

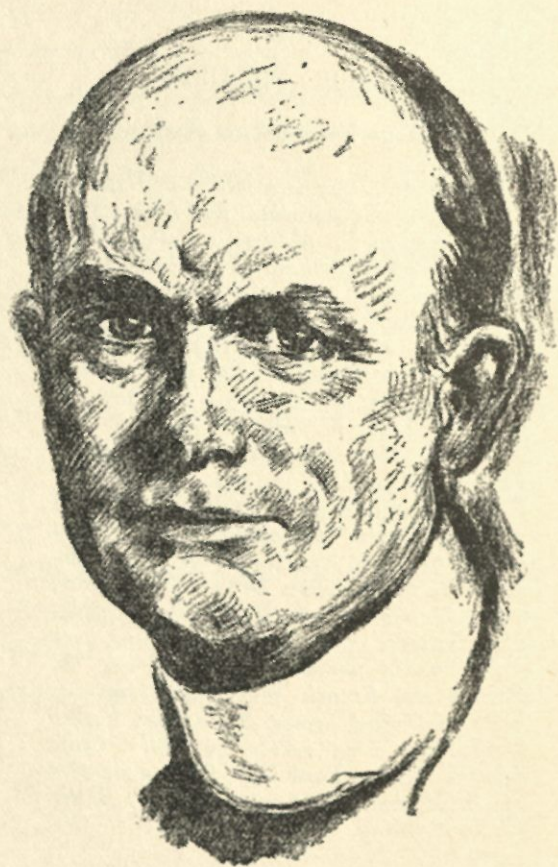
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RELIGIOUS FREEDOM IN AMERICA

BY FRANCIS P. DUFFY

THERE is no room for religious intolerance in America. The very nature of our institutions forbids it. The diverse character of our population should cause its perpetual banishment from our midst. Bigotry should find no place in a land founded on the principle of equal rights for all and special privileges to none. It should find no opportunity to make its presence felt in a government that guarantees civil liberty and religious freedom to all who come within its jurisdiction. Every religious group is entitled to the same consideration, the same civil and political equality so long as its tenets and practices do not conflict with the standards of morality as prescribed by the law of the land.

Unfortunately traces still remain of the old order when fanaticism and bigotry prevailed. In our American life we have established toleration of all religious groups, permitting them all to worship

God according to their several lights. This is an established fact. But even to-day we discern outcroppings of the old fanaticism, manifestations of an ancient order. While there is no restrictive legislation, Catholics are discriminated against in the matter of franchise and election to civil service. Catholics, no less than the Jews, in certain parts of the United States, are still being made the target of abuse and calumny. Vile accusations are levelled against them. The Catholics are accused, as formerly, of conspiring for political power and other acts inimical to the State. But such accusations fall to the ground when the truth is known.

Catholics were among the signers of both the Declaration of Independence and the Federal Constitution. During the formative period of the American government (the administrations of Washington and Adams), the Irish Catholics took an important part against over-centralisation of governmental power. But they never organised as a political party or anything of the sort. Such pronouncements as they made corporatively concerning American liberty and its institutions were authoritative only when included in what are known as the Pastoral Letters of the American Hierarchy. These letters were a reply to the vile and bigoted attacks upon the church, and those of 1837 a condemnation of the outrage committed in the burning of an

Ursuline convent in Charlestown. What we read in these letters reflects in a measure the attitude of the Catholic Church and its followers in our country to-day. A few excerpts from these letters should prove illuminating.

In the Pastoral Letter of 1837, issued by the Third Provincial Council of Baltimore, runs the following statement: "We (Catholics) owe no religious allegiance to any State in this Union, nor to its general government. No one of them claims any supremacy or dominion over us in our spiritual or ecclesiastical concerns; nor does it claim any such right or power over any of our fellow-citizens, of whatsoever religion they may be; and if such a claim was made, neither would our fellow-citizens nor would we submit thereto."

No less eloquent in expression but more direct in statement is the Catholic pronouncement for religious liberty as found in the Pastoral letter of 1884, issued by the Third Plenary Council of Baltimore. A portion of it reads as follows: "We think we can claim to be acquainted with the laws, institutions and spirit of the Catholic Church, and with the laws, institutions and spirit of our country; and we emphatically declare that there is no antagonism between them. A Catholic finds himself at home in the United States; for the influence of his Church has constantly been exercised in behalf of individual

rights and popular liberties. . . . We believe that our country's heroes were the instruments of the God of Nations in establishing this home of freedom; to both the Almighty and to His instruments in the work we look with grateful reverence; and to maintain the inheritance of freedom which they have left us, should it ever—which God forbid—be imperilled, our Catholic citizens will be found to stand forward, as one man, ready to pledge anew their lives, their fortunes, and their sacred honour."

The fight for religious liberty in America is of long duration and began with the dawn of the colonial period in our nation's history. The early settlers knew what it meant to be denied the right of freely worshipping God in their own way; for most of them had come to this land in order to escape religious persecution abroad. But many of them believed in freedom of worship only in so far as it pertained to themselves. Once established in the enjoyment of this freedom, they denied it to others who happened to differ with them in their mode of worship.

From the pages of colonial history there emerges the picturesque figure of Thomas Dongan, Irish Catholic and soldier of fortune, who stood forth as one of the greatest champions of civic and religious liberty ever sent over by England to govern our colonial possessions. After his appointment to the governorship of the province of New York in 1682,

he convened the first representative assembly at Fort James within the present city limits on Oct. 14, 1683. Under the wise supervision of Dongan, this assembly passed an act called "A Charter of Liberties," in which, among other provisions, the right of religious liberty was solemnly proclaimed. Dongan's principles of government passed into the framework of our Constitution and greatly influenced the Magna Charta of our Constitutional liberties.

Students of history will recall the noble service in behalf of religious liberty rendered by such champions as Roger Williams and James Oglethorpe. But they will also recall that a Catholic nobleman was the first to proclaim the principle of religious freedom in America and to carry it into practice through the Toleration Act which was passed in Baltimore in 1649.

According to George Petrie's "Church and State in Early Maryland," we note the following instructions, to begin with, given out by Lord Baltimore to the first settlers: "His Lordshippe requires his said governor and Commissioners that in the voyage to Maryland they be very carefull to preserve unity and peace amongst all the passengers on Shippboard, and that they suffer no scandall nor offense to be given to any of the Protestants, whereby any just complaint may hereafter be made, by them in Virginia or in England, and that, for that end, they cause all

acts of Romane Catholique Religion to be silent upon all occasions of discourse concerning matters of Religion."

In Lord Baltimore's instructions to the governors of the colony from 1636 to 1649 there is included an oath which had to be administered or taken by each one of them. According to this oath, a governor had to swear that he would refrain from troubling, molesting or discountenancing any person professing the Christian faith; and "that he would make no difference of person, in conferring offices, favours, or rewards, for or in respect of religion, but merely as they should be found faithful and well-deserving, and endued (endowed) with moral virtues and abilities." It also provided that "he (the governor) would protect the person molested and punish the offender."

To understand how the Toleration Act of 1649 came into being, it must be borne in mind that, after 1643, non-conformists, driven out of Virginia because of their refusal to accept the Established Church, had settled in Maryland in large numbers. The Act itself was passed by an assembly the majority of whom were Catholics. It is believed that this Act, which rather curiously specifies belief in the Trinity, was not all that Lord Baltimore himself desired. It should also be noted that the death of Leonard Calvert, Lord Baltimore's brother, who had guided most of

the affairs of the colony, deprived it of valuable personal leadership after 1647. Moreover, the Act makes no reference to the Jewish people, although all historians are agreed that Lord Baltimore's toleration of them was manifest on many occasions.

If Lord Baltimore failed to mention the Jews in the Toleration Act, one can readily guess the reason why. At that early period the Jewish people were so few and far between among the settlers that they were simply ignored or lost sight of. It may prove of interest in this connection to point to the historical fact that at the time when the Toleration Act was passed, in 1649, there were no Jews in England. They had been expelled from England in 1290. Manasseh ben Israel's agitation for their return did not come to Cromwell's attention until 1655. It would appear, therefore, that Jews did not enter into the consciousness of Lord Baltimore or anyone else to whom religious tolerance had any meaning.

The gist of the Toleration Act is contained in the manifesto that no person professing the Christian faith, who was a resident of the colony, should be made to suffer for, or in respect to, his or her religion.

That this liberty applied only to Christians cannot be gainsaid. But such was the temper of colonial America, the times and the people, that even with that limitation the Toleration Act marked a decided step in advance. The Act came about through a com-

bination of circumstances. It reflected the spirit of a Catholic nobleman and a Catholic constituency who were the first to decree freedom of worship and religious tolerance as far as such a condition was possible in the early colonial period. While the Toleration Act was of a limited sort, it contained a germ of that public sentiment which was destined to grow and develop into the spirit which entered into our Federal Constitution of 1787. That spirit still lives in America. It lives in the hearts of Catholics no less than in other right-minded religious groups. It is bound to prevail and by the grace of God, who rules over all of us, it shall prevail.

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THOMAS J. WALSH

(HOW AMERICA LOST HALF A
CONTINENT)

Thomas J. Walsh rose from the humble position of school teacher in a Wisconsin town to United States Senator from Montana, which State he has served in that capacity in Washington since 1913. He was a staunch supporter of President Wilson and constantly advocates America's entry into the League of Nations. Senator Walsh was Chairman of the Democratic National Convention in 1924 and was himself considered as of Presidential potentialities. He is an able debater and one of the most influential members of the upper chamber. When he gets his teeth into corruption, he is as tenacious as a bulldog, and behind his keen blue eyes is unbending integrity. It was he who was chiefly responsible for the uncovering of the Teapot Dome and Elk Hills oil scandals. He is a dry politically, and has the distinction of being a dry personally, as well.