az Istennek országa.  
Luk. 16: 18

a *perthembogyi magyar katolikus* egyház  
keresztelési anyakönyvéből.

Az 1912. ik év *januar* hó *7* ik napjáról.

Kötet *II* ..... 206. lap.

Senki nem vehet más fundamentumot azonkívül, amely szer vettett, amely a Jézus Krisztus.  
I. Kor. 1: 11.

Sorszám	Éve, hó- és napja		A szülött			A szülék neve, születés helye, vallása és lakhelye	A keresztszülék neve, lakhelye	A keresztelő lelkész neve	Jegyzet
	a születésnek	a megkeresztelésnek	neme fiú, leány	sárm. törvényes, törvényes teten	neve fiú   leány				
2	1912 januar 6 7		<i>leány</i>	<i>kövérnytelen</i>	<i>Anna - Zuzsanna</i>	<i>Dagonya Hóvái Kisvöröde (Szabolcs) Goma Magia Kisvöröde (Szabolcs)</i>	<i>Szabolcsi Zsuzsanna Majer Zuzsanna</i>	<i>Groszferona</i>	<i>A szülék anyakönyvében</i>

Hogy ez az anyakönyvi kivonat a *perthembogyi magyar katolikus* egyház anyakönyvében foglalt adatokkal szóról-szóra megegyezik, azt nevem aláírásával s hivatali pecsétemmel igazolom.

*Perth-Amboy N.Y.* 1912. év *januar* hó *21* nap.

*Groszferona*  
lelkész.

DEFAMATORY CERTIFICATE CONCERNING THE SECOND CHILD

and his children, and which, if he remains a Catholic, will be paid for praying him out of purgatory at so much a prayer? This is what he has received: he has been stigmatized as an adulterer,

the record of two similar cases. One is that of Francis Novotny, wife, and child; and the other that of John Homa, wife, and child. In the case of Francis Novotny, whose child was baptized at



Perth Amboy, N. J., on Oct. 23, 1910, the record states that his son is illegitimate. In the column of this document which contains space for the "name, place of birth, religion, and residence of the parents," the word "parents" is crossed out, and the word "mother" is substituted, and only the maiden name of the mother is given. The name of the husband, the father of the child, does not appear in the document except in this sentence, which is written under the heading "Remarks": "The mother is living in concubinage with Francis Novotny."

John Homa (Catholic) and Julia Baranyai (Reformed), who were married by Rev. Geza Korocz, a Hungarian Reformed pastor of Trenton, N. J., took their son Stephen to the Roman Catholic priest Charles Radoczy, of Trenton, for baptism. In the certificate signed by this Roman Catholic curate, on Feb. 4, 1912, that child is stigmatized as illegitimate, and the following note is appended: "The parents were married before a Calvinistic preacher, which is no marriage according to the latest decree of our pontiff Pius X, and therefore the boy is illegitimate."

This document is in perfect accord with the other two. The marriage is declared no marriage, the parents therefore living in concubinage, and the child illegitimate. And this coming from a different priest and a different city, indicates that the practise is general. It indicates that where Rome can, through the baptism of an infant, stigmatize a Protestant or civil marriage ceremony as null and void, and such union concubinage, and the children of such union illegitimate, she does not hesitate to do so, and to stamp such stigma with the official seal of her organization. Have persons

thus defamed no guaranty of protection for themselves or their offspring? Defamation of character is a serious offense; and this is such defamation. Moreover, it is official and is public. Defamation of character is a punishable offense, and ought so to be, and the injured parties have the right to recover damages. If every person thus injured in the United States would invoke the protection which the law affords, this mode of pastime would become too expensive for even the Roman Catholic Church to indulge in.

The injured parties would doubtless seek redress in the courts were it not for the fear that the aggrieved priest would refuse them absolution or extreme unction, and the offended church would refuse to pray them out of purgatory. And with that fear as a shield, Rome rides roughshod over the rights of the people, and defies the law of the country.

What is it done for?—Evidently to hold onto her membership whether that membership wishes to be held onto or not; to hold onto the marriage fees of the people under threat of stigmatizing their marriage as concubinage and their offspring as illegitimate. When will the government take action to protect those of its citizens who dare not protect themselves, and, following the lead of Germany, outlaw the obnoxious decree? No church in America has a right to control the church affiliations of the people through fear of a defamation of character which they dare not resent. And the church which does that stamps itself as unworthy of the name Christian.

We are informed that Stephen Dagonya, though a poor man, proposes to ascertain what protection the laws of his adopted country afford him.

C. M. S.

## “The Father of the Constitution”

IN this time of agitation and discussion concerning the Constitution, civic righteousness, and the rights of the people, it is well that we consider some of the circumstances and incidents attending the framing of that great document which has been justly styled “The Good Ship Constitution” and “The New Roof.” The American people should call to mind the patriotic deeds of our forefathers, lest they forget their birthright and lose all on the altar of indifference. This thought is well expressed in the declaration of rights of the State of Arizona, recently admitted to the Union. We quote Sections 1 and 2 of that declaration:—

A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

All political power is inherent to the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

As George Washington was justly called the “father of his country,” so the historian, reviewing the life-work of the statesman James Madison, has properly termed him “the father of the Constitution.”

Mr. Madison’s first entrance into public life was as a delegate to the Virginia Constitutional Convention of 1776, before he had reached the age of twenty-five years. In this convention he was made a member of the committee appointed to form the bill of rights. To this committee was submitted an article providing that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, etc. It is not stated that Madison opposed this proposal in committee, but when the committee’s report was offered to the convention, Madison moved

an amendment in which he pointed out the distinction between the recognition of an absolute right and the toleration of its exercise. His amendment was, “All men are equally entitled to the full and free exercise of religion according to the dictates of conscience,” etc. These principles of religious liberty, fathered by Madison, stand this day in the bill of rights of Virginia.

Chosen as a member of the first Assembly following the adoption of the Constitution, Madison forged his way to the front as a statesman, becoming a member of Congress and of the National Constitutional Convention of 1787, a convention for which he more than any other single individual was responsible. But before the meeting of the convention, which gave to the world a state paper pronounced by Gladstone to be “the most wonderful work ever struck off at a given time by the brain and purpose of man,” Madison reentered the legislature of Virginia at the time of the proposal to tax the people for the support of teachers of the Christian religion. Quick to see the possibility of religious intolerance in such a law, Madison threw himself into the arena of discussion, successfully opposing this measure through his famous “Memorial and Remonstrance.” This celebrated and comprehensive state paper contains many valuable statements relating to the principles of religious liberty, which ought to be familiar to every inhabitant of the country. Among these are the following:—

Religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence. [This is the language of Article 6 of the Virginia Constitution.]

The religion, then, of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate.

The preservation of a free government requires, not merely that the metes and bounds which separate each department of power be invariably maintained, but more especially that neither of them be suffered to overlap the great barrier which defends the rights of the people.

It is proper to take alarm at the first experiment upon our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of the noblest characteristics of the late Revolution.

Experience witnesseth that ecclesiastical establishments instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits?—More or less, in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution.

If religion be not within the cognizance of civil government, how can its legal establishment be necessary to civil government? What influence, in fact, have ecclesiastical establishments had on civil society? In some instances they have been seen to erect a spiritual tyranny on the ruins of civil authority; in no instance have they been seen the guardians of the liberties of the people.

Rulers who wished to subvert the public liberty may have found in established clergy convenient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any sect, nor suffering any sect to invade those of another.

Torrents of blood have been spilt in the Old World in consequence of vain attempts of the secular arm to extinguish religious discord by proscribing all differences in religious opinion.

Either, then, we must say that the law of the legislature is the only measure of their [the people's] authority, and that in the plenitude of that authority they may sweep away all our fundamental rights, or that they are bound to leave this particular right [religious] untouched and sacred.

This memorial belongs by the side of Jefferson's "act for establishing religious freedom," and both are invaluable documents which should occupy the attention of the American people at this time.

Not only was James Madison the father of the Constitution in the main, but he was also largely responsible for the first amendments to the Constitution, nine of which have been recognized as the National Bill of Rights. A brief reference to these principles will not be out of place. After the Constitution had been adopted by the convention, it remained for the States to confirm the same. It was necessary to have nine States indorse that instrument before it could be recognized as the law of the land. Eight States had approved the instrument, and its fate hung upon the decision of Virginia.

The Baptists of Virginia feared that the Constitution did not sufficiently guarantee religious liberty and equality, and they were not fully satisfied with it. They consulted with Madison about the propriety of submitting amendments which would guarantee religious freedom. He advised them to address General Washington, the new President of the nation, who had also been president of the convention which adopted the Constitution. Accordingly, the Baptists wrote Washington, receiving from him this memorable reply:—

If I could have entertained the slightest apprehension that the Constitution framed by the convention where I had the honor to preside might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution. For, you doubtless remember, I have

often expressed my sentiments that any man, conducting himself as a good citizen and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience. While I recollect with satisfaction that the religious society of which you are members have been, throughout America, uniformly and almost unanimously the firm friends to civil liberty, and the persevering promoters of our glorious revolution, I can not hesitate to believe that they will be the faithful supporters of a free yet efficient general government. Under this pleasing expectation, I rejoice to assure them that they may rely upon my best wishes and endeavors to advance their prosperity.

I am, gentlemen, your most obedient servant,  
 GEORGE WASHINGTON.

This was in August, 1789. One month afterward James Madison, with the evident approval of Washington, submitted several amendments to the Constitution before the House of Representatives, among which was Article 1:—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.

This was adopted Sept. 23, 1789, and submitted to the several States for ratification.

Commenting on the reason for the First Amendment, the following statement by the Ralston (Pa.) *Herald* of April 28, 1910, is quite apropos:—

We wonder how many of our readers have read the history of New England's colonial times,—of the persecutions, the whipping of the Baptists and Quakers, and the banishing of Roger Williams, by the Puritans. The Puritans were not worse than other people; in fact, they were honest, hard-working people. You ask, Then how could they persecute inoffensive people?—Simply because they were following wrong principles in government. They failed to make any separation between the church and the state. They thought that the stability of the state depended on the people's observing

certain religious forms; and as the Baptists and Quakers would not conform to the religio-political order of government, they were punished, or rather persecuted. It was to prevent a repetition of such persecutions that the First Amendment to the Constitution was added. Did our forefathers make a mistake in separating the church and the state? If not, let us keep them separate. Liberty—both religious and civil—is safe only so long as the people understand the principles on which it is based. S. B. H.

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CARDINAL FALCONIO, in a despatch from Rome to the New York *American*, dated March 12, is quoted as saying, "The record of the Catholic Church in America and also the Vatican's attitude toward American policies do not authorize the assumption that the church has ever entered the field of American politics." And yet the *Western Watchman* (Catholic) of April 11, in deprecating the fact that the Poles of Milwaukee had been voting the Socialist ticket, says:—

We are sorry for the Poles. It is a shame that their clergy have them not under better control.

If the Roman Church is not in politics, how does it happen that the clergy control the votes of their lay members—and are expected to? This is a very positive denial of Cardinal Falconio's assertion, and a very frank admission that the church is in politics, and uses its authority over its members to control political situations.

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THE state which permits any church to annul marriages is inviting its own downfall. And the church which insists upon the right to annul marriages performed in harmony with the laws of the state and by those duly authorized by the state to perform them, is virtually asserting its right to control the state and revoke its acts.

## A Nation-Wide Campaign for One Day in Seven

WHAT was long ago predicted by the publishers of this journal has now come to pass. Several years ago we took the position that a coalition would take place between the Federal Council of Churches, the Sunday Rest Day Associations, and the labor organizations, for the purpose of compelling all the people of the country to observe a sabbath. That is what has taken place. On Nov. 24, 1911, the department of the Federal Council of Churches known as the Commission on the Church and Social Service issued the following bulletin:—

The Federal Council of Churches of Christ in America sent Secretary Macfarland as a fraternal delegate to the recent convention of the American Federation of Labor at Atlanta, and after his address the labor convention passed the following vote:—

“Resolution No. 50, by Delegate John B. Lennon, Journeymen Tailors’ Union of America.

“Whereas, The Federal Council Commission on the Church and Social Service are undertaking a nation-wide campaign to secure for all industrial workers one day’s rest in seven, and,—

“Whereas, The American Federation of labor is unqualifiedly on record for the same for many years, and have been efficiently working to that end, therefore be it—

“Resolved, That we heartily appreciate the cooperation of the Commission on the Church and Social Service to the end of securing the one day’s rest in seven, and pledge to the commission and to all others who may assist in this work, our hearty and earnest assistance.

“Referred to the committee on resolutions.”

Dr. Macfarland met in conference the presidents of those national unions affected by Sunday labor, and arranged for their cooperation in the proposed campaign.

Now the Federal Council of Churches spreads abroad the information that—

the nation-wide campaign to obtain one day in seven for industrial workers has been inaugurated by the Commission on the Church and Social Service of the Federal Council of Churches of Christ in America. It has received the unanimous indorsement of the executive committee of the Federal Council.

The bills for the various legislatures are being prepared by a committee of the American Association for Labor Legislation. . . .

Working in association with Secretary Charles S. Macfarland, of the Federal Council, the committee has decided to introduce bills immediately in the legislatures of New York and New Jersey. In New York the committee is headed by Canon William Sheafe Chase. In New Jersey it will be in charge of the State Federation of Churches. It is proposed to unite in cooperation the State Federation of Churches, the labor organizations, Rest Day Associations, and all other appropriate bodies.

The text of the bill, as proposed for New York State, is as follows:—

SECTION 1.—Chapter 36 of the laws of 1909, entitled “An Act Relating to Labor, constituting chapter 31 of the consolidated laws,” is hereby amended by adding thereto, after section 8, two new sections, to be sections 8a and 8b, respectively, and to read as follows:—

Where Sunday labor required, equivalent rest day necessary. No person, partnership, firm, corporation, municipality, nor any of their agents, directors, or officers, may require or permit any employee to work on Sunday in his or its employ, except at farm labor or household service, unless within the next succeeding six days during a period of twenty-four consecutive hours he or it shall neither require nor permit such employee to work in his or its employ. Nothing in this section 8a shall be construed as authorizing any work or employment of labor on Sunday not now authorized by law.

Inspectors for enforcement of preceding section. The commissioner of labor may appoint from time to time not more than ten inspectors, at a salary not

to exceed fifteen hundred dollars, for the purpose of enforcing the provisions of the foregoing section of this act.

SECTION 2.—This act shall take effect Oct. 1, 1912.

The reader will bear in mind that this is not a local affair. It is to be a nation-wide campaign. It is inaugurated by a "commission" appointed by the Federal Council of Churches of Christ in America, and so has behind it all the power and authority and influence of that great religious body. To insure the success of the undertaking, that organization has joined forces with the American Federation of Labor. It is intended to employ all the power and influence of these organizations in every State in the Union in the interest of an enforced rest day.

This is not merely an effort to insure to oppressed labor one day of rest after six days of toil, as the California law provides; but it proposes to strengthen every Sunday law now in existence in the country by this further provision.

Let it be borne in mind also that the movement for an enforced rest day did not originate with those who needed to take the rest, but rather with those who had an object in wishing the workers to take the rest. In fact, at one of the very first hearings held by a committee of Congress upon a Sunday-rest bill a representative of the labor unions was present and made an eloquent speech against the bill. During the twenty years and more since that time the advocates of a compulsory rest day have been laboring with the labor leaders to induce them to change their position in this matter. It is not to be wondered at if they succeed, in view of the fact that the membership of the American Federation of Labor is dominantly Roman Catholic, and the Roman Catholic Church has repeatedly spoken, urging Catholics to join in the effort to secure a compulsory day of rest. If the move-

ment succeeds, it will be because Protestantism (so-called, and only so in the calling) has clasped hands with Romanism and joined force with force to bring it about.

It is not strange that Catholicism should be willing to have the Sunday institution enforced upon the people. It is in harmony with her course through many centuries in making religion and religious practises matters of compulsion. In fact, the first law for the enforcement of the Sunday institution was enacted by a ruler who is claimed as a member of the Catholic Church. As a matter of fact, the only authority for the Sunday institution anywhere in existence is the authority of the Roman Catholic Church. What more natural than that she should be willing that professed Protestants should assist her in making the Sunday institution binding upon all people? This explains the change of attitude on the part of the labor unions; but it does not explain why Protestant churches are assisting the Roman Church to fasten a Roman institution upon all the people, whether they wish it, or whether they are opposed to it.

The publishers of this journal have for years proclaimed it as their belief that the time would come, and that, too, in this generation, when a recognition of the Sunday institution would be made compulsory in this country under penalty of law. This nation-wide campaign, in which are joined the forces of the labor unions, the Roman Church, and professed Protestantism, is, beyond question, the beginning of the systematic movement necessary to accomplish that end. And these are the powers which will seek to enforce the institution upon unwilling individuals by the persuasive influence of law, persecution, and the boycott. There is more in this movement than its friends will admit or are able to comprehend.

### Friendly Advice

THE editor of the *New World* (Catholic), in his issue of Dec. 16, 1911, gives the following friendly advice to the magazine LIBERTY:—

LIBERTY, "a magazine of religious freedom," is shaking in its shoes, says the *Catholic Sun*, because, as it alleges, the Pope has given the order to make America Catholic. Just to put LIBERTY on guard, we beg to state that the first step in the making will be the election of one of the American cardinals to the Papacy, the removal of St. Peter's to Washington. Cardinal Gibbons is to be made president, and every non-Catholic will be driven out of the army and navy. Better get a steel suit, Brother LIBERTY, or we'll get you, sure.

The above, which is intended to be humorous, spoils itself for a joke by running so close to Rome's real purpose, and by indicating so vividly the result of her success. An American cardinal may never be Pope, but that is not necessary; an Italian Pope, through the machinations of the hierarchy and the truckling of American politicians, can accomplish just as much. An American cardinal may never be president, but that is not essential; an American layman with an aspiration for the presidency might through fear of a loss of Catholic votes, promise more favors to the Catholic Church than an American cardinal would have the face to ask. It is doubtful if St. Peter's will ever be transported to Washington, but that is not in any way essential. The pastor of St. Peter's, when America is made Catholic, can rule America from Rome with as much ease as from Washington. Non-Catholics may not be driven out of the army and navy; but with a majority of the army chaplains Catholics, with a Catholic at the head of the West Point Military Academy, and with independent Catholic military companies organized in all parts of the country, the condition would

not be a subject for jesting. We have not placed any order for a steel suit; but we can readily imagine that conditions would easily develop under such a régime which would make it very much safer for all who were truly Protestants to wear such suits. This hint from the *New World* carries the mind back at once to the days when it was not uncommon for men to wear steel suits, and those days were the days of Roman Catholic supremacy.

\* \* \*

AMERICANS are soon to have put squarely before them the question: Shall funds raised by taxation of the general public be used for the support of religious schools? If the people answer the question in the affirmative, are they ready to answer the next question which will naturally and logically follow: Shall funds raised by general taxation be used for the support of religious teachers? If this question also is answered in the affirmative, the road is open for the support of the church out of the public treasury. This is the cockatrice in the egg which a powerful organization has determined shall be hatched in this country. It is well for Americans to consider the question now, that they may act intelligently when the question is definitely before them for decision.

\* \* \*

SEPARATION of church and state is both essentially republican and Christian. The Author of Christianity distinctly announced for the ages this principle when he said: "Render therefore unto Cæsar the things which are Cæsar's; and unto God the things that are God's."—*James M. King.*

\* \* \*

"WHAT is persecution? If, by law, to take the life is persecution, is it not more so to force the conscience?"

# LIBERTY

*A Magazine of Religious Freedom.*

*Set for the Defense of the Rights of Conscience, and therefore opposed to a Union of Church and State in name or in fact*

Washington, D. C., Second Quarter, 1912

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Entered as second-class matter, May 1, 1906, at the post-office at Washington, D. C., under the Act of Congress of March 3, 1879.

MR. J. F. OLMSTED, religious liberty secretary of Ohio, writes: "They are killing one Sunday measure after another in the Constitutional Convention, until it looks as if the delegates do not feel inclined to meddle with this subject."

\*\*\*

THIS journal stands for the fundamental principles of the American government and for the fundamentals of the Christian religion. Its mission is to advocate those principles and to sound a warning wherever and whenever actions are taken which contravene those principles. We believe no one can read even a fair portion of this issue without agreeing with us that mighty movements are on foot in this country whose aims run counter to the principles of the gospel and counter to the basic principles of the American government. Every lover of

individual liberty and of freedom of worship in this country ought to stand with us in this campaign. You who are with us can demonstrate that fact and help to enlighten neighbors and friends in reference to these matters by subscribing for a number of copies of LIBERTY. Do you know that for only \$1.50 you can have ten copies of LIBERTY coming to your address for one year, which you can use in this all-important work; or you can have ten copies for a year sent to as many different addresses? Many of your neighbors would pay for the journal themselves if brought to their attention. You speak the word, secure the subscription, and then let LIBERTY talk to your neighbor for a whole year. Many persons are making good wages by acting as sales agents for this magazine. You are interested in these matters and so are many of your friends and neighbors. Give them an opportunity to range themselves upon the right side of these questions. A little personal effort only is required, but the result no man can measure. Let every subscriber determine that he will do what he can. If all will do this, the magazine LIBERTY will be carrying its message into a million American homes before the beginning of another year.

\*\*\*

MR. K. C. RUSSELL, associate editor of this magazine, on his return from a religious liberty institute at Los Angeles, Cal., stopped at Columbus, Ohio, to attend a hearing before a committee of the Ohio State Constitutional Convention on the question of enforced Sunday observance. Just before the hour set for the hearing the chairman of the committee announced that, owing to the State-wide opposition to the proposal, there would be no hearing. Protests and memorials against any such measure had been sent in to the committee from all parts of the State.



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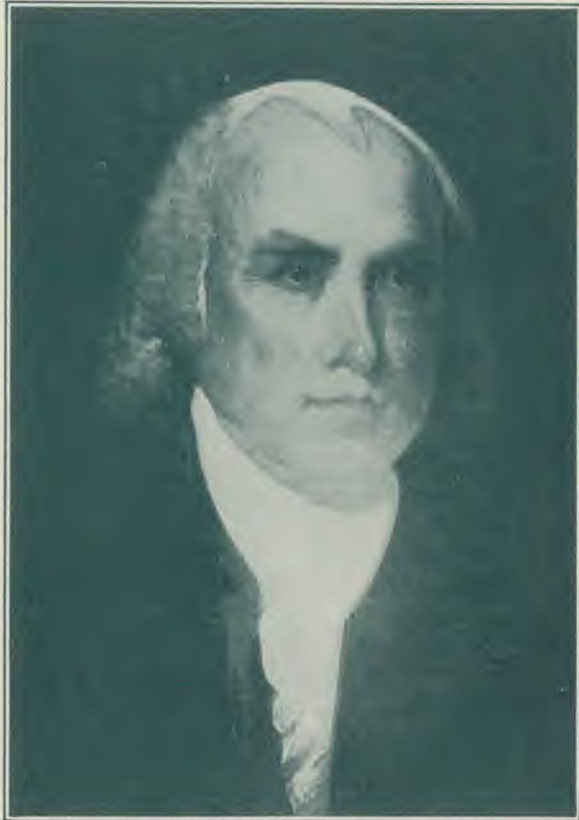
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It is proper to take alarm at the first experiment upon our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of the noblest characteristics of the late Revolution. The freemen of America did not wait till usurped power strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish, with the same ease, any particular sect of Christians, in exclusion of all other sects? . . . While we assert for ourselves a freedom to embrace, to profess, and to observe the religion which we believe to be of divine origin, we can not deny an equal freedom to them whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man. To God, therefore, not to man, must an account of it be rendered. *James Madison, in "Writings of James Madison," Vol. 1, page 162.*