

Arguments on the Breckinridge Sunday Bill

NATIONAL RELIGIOUS LIBERTY ASSOCIATION.

ARGUMENTS
ON THE
BRECKINRIDGE SUNDAY BILL,
BEFORE THE HOUSE COMMITTEE ON DISTRICT OF COLUMBIA,
AT
WASHINGTON, D. C., FEB. 18, 1890.

JANUARY 6, 1890, Hon. W. C. P. Breckinridge, member of Congress from Kentucky, introduced in the House of Representatives the following bill:—

A BILL TO PREVENT PERSONS FROM BEING FORCED TO LABOR ON SUNDAY

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or corporation, or employe of any person or corporation in the District of Columbia, to perform any secular labor or business, or to cause the same to be performed by any person in their employment on Sunday, except works of necessity or mercy; nor shall it be lawful for any person or corporation to receive pay for labor or services performed or rendered in violation of this act.

Any person or corporation, or employe of any person or corporation in the District of Columbia, who shall violate the provisions of this act, shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars for very such offense: *Provided, however,* That the provisions of this act shall not be construed to apply to any person or persons who conscientiously believe in and observe any other day of the week than Sunday as a day of rest.

The bill was referred to the Committee on District of Columbia. That committee is composed of the following-named gentlemen: Mr. Grout, Vermont, chairman; Mr. Atkinson, Pennsylvania; Mr. Post, Illinois; Mr. De Lano, New York; Mr. Snider, Minnesota; Mr. Burton, Ohio; Mr. Moore, New Hampshire; Mr. Hemphill, South Carolina; Mr. Heard, Missouri; Mr. Lee, Virginia; Mr. Compton, Maryland; Mr. Campbell, New York; and Mr. Ellis, Kentucky.

The chairman of the committee referred the bill to the subcommittee on Education, Labor, and Charitable Institutions, which is composed of the following-named gentlemen: Mr. De Lano, chairman; Mr. Moore, Mr. Lee, and Mr. Ellis.

Tuesday, February 18, 1890, the sub committee gave a hearing on the bill. Of the sub-committee there were present, Mr. De Lano, in the chair, Mr. Moore, and Mr. Ellis.

Besides these there were present of the whole committee, Mr. Grout, Mr. Heard, and Mr. Campbell, making six, in all, of the whole committee present.

In favor of the bill the following persons spoke: Rev. George Elliott, Rev. J. H. Elliott. Mr. H. J. Schulteis—Knight of Labor—and Rev. W. F. Crafts.

In opposition to the bill the following persons spoke: Elder J. O. Corliss, Mr. Millard F. Hobbs, District Master Workman of District Assembly 66, Knights of Labor, and Alonzo T. Jones, editor of the AMERICAN SENTINEL. In addition to this, Prof. W. H. McKee, secretary of the National Religious Liberty Association, submitted a brief.

The arguments in opposition to the bill are here printed in the order in which they were delivered. The points made by those who spoke in favor of the bill are answered in the arguments here given.

SPEECH OF ELDER J. O. CORLISS

Mr. Corliss.—MR. CHAIRMAN: I have little time for preliminaries, and none for personalities. I have, however, some arguments to present against the bill under consideration, merely

pausing to say that I thank the last speaker [Mr. Crafts] for his confession of lack of argument in support of the bill, which he has shown in the fact of his having indulged in personalities the most of the time allotted to him. I can use my time to better advantage. I will use only a half hour, then yield a half hour to Mr. Jones, of New York. Mr. McKee, also, has a brief; which he will present for consideration.

The Chairman.—We desire to know in whose behalf you appear.

Mr. Corliss.—I reside in this city, sir, with my family. I speak in behalf of the Seventh-day Adventist Church of Washington, of which I am, at present, the pastor; as a citizen of the United States, and as a resident of this District, I appear, not, as has been affirmed before you, to speak in behalf of a Saturday Sabbath. Far from it, gentlemen of the committee. If this bill, No. 3854, were to have incorporated in it, instead of "Sunday, or the first day of the week," the words "Saturday, or the seventh day of the week," there is no one who would oppose it stronger than I. And I would oppose it just as strongly as I do in its present form, for the reason that it is not

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sectarianism that calls us here to-day; but we see in this bill a principle of religious legislation that is dangerous, not to our liberties in particular, but to the liberties of the nation. For, as you perceive, this bill has an exemption clause providing that "this act shall not be construed to apply to any person or persons who conscientiously believe in, and observe, another day of the week than Sunday as a day of rest." This fact gives us more courage to oppose the measure, because we know that all fair-minded people will be able to see that our opposition arises from a broader and higher motive than that of self-interest. There are then, sir, good reasons why we maintain the attitude in which we are found to-day, and which we will shortly proceed to lay before you.

But before doing this I desire to call your attention to this roll of petitions which I hold in my hand. Here are 7,649 personal signatures, obtained in this city, praying that this bill, or any one of similar import, shall not become the law of this District. But, in

order to belittle the efforts against this proposed Sunday law, the statement has been made in your hearing that these signatures were gathered on the street corners and other public places, in a hurried manner, and, in many instances, from people who were deceived as to the nature of the document to which they were giving their signatures; but, gentlemen of the committee, these names have not been thus gathered. On this roll appear the autographs of the leading citizens and business men of Washington men whose intelligence and business capacity are well known. And what method has been adopted by which

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to secure these names? Well, sirs, in most cases petitions were placed in their hands, accompanied with printed slips giving sixteen reasons why the petitions should have their signatures. These were left with them a week or more, according to circumstances, thus giving them ample time to weigh the matter carefully. When they were waited on, to receive the petitions from their hands, many have said they would gladly sign them. Now if these people were deceived, it must be because their intelligence is below the average, and I am not prepared to say that of the citizens of Washington and the District of Columbia. If the gentleman whose criticism I am now noticing, wishes to assume that such is the condition of the people here, let him bear the responsibility. But this is enough on that point. I will now pay attention to the bill itself.

The title of it is, "A bill to prevent persons from being forced to labor on Sunday." This title is an incongruous one, because the bill makes no provision whatever to prevent one person from forcing another to work on Sunday. Neither does it propose to punish for doing such a thing. It does, however, propose to punish by a fine anyone who works on that day, whether forced or not. There must be some reason for giving the bill so misleading a title, and that reason will, perhaps, be shown before we get through with this discussion. The fact is, no one in the District of Columbia, or in any other part of the United States, is being forced to labor on Sunday. If he were, he has redress already, without the enactment

of this bill into law, and that by the Constitution of the United States.

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Article 13 of amendments to that instrument, declares that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." But it was claimed by Mr. Crafts that a man is compelled to labor on Sunday, when he is asked to do so, or give up his position, if he refuses. It is true that in such a case a man has to take his choice between two things offered him, but if he chooses to do that which he believes to be wrong, the act is entirely voluntary on his part. If any man has not the courage to do right under such temptation, his love of right and faith in Christianity are, to say the least, so very weak that such a law as this bill contemplates could not help him any. Gentlemen, you cannot make a man a Christian by law.

But no case has been stated where a man ever lost a position by refusing to work on Sunday. On the contrary, Mr. Crafts himself says in this document [holding it up] just published, entitled "Addresses on the Civil Sabbath"—

"I have searched the world over in vain for an affirmative answer to the question, Did you ever know a man financially ruined by refusing to do Sunday work? I have found scores of instances where courageous conscientiousness in this matter led to promotion, none where it led to poverty."

Mr. Crafts.—Read on. That is not a fair quotation.

Mr. Corliss—I will; the next word is, "Applause!" and that is all there is in this little document on the point. The rest will be found in Mr. Crafts' book

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entitled "The Sabbath for Man," p. 428, which will be further quoted from before the hearing is through. But I have heard the gentleman say repeatedly, in his public lectures, that he has written to every nation under heaven except Afghanistan, asking this question, but always with the same result. It is, therefore, not true

to say that anyone is forced to labor on Sunday, or suffer pecuniarily. Then, the title of this bill is grossly misleading.

"But," it is asked, "has not Congress the same right to pass a law making six days a week's work as it has to make eight hours a legal day's work?" That may be done, but it would not be in the same line with the legislation this bill proposes. This bill enforces a penalty upon him who works on Sunday, but Congress does not say that the man who works more than eight hours a day shall pay a hundred dollars' fine. If this bill were only to make six days constitute a week's work, permitting anyone to, labor more if he choose, there would be a similarity; but, as the bill reads, you all recognize the difference between the two points.

This bill, instead of having a civil character, is a purely religious document, as you will notice by an examination of it. A civil bill can make provision for only civil matters, but this one enjoins the observance of a day, the non-observance of which is no incivility to anyone. Sunday observance originated in religious worship, and has ever been regarded as a purely religious rite. Civil offenses are those which invade the rights of property or person, but if one labors on Sunday, he invades the rights of no human being.

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He robs no one of any property or of a single personal right. His neighbor may observe the day if he chooses, just the same as if the other man were doing so. It is not the day on which an act is performed which makes it civil or uncivil. It is just as wrong to strike a man on Monday as to do it on Sunday. It is just as wrong to drink whisky on Monday as to drink it on Sunday. If it were true that the day itself could constitute an act a civil offense, then it might be argued that labor on Sunday is a civil offense. But just as soon as the position is assumed that labor is a civil offense (no matter on what day it is performed) then labor is made a crime. Therefore, by the terms of this bill, honest labor becomes a crime, for it expressly forbids anyone to perform honest labor. It may be said that labor only becomes a crime by being performed on Sunday; but if labor is a crime when done on one day of the week, it is a crime on every day of the week, since it is not the day on

which a deed is done that constitutes a crime, but the deed it-self must be the crime (if crime it is) on whatever day it is performed. So, then, if the courts of the country recognize the principle that labor done on one day of the week is a crime, when on all other days of the week the same labor would be lawful, then they really legalize crime on every day of the week except that one. This shows the falsity of the claim that this bill is a civil one.

But it may be said that it is the disturbance to others, by the performance of Sunday labor, that constitutes it a crime. But why should Sunday labor disturb another any more than that which is done on

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any other day of the week? Manifestly, only because it is thought to be religiously wrong. In other words, such disturbance can only be of a mental character. For instance, when I go out into my garden and quietly work, or even go out on the street and work on Sunday, I have taken nothing from any man. I do not deprive him of his right to keep the day. Then wherein is the disturbance?—Certainly not in the deprivation of rights. It must then only be in a mental disturbance. Upon this point allow me to cite the decision of Judge Walton, of Lewiston, Maine, in a case where a man was prosecuted for drawing cord-wood through the streets on Sunday. In his charge to the jury, the Judge said that his impression was that the complaint could not be maintained, for the defendant had quietly and in an unobtrusive manner hauled his wood, without coming into the immediate neighborhood of a meeting. The prosecuting attorney suggested that it might have been where people were returning home from church. But the Judge decided that that would be but a mental operation, a matter of the mind, of conscience, because they *thought* it wrong, that it did not look right. "For my part," he says, "I do not see why anyone driving quietly along with his load on one day of the week should cause any more disturbance than on any other day of the week. It only disturbs people because they think it wrong." And this is the basis of all Sunday legislation. People think Sunday work to be wrong, and are

therefore disturbed because someone else does not believe just the same as they do in the matter.

But if mental disturbance constitutes a civil offense,

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then the preaching of opinions diverse from those of the majority of people is also a civil offense, and is indictable in the courts of the country, for, as you have seen to-day by the personalities indulged in, there are men who are more or less disturbed by such work. It is thus easy to see that such reasoning would quickly deprive the minority of all their religious rights. Let such a bill as this pass, and it would be but another step to make all *mental disturbance* on Sunday a crime. Then woe betide the man who dared publicly to proclaim any religious views on that day, not in harmony with his neighbor. There is danger in taking the first step in religious legislation. It is everyone's privilege to keep the Sabbath—not as a civil duty but as a religious duty. That is, however, a matter belonging wholly to individuals, as a right of conscience, with which the courts have nothing to do except to protect each one from disturbance in his devotions. But this bill is not necessary for that purpose, for every State and Territory in this Union has already a law providing that religious meetings held on any day of the week shall be protected from disturbance.

I wish here to reiterate the statement that Sunday was set apart only for a religious reason; and I will submit on this point an extract from the argument of Rufus King, made before the Superior Court of the Cincinnati Board of Education, which was tried to decide the question as to whether or not the Bible should be taught in the public schools of that city. Mr. King was attempting to show, in support of having the Bible taught as part of the public education, that it was the province of the State to enforce relig-

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ion. And to prove his position true he cited the Sunday law of that State, saying:—

"The proviso of the Sunday law exempts those only who *conscientiously* observe the seventh day of the week as the Sabbath. Why are they exempted? Why, but because they

religiously observe mother Sabbath? Why then does the law of Ohio enforce the observance of Sunday?—Manifestly because it is religious."

Then he says upon the same point: "The same law makes it a penal offense to profanely swear by the name of God, Jesus Christ, or the Holy Ghost." This last statement of his is to show that the Sunday law of Ohio is wholly religious.

In this connection let me say, gentlemen, that the District of Columbia has just the same kind of a Sunday law as that of Ohio. This law of the District of Columbia was in force when this book was issued which I hold in my hand, which was April 1, 1868; and I am told that this law (which I will read) was re-enacted in 1874. I now quote from the law. Section 1 provides that—

"If any person shall deny the Trinity, he shall, for the first offense, be bored through the tongue, and fined twenty pounds; . . . and for the second offense, the offender being thereof convict as aforesaid, shall be stigmatized by burning on the forehead with the letter B, and fined forty pounds; and for the third offense, the offender being thereof convict as aforesaid, shall suffer death, without the benefit of the clergy."

Section 10 of the same law has this:—

"No person whatever shall do any bodily labor on the Lord's day, commonly called Sunday, . . .

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and that every person transgressing this act, and being thereof convict by the evidence of one sufficient witness, or confession of the party before a civil magistrate, shall forfeit two hundred pounds of tobacco." ¹¹

Now, gentlemen, that law has never been repealed—

Mr. Grout—Don't you think that law ought to be repealed?

Mr. Corliss—I think all Sunday laws are unconstitutional, and should not exist. But I was about to say that this law does still exist, and, by reference to the statutes of the District of Columbia, it will be seen that the police of the city of Washington are obliged to enforce that law. I read:—

"It shall be the duty of the board of police, at all times of the day or night, within the boundary of said police district, to see

that all laws relative to the observance of Sunday are promptly enforced."

Now why has not this law been enforced? Certainly not because there is no such law, but because it is a part of a statute savoring so strongly of the Dark Ages as to make everyone ashamed of it. But it is this kind of company in which Sunday laws were originally found, and that is where they belong, for they are but a relic of the old system of Church and State. Indeed this law now in force in the District is as near to representing a Church and State power as it could well be.

Again: If this bill contemplates only a civil law, what right has it to exempt from its penalty a person simply because he may hold a certain *religious faith*. According to the provisions of this bill, a man

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who has a certain religious faith may do what another man without such a religious faith cannot do? This shows that it is religious and not civil. It matters not what a man's religious faith is, it cannot exempt him from the penalties provided by law against civil offenses, for the reason that man's religious faith cannot determine his innocence in such a case. It is just as wrong for a professed Christian to be found fighting in the street as for an avowed infidel; and it is no greater offense for an infidel to be thus engaged than for a Christian. These things are recognized by the courts. Take for example the law against polygamy; it does not exempt a man who happens to have a peculiar religious faith in relation thereto. Not by any means. One who believes it is right, religiously, to violate that law, gets no mercy because of his religious belief. Why is this?—Simply because the law against polygamy is held to be purely a civil law. In fact, a civil law can do nothing else than to hold every offender guilty, whoever he may be, or whatever may be his religious faith. Any exemption in a law, in favor of a certain religious belief, immediately stamps that law as religious. But, according to this bill, a law may be enacted which will recognize one man as a criminal because he lacks certain elements in his religious belief, while another man having these elements may be considered a good citizen, even though he has done the very same

act by which the other man was adjudged guilty; *and the framers of this bill must be marvelously dull of comprehension not to see it.*

The Chairman—When was this old law enacted, to which you refer?

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Mr. Corliss—In 1723.

The Chairman—Before the formation of the District?

Mr. Corliss—Yes, sir ; and it was re-enacted in 1874.

A Member of the Committee—Yes, and a man was tried under that law six years ago.

Mr. Corliss—More than this, it is admitted by many of the friends of this measure, that it is for a religious purpose. I will here read a few extracts, in proof of this, from a *verbatim* report of a convention lately held in the Foundry Church in this city, expressly to work up favor for this bill. The first extract is from the speech of Hon. Mr. Dingley, of Maine, which shows how he regards this measure:—

"You know, yourselves, something of the influence of the observance of the Sabbath upon physical conditions and welfare. No man or woman can defy God's law, as laid down for the observance of the Christian sabbath, in a physical direction, without having, ultimately, to pay the penalty. The Christian sabbath has been appointed for man, and for man's highest welfare. Any business man who defies God's law, who thinks that by working seven days in the week instead of six, who claims for himself the seventh day, and who thinks he can secure larger material returns, sooner or later finds that he is woefully mistaken. The highest results in every direction are secured by the observance of the Christian Sabbath. . . . I believe that it is the cause of man, and of man's highest interests, as well as the cause of God—for there can be no separation. I believe that, in the-steps which we are taking in this District, it will develop a higher regard for, and a better observance of, the Christian sabbath, and that what we are doing for this beautiful city, the capital of the nation, is more than we can appreciate at this time."

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The next quotation is from Mr. Inglis, in which you will notice that he takes substantially the same position:—

"The basis, then, of Sabbath observance, is the command of God and the welfare of man. Now, to maintain a distinction between these principles is to maintain a distinction without a difference."

This last statement is true, and I have heard Mr. Crafts (who is really the Sabbath Union) say many times in the desk, by way of illustration: "Here are my two arms. This [pointing to one arm] represents the civil sabbath, and this [touching the other] represents the religious. It is not the religious sabbath we want enforced, but the civil one." But I submit, gentlemen, do not these both come on Sunday? Are they not both one? Can you separate them?—No. Then in enforcing a civil sabbath, as they are pleased to term it, will not that be the enforcement also of a religious day? The fact is they are after a religious rest—a religious rite—and, while I believe in every man having a religion of his choice, I believe that God has never given credentials to anyone, to enforce a religious rite upon another. But that is what the promoters of this measure wish to do. I quote further from Mr. Inglis. After saying that the church should lead the way in this matter by its example, he said, "To all this must be added the restraining power of the law." There! that makes their design plain enough, that we should enforce by-law a religious rite.

The Rev. Mr. Bates argued in nearly the same strain. Here is what he said in reference to people

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who live nearly opposite the post-office in George-town, the place of his residence:—

"On Sunday I see crowds going down to the post-office and getting their letters, and I am sure that there is not a single letter delivered on Sunday that could not have been delivered on Monday, and a great many of the church members read their letters while going to church, and when they get there they try to worship God with their minds filled with the contents of that letter. We must bring a "Thus saith the Lord to bear upon the church itself, so that they shall observe the day as it was intended that it should be observed by the fourth commandment, for that obligation stands firm upon the world."

Now, to seek the enforcement by law of a day of rest, which he says has its obligation in the moral law of God, shows that he wants to restrain men from becoming so demoralized that they cannot worship God properly. The whole force of his argument is, to make men better religiously.

I next give a quotation from Rev. Mr. Power, of this city:—

"Shall the sorrows of the cross, and the joys of the resurrection, go uncommemorated? Shall we sing of earthly heroes and of earthly deliverers, and sing no psalm, and keep no feast, and celebrate no day in honor of the risen Lord? Shall this day, which is the Lord's day, be as any other day to us? Shall it be devoted to pleasures, desecrated by secularism, and broken into a thousand fragments by the iconoclastic spirit of our time, and leave nothing remaining of this prophecy of eternity and the judgment?"

I ask you, gentlemen, to consider these words. This speech was made in behalf of the Breckinridge

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bill, which we are considering here to-day. The whole strength of the remarks just quoted goes to show that they are after a religious observance of the Sunday. To show that the gentleman last quoted has no idea of the Sunday being a civil day, we quote further from this speech:—

"It is not our day, much less is it the world's day, or the devil's day. It is the Lord's day, as enforced by the analogy of the primitive; as imposed by the laws of our intellectual and spiritual being; as enforced by the example of Christ and his disciples, and the primitive church; as enforced by the highest social and religious interests of human society; as enforced by the natural desire of man to commemorate the greatest event in human history; as in commemoration of the great hero of human redemption."

In these words we find it stated that "it is not man's day." Then, I ask you, what right has man to legislate concerning that over which he has no control?

I will call attention to one more speech made at that convention, and that is one by the Hon. Elijah A. Morse, M. C., of Massachusetts. He said:—

"To-day, the grandest people on earth are found in Scotland, because of their observance of this day. True to the ancient traditions of Massachusetts, I propose, if I have the opportunity, to stand in my place and vote for any law that will prevent the desecration of the holy sabbath-day—

"Day of all the week the best!

Emblem of eternal rest!"

If it is a purely civil enactment that they want, why do they, in their harangues to the people, continually

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point to the Bible and to the command of God, and denominate the day, "The holy sabbath-day," "the prophecy of eternity and of the judgment," and the "emblem of eternal rest"? Do they not, by this, betray the design of their own hearts? It is useless, gentlemen, to deny that the promoters of this bill desire a religious observance of the Sunday. And, could they get such a law as this bill contemplates, they are ready to take the next step, and degrade everyone who will not yield to their ideas of how the sabbath should be observed. This is not a freak of fancy. I turn to this little book again, entitled "Addresses on the Civil Sabbath." [Exhibiting book.] Do you see these words, in large black letters here, which say, "To be hung on the breast of every man"? Mark it, gentlemen, it does not say it ought to be hung there, but it *is* "to be hung on the breast of every man who buys anything on Sunday." This proposes to hang upon the breast of every man who buys anything on Sunday, a placard with these words upon it, "I am blind, selfish, shiftless." Is not that similar to the old law of Maryland, wherein it required the blasphemer to be branded with the letter "B" in the forehead? This is what they propose to do with the men who shall buy a postage-stamp on Sunday—or even medicine for his sick family—for this says, "To be the breast of every man who buys postage-stamps, provisions, cigars, clothing, *or what not*, on the sabbath." "What not," in that connection, means anything whatsoever, and that includes medicine in case of sickness.

I would like to make a quotation from one other

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Fac-simile of Page in a Sunday law Document, issued by the American Sabbath Union.

SABBATH REFORM LIBRARY, Vol. 1, No. 5, JAN. 16, 1890.

Issued quarterly and semi-monthly by

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speech that was made at the convention previously spoken of, and that is from the Rev. George Elliott, in which he says, in speaking of their efforts in behalf of the Breckinridge bill:—

"I do this with the greater confidence, because of the members of Congress there is but a scant half dozen who do not come from constituencies which have Sunday laws, and they will give us the same sanctities of legislation that their constituencies have."

Rev. Geo. Elliott—The word was "sanctions."

Mr. Corliss—That means the same thing—and more too—for, if they should give us the same "sanctions" of legislation that their constituencies have, they would give us the sanction of a Sunday law based upon the old theory of Church and State, for this is the foundation of all Sunday law.

Now, gentlemen, to show you that the sum of it all is that these people want a religious law, I quote from the official document which I hold in my hand, containing the "Notes of a Hearing before the Committee on Education and Labor of the United States Senate, December 13, 1888." At that hearing Mr. Crafts submitted a paper which purports to be "questions" by workingmen to himself, and his answers. One of these workmen asks him the question, "Could not this weekly rest-day be secured without reference to religion, by having the workmen of an establishment scheduled in regular order for one day of rest per week, whichever was most convenient, not all resting on one day?"

Answer—"A weekly day of rest has never been permanently secured in any land, except upon the basis of religious obligation. Take the

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religion out, and you take the rest out. Greed is so strong that nothing but God and the conscience of a man can keep him from capturing all the days for toil." That settles the question, gentlemen.

Time expired.

Mr. Corliss—I call upon Mr. Jones.

The Chairman (to Mr. Corliss)—Here is a gentleman who wants three minutes in which to speak. If you will grant it, it shall not be taken out of your time.

Mr. Corliss—Very good.

SPEECH OF MR. MILLARD F. HOBBS.

Mr. Hobbs—I occupy, at the present time, the position of chief officer of the Knights of Labor in the District of Columbia. I want to deny that the Knights of Labor have authorized anybody to speak for them in this particular matter.

Mr. Crafts came before the Federation of Labor and argued this bill, and that body refused to indorse the bill. He came before the District Assembly of the Knights of Labor (which is made up of all the Knights of Labor of the Assemblies of the District of Columbia), and that body has refused to indorse it. There are parties in that body who believe in the bill as it is; others believe in a certain portion of it, and others are wholly opposed to it; and the Knights of Labor, as a whole, have thought best not to have anything to do with it. Every Knight of Labor is in favor of a day of rest—some of them believe they ought to have two days of rest. I believe they are as in favor of the rest feature of the bill, but, on account of what is

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called the religious feature of the bill, they are opposed to it.

Mr. Schulteis—I am a duly elected member of the legislative committee, but I deny that you are a member of that committee, or have any right to talk in this meeting, or have been authorized by any meeting—

Mr. Crafts—Of the Knights of Labor. Mr. Schulteis has a right to be heard here. ²¹

Mr. Hobbs—Mr. Schulteis' credentials merely show that he is a member of the District Committee on Labor Legislation, and Mr. Schulteis himself is in favor of the bill, and he is a member of that committee; but the balance of that committee have unanimously

signed a petition against this bill. Now District Assembly 66 of the District of Columbia, has jurisdiction of all local assemblies in this community, and (with the exception of one local assembly) they have resolved not to do anything with this measure, claiming that they can best satisfy the members of the local assemblies in the District in this way. They do not believe in working on Sunday, but as for the other feature of the bill, they think it is best not to appear here in favor of it; and I believe there is quite a lot of the members of the Order who believe that if they want rest on Sunday—or any other day—they can get it through their labor organizations, and that it is best not to try to get it through Congress by a sort of a church movement.

There are over thirty unions of Knights of Labor, and there has been only one petition sent here. They

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have remained silent on this subject, and I think they want to remain silent upon it.

Mr. Schulteis denies my right to speak here; but anyone who belongs to the organization knows that I have a right to speak without credentials.

Mr. Campbell—Do you not believe it to be a fact, that some labor is necessary to be performed on Sunday?

Mr. Hobbs—Well, personally, I do—through custom.

Mr. Campbell—Without custom.

Mr. Hobbs—No.

Mr. Campbell—Don't you know that sugar refineries (for instance) cannot be run successfully without running them every day of the week?

Mr. Hobbs—I believe those parties are not in favor of stopping work on Sunday, but they need physical rest.

SPEECH OF ALONZO T. JONES.

Mr. Corliss—Mr. Jones has been called here by myself as pastor of the Seventh-day Adventist Church here in Washington. I have called that church together, and, by a rising vote, they have

requested Mr. Jones to appear here on their behalf. Mr. A. T. Jones, of New York City, editor of the *American Sentinel*.

Mr. Jones—MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I shall devote most of my remarks to the subject which was made so much of by the gentleman who spoke last on the other side (Mr. Crafts), namely, the Seventh-day Adventists, and their opposition to this legislation. But first I will notice the point made in regard to "men being forced to labor on Sunday."

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He asked Mr. Corliss to read more, and as I have here a much larger book than that from which Mr. Corliss read, I can read more than he could have done, and I am happy to comply with the gentleman's request for more of his own evidence on this point.

The Chairman—What is the title of the book?

Mr. Jones—The book is entitled, "The Sabbath for Man," and is written by Rev. Wilbur F. Crafts. In the place where I now read, the author is giving proofs in illustration of the fact that no man ever loses anything by refusing to work on Sunday. Here Mr. Crafts says:—

"I will add another, as told by the Hon. Wm. E. Dodge in an address on the sabbath: I had, as a teacher in my Sunday-school, a man who for many years ran the morning express on the New York and New Haven road. One winter morning, as he came into Sunday-school, he said to me, "Mr. Dodge, I suppose I have lost my position on the road." I said, "What has happened?" for I knew he was in all respects a first-class man, receiving the very highest wages, and had never met with any serious accident. Said he: "The superintendent sent for me early this morning to get out my engine to open the road, as there had fallen a deep snow during the night. I sent word that on any other day I was ready to do any extra work, but I could not come on the sabbath. Before I had finished my breakfast, peremptory orders came for me to come at once and get out my engine. I replied that I was going to my Sabbath-school, and could not come; and I presume I shall get my discharge tomorrow." I said: "Go early in the morn-

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ing to the superintendent, and say that although you are only engaged to run the express train, yet at any time, day or night, if anything special should happen, you would be ready to do what you could for the company, but cannot work on Sunday. *And if you are dismissed, I will secure you a first-rate position on a road in which I am interested, that never runs on Sunday.*" The next Sabbath he told me that he began to speak to the superintendent, but he stopped him, and said "*I respect your position, and you shall never be called on for Sunday work again.*"

Now what is necessary in cases of this kind? All that is requisite to their success is enough love for the right to lead them to refuse to do that which they believe to be wrong. Now there is enough virtue in Jesus Christ, and enough power in that virtue, to enable a man to do right in the face of all the opportunities and all the temptations to do wrong that there are in this world. That virtue and that power are freely given to every man who has faith in Him who brought it to the world. Why, then, do not these men, these professed ministers of the gospel of Jesus Christ,—why do they not endeavor to cultivate in men that faith in Christ which will empower them to do right from the love of it, instead of coming up here to this capitol, and asking you gentlemen of the National Legislature to help men to do what they think right by taking away the opportunity to do what they think to be wrong. Virtue can't be legislated into men.

But there is yet more of this. I read now from the same book, page 428—

"Among other printed questions to which I have

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collected numerous answers, was this one: 'Do you know of any instance where a Christian's refusing to do Sunday work, or Sunday trading, has resulted in his financial ruin?' Of the two hundred answers from persons representing all trades and professions, *not one is affirmative.*"

Then what help do the people need? And especially what help do they need that Congress can afford? Wherein is anybody being "forced to labor on Sunday"? Where is there any danger of anybody's being forced to labor on Sunday? Ah, gentlemen, this effort is not in behalf of the laboring men. They do not need it. By

Mr. Crafts' own published documents it is demonstrated that they do not need any such help as is proposed in this bill. That claim is only a pretense under which those who are working for the bill would hide their real purpose. And just here I would answer a question that has been asked, in which there is conveyed a charge that we have no sympathy with the workingmen. It has been asked, "Why is it that you—the *American Sentinel*—have no words to say in favor of the law to assure the workingman his Sunday rest, but instead oppose those who are in favor of it?" I answer, It is because we have more respect for the workingmen of this country than to think of them that they are so lacking in manliness, and have so little courage and ability to take care of themselves, that it is necessary for the government to take charge of them, and nurse and coddle them like a set of grown-up babies. And therefore it is in the interest of manliness and courageous self-dependence that we object to the church managers coming to the National Legislature to secure a law under such a plea

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as this, whose only effect would be to make grown-up babies of what should be manly men. We have respect for the laboring men in this matter, and we want them all to have the respect of their employers. Therefore, we would ever encourage and help them to stand so courageously by their convictions of right and duty, as that to each one his employer may be led to say, as did this railroad superintendent to that engineer. "I respect your position, and you shall never be called on for Sunday work again."

But there is more of this wanted, and I read on from the same page:—

"A Western editor thinks that a Christian whose refusal to do Sunday work had resulted in his financial ruin, would be as great a curiosity as 'the missing link.' There are instances in which men have lost places by refusing to do Sunday work, but they have usually found other places as good or better. With some there has been temporary self-sacrifice, but ultimate betterment. David said that he had never seen the righteous forsaken, nor his seed begging bread. I have, but *I never knew a case, nor can I find one in any quarter of the globe, where even beggary,*

much less starvation, has resulted from courageous and conscientious fidelity to the Sabbath."

Then why does he not go to cultivating that kind of courageous conscientiousness, instead of asking Congress to take away from men all opportunity to exercise either courage or conscience? But I read more:—

"Even in India, where most of the business community is heathen, missionaries testify that loyalty to the sabbath in the end *brings no worldly loss*. On the other hand, incidents have come to me *by the score* of

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those who have *gained*, even in their worldly prosperity, by daring to do right in the matter of Sunday work."

[Turning to Mr. Crafts] Have I read enough?

Gentlemen of the committee, if evidence can prove anything, then the evidence which I have here read not from an opponent, but from the chiefest factor in the movement in favor of this bill—proves to a demonstration that the object of this bill, as defined in the title, and as pleaded here to-day, is absolutely unnecessary and vain. This evidence proves to a demonstration that nobody in this District, nor in the United States, nor in the world around, is being forced to labor on Sunday. Not only this, but it demonstrates that there is not the slightest danger of anybody in this nation ever being forced to labor on Sunday; because actual "gain" and "worldly prosperity" lie in the refusal to work on Sunday, and it is certain that in this land everybody is free to refuse. This evidence also, coming from the source whence it does come, demonstrates that the title of the bill does not define its real object, but is only a pretense to cover that which is the real purpose—to secure and enforce by law the religious observance of the day.

Now, as to Sunday in, the Constitution, will the gentleman who has just spoken on the opposite side, or will any of these gentlemen, insist that the phrase "Sundays excepted" in the Constitution bears the same relation to the President as they by this bill would make the Sunday bear to the people of the District of Columbia? Is there any inhibition in it? Is the President forbidden by it to perform any secu-

lar labor or business on that day? Cannot the President go a-fishing, or do anything on that day, and that, too, without any inhibition whatever by the Constitution? Does that phrase in the Constitution mean anything else than simply the recognition of the legal *dies non*? That is just what it is, and that is all that it is. And against this we have not a word to say in itself; but when it is proposed to take this mere legal no-day and stretch it into the creation of a precedent that will sanction an act of Congress prohibiting everybody from doing any manner of work, labor, or business pertaining to this world, on Sunday—then we most decidedly protest. If these men are ready to go so far as that in the construction and use of a mere non-committal phrase, what would they not do under the authority of the specific words of a sweeping statute?

But Mr. Elliot—Rev. J. H.—says Sunday laws have been sustained as constitutional by the Supreme Courts of the States. True enough. But what does that amount to in a question as to the laws of Congress? I would like by some means, if possible, to get into the minds of these men who are supporting Sunday laws, the fact that the decisions of the Supreme Courts of *the States* has no bearing upon a *national* question. Let them bring a decision of a national case. There is no such case, and no such decision, for the simple reason that no such statute has ever been enacted by Congress, because it is forbidden by the Constitution. Therefore such a question has never come within the province of the United States Supreme Court. And every one of the decisions of the States, in reference to this question, have been

rendered upon the basis of religion. Mr. Elliott—Rev. George—cited here to-day the decisions of the Supreme Courts of New York and Pennsylvania. I am glad he did, because both these decisions sustain the constitutionality of the Sunday laws *upon the basis of Christianity as the common law*, which clearly shows that religion is the basis upon which rest Sunday laws and the decisions which sustain them. All the original thirteen States were formerly the thirteen

Colonies, *and every one of these Colonies had an established religion*, and therefore Sunday laws, as is proved by the old Maryland statute of 1723, cited here to-day, which is now the Sunday law of the District of Columbia. Thus the original thirteen States had Sunday laws, and this is how they got them. The younger States have followed these in Sunday legislation; and as the Supreme Courts of the original thirteen States have held such laws to be constitutional, the Supreme Courts of the younger States, from these, have held so also.

But the United States Government has no religion and never had any. It is forbidden in the Constitution. Therefore I say, We should like, if it were possible to get these men to understand that though the Supreme Courts of the States have declared Sunday laws to be valid under the constitutions of those States, such decisions can have no bearing whatever upon Sunday laws under the Constitution of the United States.

Mr. Grout—Will you quote that part of the Constition [*sic.*] to which you refer?

Mr. Jones—"Congress shall make no law respecting an establishment of religion, or *prohibiting the free exercise thereof.*"

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Congress can make no law upon the subject of religion without interfering with the free exercise thereof. Therefore the Seventh-day Adventists, while observing Saturday, would most strenuously oppose any legislation proposing to enforce the observance of that day. That would be an interference with the free exercise of our right to keep that day as the Sabbath. For we already have that right—

The Chairman—Would this law take away your right to observe the Sabbath?

Mr. Jones—Yes, sir. I was about to prove that it does interfere with the *free exercise* of our right to observe it; and having done that, I will prove that this bill does *distinctly contemplate* the taking away of the *right* to observe it.

First, as to its interference with the free exercise of our right to observe the Sabbath. I take it that no one here will deny that now,

at least, we, as citizens of the United States, have the constitutional right to observe Saturday as the Sabbath, or not to observe it, as we please. This right we already have as citizens of the United States. As we already have it by the Constitution, their proposal to give it to us is only a concealed attempt to deprive us of it altogether. For if we consent to their right of their power to grant it, the power to grant carries with it the power to withhold. In consenting to the one we consent to the other. And as the granting of it is, as I shall prove, *for a purpose*, and for *a price*, the withdrawing of it will surely follow just as soon as the purpose of it is accomplished, and especially if the price of it is not fully and promptly paid.

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Now this bill positively requires that whosoever does not observe Sunday shall "conscientiously believe in and observe" another day of the week. We do not keep Sunday. The bill does, therefore, distinctly require that we shall conscientiously believe in and observe another day. We maintain that we have the constitutional right to rest on Saturday or any other day, whether we do it conscientiously or not, or whether we conscientiously believe in it or not. Haven't we? Congress has no constitutional power or right to require anybody to "conscientiously believe in" anything, or to "conscientiously observe" anything.

But when it is required, as is proposed in this bill, who is to decide whether we conscientiously believe in it or not? Who is to decide whether the observance is conscientious or not? That has already been declared in those State Sunday laws and decisions which have been referred to here to-day as examples for you to follow. It is that the burden of proof rests upon him who makes the claim of conscience, and the proof must be such *as will satisfy the court*. Thus this bill does propose to subject to the control of courts and juries our conscientious convictions, our conscientious beliefs, and our conscientious observances. Under this law, therefore, we would no longer be free to keep the Sabbath according to the dictates of our own consciences, but could keep it only according to the dictates of the courts. Gentlemen, it is not enough to say that that would be an interference with the *free exercise* of our right to

keep the Sabbath; it would be an absolute *subversion* of our right so to do.

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Nor is it for ourselves only that we plead. We are not the only ones who will be affected by this law. It is not our rights of conscience only that will be subverted, but the rights of conscience of everybody—of those who keep Sunday as well as those who keep Saturday—of those who are in favor of the law as well as those of us who oppose the law. When the law requires that those who do not observe Sunday shall conscientiously believe in and observe another day, by that it is conclusively shown that it is the conscientious belief in, and observance of, Sunday itself that is required and enforced by this law. That is, the law requires that everybody shall conscientiously believe in and observe some day. But every man has the constitutional right to conscientiously believe in and observe a day or not as he pleases. He has just as much right not to do it as he has to do it. And the Legislature invades the freedom of religious worship when it assumes the power to compel a man conscientiously or religiously to do that which he has the right to omit if he pleases. The principle is the same whether the act compels us to do that which we wish to do, or whether it compels us to do that which we do not wish to do. The compulsory power does not exist in either case. In either case the State assumes control of the rights of conscience; and the freedom of every man to worship according to the dictates of his own conscience is gone, and thenceforth all are required to worship according to the dictates of the State.

Therefore in opposing this bill, and all similar measures, we are advocating the rights of conscience of all the people. We are not only pleading for our own

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right to keep the Sabbath according to the dictates of our own consciences, but we are also pleading for their right to keep Sunday according to the dictates of their own consciences. We are not only pleading that we, but that they also, in conscientious beliefs and observances, may be free from the interference and dictation of the

State. And in so pleading we are only asserting the doctrine of the National Constitution. In the history of the formation of the Constitution, Mr. Bancroft says that the American Constitution "withheld from the Federal government the power to invade the home of reason, *the citadel of conscience*, the sanctuary of the soul." Let the American Constitution be respected.

Now to the point that this bill, through its promoters, does distinctly contemplate the taking away of the *right* to observe the Sabbath. I read from the bill the exemption that is proposed:—

"This act shall not be construed to apply to any person or persons who conscientiously believe in and observe any other day of the week than Sunday, as a day of rest."

Now why is that clause put in the bill? The intention of the law-maker is the law. If, therefore, we can find out why this was inserted, we can know what the object of it is. During the past year Mr. Crafts has advertised all over this country from Boston to San Francisco, and back again, and has repeated it to this committee this morning, that the Seventh-day Adventists and the Seventh-day Baptists are the strongest opponents of Sunday laws that there are in this country, and that they are doing more

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than all others combined to destroy respect for Sunday observance. All this, and yet these are the very persons whom he proposes to exempt from the provisions of the law, which is expressly to secure the observance of Sunday!

Why, then, does he propose to exempt these? Is it out of respect for them, or a desire to help them in their good work?—Not much. *It is hoped by this to check their opposition until Congress is committed to the legislation.*

How do we know this?—We know it by their own words. The lady who spoke here this morning as the representative of the Woman's Christian Temperance Union—Mrs. Catlin—said in this city, "We have given them an exemption clause, and that, we think, will take the wind out of their sails." Well, if our sails were dependent upon legislative enactments, and must needs be trimmed to political breezes, such a squall as this might take the

wind out of them. But so long as they are dependent alone upon the power of God, wafted by the gentle influences of the grace of Jesus Christ, such squalls become only prospering gales to speed us on our way.

By this, gentlemen, you see just what is the object of that proposed exemption—that it is only to check our opposition, until they secure the enactment of the law, and that they may do this the easier. Then when Congress shall have been committed to the legislation, it can repeal the exemption upon demand, and then the advocates of the Sunday law will have exactly what they want. I am not talking at random here. I have the proofs of what I am saying. They

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expect a return for this exemption. It is not extended as a guaranteed right, but as a favor that we can have if we will only pay them their own stated price for it. As a proof of this I read again from Mr. Crafts' book, page 262:—

"The tendency of legislatures and executive officers toward those who claim to keep a Saturday-Sabbath is to over-leniency rather than to over-strictness."

And in the convention held in this city only about three weeks ago—January 30, 31—Mr. Crafts said that this exemption is "generous to a fault," and that "if there is any fault in the bill it is its being too generous" to the Seventh-day Adventists and the Seventh-day Baptists. But I read on:—

"For instance, the laws of Rhode Island allow the Seventh-day Baptists, by special exception, to carry on public industries on the first day of the week in Hopkinton and Westerly, in each of which places they form about one-fourth of the population. This local-option method of sabbath legislation after the fashion of Rhode Island or Louisiana, if generally adopted, would make not only each State, but the nation also, a town heap, some places having two half sabbaths, as at Westerly, some having no sabbath at all, as at New Orleans, to the great confusion and injury of interstate commerce and even of local industry. *Infinitely less harm is done by the usual policy, the only constitutional or sensible one, to let the insignificantly small minority of less than one in a hundred, whose religious convictions*

require them to rest on Saturday (unless their work is of a private character such as the law allows them to do on Sunday), *suffer the loss of one day's wages* rather than have the other ninety-nine suffer by the wrecking of their sabbath by the public business."

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Why then do they offer this "special exception"? Why do they voluntarily do that which they themselves pronounce neither constitutional nor sensible?—It is for a purpose.

Again I read, and here is the point to which I wish especially to call the attention of the committee. It shows that they intend we shall pay for the exemption which they so over-generously offer.

"Instead of reciprocating the generosity shown toward them by the makers of Sabbath laws, these seventh-day Christians expend a very large part of their energy in antagonizing such laws, seeking, by the free distribution of tracts and papers, to secure their repeal or neglect."

Exactly! That is the price which we are expected to pay for this generous exemption. We are to stop the distribution of tracts and papers which antagonize Sunday laws. We are to stop spending our energy in opposition to their efforts to promote Sunday observance. We are to stop telling the people that the Bible says "the seventh day is the Sabbath," and that Sunday is not the Sabbath.

But have we not the right to teach the people that "the seventh day is the Sabbath of the Lord," even as the Bible says, and that only the keeping of that day is the keeping of the Sabbath according to the commandment? Have we not the right to do this? Have we not the right to tell the people that there is no scriptural authority for keeping Sunday, the first day of the week? Why, some of these gentlemen themselves say that. Mr. Elliott here—Rev. George—confesses "the complete silence of the New Testa-

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ment, so far as any explicit command for the Sabbath, or definite rules for its observance, are concerned." Many others speak to the same effect. Have we not as much right to tell this to the people as they have? They do not agree among themselves upon the obligations of Sabbath-keeping, nor upon the basis of Sunday laws.

In every one of their conventions one speaks one way and another in another and contradictory way. Have we not as much right to disagree with them as they have to disagree with one another? Why is it then that they want to stop our speaking these things, unless it is that we tell the truth?

More than this, have we not the constitutional right freely to speak all this, and also freely to distribute tracts and papers in opposition to Sunday laws and Sunday sacrednesss [*sic.*]? Does not the Constitution declare that "the freedom of speech, or of the press," shall not be abridged? Then when these men pro-pose that we shall render such a return for that exemption, they do propose an invasion of the constitutional guarantee of the freedom of speech and of the press. Why, gentlemen, this question of Sunday laws is a good deal larger question than half the people ever dreamed of.

Now to show you that I am not drawing this point too fine, I wish to read another extract from a doctor of divinity in California. With reference to this specific question, he said:—

"Most of the States make provision for the exercise of the peculiar tenets of belief which are entertained by the Adventists. They can worship on Saturday and call it the Sabbath if they choose, *but there let their privileges end.*"

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They do, indeed, seem by this to be generous enough to allow those of us who are already keeping the Sabbath to continue to do so while we live, but there our privileges are to end. We are not to be allowed to speak or distribute papers or tracts to teach anybody else to keep it. Why, gentlemen of the committee, do you not see that they propose by this law to deprive us of all our rights both of conscience and of the Constitution? Therefore we come to you to plead for protection. We do not ask you to protect us by legislation. We do not ask you to legislate in favor of Saturday—not even to the extent of an exemption clause. We ask you to protect us by refusing to give to these men their coveted power to invade our rights. We appeal to you for protection in our constitutional rights as well as our rights of conscience.

"There let their privileges end." *If*. Even this allowance is only conditional. And the condition is the same precisely as that laid down by Mr. Crafts, namely, that we shall stop every phase of opposition to Sunday observance. Here it is in his own words, not spoken in the heat and hurry of debate, but deliberately written and printed in an editorial, *Western Christian Union*, March 22, 1889:—

"Instead of thankfully making use of concessions granted them, and then going off quietly and attending to their own business, *as they ought*, they stare out making unholy alliances that they may defeat the purposes of their benefactors. None of these bills are aimed at them, but if they fail to appreciate the fact, they may call down upon themselves such a measure of public disfavor as that legislation embarrassing to them may result."

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There, gentlemen, you have the story of that proposed exemption. 1. It is inserted to take the wind out of our sails and stop our opposition to their efforts and to Sunday observance in general. 2. If we do not "appreciate" the benefaction, and "reciprocate the generosity" by stopping all opposition to their work and to Sunday observance, then legislation "embarrassing" to us may be expected to result.

Gentlemen, do you wonder that we do not appreciate such benevolence, or reciprocate such generosity? Can you blame American citizens for saying in reply to all that, that however "embarrassing" the result may be, we do *not* appreciate such benevolence, nor do we intend to reciprocate such generosity as that, in any such way as is there proposed?

There is one more word on this point that I desire to read. It sums up the whole matter in such a way as to be a fitting climax to this division of my remarks. This is from Rev. M. A. Gault, a district secretary of the American Sabbath Union. Mr. Crafts, who is the American Sabbath Union, personally appointed him secretary of Omaha district. Mr. Gault wrote this to Elder J. S. Washburn, of Hawleyville, Iowa, and Mr. Washburn sent it to me. I read:—

"I see most of your literature in my travels [that is, the literature that Mr. Crafts says we do not stop distributing, and which we are not going to stop distributing], and I am convinced that your folks will die hard. *But we are helping Brother Crafts* all the time to set stakes and get the ropes ready to scoop you all in. You will kick hard, of course, but we will make sure work."

Yes, this bill is one of the "stakes," and the ex-

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emption clause is one of the "ropes" by means of which they propose to rope us in. And Mr. Gault is one of the clerical gentlemen who demand that the government shall "set up the moral law and recognize God's authority behind it, and then lay its hand on any religion that does not conform to it."

This is the intent of those who are working for this bill. You heard Mr. Crafts say a few minutes ago that the Senate Sunday bill introduced by Senator Blair "includes this;" and the Senate bill includes everybody within the jurisdiction of Congress.³ 1 They trump up this District bill with the hope of getting Congress committed to the legislation with less difficulty than by the National bill, because the attention of the people is not so much turned to it. Then having by the District bill got Congress committed to such legislation, they intend to rally every influence to secure the passage of the National bill; and then they propose to go on in their "roping in" career until they have turned this nation into a government of God, with themselves as the repositories of his will.

Mr. Heard—Is there any reference to that letter in that book from which you have been reading?

Mr. Jones—No, sir. I pasted it on the margin of this book, merely for convenience of reference along with the "generous" proposition of his "Brother Crafts."

All this shows that the intent of the makers and promoters of this bill is to subvert the constitutional rights of the people. The intent of the law-maker is the law. As, therefore, *by their own words*, the intent

of this exemption clause is to stop all effort to teach or to persuade people to keep the Sabbath instead of Sunday; as the intent of the body of the bill is to compel all to keep Sunday who do not keep the Sabbath; and as the intent of both together is to "scoop all in" and "make sure work," it follows inevitably, and my proposition is demonstrated, that the promoters of this legislation do distinctly contemplate the taking away of the right to observe the Sabbath in this nation, and to allow the keeping of Sunday only.

There is another consideration in this which shows that the State will be compelled to take official and judicial cognizance of the conscientious beliefs and observances of the people. It is this: When a law is enacted compelling everybody to refrain from all labor or business on Sunday, excepting those who conscientiously believe in and observe another day, then there will be scores of men who know that in their business—saloons, for instance—they can make more money by keeping their places of business open on Sunday than on another day, because more men are idle that day. They will therefore profess to observe another day and run their business on Sunday. This is not simply a theory, it is a fact proved by actual examples. One of the very latest I will mention. I have here a clipping from the *Southern Sentinel*, of Dallas, Texas, February 4, 1890, which I read:—

"Right here in Dallas we have an example of how the law can be evaded. Parties have leased the billiard hall of the new McLeod Hotel, and have stipulated in their lease that they are conscientious observers of the seventh day [though to the best of the common knowledge and belief they are not]; that, in

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consequence, their business house will be closed on Saturday, and will be open on Sunday."

Mr. Grout—If they are known not to be conscientious worshipers, and keepers of the seventh-day Sabbath, what defense would they have?

Mr. Jones—The defense would still be a claim of "conscientious belief in, and observance of, another day." The claim indeed might not be sincere. And if there were any question of it in the community, it would certainly be disputed, and the court would be

called upon to decide. Thus you see that by this bill the United States courts will be driven to the contemplation of conscientious convictions and compelled to decide upon the sincerity of conscientious beliefs and observances. And thereby it is proved that the introduction and advocacy of this bill is an endeavor to commit Congress and the government of the United States to the supervision of the conscientious convictions of the people.

Now, gentlemen, to prevent this was the very purpose of the First Amendment to the Constitution. It is well known, as I have stated, that the Colonies which formed the original thirteen States had each one an established religion. When it was proposed to organize a Federal government, the strongest influence that had to be met and overcome was jealousy of a national power—a fear that a national power would over-ride the powers and interfere with the domestic affairs of the States. It was this that caused the adoption of the First Amendment to the Constitution. Their affairs of religion and the exercise thereof being the dearest of all, are first assured protection. Fearing

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that the national government might enact laws which would restrict or prohibit the free exercise of the religion of any of the people of any of the States; or that it might adopt or indorse some one of the religious establishments of the States, and thus form an alliance which might annihilate both political and religious individuality; that the political individuality of the States and the religious individuality of the people might be free; for themselves and their posterity the people declared that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

It is not to be inquired whether there was any danger of that which they feared, they feared it and that is enough. And because they feared it, because they were so jealous—rightly jealous too—of their religious rights and conscientious convictions, they guarded these, as they intended and supposed, *forever*, from any supervision or cognizance whatever on the part of the national government.

And upon this I quote now more fully the words of Bancroft, to which I merely referred a little while ago:—

"Vindicating *the right of individuality* even in religion, and in religion above all, the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained in Judea. It left the management of temporal things to the temporal power; *but the American Constitution*, in harmony with the people of the several States, *withheld from the Federal government* the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and, *not from indifference*, but that the infinite spirit of eternal truth might move in its freedom and purity and power."—*History of the Formation of the Constitution, Book V chapter I.*

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Thus says the historian, there is by the Constitution "perfect individuality extended to conscience." This individuality, these rights, are as dear to us and as sacred as they were to the fathers of our nation, yet no more so to us than to other people. Therefore, gentlemen of the committee and the representatives of the people, by your respect for the Constitution and your oath to support it, and in behalf of the sacred rights of all the people, we implore you to give no heed to any demand for legislation, which in any way, to the least degree, proposes to touch the conscientious beliefs or observances of a solitary individual in all the land; give no heed to this bill, which, in its very terms, proposes to commit Congress to the supervision of conscientious beliefs, and proposes to drive the national power into a field where the makers of the national power forbade it to go, and to compel it to assume jurisdiction of questions which they have forbidden it even to consider.

Now, as to the petitions—their petitions I mean (our petition is all right, that needs no defense), the petition which the other side is circulating—that petition shows what this bill means. Both this bill and the Senate "which includes this," were framed and introduced upon this petition. If we know what the petition asks for, we shall know also what the bills are intended to give. Here is the petition—I read the one for the national law, "which includes this."

"To the House of Representatives of the United States—

"The undersigned organizations and adult residents (21 years of age or more) of the United States

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hereby earnestly petition your honorable body to pass a bill forbidding in the United States mail and military service, and in interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, *except works of religion.*"

Mr. Crafts—Read on.

Mr. Jones—I read as much as I want to use just now. That is the petition which they are circulating. That is the petition which they present to you. That is the petition upon which these bills were framed. They ask you to stop everything on Sunday—"all Sunday traffic and work," all "work, labor, or business," "*except works of religion.*" And yet they have the face to plead before the public, and in the presence of this committee, that this question "has nothing to do with religion." Nothing to do with religion when it prohibits everything "except works of religion"? If this is not a religious petition, why do they "except" only "works of religion"? But he asked me to read on:—

"Except works of religion, and works of *real* necessity and mercy, and such private work by those who *religiously* and regularly observe another day of the week by abstaining from labor and business, as will neither interfere with the general rest nor with public worship."

Of traffic, work, labor, or business, the exception is works of *religion*; of the people, the exception is only of those who *religiously* and regularly observe another day. Those who are to observe the day named must be religious that day; those who do not observe the day named must be religious, and regularly so, some other day of the week. Now, gentlemen, these bills

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were framed upon this petition. The intention of the petition is the intention of the bills. Therefore it is as plain as the day, that the object of both this bill and the Senate bill is the enforced conscientious belief in, and religious observance of, a rest-day.

The question then which would inevitably arise upon this is, What religion is it whose works of religion only shall be excepted?

That question would have to be answered. It would have to be answered by the United States courts or by Congress. But whenever, or by whichever, it shall be answered, when it is answered, *that moment you have an established religion—a union of Church and State*. You cannot go back if you take the first step. The last step is in the first one, and we beg of you, gentlemen of the committee, and of these men themselves, for their own sakes as well as ours, *do not take the first step*.

We all know that the most wickedly cruel and most mercilessly inconsiderate of all governments is that in which the ecclesiastics control the civil power. And how are you going to escape it under such laws as here proposed? Who is to enforce these Sunday laws? Who, indeed, but those who are working for them? Certainly those who are opposed to them; or indifferent about them, will not enforce them. Who then are they who are working for the enactment of these laws? Who organize the conventions and count out the opposite votes? Who appeared here before your committee to argue in favor of it? Who, indeed, but the church managers? for you saw how summarily the Knights of Labor part of the delegation was squelched.

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Well, then, if it is the church which secures the enactment of the law, it will be the church that will have to see to the enforcement of the law. In order to do this she will have to have police and courts which will do her bidding. This is her great difficulty now. There is now no lack of Sunday laws, either in the States or the Territories, but the laws are not enforced. In order to get executives and police and courts who will enforce the law to her satisfaction, the church will have to elect them. Then, as said Mr. Crafts in this city the other day, they will form "law and order leagues to enforce" the Sunday laws. Here then is the system: The church combines to get the law enacted; the church secures the election of officers who will do her bidding; the church forms "law and order leagues" to make sure that the officers do her bidding and enforce the law. Where, then, will the State appear, but in the subordinate position to formulate and execute the will of the church? Then you have the

church above the State, the ecclesiastical superior to the civil power. This is just what is in this national Sunday-law movement; and this is what will certainly come out of it. It is inherent there.

But when George III. undertook to make the military superior to the civil power, our liberty-loving fathers declared it tyranny and avowed such things should not be in this land. And now when a movement reaches the National Capitol which bears in itself an attempt to make the *ecclesiastical* superior to the civil power, it is time for the American people to declare that this is tyranny also, and resolve that no such thing shall be in this land. That attempt one

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hundred and fourteen years ago grew out of the "divine right of kings" to govern, and the doctrine that governments do not derive their just powers from the consent of the governed. This attempt now grows out of the divine right of *the ecclesiastics* to govern, and likewise that governments do not derive their just powers from the consent of the governed. The president of the American Sabbath Union, which is the originator of this national Sunday-law scheme, has definitely declared in so many words that "governments do not derive their just powers from the consent of the governed;" and one of the secretaries of an auxiliary union has as definitely stated that "this movement is an effort to change that feature of our fundamental law."

Gentlemen, when such doctrines as these are openly avowed, and when such an attempt as this is made by those who avow them, to embody them in national law, it is time for all the people to declare, as the Seventh-day Adventists decidedly do, that this nation is, *and of right ought to be*, FREE AND INDEPENDENT OF ALL ECCLESIASTICAL OR RELIGIOUS CONNECTION, INTERFERENCE, OR CONTROL.

BRIEF OF PROF. W. H. M'KEE.

Mr. McKee—MR. CHAIRMAN, AND GENTLEMEN OF THE COMMITTEE: I present this brief in behalf of the National

Religious Liberty Association. The name of this organization expresses its character. This order has organizations throughout the different States of the Union, also a national organization. I submit this brief in its behalf. [Presenting paper to Chairman, of which the following is a true copy.]

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To the Honorable Committee on the District of Columbia—

GENTLEMEN: In submitting to you this brief, as a statement of some of the considerations why you are asked to report unfavorably upon House Bill 3854, entitled, "A bill to prevent persons from being forced to labor on Sunday," your attention is called to these propositions:—

1. The legislation asked is unconstitutional, and contrary to the spirit of American institutions.

2. Waiving the question of unconstitutionality, Sunday laws already exist, in force and enforceable, in the District of Columbia, and the measure is one of cumulative legislation.

Article First of the Amendments to the Constitution declares that "Congress shall make no law respecting an establishment of religion."

House Bill 3854 embodies a measure which Congress is asked to adopt, as a law governing the District of Columbia, over which Congress has sole jurisdiction. Therefore, if this measure has in view the establishment of the observance of a religious dogma, or the enforcement of religious reverence for a particular day, because of the supposed divine origin of the observance required, or because a larger or smaller proportion of citizens observe the day religiously, it is a religious measure, outside the pale of civil legislation, and Congress is incompetent to entertain it.

Three points of internal evidence prove the bill to be religious in its inception, and in its intent:—

First—The word "secular," in the phrase "to perform any secular labor or business," betrays the rever-

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ential spirit in which the bill is framed. The incongruity of the word, in such a connection, in a purely civil statute, will be

perfectly patent if applied to a supposed measure, "To prevent persons from being forced to labor on the 4th of July," or, "To prevent persons from being forced to labor on the 22nd of February." The various antonyms—regular, religious, monastic, spiritual, clerical—of the word "secular," show the character which this term gives to the bill, and unavoidably. No stronger circumstantial evidence could possibly be required than the unconscious testimony of this expression.

Second—The words "except works of necessity or mercy" are subject, in a lesser degree, to the same construction. The character of phrases, as well as of human beings, may be determined by the company they keep, and this phrase is one which carries the mind immediately to the consideration of religious and Biblical exceptions made to the strict application of the divine law for the Sabbath. That is the source of the expression, and its course may be followed through all the religious laws for "Sabbath observance," and the judicial interpretation of them, which have been had. The effect of this phrase, in connection with the preceding word "secular," is conclusive.

Third—The exemption clause contains the language, "Who conscientiously believe in and observe any other day." What has a purely civil statute to do with the conscience of man, as regards his conscientious belief in, and observance of, a day of rest? The moment the domain of conscience is touched, as such, from that instant the measure is no longer civil.

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And if, as this exemption shows, there be a class to whose conscience this bill would work a hardship, and to whose religious convictions it would stand opposed, then, *per contra*, there is another class the consciences of whom the measure is intended to favor. It is, therefore, not only legislation on matters of conscience, but class legislation as well.

More than this: What does an exemption clause presuppose? Is it not a civil or legal incapacity to meet the requirements of the law? If the incapacity arise with the domain of conscience, it is

without the civil sphere, and the necessary conclusion is that the legislation is outside the jurisdiction of human law.

These three points might be elaborated further, but this statement of them is sufficient to show that the bill bears within itself conclusive evidence of its religious character; and, if religious, it is not within the purview of congressional legislation, as contemplated by the Constitution.

In measures, as in men, there is an ancestral spirit by which we may know them. What is the heredity of this bill?—Its progenitor in the Senate is the Blair Sunday-Rest bill, which, on its first introduction in the Senate of the Fiftieth Congress, was plainly entitled, "A bill to secure to the people the enjoyment of the first day of the week, commonly known as *the Lord's day*, as a day of rest, and to *promote its observance as a day of religious worship*;" and in the Fifty-first Congress it is called, "A bill to secure to the people *the privileges of rest and of religious worship*, free from disturbance by others on the first day of the week." The body of the two bills is the same,

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except that the incongruous nomenclature in the first has been harmonized in the second, and "first day," "Lord's day," and "sabbath," made to read, "first day" and "Sunday." Although in the last section of the former bill the expression "religious observance of the sabbath-day" is omitted, in the second, a neutrality clause, for it is nothing else, is inserted, which declares that "this act shall not be construed to prohibit or sanction labor on Sunday, by individuals who *conscientiously* believe in and keep any other day as *the Sabbath*," etc. It is the same bill resurrected, and attempts the mingling of incongruous elements which cannot be assimilated,—the Sabbath which is divine, and the Sunday which is human; Sabbath of the moral law, Sunday of the civil law; Sabbath of the Lord thy God, Sunday a religious day by the enactment of Constantine, and *a dies non*, in the statutory nomenclature of the civil law.

The very next branch of this family tree is entitled, "An act to punish blasphemers, swearers, drunkards, and Sabbath-breakers,"

which is openly a religious law. See "Laws of the District of Columbia, 1868," pp. 136-7-8. The family likeness of these three measures, the old Maryland law adopted into the statutes of the District, the Blair Sunday-Rest bill, and the Breckinridge local Sunday bill, is unmistakable, and, if the original from which the latter two are derived is a religious law, the two descendants certainly must be.

But in the bill before this committee there has been an attempt to separate the civil from the religious, and the claim is made that this measure is consistently

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for a "civil Sunday." In making good this claim, what is it necessary to show?—It is necessary to show that the legislative and public mind has been entirely divested of the popular idea that Sunday is a day to which a due religious observance is to be paid. Both those who make the law, and those who are subject to it, must be shown to have placed themselves exactly in the mental position of the civilian whose mind has never harbored the thought of the sacredness of one day above another. Then no other legislative restrictions would be attempted to be placed upon Sunday than could be enacted for Monday, or Tuesday, or any succeeding day of the week. But read this bill, 3854, and insert for the word Sunday the name of a different day of the week, and consider how quickly the sense of the people would reject it. Its propriety as a civil measure would be instantly denied. What should give it a different complexion when it contains the word "Sunday"? What is the magic "presto change" in that name?—It is the religious association; the fact that the consciences of many men for many generations have been trained to reverence Sunday as the holy day of God.

Sunday was first a holiday, dedicated as such to the sun and its worship. So that in its inception it was a day the observance of which was based upon a religious idea; in the accommodation of the forms and observances of the pagan and Christian churches, which, for the sake of temporal power and success, was brought about in the reign of Constantine, the church found it politic, from

the point of view which then prevailed, to adopt the pagan holiday, and did

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so, consecrating it anew, with all the sacredness of the religious forms and beliefs of the church, transferring to it the awful sanctity involved in the commandment of God, "Remember the Sabbath-day, to keep it holy," and adding to that all the holy sentiment which can be invoked for a day commemorative of the resurrection of our Saviour.

Thus cumulatively religious is the history of this day. The religious idea has never been separated from it. No enforcement of its observance, distinctively from other days, can be divorced from that inbred religious idea, any more than the physical and moral characteristics of the father and mother can be eliminated from the child. This child of the church and a religious holiday ("the venerable day of the sun") is, by birth, by inheritance, and by unbroken habit throughout its existence, a religious day—nothing else.

Congressmen are here to crystallize into law the highest expression of the will of the people. The "expression of the civilian will must result in civil law. You are here to make civil law then, are you not, not moral law? Why can you not make moral law for the people?—Because you cannot exceed the powers which the people had to give you, who constituted you legislators. And as they had no power to make a rule of moral action one for the other, or for themselves, therefore they had no authority to delegate such power to you.

If, then, you cannot, in your own minds, and in the minds of the people, both in theory and in fact, divorce completely—as utterly as though it had never

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existed—the religious idea from the concept Sunday, you have no right to legislate upon the use of that day as distinguished from any other day.

Those who are asking for the passage of this bill are urging the members to commit themselves to an unconstitutional act.

Sunday laws, and the whole line of religious legislation which goes in the same category, are alien to the letter of American fundamental law and to the spirit of American institutions. They are a survival of the English Church establishment, and should not have existed after the Declaration of Independence and the adoption of the Constitution any more than the laws governing the control of livings, and the maintenance of the Church of England. They have rightly no more place in our statutes than have laws for the regulation of the royal succession.

But the legal and judicial indolence of bar and bench has permitted this alien brood an entrance into our statute-books through *precedent* and not principle. And the precedent can be relied upon, in every case, to prove its principle wrong.

A clause of Article Fourteen of the amendments to the Constitution says that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;" but, when "legislating for the District of Columbia, Congress is bound by the prohibitions of the Constitutions;" and, as otherwise expressed, it is the purpose of this government to defend the personal rights and privileges of all its citizens, that, as the preamble states, the blessings of liberty may be secured to our-

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selves and to our posterity. Yet, suppose for a moment that you are able to divest yourselves of the religious heredity acquired since your ancestors first heard Sunday preached, and you proceed upon a civil basis entirely. How far may you, as legislators, proceed in this special legislation without trenching upon individual and absolute rights? To determine that, let us go back again to the source from which legislative authority is derived,—the people.

A citizen holds the right and title to his life in fee-simple. Of what is a man's life composed?—Threescore years and ten, no more, if by reason of strength he may attain to it. In other words, it is *time*—that is the stuff of which the web of his life is woven. That time is his, possessed by him in indefeasible right. May he take, civilly, one-seventh of his neighbor's time, ten years of his life? May his neighbor take one-seventh of his life, ten years of his time, and

devote it to any purpose whatever? If not, then have they the right to delegate to you the power to take away one-seventh of the life-time of all the people? For, if it be true that they have that right, and may therefore give it to you, then the representative of the Knights of Labor who spoke at the late Sunday Convention at Washington, was on the right track when he said, "We go farther than you, and demand two days in the week, Saturday for play and Sunday for rest;" and it may properly be made a penal offense to labor on Saturday *and* Sunday; and if for two days, then for three, four, five, six, seven; and the State may properly dictate what shall be the works of necessity and mercy permissible for any and

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all days of the week. Then a man's *life-time* is not *his*, but has been absorbed into the being of a vampire of his own creation. If this can be so, what then becomes of the "inalienable rights" of "life, liberty, *and* the pursuit of happiness," which the Declaration of Independence asserts?

It is therefore by the inexorable logic of their position that those who are promoting the passage of Sunday laws are compelled to deny the soundness of the foundation principles of our government, "All men are created equal," and, "Government derives its just powers from the consent of the governed," declaring them to be untrue and dangerous doctrines. At a joint convention of the Sabbath Union and National Reform Association, held at Sedalia, Missouri, last summer, Rev. W. D. Gray said, in open convention, "I do not believe that governments derive their just powers from the consent of the governed, and so the object of this movement is an effort to change that feature of our fundamental law." The assent of the convention to these views was shown by the election of Mr. Gray to the secretaryship of the permanent State organization. Col. Elliott F. Shepard, president of the American Sabbath Union, in a speech made at Chautauqua last summer, said: "Governments do *not* derive their just powers from the consent of the governed. God is the only lawgiver. His laws are made clear and plain in his word, so that all nations may know what are the laws which God ordained to be kept."

These open statements show that the Sabbath Union and National Reform Association are, by the ut-

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terances of their representative men, traitors at heart. They unblushingly declare their disrespect for the principles of the Declaration of Independence, as a preliminary to the request to Congress for the passage of laws in violation of the Constitution. They are at enmity with the Declaration and Constitution because they desire to ignore rights which the one specifies and the other secures to the people.

In this nation every individual is subject to the government, and this government derives its authority from no foreign power. The just powers of this government, then, if not from the governed, must be derived directly from God. We can understand how that the people express their highest civil conceptions in voicing human law; but if there be no human law, and all law is the expression of the perfection of God, what medium shall give voice to it? Upon this point hear Rev. W. F. Crafts, secretary of the Sabbath Union, in the convention lately held in the city of Washington. The following is *verbatim*:—

"*Mr. Hamlin*—Is it proposed that an end should be put to the running of the street-cars on Sunday?

"*Mr. Crafts*—Well, whatever the law may be, I suppose the consciences of the people, and the *officers*, will carry out the law; otherwise, I suppose the citizens will form a *law and order league*, to aid in the enforcement of the law; for, even independent of police, local influence, a law and order league is useful in connection with the officers. As to newspapers and street-cars, these would come either under 'secular work' or 'works of necessity and mercy,' and that is a matter of interpretation by the courts.

But the question of horse-cars and newspapers will undoubtedly be discussed by the courts, and some-

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thing will either be put into the law or decided by the courts shortly after the law is passed."

See also "Notes of Hearing," before the Senate Committee (of the Fiftieth Congress) on Education and Labor, on the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States, respecting establishments of religion and free public schools, p. 90:—

"Senator Payne—Let me inquire whether Unitarianism is within the principles of the Christian religion? . . . Is not Unitarianism a direct denial of the divinity of Christ and the Christian church? and is that to be prohibited, or is it to be allowed?

"The Chairman—The court would have to settle that wherever the question was raised."

There is, then, no controversy but what these questions raised by this line of legislation must come before the courts for adjudication. If this is to be "the American sabbath," and these the necessary measures for its "preservation," who will be the "American god" Jehovah? the courts? or the theological instructors behind the bench?

This is not a new subject in the committee-rooms of Congress. The Twentieth Congress was largely petitioned for the stoppage of Sunday mails, and it was then said that "these petitions did in fact call upon Congress to settle what was the law of God." The measure was reported upon adversely, the Senate concurring. See "Register of Debates in Congress," vol. 5, p. 43, and "Abridgments of Debates of Congress," vol. Io, p. 232. The report of Mr. Johnson, of Kentucky, from the Senate Committee on Post-offices and

Post-roads, to whom these petitions had been referred, is germane to the present issue. It is submitted that the committee of the District of Columbia would in this instance be justified in presenting a similar report on H. R. 3854, on similar ground.

As to the point that the District of Columbia already has Sunday laws in force, and enforceable, see "Laws of the District of Columbia, 1868," p. 137, sections 10 and 11 (re-adopted in 1874). Section 92, p. 9, of the "Revised Statutes of the District of Columbia," says: "The laws of the State of Maryland, not inconsistent with this title, as the same existed on the twenty-

seventh day of February, 1801, except as since modified or repealed, continue in force within the District." The authority so to legislate is shown in "Laws of Maryland, 1791" (I Dorsey, p. 269, chapter 45, section 2), in connection with the clause in section 8, Article 1, of the Constitution of the United States, where, in citing the powers of Congress, it says: "To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States," etc.

The district being thus under the jurisdiction of Congress, and the Maryland law adopted, the "Revised Statutes of the District of Columbia" (section 1049, p. 122) determines what court has jurisdiction of cases coming under this law. It is there found to be the Police Court, and section 1054, same page, provides that "the court may enforce any of its judgments or sentences, by fine or imprisonment, or both."

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Therefore, although the penalty affixed to the Maryland law may have become obsolete or difficult of determination, authority is lodged in the court having jurisdiction to affix its penalty by "fine or imprisonment, or both;" and in evidence of the fact that the law survives, although the penalty may become obsolete, see "United States *vs.* Royall, 3 Cranch, Circuit Court Reports," pp. 620-25.

If Congress ever had the power to adopt such a law the Maryland Sunday law of 1723 is still in force, and enforceable, in the District of Columbia, and to adopt another would be simply cumulative legislation.

But, on the other hand, if it be true that, when "legislating for the District of Columbia, Congress is bound by the prohibitions of the Constitution," see "United States *vs.* More, 3 Cranch 160," and Congress never rightfully adopted this law into the statutes of the District, then Congress would be guilty of cumulative unconstitutionality in passing the law contemplated in House Resolution 3854.

Respectfully submitted," W. H. MCKEE,
For the Nat'l Religious Liberty Ass'n.

APPENDIX A.

SPEECH OF MR. SCHULTEIS.

Mr. Schulteis—MR. CHAIRMAN, LADIES AND GENTLEMEN: I hold in my hand an indorsement of the Breckinridge Sunday-Rest bill, from Local Assembly 2672, Knights of Labor, of which I have the honor to be almoner. At a meeting of this Assembly, the Breckinridge Sunday-Rest bill was the subject of discussion, and on motion it was resolved that this body indorsed House Bill 3854, entitled, "A bill to prevent persons from being forced to labor on Sunday," and praying for the passage of the same.

I will simply state that at a convention of Knights of Labor held at Indianapolis in 1888, the Sunday-Rest bill (which included the District of Columbia) was indorsed by the unanimous vote of the entire body. It was represented by delegates from all over the United States. Every Knight of Labor was represented there, and I don't see that there is any further talk that I can make, to add to that important indorsement of the Knights of Labor. I will merely present the credentials of my Assembly, and its indorsement, stating that, while *I have not had special instructions to present this matter to this committee*, I hold credentials from district 66, as a member of the Legislative Committee, to appear before the committees of Congress, in all matters affecting labor legislation, for the District of Columbia. [Here the credentials referred to were presented to the committee. Signed, John C. Gates, Dist. 66, K. of L., with address.]

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APPENDIX B.

We print here the Senate Sunday bill, referred to in the speeches, as it was originally introduced in the Fiftieth Congress, and as it was re-introduced in the Fifty-first Congress. We print in parallel columns so that the reader may more easily see the changes.

THE BLAIR BILL—50th CONGRESS.

A bill to secure to the people the enjoyment of the first day of the week, *commonly known as the Lord's day*, as a day of rest, AND TO PROMOTE ITS OBSERVANCE AS A DAY OF RELIGIOUS WORSHIP.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person, or corporation, or the agent, servant, or employe of any person or corporation, shall perform, or authorize to be performed, any secular work, labor, or business to the disturbance of others, works of necessity, mercy, and humanity excepted; nor shall any parson engage in any play, game, or amusement, or recreation, to the disturbance of others, on the first day of the week, *commonly known as the Lord's day*, or during any part thereof, in any Territory, District, vessel, or *place* subject to the exclusive jurisdiction of the United States; nor shall it be lawful for any person or corporation to receive pay for Labor or service performed or rendered in violation of this section.

THE BLAIR BILL—51st CONGRESS.

A bill to secure to the people the *privileges of rest and of religious worship, free from disturbance by others*, on the first day of the week.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person, or corporation, or agent, servant, or employe of any person or corpora Lion, *or in the service of the United States in time of peace, except in the necessary enforcement of the laws*, shall perform, or authorize to *be* performed, any secular work, labor, or business to the disturbance of others, works of necessity, and mercy, and humanity excepted; nor shall any person engage in any play, game, or amusement, or recreation to the disturbance of others on the first day of the week, *commonly known as Sunday*, or during any part thereof, in any Territory, District, vessel, or place subject to the exclusive jurisdiction of the United States; nor shall it be lawful for any person or corporation to receive pay

for labor or service performed or rendered in violation of this section.

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SEC. 2. That no mails or mail matter shall hereafter be transported in time of peace over any land postal route, nor shall any mail matter be collected, assorted, handled, or delivered during any part of the first day of the week: *Provided*, That whenever any letter shall relate to a work of necessity or mercy, or shall concern the health, life, or decease of any person, and the fact shall be plainly stated upon the face of the envelope containing the same, the Postmaster-General shall provide for the transportation of such letter or letters in packages separate from other mail matter, and shall make regulations for the delivery thereof, the same having been received at its place of destination before the said first day of the week, during such limited portion of the day as shall best suit the public convenience and least interfere with the due observance of the day as one of worship and rest: *And provided further*, That when there shall have been an interruption in the due and regular transmission of the mails, it shall be lawful to so far examine the same when delivered as to ascertain if there be such matter therein for lawful delivery on the first day of the week.

SEC. 3. That the prosecution of commerce between the States and with the Indian tribes, the same not being work of necessity, mercy, or humanity, by the transportation of persons or property by land or water in such a way as to interfere with or disturb the people in the enjoyment of the first day of the week, or any portion thereof, as a day of rest from labor, the same not being labor of necessity, mercy, or humanity, or its observance as a day of religious worship, is hereby prohibited; and any person or corporation, or the agent, servant, or employe of any person or corporation who shall willfully violate this section, shall be punished by a fine of not less than ten or more than one thousand dollars, and no service performed in the prosecution of such prohibited commerce shall be lawful, nor shall any compensation be recoverable or be paid for the same.

SEC. 2. That no mails or mail matter shall hereafter be transported in time of peace over any land postal route, nor

shall any mail matter be collected, assorted, handled, or delivered during any part of the first day of the week: *Provided*, That whenever any letter shall relate to a work of necessity or mercy, or shall concern the health, life, or decease of any person, and the fact shall be plainly stated upon the face of the envelope containing the same, the Postmaster-General shall provide for the transportation of such letter or letters in packages separate from other mail matter, and shall make regulations for the delivery thereof, the same having been received at its place of destination before the said first day of the week, during such limited portion of the day as shall best suit the public convenience and least interfere with the due observance of the day as one of worship and rest: *And provided further*, That when there shall have been an interruption in the due and regular transmission of the mails, it shall be lawful to so far examine the same when delivered as to ascertain if there be such matter therein or lawful delivery on the first day of the week.

SEC. 3. That the prosecution of commerce between the States and with the Indian tribes, the same not being work of necessity, mercy, or humanity, by the transportation of persons or property by land or water in such way as to interfere with or disturb the people in the enjoyment of the first day of the week, or any portion thereof, as a day of rest from labor, the same not being labor of necessity, mercy, or humanity, or its observance as a day of religious worship, is hereby prohibited; and any person or corporation, or the agent, servant, or employe of any person or corporation who shall willfully violate this section, shall be punished by a fine of not less than ten or more than one thousand dollars, and no service performed in the prosecution of such prohibited commerce shall be lawful, nor shall any compensation be recoverable or be paid for the same.

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SEC. 4. That all military and naval drills, musters, and parades, not in time of active service or immediate preparation therefor, of soldiers sailors, marines, or cadets of the United States on the first day of the week, except assemblies for the due and orderly observance of religious worship, are hereby prohibited; nor shall any unnecessary labor be performed or

permitted in the military or naval service of the United States on *the Lord's day*.

SEC. 5. That it shall be unlawful to pay or to receive payment or wages in any manner for service rendered, or for labor performed, or for the transportation of persons or of property in violation of the provisions of this act, nor shall any action lie for the recovery thereof, and when so paid, whether in advance or otherwise, the same may be recovered back by whoever shall first sue for the same.

SEC. 6. That labor or service performed and rendered on the first day of the week in consequence of accident, disaster, or unavoidable delays in making the regular connections upon postal-routes and routes of travel and transportation, the preservation of perishable and exposed property, and the regular and necessary transportation and delivery of articles of food in condition for healthy use, and such transportation for short distances from one State, District, or Territory into another State, District, or Territory as by local laws shall be declared to be necessary for the public good, shall not be deemed violations of this act, *but the same shall be construed so far as possible to secure to the whole people rest from toil during the first day of the week, their mental and moral culture, and the RELIGIOUS OBSERVANCE OF TILE SABBATH-DAY.*

SEC. 4. That all military and naval drills, musters, and parades, not in time of active service or immediate preparation therefor, of soldiers, sailors, marines, or cadets of the United States, on the first day of the week, except assemblies for the due and orderly observance of religious worship, are hereby prohibited; nor shall any unnecessary labor be performed or permitted in the military or naval service of the United States on *the first dab of the week*.

SEC. 5. That it shall be unlawful to pay or to receive payment or wages in any manner for service rendered, or for labor performed, or for the transportation of persons or of property, in violation of the provisions of this act, nor shall any action lie for the recovery thereof, and when so paid, whether in advance or otherwise, the same ma be recovered back by whoever shall first sue for the same.

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APPENDIX C.

THE DISTRICT OF COLUMBIA SUNDAY LAW.

The Colony of Maryland had a Sunday law, enacted in 1723. When the Colony became the State of Maryland the same laws continued. Then when that portion of Maryland was set off which became the property of the United States under the title of the District of Columbia, and subject to the jurisdiction of Congress, the following statute was enacted by Congress:—

SEC. 92. The laws of the State of Maryland not inconsistent with this title, as the same existed on the twenty-seventh day of February, eighteen hundred and one, except as since modified or repealed by Congress or by authority thereof, or until so modified or repealed, continue in force within the District.—

Revised Statutes District of Columbia, p. 9.

The law of Maryland (October, 1723) relative to Sunday was then as follows:—

AN ACT TO PUNISH BLASPHEMERS, SWEARERS, DRUNKARDS, AND SABBATH-BREAKERS, AND FOR REPEALING THE LAWS HERETOFORE MADE FOR THE PUNISHING OF SUCH OFFENDERS

Be it enacted, By the right honorable, the lord proprietor, by and with the advice and consent of his lordship's governor, and the Upper and Lower Houses of Assembly, and the authority of

the same, that if any persons shall hereafter, within this province, wittingly, maliciously, and advisedly, by writing or speaking, blaspheme or curse God, or deny our Saviour Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son, and Holy Ghost, or the Godhead of any of the three persons, or the unity of the Godhead, or shall utter any profane words concerning the

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Holy Trinity, or any of the persons thereof, and shall be thereof convict by verdict, or confession, shall for the first offense be bored through the tongue and fined twenty pounds sterling to the lord proprietor, to be applied to the use of the county where the offense shall be committed, to be levied on the offender's body, goods, and chattels, lands or tenements, and in case the said fine cannot be levied, the offender to suffer six months' imprisonment without bail or mainprise; and that for the second offense, the offender being thereof convict as aforesaid, shall be stigmatized by burning in the forehead with the letter B, and fined forty pounds sterling to the lord proprietor, to be applied and levied as aforesaid, and in case the same cannot be levied, the offender shall suffer twelve months' imprisonment without bail or mainprise; and that for the third offense, the offender being convict as aforesaid, shall suffer death without the benefit of the clergy.

SEC. 2. *And be it enacted*, That every person that shall hereafter profanely swear or curse in the presence and hearing of any magistrate, minister, the commissary-general, secretary, sheriff, coroner, provincial or county clergy vestry-man, churchwarden, or constable, or be convicted thereof before any magistrate, by the oath of one lawful witness, or confession of the party, shall, for the first oath or curse, be fined two shillings and sixpence current money, and for every oath or curse after the first, five shillings like money, to be applied to the use aforesaid.

Sections 3 to 9 relate to drunkards and the enforcement of the law.

SEC. 10. *And be it enacted*, That no person whatsoever shall work or do any bodily labor on the Lord's day, commonly called Sunday, and that no person having children, servants, or slaves, shall command, or wittingly or willingly suffer any of them to

do any manner of work or labor on the Lord's day (works of necessity and charity always excepted), nor shall suffer or permit any children, servants, or slaves,

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to profane the Lord's day by gaming, fishing, fowling, hunting, or unlawful pastimes or recreations; and that every person transgressing this act, and being thereof convict by the oath of one sufficient witness, or confession of the party before a single magistrate, shall forfeit two hundred pounds of tobacco, to be levied and applied as aforesaid.

SEC. 11. *And be it likewise enacted*, That no housekeeper shall sell any strong liquor on Sunday (except in cases of absolute necessity), or suffer any drunkenness, gaming, or unlawful sports, or recreations, in his or her house, on pain of forfeiting two thousand pounds of tobacco to his lordship, one-half to the use aforesaid, and the other half to him that will sue for the same, to be recovered by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

SEC. 12. *And be it enacted*, That every parish clerk within this province shall procure a copy of this act, which the county clerks are hereby required to suffer the parish clerks to take without fee or reward, for which he shall be allowed in the parish fifty pounds of tobacco, and that the same shall be read four times in a year, viz., on some Sunday in March, in June, in September, and in December, by every minister within this province, in their respective parish churches, between divine service and sermon, on pain of forfeiting one thousand pounds of tobacco for every omission, one-half to the lord proprietor, for the use aforesaid, and the other half to him that will sue for the same, to be recovered by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.—*Laws of the District of Columbia, pp. 136-138.*

These statutes have never been either repealed or modified by any act of Congress. On the contrary, provision has been made for their strict enforcement. The "Revised Statutes of the District of Columbia" says:—

SEC. 335. It shall be the duty of the board of police at all

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times of the day or night within the boundaries of said police district.

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Ninth, To see that all laws relating to the observance of Sunday are promptly enforced; and,

Tenth, To enforce and obey all laws and ordinances in force in the District, or any part thereof, which are properly applicable to police or health, and not inconsistent with the provisions of this chapter.—*Revised Statutes District of Columbia*, p. 40.

It is perfectly plain therefore that the District of Columbia has a full and sufficient Sunday law. But there is a serious difficulty about its enforcement. Although, according to the act of Congress, all these laws are of force, they cannot all be enforced. The first one—the one relating to blaspheming—is clearly and doubly unconstitutional, in that (1) in forbidding a denial of the Trinity it presupposes an established religion and prohibits the free exercise of religion, and (2) it inflicts cruel and unusual punishments.

Then the Sunday statute being an inseparable part of the act, bears upon its very face the distinct religious features of all such legislation. The Sunday-law advocates therefore have not the courage to undertake the enforcement of a Sunday law that stands so distinctly and inseparably connected with the barbarisms of a religious despotism. Consequently they hope to get the provisions of this Sunday section separated from its original and proper connection, by advocating the civil Sunday, and securing the passage by Congress of an act to prevent persons being forced to labor on Sunday.

By comparing the Blair and the Breckinridge Sunday bills with the foregoing Sunday section, it is easy

to see the family likeness. The Blair bill, section 5, reproduces that feature of the old law, section II, which proposes to hire people to sue the man who works on Sunday, with this difference, however, that whereas the old law gave *half the fine* imposed for Sunday work, the Blair bill gives *all the* money that a person receives in payment for Sunday work. There is another point, in this reproduction of

the old law that is worthy of notice; if it is not an intentional reproduction, it is to say the least

A MOST REMARKABLE COINCIDENCE

Section 10 of the, existing law imposes a fine of "two hundred pounds of tobacco," and the Breckinridge bill imposes a fine of "one hundred dollars;" section 11 of the existing law imposes a fine of "two thousand pounds of tobacco," and section 3 of the Blair bill allows a fine of "one thousand dollars." Now we find by inquiry of large dealers in tobacco in New York City, that the average retail price of average tobacco is *fifty cents a pound*. Thus the *two hundred pounds of tobacco* of section 10 of the existing law, at fifty cents a pound *make the one hundred dollars* of the Breckinridge bill; and the *two thousand pounds of tobacco* of section II of the existing law, at fifty cents a pound *make the one thousand dollars* of the Blair bill! We say again that if this point in the two Sunday bills, now before Congress, was not intentional, it is certainly a most remarkable coincidence; while the other points of resemblance between the old and the new bear strongly, almost irresistibly, to the conclusion that, the old law was before the eyes and in the minds of those who originated these two Sunday bills.

¹ See Appendix C.

² See Appendix A.

³ See Appendix B.