Relations Between the Church and the State

THAT there is a great deal of misunderstanding in a religious and political way that might easily be overcome by the honest and intelligent citizens of Utah, if they would carefully consider the matter, is a conclusion that cannot be slighted. I know that it is useless to appeal to the professional politicians and office seekers, except by showing them some personal gain. It is not to be expected that they will approve anything unselfish, noble or honest sentiments. My excuse for believing that this article will contain noble and honest thoughts is that it is intended, in the main, to be a brief summary of what the most liberty-loving and wise men of our nation and of the world have thought on the subject.

All political and social reforms, as far as I can learn, have had a history. There are no sudden innovations. There is a long line of thought and discussion that has preceded every civil change. When a judge decides a case, he is judged, if honest and intelligent, to decide the law points, whether statute or common law, as they come to him through history and precedent. If a constitutional question is before the supreme court of the land the judges go into the history and spirit, as well as the letter, of the Constitution in order to justly and fully determine what the people and the fathers meant by any particular article, paragraph, sentence, phrase or word.

NO "PECULIAR QUESTION.

We have no "peculiar question" to consider in Utah. The subject of church and state, and the rights of each, have been thoroughly thrashed out, and all we have to do is to follow precedent to be guided aright. For the past three or four years a great deal has been written and spoken about "religious freedom," "priestcraft," "hierarchy" and "church officials," and union of church and state.

Some politicians take the stand, for instance, that Reed Smoot, being a Mormon apostle and one of a body controlling the Mormon Church, augmenting his influence, it is claimed, by reason of his Church position, has no right to hold a high political office, nor to take an active part in political affairs. It is claimed that for him to do so is unfair to "young aspiring Mormons," and that no gentile has any chance when pitted against him in a political fight, and the fight, it is said, is not made unequal because of Reed Smoot's personal charm, intelligence and influence, but because he is a member of a controlling priesthood. In fact, it is held by some that for Reed Smoot or any high Church official," to so take part is, at least, a constructive infringement of the spirit of the Constitution of the state and of the nation, and a violation of the meaning and spirit of the "manifesto."

It is not my purpose to make any argument for, or against, Reed Smoot. I am not saying whether or not he is the right citizen for senator; whether he is truly a great, educated, intelligent man, or the reverse, and it is of little moment whether Senator Kearns is the real backbone of the "American" party, or whether he was, or said he, an ideal senator. All such personal matters will properly adjust themselves as time goes on, and as surely as Utah's citizens, as a community, advance in intelligence and honesty of purpose our representatives in Congress and elsewhere, will reach a higher and higher and more respected standard.

FOR A PROPER UNDERSTANDING.

I firmly believe, however, that during this very year, we who really care, gentile, Mormon, Jew, infidel or what not, can and will come to a common and proper understanding in a general political, religious and social way. There is and must be a legitimate, and in the larger sense, friendly way to disagree politically and religiously. We can have many divergent views of life here and hereafter, and still be brothers and friends, and free our minds from bitter, unreasoning hatred and suspicion. We can feel that each of us is in his way, desirous of the best good of our state and nation if we get the right point of view. We can avoid the useless and senseless misunderstandings; we can miss the bitter, mistrustful, malicious parts of our present controversies, and all our campaigns can be educational in character.

Of course as long as the law-abiding, home-loving, home-building and respectable citizens will permit, or in the least approve, of sophistry and buncombe the "professionals" are going to trend out, and they are going to use, prejudice and slander instead of argument, fireworks and hurrahs instead of educational lectures and writings. But when the real citizens and truly patriotic people of Utah find out that they are friends and that the great majority of all classes are honest, sincere, patriotic people, and in their hearts desire peace and prosperity, and will not allow any appeal to passion or prejudice to guide them, the "professionals," the "ins" and the "outs," will make a desperate effort to use argument and political reasoning to gain their points and to get the plums and the crumbs. They would rather not be put to the trouble of reasoning, for that means real effort, something the ordinary, trouble-making "professional" is not seeking.

WHY BUILD BARRIERS.

In order to arrive at definite conclusions we must first ask ourselves definite questions. For instance, let us ask:

What position should any intelligent, patriotic, progressive, unprejudiced, reasoning citizen take when he, or any of his fellow citizens, is assailed politically or religiously? Should a gentile take a different view from a Mormon? Should any of us try to create classes? Should we attempt to build up barriers for or against any class at all? What valid reason is there for not doing away with superstition and wilful prejudice? Why cannot we take Thomas Carlyle's advice and make as little of the "faults" and as much as possible of the "virtues" of the other fellow?

Do any of us really and honestly believe that Reed Smoot and the class to which he belongs are a set of downright criminals? We believe they are not perfect by any means, but "criminals," no, that's a joke—a political joke.

Do any of us believe that all of the "American" party is composed of blacklegs and holdups? No, not for a minute. Most of the boys want office and they use temporary methods to get temporary benefits.

Men and women, citizens and friends, aren't we who get no temporary, and surely no lasting benefit foolish, very foolish, to be buffeted as we have been? We are doing lasting injury to our state and embittering our own lives and not getting even the temporary advantages.

Do you want to stop it? I do. Is there a common working basis? I think so.

THE CONSTITUTION.

Let us look into the history of our country, into its customs and laws and the traditions of the fathers to find the answer, for as I said before, we have no "peculiar questions" in Utah; it is our foolish imaginations that have led us to believe we have. As a starting point let us take what is set forth in the national Constitution and then, if possible, find the reason that caused the people of that day to put such language in our fundamental law.

Constitution: Art. VI. "No religious test shall ever be required as a qualification to any office or public trust under the United States."

Amendment I. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Why does our Constitution have such provisions? Because, in all the 13 colonies some form of Christian purpose was promulgated and advanced by the state. There was, to a lesser or greater extent, a state church, for even in Rhode Island, the freest of all, Catholics were disfranchised. Virginia taxed all the people to support the Church of England. Massachusetts Bay taxed all to support her colonial church and kept out all Catholics, denied tolerance to Quakers, and banished, and even hung, some of them. Pennsylvania colony gave so-called religious liberty, but barred out infidels and atheists, and disfranchised Roman Catholics. George Calvert gave Maryland religious freedom at first, but subsequently the Church of England was made the colonial church.

NEW YORK'S CONSTITUTION.

Up to 1846 the constitution of New York, Art. VII, sec. 4, read as follows: "And whereas, the ministers of the gospel are by their profession dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the gospel or priest of any denomination whatsoever shall at any time hereafter under any pretense or description whatsoever be eligible to, or capable of holding, any civil or military office or place within this state."

Eleven other state constitutions have contained similar provisions and three states still have such provisions, but of course they have become dead letters.

Five state constitutions, Arkansas, Mississippi, Texas and the two Carolinas hold that no person can hold office "who denies the being of the Almighty God or the existence of a Supreme Being."

In Pennsylvania and Tennessee citizens must "believe in God and a future state of reward and punishment."

It would be interesting, yet beyond the scope of this article, to trace the complete history of church and state in our country and the mother country, but I have said sufficient to show that when the framing of a fundamental law became the object of the fathers there was no common ground except entire and complete separation of church and state, so that it was left to the church to enforce the moral law of conscience, and the state could give protection of person and property by the use of temporal sanctions. Upon a citizen of the United States no limitations whatever could be placed. All classes, atheist, religionist, cardinal or preacher, were to have just exactly the same rights.

LONG TIME CHANGING.

But as shown, even after the adoption of the national Constitution, many of the states clung to the old world superstitions and prejudices. New Hampshire did not change her constitution until 1877; Connecticut 1818; New Jersey 1841, and some states, such as North Carolina, still hold that persons denying the being of Almighty God are disqualified.

Many narrow-minded societies and clubs have tried to revive old prejudices. Puritans, Quakers, Catholics, Mormons, etc., have all, in their turn, been treated as enemies of the state, but the good sense of broad-minded and patriotic Americans has taught them, when fully awakened, that the power of political proscription for religious or any other opinions is a two-edged sword, and might be—could be—turned by the other faction against any class of citizens.

SUSPECTS AND THE LAW.

The "Know Nothing party" against the Catholics had its rise and fall. The "Ku Klux" secret order of the south was outlawed and its members punished by court-martial, and so have, and so will, all parties directed against any class have its fall. If there are criminals, punish them individually and in the regular way. The laws of the United States and of the several states are wisely jealous of "constructive treason," and the national Constitution declares that "treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." Suspicion of political intrigue will not do; suspects must be dealt with by the law as rebels and traitors, or not at all. It is downright cowardly and un-American to persist in making accusations and not bring the traitor before the United States courts. No religion can protect a real criminal in the government courts. There is a history preceding the insertion of the above clause in our Constitution with which it would be profitable for every American to get familiar. For, in fact, from the time of Constantine of Rome to the days of the founding of our nation, it was generally assumed to be necessary for a union in some form to exist between church and state, and for the dominant party to persecute and belittle all other parties was the rule. Constructive treason has ever been the cry of tyrants, cowards and self-seeking informers, and all Europeans, with hardly a whisper of resentment, received the idea that the state was to be taxed to support the church and that the church was to be a part of the civil power, and it in turn protected in every privilege by the state.

Now, in clear denial of all such theories, the modern and civilized American principle has finally, after patient years of struggle, before and after the forming of the Constitution, been declared and supported by all liberty-loving, true-hearted citizens and our idea brands the fundamental idea of Europeans and the founders of most of the colonies to be oppressive of conscience and the abridgment of that liberty which God and nature has conferred on every living human soul.

QUOTATIONS FROM PATRIOTS.

It would help us mightily to take a short review of what some of the patriots have said. Roger Williams was probably the first to speak out plainly and he tried to practise what he preached.

In 1635 he said: "There goes many a ship to sea with many hundred souls in one ship whose weal and woe is common, and is a true picture of a commonwealth or human combination of society. It hath fallen out, sometimes, that both Papists and Protestants, Jews and Turks, may be embarked in one ship; upon which supposal I affirm that all the liberty of conscience I ever plead for turns upon these two hinges, that none of the Papists, Protestants, Jews or Turks be forced to come to the ship's prayers or worship, nor compelled from their own particular prayers or worship, if they practise any. I further add that notwithstanding this liberty, the commander of the ship ought to command the ship's course; yea, and also command that justice, peace and sobriety be kept and practised both among the seamen and all the passengers. If any of the seamen refuse to perform their service, or passengers to pay their freight; if any refuse to help in persou or purse towards the common charges or defense; if any refuse to obey the common laws and orders of the ship, concerning their common peace or preservation; if any shall mutiny, and rise up against their commanders and officers; if any should preach or write that there ought to be no commanders or officers, because all are equal in Christ, therefore no masters nor officers, no laws nor orders, no corrections nor punishments. In such cases the commander or commanders may judge, resist, compel and punish such transgressors according to their deserts and merits."

William Penn—"We must give the liberty we ask."

Justice Story—"The Catholic and the Protestant, the Calvinist and the Armenian, the Jew and the Infidel may sit down at the common table of the national councils."

Judge Appleton of the supreme court of the state of Maine (Donahue vs. Richards) says: "The state does not recognize the superiority of any form of religion or of any sect or denomination, but regards the Papan and the Mormon, the Brahmin and the Jew, the Swedenborgian and the Buddhist, the Catholic and the Quaker as possessing equal rights."

UTAH NO EXCEPTION.

I might quote Cooley, page 496, and dozens of others, but the whole American idea, as recognized by the national government and by all the states—for where there are provisions to the contrary, they have become obsolete—Utah no exception, except, may be, by its greater liberality from its incipiency, and by all intelligent, unprejudiced Americans as individuals and citizens, as follows:

1. The civil power has no authority in or over the individual or the church, touching matters of faith, worship, order, discipline or polity.

2. The church has no power in the state to direct its policy or action, otherwise than its influence may be felt in the persuasion of the public mind towards the principles it teaches.

3. The state cannot appropriate public moneys to the church, or for the propagation of religion, or any particular form of religion.

4. The church cannot look to the state for any support of its worship or institutions, otherwise than, like all other corporations, it may appeal, and must submit, to legislation and judicial decisions in matters of possessory trusts and foundations, the ground of which legislation and decisions is not at all religious, but strictly civil.

5. The civil power cannot exercise preference among the various churches or sects, but must hold all as having equal rights under the law, and as equally entitled to whatever protection under the law circumstances may furnish need for.

6. The civil power may not make any distinction among citizens on account of religion or lack of religion. The law against crimes must be administered against individuals by the regularly constituted courts.

NEITHER THE RIGHT TO VOTE NOR TO HOLD ANY OFFICE is to be invalidated because of opinions on the matter of religion or otherwise, or on account of church position, high or low, or lack of position in clubs or societies. Nor again is a citizen's right to bear witness or to inherit property to be balled in question for reasons of religion.

ENGLISH IDEAS.

I might profit here give the English established church idea so as to show what we have departed from and from which we ever wish to keep free.

1. The supremacy of the crown. All high offices in the church are matters of royal gift.

2. Complete control of parliament over the church, as to articles of faith, order, worship and discipline.

3. Membership of bishops, as a matter of course, in the upper house of legislature.

4. National support of the church.

5. The broad membership in the church conditioned on citizenship and not on personal faith or character.

6. Patronage in the church, the right of presentation to livings without regard to the wishes of parishioners.

It was not alone England that had an established church, but until recently, as Mr. Sanford H. Cobb of New York says, "The old world idea, developed and illustrated in the passage of sixteen centuries had in all lands, both those under the Roman See, and those divided between the followers of Luther and Calvin, this common principle—a root out of which came many variations—that the state should legislate for the benefit of the church; that the church should look to the state for support and defense; and that the state should recognize and establish a particular church as the representative of the only legally authorized form of religion and worship."

SOME PERTINENT QUERIES.

It was hard for the people of the old world to understand that freedom is a good thing for others as well as themselves, and it seems as hard in this day for us to fully understand.

At this point let us ask:

1. Has Utah now, or has she ever had, a law respecting an establishment of religion? No.

2. Is there compulsory support of religion by taxation or otherwise by the state? No.

3. Compulsory attendance? No.

4. Restraints upon the free exercise of conscience within the law? No.

5. Restraints upon the expression of religious belief? No.

6. Is there protection for all, favors to none? Yes.

Can you truthfully answer these questions differently? Then, if you cannot, there is not, nor never has been, a mingling of church and state in Utah.

Well, but I hear someone say that the president of the "Mormon" Church, together with the apostles and the lesser officers, turn elections as they see fit. Another says that there are no politics in Utah and that it is the aim of the "Mormon" Church officials to dictate the politics of all the western states, and finally of the nation, and that they are a bad lot of conspirators and all the other evil things imaginable. If all these assertions are true (we know they are ridiculous) what should we do and still act according to law and precedent? Shall we change our form of government?

CITIZENS' RIGHTS.

While respecting both the motive and the right to agitate the question, it is highly important at the very outset to guard against retrograde policies, the perilous consequences of which cannot be foretold. We may argue and contend but not even try to impose frantic dogmas in the form of resolutions on great political parties. There may be some minor wrongs that cannot be entirely evaded, but even so, let us throw all theological questions back where they belong—into the arena of logic, historical evidence, literary or religious discussion.

If we start a revolution we are in the wrong and the state militia and then the federal troops will put us down. What conclusion must we come to? One vote for each citizen, let him be high or low, black or white, male or female.

Each citizen has a right to use all the influence he can in whatever direction he chooses.

No man or body of men, political convention, or legislature can, with safety to liberty, restrict the franchise of any person or class of persons. If you could get through the foolish resolutions some thoughtless people have endeavored to get passed to prohibit high Church officials from holding office or being active in politics, you would endanger your own liberty in the most vital spot. Resolutions could be passed to prevent prominent and pronounced infidels, atheists, Catholics or orthodox Jews from holding office, and we would be thrown back hundreds of years in our civilization.

WRONG IN PRINCIPLE.

The "American" party cannot ultimately succeed any more than the A. P. A. party succeeded. The principle is wrong. Be a citizen a priest, an infidel, boot black, bishop, cross-eyed, pigeon-toed, red-headed or toothless, he is to have and must have one vote and all the influence he can command, and he has the undoubted right to exercise his franchise to the full, and when the border line is passed in favor of or against an infidel or priest, we start back to the quagmire from which we have struggled and for which precious blood has been spilled. Gentile and Mormon, think it over carefully, and see if you can come to any other civilized, modern conclusion. If you gentiles think you have superior intelligence and manhood, what you must do is to educate the Mormon so that what a church man says will be estimated at its intrinsic value and not endowed with superior influence and authority politically by reason of church office. In order to influence and educate your brother you must remove all suspicion that you are merely working for his downfall and your aggrandizement. You must convince him that all you want is a fair and equal chance. You can have no party founded on hate and prejudice, for if you do you are going to arouse all the prejudice and fighting qualities of the other party.

We cannot avoid the conclusion that as citizens we all must have exactly equal privileges. We cannot restrict, in any manner, a Catholic cardinal, Mormon apostle, or infidel. As a Catholic, Mormon or Jew we can restrict the members of our own church. As a citizen we have no complaint if a man gives all his income to the church, or votes for or against us. As intelligent creatures of society we have the right to argue, cajole, influence in any way we see fit, and if we do not come in conflict with the civil law we can go as far as we like if someone does not give us a personal reason to mind our own business.

THE KEYNOTE.

A Catholic cardinal might be president if he could get the votes. Roosevelt could go to the Dutch Reformed church on Sunday and be president of all the people on Monday and all the other days. Taft can be Unitarian or infidel or what pleases him. We must never again consent to restrict the franchise of any class.

The theory upon which the American republic was organized was that there should be no classes in this country. That is the fundamental concept of Americanism.

It is the supreme note sounded throughout the national system from the Constitution of the United States to the local ordinances of the humblest American village. It is at once the reliance and boast of the American continent. It has been the keynote of all the years of American history from Washington to Taft.

No party founded on religious hatred or class distinction can live. It would utterly pervert the form and destroy the character of the American government, stamp the heroes and sages of American history as fools and knaves, and by destroying political liberty invade the most sacred rights developed by civilization, and deprive society of its strongest bulwark.

The political notions of any and all of us have not, nor never will, come up to standard at all times, but it is still one vote for each citizen and as much influence as he can command, and political proscription for religious or other opinions, or on account of any position, cannot be tolerated. All our local difficulties must be adjusted by argument and reason and we must fight it out as friends, for we shall never succeed as enemies.

EQUAL RIGHTS.

It is true of course that all government is founded on force and ours is the force of ballots and reason. One vote for each citizen and all the influence he can control, and when, as with us, each citizen has equal rights there can be absolutely no qualification, for one qualification leads to another. The national Constitution and all the state constitutions recognize everyone as a citizen and a person, not as Mormon, Jew, Gentile. Let these distinctions become ancient history. Let the Mormon and all other churches control and discipline their members as they see fit, and let us have a free state with full franchise for each citizen. There never has been, there never can be, a union of church and state in Utah.

Civil liberty must be supported by religious liberty and vice versa, neither can prosper without the other.

RELIGION AND POLITICS.

In conclusion, Mr. Gentile and Mr. Mormon, remember this, that if you wish to advance the welfare of your enemy—if you allow yourself such a luxury—just try to deprive him of some right that is undoubtedly his, and in the end you will give him a host of friends and you will be cast out. Remember also that it is impossible to keep a people's religion, or lack of religion, entirely out of politics. There is no absolutely perfect state or church.

Remember that the first step wrong is fatal, because it logically involves the last step.

Remember that rights are not all upon one side and obligations upon the other; they are reciprocal. Let no one high or low, have any special favors, or be deprived of any privileges as American citizens.

As a general thing it may not be wise for apostles or preachers to be senators, as they may lose their church dignity and respect by mingling in the whirlpool of politics, but that is a question for religionists to settle among themselves. Clergymen have been members of Congress and in the various legislatures of the several states, and in the civil service of the United States, and it is for their several congregations to decide as to the usefulness and propriety of all such relationships.

Remember, that all churches should rule in the hearts of the people and it should not be a matter of concern to any church as a collective unit whether Democrats or Republicans rule in the state except when one political party makes its existence dependent on the destruction of the church, then the church should fight for its existence and its principles. Then it is the political party that is mixing state and church.

The state and the political parties have as much to guard against as the church.

Finally, remember when [illegible] and when you are trying to properly adjust yourself and the other fellow to changed conditions that what Freud says is worth keeping in mind. "When nations can grow in maturity in a single generation, when the child can rise from his first grammar lesson a matured philosopher, then individual man may clear themselves in a single effort from mistakes which are embedded in the heart of their race."

The full and complete franchise for every American citizen is the watchword.

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