The Discriminatory Origins of New Hampshire's 'Blaine' Amendment

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In 1877, New Hampshire voters approved an amendment to Section 2, Article 83 of the state Constitution. This is the article "For the Encouragement of Literature, Trades, Etc." which starts "Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools . . ."[1] The amendment, which had been approved at the Constitutional Convention the previous December, required that "*no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination*."[2]

In the same election, the voters removed a constitutional provision requiring that state-level elected officials be Protestant (since 1850 New Hampshire had been the only state to retain such a requirement[3]), though it would be another sixty years before a Catholic would be elected Governor. A few years before, in *Hale v. Everett* (53 N.H. 9 (1868)), the New Hampshire Supreme Court had declared the "Protestant test for office-holders" a "dead letter" while urging its removal from the Constitution,[4] and it has been suggested that the provision forbidding public funding to religious schools was added at this time to ensure that, in the future, Catholics in public office would not be able to use their position to provide such funding, as local office-

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1 http://www.nh.gov/constitution/lit.html

2 Kinney (1955), 137.

3 Paradis (1998), 29.

4 53 N.H. at 130; see also 53 N.H. at 201 (dissenting op. of Doe, J.).

holders had recently done in Manchester and in nearby Lowell, Massachusetts. New Hampshire voters had refused to remove this discriminatory provision in 1850.[5]

The voters did not, however, approve removing the word 'Protestant' from Article 6 of the Bill of Rights included in the original 1784 Constitution.

> As morality and piety, rightly grounded on evangelical principles, will be the best and surest security to government, and will lay in the hearts of men the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity and of public instruction in morality and religion; therefore to promote these important purposes, the people of the state . . . impower the Legislature to authorize from time to time the several towns, parishes, bodies corporate or religious societies within the State to make adequate provision at their own expence, for the support and maintenance of public Protestant teachers of piety, religion and morality." [6]

This explicit endorsement of Protestantism would endure through subsequent constitutional revisions for another nine decades until amended in 1968,[7] when more than 67,000 New Hampshire citizens continued to vote against removal of this discriminatory provision.[8]

Public schools during this period (and indeed in many communities until after the Second World War) continued to reflect and express a Protestant understanding of the nature of a good education, including the use of the Bible for both instructional and devotional purposes. What Catholics were asking for – with increasing insistence as their numbers grew and their social position improved, however modestly – was what they had already experienced in Ireland and Quebec, that a fair share of the funds raised by taxation be provided to their own schools. As we will see, political struggles in a number of countries during the 1870s resulted in precisely that accommodation, but in New Hampshire and elsewhere in the United States the opposition of the Protestant majority to what was seen as a dangerous foreign element in society was still too strong and resulted in measures seeking to remove the issue from the democratic process.

How can we explain the apparent contradiction between maintaining Protestant religious elements in public schools while judging Catholic schools "sectarian" and thus ineligible for public funding? In fact, it is entirely consistent with similar actions in other states during the late nineteenth century. It was in the mid-1870s, as we will see below, that funding for Catholic schools became a major political issue nationwide, for three reasons: *the growing political strength of Catholic voters in some highly-visible cities, the conflicts in Europe over schooling between the Catholic Church and a number of national governments, and the need of the Republican Party for a new issue to mobilize voters and make them forget the financial scandals of the Grant Administration*.

It is a truism of historical scholarship that the provisions adopted in many state constitutions during the nineteenth and early twentieth centuries forbidding public funding for 'sectarian'

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5 Steproe (1993), 13.

6 Kinney (1955), 136, 123.

7 See http://www.nh.gov/constitution/billofrights.html for the amended language currently in effect.

8 Paradis (1998), 31.

schools were not a belated response to the non-establishment clause of the First Amendment, eight decades before, but an expression of anti-Catholic prejudice. Steven Green is thus seriously anachronistic when he writes that the "debate over the School Question [in the 1870s] was the closest that Americans have ever come to having a national conversation about the meaning of the religion clauses of the Constitution."[9] There was no such debate in the 1870s, and the First Amendment was seldom if ever mentioned. The struggle (it scarcely deserves to be called a debate) was purely political, and it was about whether American society and its highly-decentralized schooling should be religiously pluralistic, or whether only the generic Protestant model of schooling was capable of forming American citizens. It was whether the wishes of Catholic parents for Catholic schooling for their children would be respected and supported.

A good case can be made, in fact, that the School Question represented in part a cynical effort by Republican Party leaders to regain the popular support that they had been losing as voters in the North lost interest in efforts on behalf of freed slaves and their children in the South.

Nor do the parallels stop there: just as the 'Jim Crow' laws adopted in the South denied to black Americans the equal protection of the laws promised by the Fourteenth Amendment,[10] so did the so-called 'Blaine amendments' deny to Catholic parents the equal treatment that they had a right to expect from government in their choices for the education of their children.

Before considering the details of these conflicts in the 1870s, it is necessary to consider why these questions came to have such resonance for the American public, both Protestant and Catholic.

Development of Schooling in New Hampshire and Beyond

It is natural to assume that the reasons for going to school have always been pretty much what they are today: to prepare individuals to participate successfully, as adults, in a society and economy that require skills usually developed by schooling. That was not the case for most of those growing up in the American colonies of the seventeenth century; rather, "from the very beginnings, the expressed purpose of colonial education had been to preserve society against barbarism"[11] and to provide the basis for a religious life that, to Protestants, required reading and understanding the Bible and devotional texts. Literacy was not especially useful for the work that most men and women did. Indeed, there is evidence that many who learned to read as children lost the skill subsequently, unless it was maintained for religious reasons. Inventories of the estates of men and women who died during the eighteenth century has found a "continuing massive preponderance of religious books . . .. The flood of 'how-to' books expected to accompany an increase in the need for literacy simply does not materialize, and the focus of literacy remains essentially religious."[12] As we will see, *the centrality of the Bible for schooling remained a fundamental theme with the Protestant majority and a frequent source of*

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9 Green (2012), 225.

10 See Glenn (2011c), 79-107.

11 May (1976), 32.

12 Lockridge (1974), 68-9.

conflict with Catholics throughout the 19th century, including in New Hampshire.

Colonists in Massachusetts, Connecticut, and New Hampshire settled initially near the coast and along the Connecticut River in organized and compact communities; a law of 1635 in Massachusetts required that settlers live within a half mile of a town church.[10] It has been suggested that "the pattern of settlement of New England – in compact villages rather than scattered farms [as in other regions] – was a deliberate decision taken in order to create close-knit communities of educated Christians. The concern or lack of concern with education was as much a cause as it was an effect of the varying patterns of settlement in colonial America."[11] The New England colonists placed a high value on raising children who would achieve knowledge of God's plan of salvation through independent study of the Bible as well as through faithful attendance at preaching. For many, indeed, this was a primary motivation for leaving England. "Why came you into this land?" asked one Puritan preacher in 1671. "Was it not mainly with respect to the rising generation? . . . Was it to leave them a rich and wealthy people? Was it to leave them Houses, Lands, Livings? Oh, No; but to leave God in the midst of them."[12]

It has been pointed out that this motive was not so strong among those colonists who first settled New Hampshire, hoping to prosper from the opportunities that its seacoast offered "to cultivate the vine, to fish, and to trade,"[13] but the influence of the larger and more fervently-Puritan colony to their south was decisive on the formation of schooling in Portsmouth, Dover, and other little communities because the two colonies were politically united for nearly four decisive decades after 1641. Thus the celebrated Massachusetts education laws of this period were really also New Hampshire laws.

There is substantial evidence of religious intolerance during the 17th century; "the first forty years of New Hampshire's existence were largely years of fastening upon the four colonial towns the Puritan way. The Anglican Church in Portsmouth, the Wheelwright heresy in Exeter, the Quaker movement in Dover – all of them were found dangerous by the Boston hierarchy . . . [which] in each case took immediate measures to destroy the religious arrangements which appeared to threaten the Puritan establishment."[14] If Catholics were not included in this early discrimination, it is only because there were none, except among some of the Indian peoples who had been reached by missionaries from French Canada, but the English colonists brought with them the prejudices prevalent in post-Reformation Britain.

> Carried across the Atlantic [John Higham writes], the anti-Catholic heritage formed an important element in colonial loyalties and, with the rise of an American nationalism, affected that in turn. The tradition acquired a very real local significance in the New World, for the English colonies were squeezed between two hostile Catholic empires, France and Spain. . . [Later,] anti-Catholic xenophobia by no means disappeared. Although recessive, it remained an important counterpoise to more generous ideals of

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10 Monroe (1971), 108.

11 Pangle and Pangle (1993), 20.

12 in Axtell (1976), 4.

13 Bush (1898), 9.

14 Kinney (1955), 21.

nationality.[15]

With the English 'Glorious Revolution' of 1688-89, instructions were issued to the new colonial authorities to "permit liberty of conscience to all persons except Papists [that is, Catholics], so there be a quiet and peaceful enjoyment of it, not giving of scandal to the government."[16]

Such formal schooling as was available in an area often troubled by warfare with Indians as well as economic difficulties was intended in both purpose and implementation to place Protestant religious concerns central. The legislature, in 1642, required town officials in the two colonies "to take account from time to time of all parents and masters, and of their children, concerning their calling and employment of their children, especially of their ability to read and understand the principles of religion and the capitall lawes of this country." Parents and masters who neglected this duty to see to the education of children under their care were fined.[17] This was not a requirement of school attendance; parents and masters could choose other means of ensuring that their children and apprentices were prepared for life in church and society, but they would be sanctioned if they did not do so.

The expansion of literacy should not be attributed entirely to the greater provision of schooling; in some respects schooling became less available while literacy rose during the eighteenth century, as the population spread out from town centers and more and more families lived on their farms. Religious factors made literacy highly valued in New England, and it increased steadily in New Hampshire, for example, where school laws were weak. Lockridge suggests that literacy in New England was unusual for the time because it was not strongly linked with occupation and with wealth, but was spread generally throughout the population, both men and women. In the whole Atlantic world, "the only areas to show a rapid rise in literacy to levels approaching universality were small societies whose intense Protestantism led them widely to offer or to compel in some way the education of their people. In Calvinist Scotland, a system of compulsory elementary education appears to have raised adult male literacy from 33% around 1675 to nearly 90% by 1800 . . . As a result Scotland reached the threshold of universal male literacy simultaneously with New England."[18]

In 1647, perhaps concluding that more institutional support was needed, the legislature required communities in New Hampshire and Massachusetts of appropriate sizes to maintain schools, with tuition paid either by parents "or by the inhabitants in generall." The preamble to this law has become celebrated, and is worth quoting:

> It being one chief project of that ould deluder, Satan, to keepe men from the knowledge of the Scriptures, as in former times by keeping them in an unknowne tongue, so in these latter times by perswading from the use of tongues, that so at last the true sence and meaning of the originall might be clouded by false glosses of saint-seeming deceivers, that learning may not be buried in the grave of our fathers in the church and commonwealth, the Lord assisting our endeavors – It is therefore ordered, that every township in this jurisdiction, after the Lord have increased them to the number of 50

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15 Higham (1955), 6.

16 Kinney (1955), 35.

17 in Cohen (1974), I, 393.

18 Lockridge (1974), 99.

> householders, shall then forthwith appoint one within their towne to teach all such children as shall resort to him to write and reade, whose wages shall be paid either by the parents or masters of such children, or by the inhabitants in general.[19]

When New Hampshire became independent again this law was retained.[20]

It is easy to overlook, in the quaint language of this law, its anti-Catholic background: the Catholic Church had in the past opposed the publication of translations of the Bible in English and other vernaculars, so that only those able to read Latin could study it for themselves rather than through the mediation of a priest. After more than a century of translations spread through the new technology of printing with moveable type, the Bible and devotional materials could be found in every Protestant home, but the new danger was that the rising generation would not be able to read them for lack of schooling, and thus fall away from Protestant orthodoxy.

Similar requirements continued to be enacted in the colonies of Connecticut (1650), New Haven (1656), and now-independent New Hampshire (1693). In 1690, the Connecticut legislature noted that "notwithstanding the former orders made for the education of children and servants, there are many persons unable to read the English tongue, and therefore incapable to read the holy word of God, or the good laws of the colony," and ordered that "all parents and masters shall cause their respective children and servants, as they are capable, to be taught to read distinctly the English tongue."[21]

In New Hampshire local ministers were expected to exercise the primary oversight over schools, and to participate in selecting the teachers. This role was spelled out in legislation in 1708 and 1716,[22] though it had long been customary and would continue to be well into the 19th century.

While many schools in England had been endowed by the crown with confiscated church properties, or by wealthy benefactors, or by town guilds, this was not possible in colonial New England, where there was little accumulated wealth and where land was too plentiful for rents to produce a reliable income for a school. New England schools, then, were supported by general taxes in addition to the fees paid by those parents who could afford it. "If their lack of endowment denied them a measure of security and independence, their dependence upon taxes made them intellectually responsive to the society for which they acted."[23] Here we see the origins of the localism that has always been a defining characteristic of American schooling.

The uneven quality of provision for schooling in colonial New Hampshire and in the early decades of the 19th century led to the development of a rich array of 'academies' offering secondary and often elementary instruction as well, and serving in lieu of public high schools in many communities until the late 19th century and indeed in some cases into the present. Public funds from local school taxes or land grants were often made to help support these academies, though they depended also on private benefaction; indeed, the private/public

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19 in Cohen (1974), I, 394.

20 Bush (1898), 11.

21 in Cohen (1974), I, 402-3.

22 Kinney (1955), 148.

23 Axtell (1976), 170.

distinction in education did not become clearly marked in much of the United States until the 20th century. By 1866 there were 51 academies reporting to the New Hampshire authorities, who recommended two years later that they be adopted as town high schools, while continuing their generically Protestant practices.[24]

As with 'public schools,' the 'private' academies were usually unapologetic about their religious goals. Thus, in founding the Academy in Andover, Massachusetts, in 1778, Samuel Phillips urged the schoolmaster "early and diligently to inculcate upon [the pupils] the great and important scripture doctrines of . . . the fall of man, the depravity of human nature; the necessity of an atonement and of our being renewed in the spirit of our minds, the doctrines of repentance toward God and of faith toward our Lord Jesus Christ . . . and of justification by the free grace of God through the redemption that is in Jesus Christ."[25] Similar goals were set for the school that his brother John established in Exeter, New Hampshire in 1781,[26] and its founding constitution spoke of the goal of "advancing the interest of the Great Redeemer."[27] Dartmouth College, established with explicitly religious and indeed evangelistic goals, was also a beneficiary of public support, including grants of over 67,000 acres of New Hampshire land.

Early in the nineteenth century, in New Hampshire as in the United States in general, it continued to be primarily religious motivations that led to the establishment and maintenance of schools. While in some areas (notably in the mid-Atlantic states) this led to separate denominational schools, in other localities cooperation among Protestants who differed on various points of doctrine and practice led to schools with a religious character that all could support. As I have shown in some detail elsewhere, the 'Common School' movement associated with Horace Mann was permeated by religious themes and motivations;[28] Mann himself, though a Unitarian, insisted on the central role of religion and the Bible in schools. In the last of his twelve annual reports to the Massachusetts Board of Education, reports that were read widely across the United States and in Europe and Latin America, Mann noted the Catholic criticism of the common public school:

> a rival system of "Parochial" or "Sectarian Schools," is now urged upon the public by a numerous, a powerful, and a well-organized body of men. It has pleased the advocates of this rival system, in various public addresses, in reports, and through periodicals devoted to their cause, to denounce our system as irreligious and anti-Christian.[29]

In his *Tenth Report*, Mann had stated that the "policy of the State promotes not only secular but religious instruction,"[30] in his *Eleventh Report* he claimed that "[i]t is not known that there is, or ever has been, a member of the Board of Education, who would not be disposed to

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24 See Gabel (1937), 194, 335, 577; Bush (1898); and Stackpole (1916) for details about many New Hampshire academies, including their explicitly Protestant identities.

25 in Sizer (1964), 86-87.

26 Stackpole (1916), 335.

27 In Cohen (1974),I, 519.

28 Glenn (1988), chapter 6: "The Common School as a Religious Institution."

29 Mann (1849), 102.

30 Mann (1847), 233.

recommend the daily reading of the Bible, devotional exercises, and the constant inculcation of the precepts of Christian morality, in all the Public Schools,"[31] and the year after that, in his valedictory 1848 report, he made the religious character of the common school his central theme. After a panegyric to the importance of moral education as the central mission of the common school, Mann pointed out that

> it will be said that this grand result, in Practical Morals, is a consummation of blessedness that can never be attained without Religion; and that no community will ever be religious, without a Religious Education. Both these propositions, I regard as eternal and immutable truths. Devoid of religious principles and religious affections, the race can never fall so low but that it may sink still lower; animated and sanctified by them, it can never rise so high but that it may ascend still higher. . . . The man . . . who believes that the human race, or any nation, or any individual in it, can attain to happiness, or avoid misery, without religious principle and religious affections, must be ignorant of the capacities of the human soul, and of the highest attributes in the nature of man.[32]

As a result, he told the Board and his widespread public, "I could not avoid regarding the man, who should oppose the religious education of the young, as an insane man," and, in his role as Secretary of the Board of Education, he had "believed then, as now, that religious instruction in our schools, to the extent which the constitution and laws of the state allowed and prescribed, was indispensable to their highest welfare, and essential to the vitality of moral education."[33]

Mann's successor as Secretary of the Massachusetts Board of Education, the Rev. Barnas Sears, reinforced this emphasis, writing in the Board's *Fifteenth Annual Report* that

> The most perfect development of the mind, no less than the order of the school and the stability of society, demands a religious education. Massachusetts may be regarded as having settled, at least for herself, this great question of the connection of religion with the Public Schools. She holds that religion is the highest and noblest possession of the mind, and is conducive to all the true interests of man and of society, and therefore she cannot do otherwise than seek to place her schools under its beneficent influence. The constitution and laws of the Commonwealth enjoin it upon teachers to inculcate piety and Christian morals, love to God and love to man. . . . The formation of a virtuous character is the natural result of a right religious training.[34]

But this praise of religious instruction was limited to that instruction as provided in the common public school; Mann and the other common school promoters were in general strongly opposed to non-public schools, and especially those with a religious character. Historian Diane Ravitch has written that "the common school movement was propelled by a great sense of moral and political rectitude, as well as by the popularity of nativism and anti-Catholicism."[35]

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31 Mann (1848), 9.

32 Mann (1849), 98-99.

33 Mann (1849), 103, 113.

34 Sears (1852), 26-27.

35 Ravitch (2001), 19.

While localism was a nationwide phenomenon, it took an especially acute form in New Hampshire, where, in 1870, there were an astonishing 2,118 school districts, each responsible for establishing, funding, and supervising a school or schools, for a state population of 318,300. Historian Eugene Bishop claims that the New Hampshire "'town system' of government was local in a sense that no other type of government in America, or elsewhere, has been," and that it led to "growth of a feeling that regulation of the affairs and business of the community was properly, and almost inalienably, a problem for purely local consideration and decision."[36] Or, as an earlier historian put it, the policy of New Hampshire had "been to leave in the hands of the family and neighborhood the main share of the work in educating the child. This doctrine was in harmony with the active and liberty-loving principles of our ancestors."[37]

The strong localism of schooling made it a simple matter in most cases around the country to accommodate the religious loyalties of parents in daily practices and classroom instruction. This was a more difficult matter in cities where both Catholics and Protestants were strongly represented, and conflict frequently broke out over whether the Bible should be read devotionally or used as part of instruction . . . and, if so, which version of the Bible should be chosen; most notoriously, in Philadelphia in 1844, this was the pretext for anti-immigrant riots in which dozens were killed and Catholic churches were attacked.

We tend to assume that non-denominational local public schools are simply the natural way for an educational system to develop, but in fact most other Western nations (including Australia, parts of Canada, England, Netherlands, Belgium, Germany, France, and others) still organize publicly-funded education at least in part on a denominational basis, either through public schools with a denominational character (as in Ontario and elsewhere) or through public funding of privately-operated denominational schools.[38]

If the religiously-heterogeneous population of the United States did not lead to consistent demands from the majority Protestant population for denominational public schools, it was in part because the strength of democratic localism made them unnecessary: public schools were free to reflect the religious preferences of local communities. As a local school superintendent in New York State wrote in 1874, "Probably no two cities or localities in the State conduct their schools on the same plan. Each locality determines its own methods, selects its own teachers, and textbooks, in fact makes its own schools. More than this, teachers even in the same system of schools differ widely as to what shall be taught."[39] In rural areas, where often each school served only a dozen or so families, with a single teacher chosen locally, it was not difficult to reflect the religious convictions of this limited clientele; people who shared common views often chose to live nearby each other, or the accidents of propinquity led to common views. In such cases, a common public school could be quite distinctive in terms of religious content in the curriculum as well as in the use of Bible readings and Christian hymns as opening ceremonies each day.

In New York State, for example, "the legislature left decisions about the religious character

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36 Bishop (1930), 11-2, 53.

37 Bush (1898), 13.

38 For a comprehensive overview of 65 national systems of schooling, see Glenn and De Groof (2012).

39 Justice (2005a), 143.

of school instruction to the democratic determinations of individual districts – except in New York City, where, as a result of the 1842 resolution of the controversy between the Public School Society and Catholic Bishop Hughes, publicly-funded schools were placed under the control of the elected officials of local wards within the city, remaining so for the rest of the century.[40] Naturally, the religious flavor of these ostensibly neutral schools was Protestant or Catholic depending upon the population of each district. In 1869, the growing political clout of Catholics at the state level led to a provision that twenty percent of the excise tax funds in New York City would go to "schools, educating children gratuitously in said city who are not provided for in the common schools thereof." According to *Harper's Weekly* in 1871, over $700,000 in public funds was provided to parochial schools.[41] This direct support ended in 1872, when the Republican-dominated state legislature abolished public funding of private charitable institutions, but with victory by the Democrats (the party for which almost all immigrant Catholics voted), the provision for state aid to "church-affiliated charities, including orphan asylums," but not day schools, was restored and expanded in 1875, and a decade later their number had doubled.[42]

This prevailing localism in the management of schools made it possible to reach accommodations in the great majority of communities, with the religious character of schools reflecting that of families, and compromises reached as necessary. It was developments at the national and state levels, stimulated in part by controversies in Europe, which made the religious character of schooling a major political issue in the 1870s and led in turn to its removal from the sphere of democratic decision-making. The result has been that *since the late nineteenth century the United States, unlike other Western democracies, has never engaged in serious deliberation about how the religious convictions of parents and teachers should be accommodated in public education*.

On the other hand, public officials continued to express the strong conviction that, in whatever specific form, schooling should be explicitly religious in purpose and execution. Thus New Hampshire's first Superintendent of Public Instruction, appointed in 1867, wrote in his first annual report that the goal of schooling

> is to accustom the young to draw, with reverent and devout heart, the sublime inference of divine power, contrivance, and goodness from the perfect adaptation of means to end, as revealed in the several subjects of instruction, nay, more, to employ that religious inculcation that is without sectarianism, and which, with an open, undogmatized Bible, leads to search the heart, to weigh actions by motives, and to obey the golden rule of love to man as the highest manifestation of paramount love to God.[43]

The Perceived Catholic Menace

For many American Protestants, the Catholic Church, a large and ramifying organization and also a source of claims transcending national loyalties, seemed a menacing limitation upon

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40 Hamburger (2004), 227-8.

41 Green (1992), 43.

42 Justice (2005a), 190-91, 208.

43 In Bush (1898), 26.

national unity and progress; its opponents “hammered away at the idea that schools operated by the religious communities taught a perverted doctrine inimical to modem ideas and a hatred for laic society that must eventually prove fatal for the Republic.”[44]

There can be no question that the provision for Protestant teaching (which included preaching) in the New Hampshire Constitution was intended both to oppose Catholicism and to promote the evangelical Protestant alternative, as the Supreme Court pointed out in *Hale v. Everett* in 1868:

> we know the reason why the framers of the constitution made provision for Protestant teachers of religion, and why they prescribed the Protestant test for office-holders, because they themselves have informed us fully on that subject. There is no room for doubt or for cavil. It was not solely because Protestantism was anti-Catholic. If that had been the reason, it would have been fully and plainly stated. But it was that they might secure to the state and its inhabitants "morality and piety, founded upon evangelical principles," the principles of the gospel of Jesus Christ, the principles of true Christianity.[45]

It was widely believed, among the Protestant majority in the United States, that the very nature of Catholic schooling was contrary to fundamental principles of American life, aiming to produce adults unable to think for themselves and totally subordinate mentally and spiritually to their church. “Catholicism in this country,” wrote Samuel Spear the same year that the New Hampshire delegates drafted language to prevent public funding of Catholic schools, “depends for its life and progress upon two conditions: first, a large and continuous importation of foreign-born Catholics; second, home production, by educating the children of Catholics into the faith of their parents and the faith of the Church. . . . Ignorance and despotic control are historically the strongholds of Catholicism.” There was a dangerous “inconsistency between what the Catholics desire and the whole genius and nature of our political institutions.”[46]

As José Casanova has summarized the attitude of the Protestant majority,

> it was nearly unthinkable that "popery" which, for Lyman Beecher and other Evangelicals was so patently a system of "darkness," "bondage," "corruption," "slavery" and "debasement" could be contained in the private spiritual sphere of the conscience, or in the ritual spiritual sphere of the temple without affecting somehow the republican, civil sphere. . . . Evangelical Protestants knew instinctively that there was something about "Romanism" that was ultimately incompatible with "modern" republican principles. But, not being fully "modern," they were unable to frame the issue in terms of the relationships between modernity, freedom of inquiry, and religious dogma, and kept repeating the old unfounded arguments about the threats of "foreign" Roman intervention to republican institutions or the incompatibility between Catholicism and democracy.[47]

The spate of concern about Catholic influence and intentions in the late 1870s was in some

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44 Partin (1969), 39.

45 53 N.H. 9, 128.

46 Spear (1876), 28.

47 Casanova (1992), 103.

ways an echo, though in a different key, of that in the early 1850s, which saw the arrival of tens of thousands and eventually millions of Catholic immigrants, most from countries where schools – including those funded by government – were organized on a denominational basis. Anxiety over the assimilation of these newcomers, as well as a trans-Atlantic climate of distrust between the Catholic hierarchy and those committed to republican governments, meant that the cooperation among Protestant groups was not extended to Catholics.

Thus in the New Hampshire Constitutional Convention in 1876, a delegate from Holderness expressed his distrust of Catholics on the grounds, as summarized by Kinney, "(1) that the number of Catholics was sharply increasing in the state, (2) that Catholics once in power would persecute unto the death all who opposed them, (3) that nunneries and Catholic schools were increasing all around the state and were teaching their children that the rest of the people were heretics, (4) that Catholics were opposed to republican principles, and (5) that there was danger of rule by the pope and the Church of Rome." Kinney comments, "[i]n the absence of better evidence it must be assumed that Cass represented the thinking of a sizable population of the state's voters. . . . The burden of the remarks of Cass could have been read in a hundred journals throughout the country."[48]

Decades earlier, influential Protestant clergyman Horace Bushnell of Hartford delivered a "public fast day sermon" in 1853 on the role of the common school in relation to Catholic immigrants. Americans had been extremely generous, he told his audience of elected officials and leading citizens, in admitting immigrants to all the privileges of a free society, but "they are not content, but are just now returning our generosity by insisting that we must excuse them and their children from becoming wholly and properly American." The ungrateful Catholic immigrants wanted "ecclesiastical schools, whether German, French, or Irish, any kind of schools but such as are American, and will make Americans of their children." Overlooking conveniently how many private academies had long been receiving public funding – and including religious instruction in their programs – he drew a sharp distinction: "Common schools are nurseries thus of a free republic, private schools of factions, cabals, agrarian laws, and contests of force. . . The arrangement is not only unchristian, but it is thoroughly un-American, hostile at every point to our institutions themselves." Bushnell found it "a dark and rather mysterious providence, that we have thrown upon us, to be our fellow-citizens, such multitudes of people, depressed, for the most part, in character, instigated by prejudices so intense against our religion." It was his hope, however, that through the common public school "we may be gradually melted into one homogeneous people."[49]

Even before the massive immigration that began in the 1840s, influential Protestant voices were warning about the dangers posed by Catholicism to freedom as well as 'pure religion' . Some thirty Protestant newspapers were founded by 1827, for all of which such warnings were a staple.[50] The prominent New England minister Lyman Beecher, in his widely-distributed fund-raising appeal *A Plea for the West* (1835), warned that "three-fourths of the foreign emigrants whose accumulating tide is rolling in upon us, are, through the medium of their religion and priesthood, as entirely accessible to the control of the potentates of Europe as if they were an army of soldiers, enlisted and officered, and spreading over the land; then,

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48 Kinney (1955), 132.

49 Bushnell (1880), 299-303.

50 Billington (1938), 44.

indeed, should we have just occasion to apprehend danger to our liberties. It would be the union of church and state in the midst of us." As the only safe remedy, he urged "Let the Catholics mingle with most Americans and come with their children under the full action of our common schools and republican institutions and the various powers of assimilation, and we are prepared cheerfully to abide the consequences." After all, he told a Boston audience in an appeal for funds for Lane Seminary, only through "introducing the social and religious principles of New England" among the fast-growing western population, with their "limited means of education," could disaster be averted.[51]

Similarly, the American and Foreign Christian Union, whose mission was "to pour the light of the Gospel upon the minds under the domination of Popery," pointed out in 1850 that the Catholic presence was ever more apparent – and threatening – in institutional form.

> Twenty years before in 1830, argued the author, no Protestant would have dreamed that in just two decades America, a citadel of unadulterated Christianity, would harbor 29 bishops, 30 dioceses, 1,081 priests, 1,073 churches, 17 colleges, 29 ecclesiastical seminaries, and 91 female academies in addition to numerous orphan schools and asylums. Yet such was the picture in 1850 and, as such, it threatened to alter traditional patterns of American life.[52]

This changing attitude toward Catholicism as massive immigration made it a present reality rather than an abstraction was reflected in school textbooks. Elson points out that, in 1839 Samuel Goodrich ('Peter Parley'), in one of his widely-used schoolbooks, "offers a pleasant picture of life in a convent, and a story of a monk offering his own great artistic talent to God. In 1853 the same author presents a violently biased picture of the Catholic Church." [53]

Many shared this concern, especially in New England which, unlike New York, Philadelphia, and Baltimore, had until then been quite homogeneous in population. Decades earlier, Josiah Quincy praised the people of Massachusetts for "their common principles, interests, hopes, and affection. . . . The fears and jealousies which in other countries separate classes of men, and make them hostile to each other, have here no influence, or a very limited one."[54] Now the population was changing rapidly, and fears and jealousies were no longer absent.

It was the development of larger-scale manufacturing, often in what had been villages situated where a river could be readily exploited to produce power, like Pawtucket (1793) in Rhode Island, Fall River (1813), Waltham (1814), and Lowell (1823) in Massachusetts, and Manchester (1810, but especially in 1831 with establishment of Amoskeag Mills) and Nashua (1823) in New Hampshire, that led to dramatic demographic changes, making it possible for thousands of immigrants to find employment in New England, even as thousands of Yankees were moving West from worn-out farms. This was just the beginning of a process which would gather momentum over the next decades, especially with the impetus given to manufacturing by the Civil War. Along with the spread of factories, of course, was a great increase in the

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51 in Esbeck (2004), 1545n; in Sklar (1973), 116..

52 Lannie (1970), 506.

53 Elson (1964), 53-54.

54 Shapiro (1960), 213.

number of industrial workers, seen as a new and unstable element in American life.

New Hampshire in the 1870s was still lagging behind Boston and New York City in the proportion of immigrants in its population, but the signs of change were evident, especially in its rapidly-growing industrial areas as the farming communities lost population. The 1870 census had found that 29,611 of the state's 318,300 residents were 'foreign'.[55] "French Canadians, pulled southward by the Civil War, flocked to the mill towns of New England to compete with the Irish."[56] By 1920, only 51 percent of New Hampshire residents would be native-born of native parentage.[57]

It is surely not irrelevant that the amendment to the New Hampshire Constitution adopted in 1877 was proposed by a representative from Manchester, a community then dealing with a large population of Catholic industrial workers. In proposing the amendment, Marshall Hall said, "I think the object of this amendment will be apparent to every member" of the convention, and another delegate "pointed out that in Manchester, for more than 12 years, the Catholic children had not been attending the public schools. He lamented this fact because, 'So long as any sect regards the public schools with hostility, the public school system is menaced with a danger that only a constitutional provision can avert'."[58]

In 1870 there were already 2,500 French Canadians in Manchester and that community would continue to grow until, in 1900, it represented forty percent of the population of the city.[59] Manchester would have eight French-language Catholic parishes, the most of any city in the United States, the first of them founded in 1871.[60] The Catholic population of New Hampshire increased from 1,370 in 1844 to 45,000 (or 13 percent of the total) in 1866, and the number of parishes from one to ten, at a time when the state's overall population had ceased to grow because of westward migration in search of richer farmlands. By 1894 there would be 85,000 Catholics in New Hampshire, 22.4 percent of the total.

We might also note that in the lop-sided vote to approve the anti-aid amendment to Article 83 (35,838 for and 6,606 against), the 18 percent who voted against the amendment could largely be accounted for by the Catholic share of New Hampshire voters. A close analysis of the voting pattern in 1877 notes that heavily-Catholic Ward 5 in Manchester was one of the few districts to oppose Question 13, the anti-aid provision, which won overwhelmingly statewide.[61]

A high proportion of the immigrants who settled in New England during this period were Irish and French Canadian Catholics, a foreign element in an area where Catholics had been almost unknown previously. "Certainly, burgeoning Catholicism and the hordes of Irish immigrants clustering into the cities and manufacturing towns of [Massachusetts] was an

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55 Steproe (1993), 23.

56 Higham (1955), 15.

57 Bishop (1930), 15.

58 Steproe (1993), 79, 126.

59 Paradis (1998), 76.

60 Perreault (2010), 19, 51.

61 Steproe (1993), 126-7.

unsettling development for the Yankee Protestant majority."[62] In response, a powerful movement developed in a number of states (including New Hampshire) in the early 1850s, organized on the basis of local lodges which admitted only native-born Protestant men "who were willing to cast off former party ties and take an oath to keep secret all lodge business, to vote for the party line, and to stand vigil against the enemies of the republic, chief among whom were the Pope and the immigrant." Officially called the American Party, it was commonly referred to as the 'Know-Nothings,' and within a two-year period "elected eight governors, more than one hundred congressmen, the mayors of Boston, Philadelphia, and Chicago, and thousands of other local officials. Prominent politicians of every persuasion joined the new party."[63] The Know-Nothing governors included those of New Hampshire and Massachusetts.

Although, as Anbinder's detailed analysis has shown, the motivations behind the Know Nothing movement included the threat of the expansion of slavery into Kansas and Nebraska, and frustration with the existing political parties, it was characterized also by strong anti-Catholicism:

> most important, Know Nothings believed that Protestantism defined American society. . . . Know Nothings maintained that Catholicism was not compatible with the basic values Americans cherished most. . . . Because American institutions were rooted in Protestant values, Know Nothngs concluded that 'a Romanist is by necessity a foe to the very principles we embody in our laws, a foe to all we hold most dear.'[64]

Opposition to the Catholic presence in New Hampshire had emerged when it was still to be counted in the hundreds rather than the tens of thousands. Hardly had the first Catholic parish been established, in Dover, than attempts were made to burn down its church, in 1830 and 1831. In the 1850s, there were anti-Catholic incidents in Peterborough, Newmarket, Manchester, Dover, Portsmouth, and Greenville. Attempts were made to burn St. Anne's, Manchester, and its convent in 1858 and 1859.[65]

In the Massachusetts state election of 1854, the American Party "managed the greatest election upset in the history of the state," gaining the entire congressional delegation, all forty state senators, and all but three of the 379 representatives, as well as the statewide executive positions. The newly-elected 'Know-Nothing' governor emphasized in his inaugural addresses in 1854 and again in 1855 that foreigners and the Catholic Church "posed the gravest and most immediate threat to American institutions." Without effective efforts to limit the influence of both, "liberty under democratic institutions will degenerate into anarchical licence or give place to slavish and bigoted superstition."[66]

These same anxieties found expression in the formation of almost 250 Know-Nothing lodges in New Hampshire and the election, in 1855, of their candidates for Governor, Congress, and the majority of both houses of the state legislature. Governor Ralph Metcalf's inaugural

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62 Mulkern (1990), 61, 82.

63 Anbinder (1992), ix.

64 Anbinder (1992), 104-5.

65 Paradis (1998), 57, 67.

66 Mulkern (1990), 76, 138-39.

address, like that of his counterpart in Massachusetts, expressed deep distrust of the growing Catholic immigrant presence in his state.

> The great influx of foreigners to this country has, of late, become a matter of deep interest and alarming anxiety to the people. . . . At this time, half a million of aliens, most of them, we regret to say, ignorant and uneducated, are annually added to our numbers. . . . they come here necessarily ignorant of all the duties incumbent on them as members of a free and enlightened community, and of all obligations due to the country of their refuge. . . . what little they may have chanced to learn, is prejudicial and hostile to the institutions of the country they have sought for a home.[67]

Nor was the problem merely one of unfamiliarity with American customs; it was rooted, Metcalf insisted, in the newcomers' Catholicism, for

> the religion which they have been taught from their birth . . . is a religion acknowledging a foreign power for its supreme head, teaching and requiring its adherents to passively submit their consciences to the keeping of the priesthood, to seek no higher sources for spiritual instruction and consolation than that order; a religion that excludes the bible from the common people, and allows its subjects to owe no allegiance, spiritual or temporal, to any power but what the sovereign Pontiff may, at any time and upon any emergency, annul and dissolve; a religion that pronounces all creeds heresy but its own, and boldly avows that is "nourishes most when watered by the blood of heretics."[68]

Governor Metcalf, or his source, was presumably misquoting, whether intentionally or not, the early Christian theologian Tertullian (c. 160 - c. 225), that the blood of the martyrs was the seed of the Church, turning it into a sinister threat to persecute Protestants. He went on, in his inaugural address as New Hampshire governor, to warn that this

> numerous population, scattered from one extreme of the country to the other, guided and controlled by one mind, and that mind solely directed to one object, the extension of the dominion, the influence, and the power of the Church of Rome, and to subject to its control all other religious sects and denominations, must be a dangerous and pernicious element in a republican government. Such a population, thus ignorant and prejudiced, thus illiberal and bigoted, thus controlled and directed, are now in our midst and daily increasing in alarming numbers . . .. This alien element is now rapidly insinuating its wiles, maturing its schemes and extending its influence over the country . . .[69]

The victorious Massachusetts Know-Nothings proposed, in 1855, the exclusion of Catholics from public office (though the voters failed to support this discrimination even as those in New Hampshire maintained it for another two decades) and of the foreign-born from office and the vote for twenty-one years after their arrival in the country. Both proposals failed, but they were more successful in gaining approval of what is commonly called the 'Anti-Aid Amendment' to the state Constitution, an anticipation of that added to the New Hampshire Constitution, for similar reasons, two decades later. This provided that state and local tax revenues for education could be "expended in, no other schools than those which are conducted according

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67 Metcalf (1855), 37.

68 Metcalf (1855), 38.

69 Metcalf (1855), 38-9.

to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own schools." They also mandated the use of the King James translation of the Bible in public schools.[70]

Waves of anti-Catholicism in the United States seemed to come at roughly twenty-year intervals, in the 1850s with the first great Catholic immigration, in the 1870s (as we will see), with the international conflict over Catholic schools, and again in the 1890s, when the American Protective Association ("A.P.A.") reacted to the increasing assertiveness of Catholic leadership in a number of cities and even states.

> The President of the A.P.A. repeatedly wrote for the periodicals of his day lengthy treatises "proving" that the enemy of all patriotic Americans, the foe of all advocates of clean government, the cause of all economic depression and insecurity, the instigators of the "pending revolution" were none others than these sons of the papacy. His arguments . . . he"authenticated" by "quotations" from the historic writings and utterances of the leaders of the Roman Church . . . Another of Traynor's arguments is to portray the Catholic Church as the deadly enemy of the public school system; a third of his arguments is to hold the American Catholics of the nineteenth century accountable for all the words and deeds of the Popes of History.[71]

As A.P.A. President Traynor wrote in 1895,

> While the Pope denies the right of the state to cross the domestic threshold and includes within the pale of domesticity the education of the young, he arrogates to the Church the right not only to intrude into the most sacred relations of family and home in the persons of her confessors, but dares to dictate to parents the course of instruction which the youth of America shall receive. Let the State concede this right and the rising generation will be Americans only in name, but in reality the subjects of a foreign paparchy. The perversion of the American constitution to conform to papal dogmas will then be only a matter of time, and the Republic as established by the signers of the Declaration of Independence be merely a memory.[72]

There would be further waves of such hostility in the twentieth century.

The 1870s: Decade of Controversy over Denominational Schooling

The anti-Catholic agitation receded in importance for a time as a result of the sectional agitation leading to the Civil War, the sense of unity across the North as a result of that war (despite the draft riots in New York City and Boston), and a decade of focus on the conquered South. Half a million foreign-born Americans served in the Union armies, and "the anti-foreign movement of prewar years melted away."[73] What in the 1850s (as in Governor Metcalf's address) had brought together anti-immigrant and anti-Catholic anxieties re-emerged in the

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70 Mulkern (1990), 123.

71 Cross (1949), 175-6.

72 Traynor (1895), 139.

73 Higham (1955), 13.

1870s, at a time when an expanding economy led many states to court immigrants, as simply anti-Catholic. Developments in Europe, where national government were conflicting with the Catholic Church over the control of schooling, helped to stimulate this concern. By the mid-1870s, the Catholic school "funding issue heated up, threatening to eclipse other policy issues on the national stage."[74]

The Republican Party, having been dominant since the Civil War, needed a new issue around which to rally popular support, and anti-Catholicism came all the more readily to hand because immigrants in cities were mostly aligned with the Democrats. As national politics became competitive again, Senator Henry Wilson of Massachusetts, a former Know-Nothing candidate,[75] Chairman of the Republican National Committee, and subsequently Vice President under Grant, in a January 1871 article in the *Atlantic Monthly*, "outlined the new Republican strategy which called on the public school to become the centerpiece of a new Reconstruction of all of American society." The goals of preserving the Union and freeing the slaves had been met; now the party required a new mission.

> Concurrent with the miserable condition of the freedmen, he wrote, ignorant and illiterate immigrants from Europe were entering the country also to become voters. As never before, an unwanted cultural diversity characterized the voting class. . . . A genuine national unification through a national public school system was needed. . . . He held up the model of Prussian public education, organized from the center. . . . As Otto von Bismarck was centralizing a new German federation, the Republican Party was centralizing the American Union.[76]

This strategy took advantage of the fact that the Protestant majority had become agitated by demands that public schools be purged of religious exercises and curriculum content to make them acceptable for Catholic pupils, on the one hand, and, on the other, that Catholic schools share in the available funds for public education. Many feared that the common public school was under attack and would be profoundly damaged. This was rather different than the ante-bellum concern, expressed by Horace Bushnell and others, that immigrant children would not benefit from the Americanizing effects of public schooling.

Some worried that giving in to Catholic demands would lead to different demands from other groups, and thus the public schools would come to lack any character at all. Influential editor Horace Greeley "urged no concessions to the Catholic position. . . . He charged that the Roman Catholic church would continue to oppose public schools under any and all conditions short of winning state support for their own religious schools. Indeed, Greeley reasoned, removing the Bible would only weaken the public schools by alienating 'many of its oldest and firmest supporters."[77]

While concerns in the 1850s (and again at the end of the nineteenth century) focused on the floods of immigrants and how their children could be made into real Americans, concerns in the 1870s, echoing contemporary European conflicts, focused more on the authority of the

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74 Green (2012), 179.

75 Anbinder (1992), 90, 188.

76 McAfee (1988), 23-4.

77 McAfee (1988), 38.

Catholic hierarchy, especially through Catholic schooling, over the minds of these new citizens who had begun to exercise political influence. “Even more than the Church’s secular power, its assertions of theological authority seemed incompatible with freedom – especially with the individual independence and personal authority that were increasingly felt to be at the core of Protestant and American identity.”[78]

This fear of the effects of Catholic schooling would continue for many decades. The National Education Association, in 1891, warned that parochial schools initiated the children of immigrants into foreign traditions that threatened “distinctive Americanism,” and thirty years later a Methodist bishop in Detroit warned that “the parochial school is the most un-American institution in America, and must be closed.”[79] It was this continuing and deeply-rooted perception that Catholic schooling was a problem that would lead to the Oregon legislation struck down by *Pierce v. Society of Sisters* in 1925.

Nineteenth century objections to public funding of parochial schools were not generally based upon abstract concerns about “separation of Church and State,” much less upon the First Amendment, but upon the presumed nefarious effect of Catholic schooling. Josiah Strong, in his widely-read survey of the perils facing *Our Country* (1886, revised 1891), warned that

> the Roman Catholic is not at liberty to weigh the Pope’s judgment, to try his commands by his own conscience and the Word of God – to do this would be to become a Protestant. [To make matters worse,] he stands not alone, but with many millions more, who are bound by the most dreadful penalties to act as one man in obedience to the will of a foreign potentate and in disregard of the laws of the land. *This*, I claim, *is a very possible menace to the peace of society*.[80]

What agitated many voters in the 1870s was fear that the Catholic Church was gaining political influence and advancing demands upon an educational system that rested in large part upon successful compromises among Protestants. “Must an American State change its essential nature to accommodate religious fanatics?” asked an author in 1876.[81] It was a period when politics were followed closely by the public – more than 80 percent of the eligible voters outside of the South participated in presidential elections from 1876 to 1900 – and elections were often closely decided.[82] Anti-Catholicism was invoked often, and successfully, in these elections. “By the early 1870s, the Republican Party officially adopted religion in public schools as a pet project.” Nor was this an issue for only one election cycle; in Massachusetts, for example, religious conflict about schools dominated elections in 1888 and 1889. For several decades “the question of religion in the public schools . . . captured the imagination of rabid anti-Catholics, who warned of popish plots to take over American schools.”[83]

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78 Hamburger (2004), 194.

79 Ross (1994), 24, 68.

80 Strong (1963), 65, emphasis in original.

81 Spear (1876), 65.

82 Justice (2005a), 2.

83 Justice (2005a), 3-4.

Perhaps the most widely-influential expression of this hostility to the supposed designs of the Catholic Church on American freedoms were the cartoons of Thomas Nast, produced for *Harper's* but widely reproduced. "Nast's antipapal art reflected *Harper's* coverage of contemporary events in Europe, as nationalistic movements swept across the continent and, simultaneously, Pope Pius IX stridently declared himself infallible and opposed to religious liberty and democratic reform."[84]

> Throughout 1870, 1871, and 1872 Harper's and Nast blasted away at the church and public school issue as part of larger campaigns against the Catholic Church and Tammany Hall. Nast and Harper's tried to argue that their campaign was not anti-Catholic per se, but antidespot, based on the Pope's opposition to republicanism and freedom of worship. The objection was not the cultural or symbolic aspects of Catholicism, but the Pope's insistence on his political authority and the ascendancy of the Church over the state – an argument that echoed American and European charges that the Romanist policies of the church were antidemocratic.[85] 183

In September 1876, just before the New Hampshire Constitutional Convention in December, Nast's "cartoon depicts multiethnic classroom children holding the door against presidential candidate Samuel Tilden's Wolf – the Roman Catholic Church. The schoolmaster, Uncle Sam, is fetching his gun.. . . the violence of the wolf, set against the violence implied by Uncle Sam's gun, greatly exaggerated both the threat and the remedy."[86]

Trans-Atlantic Parallels and Influences

The social and political history of the United States in the nineteenth century is frequently written without reference to developments in Europe, but on the issue of Catholic schooling this would miss a connection of which contemporaries were very much aware and by which their debates were, to a considerable extent, informed and shaped. The 1870s in Austria, Belgium, France, Germany, Italy, the Netherlands, and Spain were a period of intense political conflict between the Catholic Church and the respective governments, with schooling more often than not the central issue. The Dutch *schoolstrijd* was the cause of the first mass political mobilizations in that country, as was the case in Belgium; the nascent French Third Republic made banishing Catholic influence from popular schooling a central goal.

Do these developments have any relevance to the decisions made by New Hampshire voters and their delegates in the 1870s, and help us to understand the motivations that were at work? It seems very likely that they do, just as the educational policy debates and political decisions at both state and federal levels in recent decades have occurred in a context of international developments. Since the report *A Nation At Risk* (1983) compared unfavorably "American schools and colleges with those of other advanced nations," such comparisons – initially with Japan, more recently with Finland and even Ontario – have become almost an obsession in the media and with those seeking to reform K-12 education; they have led to higher standards and consequences for failing to meet them in states across the country,

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84 Justice (2005b), 175.

85 Justice (2005b), 183.

86 Justice (2005b), 199.

including in New Hampshire, as well as in the federal No Child Left Behind legislation. It is often pointed out that the countries which we seek to emulate achieved their present educational success only in recent years, through a variety of measures that American educators and policy-makers seek to implement.[87]

In a similar way, after some fifteen years of self-absorption in the run-up to and aftermath of the Civil War, Americans began to take notice of the conflicts that arose as European governments sought to use popular schooling to solidify control over the loyalty of their citizens and the Catholic Church sought to maintain its traditional role in schooling children it had baptized.[88] Catholic leaders in the United States were inevitably drawn into echoing the positions taken by the Papacy in these conflicts. They did so with confidence because the anti-immigrant hostility of the 1850s had been greatly reduced by the shared experience of war; indeed, many northern cities elected Irish mayors in the 1870s and 1880s.

One result of the French defeat by Germany in 1870 was to strengthen the confrontation between the Papacy and many aspects of contemporary European culture and political life. With the withdrawal of French troops, Rome fell to the Italian army on September 20; this came to symbolize, for many Protestants worldwide, "the victory of the progressive secular spirit, or indeed of free thought, in confrontation with the papal power considered as the very model of clerical obscurantism."[89]

> When the troops of Victor Emmanuel occupied Rome and the Pope lost his temporal power . . . Catholics from many cities of America expressed their deep sympathy with the plight of His Holiness and their firm opposition to the loss of his temporal powers. The Catholics of New York City revived the movement to invite the Pope to remove the seat of his ecclesiastical government to the United States, and for this purpose large sums of money were collected by public subscription. . . . Meanwhile, however, important mass meetings were held in many important cities of the United States to congratulate the people of Italy on the achievement of their independence and the political unification of their country. With the support of the American press, meetings were organized all over the country to express the sympathy of the American people for the unity of Italy. [90]

For the Catholic Church internationally, it was an almost unparalleled humiliation, leading to a compensating assertion of its spiritual authority. A papal encyclical in 1864 had already condemned the pretension of governments to provide secular schooling to Catholic children. In the *Syllabus of Errors* attached to the encyclical, Pius IX condemned the assertion of the exclusive authority of the state over public schools, and the contention that

> the best theory of civil society requires that popular schools open to children of every class of the people, and, generally, all public institutes intended for instruction in letters and philosophical sciences and for carrying on the education of youth, should be freed

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87 See Tucker (2011) for a recent example, featuring chapters on reforms in Shanghai, Singapore, Japan, Korea, Finland, and Ontario, and how to imitate them.

88 Glenn (2011a), 73-93; Glenn (1988), 50-62, 238-49.

89 Pécout (1999), 188.

90 Marraro (1956), 59-60.

> from all ecclesiastical authority, control and interference, and should be fully subjected to the civil and political power at the pleasure of the rulers, and according to the standard of the prevalent opinions of the age.[91]

By also denouncing freedom of conscience and worship, Pius confirmed all the worst suspicions of liberals and Protestants in the United States as well as in Europe. "Although the *Syllabus* was directed chiefly at the European situation and not America, the Pope now [1870] required the endorsement of the American hierarchy" attending the Vatican Council. "The Protestant and secular press expressed alarm that the illiberal contents of the *Syllabus* contradicted American values and institutions; the *Syllabus* was 'utterly at war with our entire theory of government and hostile alike to human liberty, the advancement of science and learning, and the rights and dignity of man'."[92]

In the political controversies in 1875-76, the *Syllabus* and the assertion of papal infallibility that followed in 1870 would often be cited, as occurred in Congress when the 'Blaine Amendment' was debated.[93]

American leaders in public education policy like Horace Mann, Henry Barnard, and Calvin Stowe were great admirers of the state-led schooling in Prussia and other German states,[94] and as a result the efforts of Bismarck to limit the influence of the Catholic Church attracted keen interest, as we saw in the case of Senator Henry Wilson of Massachusetts. For Wilson and others, Bismarck's nation-uniting efforts referred not only to gathering together the scattered German states, but also to weakening the ability of the Catholic Church to serve as a counter-weight to the hegemony of the State.

In the 1870s, having defeated France and established the German Empire through the voluntary unification of German states, Chancellor Bismarck began to challenge the influence of the Catholic Church and especially of the Papacy. For American Protective Association President Traynor, looking back two decades later, these Europeans events in the 1870s still retained deep significance. "In 1872," he wrote in *The North American Review*, "commenced the fight between the clericals and government of France; a fight which has continued with more or less fierceness ever since and has done much to retard the progress of the nation. The fierce contest for supremacy between Prince Bismarck and the clericals of Germany is so largely a matter of well digested history that it needs but brief mention here, and I need only quote the Iron Chancellor's opinion of the clericals in March, 1872, when he said they were 'the most evil element in parliament'."[95]

Similar conflicts occurred during the same period in another country much admired by American education reformers, the Netherlands. In contrast with the German arrangement of a public education system divided on confessional grounds, Dutch Protestant and Catholic leaders sought public support for private denominational schools.

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0 Pius IX (1864).

92 Green (2012), 183-4.

93 4 *Congressional Record* 5577-8 (1876).

94 See Glenn (1988), 97-114.

95 Traynor (1895), 137.

For seventy years, until the 'Pacification' in 1916-1920, one of the dominant issues in Dutch political life was the so-called 'school struggle' (*schoolstrijd*) which had three phases: from 1830 to 1848, it was about challenging the state monopoly in the name of educational freedom; from 1848 to 1857, about the character of public schools, whether they would be Christian or not; while from 1857 to 1917, it was about the ultimately-successful effort to put private Christian schools on the same financial footing as public schools.

In alliance with the Calvinist party, the Catholic party gained a majority in the Dutch Parliament by 1888, as a result of mobilization around the schools which brought the religiously-conservative common people of the countryside and small towns into political participation for the first time.[96] This and subsequent governments put in place what, by 1917, was the present system of full and equal support for denominational schools, which in the Netherlands enroll two-thirds of elementary students.

Political developments in Belgium in the 1870s were almost a mirror image of those in the Netherlands. In reaction to measures taken by anti-clerical Liberals to make schooling more secular, the Catholic reaction was rapid and successful. By December 1879 the free Catholic schools enrolled 379,000 pupils, the public schools 240,000. The proportion of enrollment in Catholic elementary schools rose from 13 percent in 1878 to 61 percent (more than 75 percent in Dutch-speaking Flanders) in 1880; there were 168 public schools without any pupils at all.[97]

The issue became cast, by Catholic leaders, as one of personal liberty against the arrogance of an elite, with charges that "the very people who were posing as apostles of enlightenment were seeking nothing less than the enslavement of the rest of the population."[98] The elections in June 1884 were a victory for the Catholic party, which maintained a parliamentary majority for the next 30 years; the Liberals were out of government until 1918.[99] Catholic schools were given (and retain today) the right, like their Dutch counterparts, to a proportionate share of public funding for education.

It would be possible to give other examples of the same struggle over Catholic schooling in the 1870s in Austria, Spain and Italy, but perhaps enough has been described to explain why this became the defining political issue of the period internationally, and was understood to have implications far beyond education itself. Thus in England in the 1870s, these controversies on the Continent were followed with intense interest. "Bismarck appeared as the defender both of Protestantism and of national liberty against a subversive church seeking to establish political and spiritual despotism. The affinity between the England of 'civil and religious liberty,' the Italy of the Risorgimento, and the Germany of the Kulturkampf was fixed in the public mind."[100]

Similarly, American Protestant leaders, as well as those indifferent to religion but concerned to promote the national unity for which a costly war had recently been fought,

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96 Riel (1982), 108, 111, 128f.

97 Kossman (2001), 299; Verhaegen (1905), 136, 178.

98 Mallinson (1963), 97; Billiet (1977a), 52.

99 Kossman (2001), 203.

100 Altholz (1972), 595.

identified with the anti-clerical efforts in Europe. James Garfield, the future president, told a campaign audience in 1875 that there was a common battle in both Europe and America against Catholic political demands: "Our fight in Ohio . . . is only a small portion of the battlefield," he told the voters.[101] He and other American Protestants – including many whose 'Protestantism' had little specific doctrinal content and simply carried the meaning 'not Catholic' – identified with the efforts of European Liberals to seize from the Catholic Church its traditional role of superintending the schooling of children of Catholic families.

The Bible in Public Schools

As we have seen, the victorious Know-Nothing Party in Massachusetts mandated that the preferred Protestant translation of the Bible be used – indeed, read daily[102] – in public schools. Removing the Bible from public schools, Protestant leaders across the country argued, would cripple their ability to train citizens, especially children from families which did not provide adequate moral instruction. "It is the priests of Romanism," one Protestant writer charged in 1854, "who would break up our common school system for sectarian purposes, and shut out the light and influence of the Word of God . . . putting the ban of sectarian ignominy upon it."[103]

> Know Nothings insisted that Catholic complaints [about Protestant elements in the public schools] were a mere subterfuge and that priests actually discouraged Catholics from receiving any education, because "they can have more influence over a degraded and ignorant population than over an enlightened and educated one." The Catholic hierarchy resisted sending its children to American public schools because "the practical equality taught in our schools, the liberality of sentiment, the self-control and independence inculcated there" weaken "the spiritual despotism claimed by the Romish Church over its devotees."[104]

In the debate in the New Hampshire Constitutional Convention that led to adoption of the amended Article 83, one of the speakers called for expansion of the amendment to clarify that "This shall not be construed to prohibit the reading of the Bible in any school or institution," explaining that he wanted to leave it "to every town and every city in the state to decide for themselves whether it shall be read or not."[105] Such additional clarification was not considered necessary by the delegates, however, no doubt because few of those present considered the possibility that any member of the Protestant majority would think to exclude the Bible from public schools.

The tradition of using the Bible for both instruction and devotions in public schools was well established in New Hampshire. In 1847 the state had created an Office of the Commissioner of the Common Schools, parallel with the position which Horace Mann had already occupied in Massachusetts for a decade as Secretary of the Board of Education. The first New Hampshire

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101 in McAfee (1988), 179.

102 Anbinder (1992), 136.

103 Cheever (1854), iii-iv.

104 Anbinder (1992), 113.

105 *Journal of the Constitutional Convention* (1877), 126-7.

Commissioner drew upon the insistence of Article 6 of the state's Bill of Rights that "morality and piety rightly grounded on evangelical principles gives the best and greatest security to government" to urge that

> [i]t is of great consequence to youth to be accustomed to recognize religious truths and practical moral principles in the society of their fellows, openly and frankly. In school this must be done; some useful principle, some important habit may be daily considered; the truth and authority of the scriptures daily acknowledged; the practice of devotion and worship daily exemplified. In this way the universal conviction of our dependence upon God and our common need of the mercy of his son Jesus Christ, and the duties which we owe to one another and to our country get inwrought in our common feelings.[106]

As though in response to this exhortation, the Manchester School Committee reported, in 1849, that the Bible was read daily in its schools. Similarly, the next New Hampshire Commissioner, in his official report, insisted that "[a]s a textbook of morals the Bible is pre-eminent, and should have a prominent place in our schools, either as a reading book or as a source of appeal and instruction." Other public officials used their office to make the same point. The County Commissioner of Carroll County urged, in 1859, that "The Bible, the book of God . . . must be made more a book of study and of moral precept." His counterpart in Hillsborough County, two years later, insisted that "We must, if we would succeed, give the Bible a prominent place among the textbooks in our schools, and allow it to remain clothed with the sanctions of Divine Authority."[107]

Nor was this view peculiar to New Hampshire. National Education Association delegates voted unanimously in the 1860s that the Bible should be both read and taught in public schools, and this continued to be a regular theme at NEA conventions into the early twentieth century: "Its use was regarded as indispensable for the development of character, morals, citizenship, and patriotism."[108]

While compromises were usually worked out at the local level, the issue of the use of the Bible in public schools could become a major political flashpoint. In Cincinnati, a conflict over this issue in 1869 attracted national attention and did much to define the political agenda of the Republican Party in the 1870s. Opposition to the Bible in public schools was reinterpreted as opposition to public schools as such, not because of a logical connection between the two but because Catholic spokesmen were identified with both.

> Public school advocates charged that support of their movement was the best litmus-paper test of true American nationalism. In the South, Ku Klux Klan terrorists were then burning public schools. Accordingly, these midnight criminals demonstrated their disloyalty to American nationalism. In the North, Roman Catholics sought to remove the Bible from the public schools. Therefore, these dissenters also revealed their contempt for the nation. . . . The powerful emotions of religion and patriotism mixed in the cauldron of Reconstruction politics around the symbol of the public school.[109]

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106 In Kinney (1955), 156.

107 Kinney (1955), 157-61.

108 Wesley (1957), 43, 50.

109 McAfee (1988), 41.

The Cincinnati Board of Education had been negotiating with the Catholic Archbishop for an arrangement under which the Catholic schools would become part of the public system, as occurred in a number of cities in New York State, in Lowell, Massachusetts, and in Manchester, New Hampshire. The deal under consideration in Cincinnati involved abandonment by the public schools of the common practice of starting each school day with a reading from the Bible and the singing of a hymn, while the Catholic teachers (if certified by the state) would be retained as public school teachers. The Church would use the buildings for religious instruction on weekends.

When word of these terms leaked out, there was a strong reaction from Protestants, and the Archbishop promptly withdrew from the negotiations. "Angered over the Protestant reaction that had killed their negotiations, [the Board] voted to bar the Bible and hymn singing from Cincinnati's public schools independent of any deal." Within weeks, this was a national issue; "the logic of the anti-Catholic crusade portrayed the school board action as part of an international Jesuit conspiracy being played out not only in the United States but also in Germany, England, Italy, and Spain."[110] Running for governor of Ohio in 1875, Rutherford B. Hayes, who would succeed Grant as President two years later, "worked fiercely to smear the Democrats as subservient to Catholic dogma."[111]

This was a very lively issue in New Hampshire as well. The Keene School Committee, in its report to state authorities in 1871, noted that "[t]here is a class of persons who object to the reading of the Bible in schools, but we know of no valid reason why the reading of a portion of it daily should not be enforced as a general exercise." The same year, the Newport School Committee, in its report, insisted that "[t]he Bible [as] the fountain of truth, and the basis of every valuable mental and spiritual acquisition, must be retained in our public schools," and warned against those "now struggling for a baneful ascendancy in our national politics" who sought to exclude it. Similarly, the Superintendent of the Wilton public schools expressed his strong support for retaining the use of the Bible in schools, and warned of a Catholic plot, since

> [t]he great body of those who seek to drive the Bible out of our schools will be satisfied with nothing short of the substitution of denominational for common schools. Hence, if we give up the use of the Bible, we only weaken the common school system, by offending many of its warmest supporters, while at the same time we fail to conciliate its opponents, but only excite them to further exactions.[112]

Defending the use of the Bible in public schools was, in the 1870s, a basis for mobilization among a Protestant majority that was feeling beleaguered by the political gains of Catholics in cities across the North. Typical was an interdenominational rally in 1875 in the Broadway Tabernacle in New York City, at which the lead speaker told the crowd that "[t]he expulsion of the Bible is only the starting point. . . . it means ultimately the elimination from public instruction of all that tends to the promulgation of the doctrines of true religion, or morality, and of the rights of free human worship. . .. It is time for the people of America to arouse, and, if there is no law or statute in the Constitution to specify what principle of religion or of faith shall be

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110 McAfee (1988), 27-9.

111 Higham (1955), 28.

112 In Kinney (1955), 164.

sustained, then it is necessary for the people to speak and amend the Constitution."[113] A leading Presbyterian publication insisted that all Protestants were concerned "that the Bible, the Lord's Prayer, the recognition and assertion of fundamental moral and religious truth shall not be prohibited in our public schools on any pretext whatsoever."[114]

The issue was followed closely nationwide, and linked with the Catholic school question as though it were completely natural to insist on Protestant religious practices in public schools while rejecting "sectarian" Catholic schools. An influential Methodist journal published in Boston, *Zion's Herald* (January 13, 1876),

> declared it opposed sectarianism in the public schools but insisted that Bible reading was not sectarian but Christian, and essential to teaching morals in the schools. The culprit in the controversy, according to *Zion's Herald,* was the Catholic Church. "Romanism is everywhere the same unyielding foe to the unsectarian common school. There is scarcely a public institution in the country at this moment, the harmony of whose discipline and religious instruction is not threatened by the persistent effort of the Catholic priest, not to teach in them moralism and the fear of God, but Romanism, pure and simple."[115]

A few observers noted the inconsistency of the Protestant position, as did the *San Francisco Chronicle* (May 25, 1878) in a cynical dismissal of both parties in the debate:

> On Wednesday evening last, according to a special dispatch of the 21st instant to the CHRONICLE, the great hall of the Cooper Institute of New York City was crowded with an audience of "enthusiastic men and women who desire that the Bible shall be read in the public schools, and that the school fund shall not be used for sectarian purposes." The enthusiasm of the people who could in the same breath make two demands so logically inconsistent with each other may be admitted, and also their sincerity of purpose; ... the logic which demands the exclusion of sectarian teaching from the public schools demands the exclusion of all religious teaching whatever, since the discovery of a mode of teaching religion without at the same time teaching what sectaries will denounce as sectarianism remains to be made. It is evident that the Protestants who insist on Bible-reading in the schools take substantially the same position in regard to a purely secular education that is assumed by the Roman Catholics – namely, that such education, unaccompanied by religious or sectarian training, is an unholy and pernicious thing, and that knowledge is per se dangerous and evil in its tendency.[116]

As historian Robert Handy has pointed out, "at no point did the evangelical consensus which bridged denominational and theological gulfs show itself more clearly in action than in the common effort to maintain the public schools as part of the strategy for a Christian America."[117]

One of the puzzling features of this episode is that most Protestant political leaders and the

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113 Green (1992), 51-2.

114 In Green (1992), 52n.

115 Green (2012), 192.

116 Goda (1967), 167.

117 Handy (1984), 87.

voters who supported them seemed to find no conflict between insisting that God and the Bible should continue to play a vital role in public schools while being equally adamant that "sectarian" schooling was unAmerican and to be opposed. For example, the new Colorado Constitution, adopted in 1876 in a successful bid to gain statehood, included a provision that "[n]o sectarian tenets or doctrines shall ever be taught in the public school" (article IX, section 8). The convention delegates were assured by Judge J. B. Belford that "fears that the cause of Protestantism will suffer from the exclusion of the Bible from the schools was chimerical. Ninety-nine percent of the teachers are Protestant; the books employed and the literature used have no smack of Catholicism about them. The associations of the children are largely in the same direction. The papers and magazines most read by them are anti-sectarian." In other words, the Protestant character of the public schools made them, by definition, non-sectarian. The following day a letter appeared in the *Rocky Mountain News*, signed "A Catholic," pointing out that Belford had shown "that the common schools were Protestant."[118] This made them, from the Catholic perspective, profoundly sectarian and unacceptable for Catholic children.

This term "sectarian," used so frequently in laws and political polemic, requires clarification. It is fair to say that no religious organization has used the word to describe itself or its own educational efforts. Professor Richard Baer of Cornell University has written that "[t]hroughout American history, 'sectarian' has been used to exclude and to ostracize. It is a term that is used to disparage and marginalize particular groups of Americans and particular kinds of thinking."[119] Calling a religious group 'sectarian' was and is, in colloquial terms, a "put-down," implying narrowness and divisiveness. As Justice Thomas pointed out in his plurality opinion in *Mitchell v. Helms*, in the 1870s "it was an open secret that 'sectarian' was code for 'Catholic.'"[120]

The term as applied to education, was not a synonym for "religious;" a Protestant leader urged, in 1854, "not that our academies and colleges shall be made sectarian, but *religious*." Another, the following year, argued that "while it is essential to forbid sectarianism in the public schools, it is *as* essential to bring them under the teachings and power of true religion; that religion should not be driven out under cover of repelling sectarianism . . . it is as clearly the right and duty of the State to instruct the children in religious as in secular truth."[121]

What was the religious teaching that public schools were expected to provide? William Kailer Dunn summarizes Horace Mann's understanding of it this way:

> The teachers were influenced towards inculcating a system of religion which amounted to an acceptance of the existence of God, His Providence and His preparation of a life beyond the grave. Mankind is to relate itself to God in this life by trying to practice the virtues extolled in the Bible, in emulation of the maxims and good deeds of Christ. Such good works will contribute to the preservation and enrichment of the democracy that is America and help the soul to a place in the life to come. Such a system of religion (and it should never be forgotten that such Mann conceived it to be and wanted it, *as religion*,

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118 *Rocky Mountain News*, December 30-31, 1875.

119 Baer (1990), 449.

120 530 U.S. 793 (2000)

121 Allyn (1853), 25; Cheever (1854), xi.

in the common schools) comes close to being a summation of Unitarian theology.[122]

For most non-Catholic parents, this generic Protestantism, though silent about the great drama of sin and salvation, seems to have been quite satisfactory, especially when accompanied with regular reading from the Bible and other devotional practices. "So successful were Protestant efforts to demonstrate the compatibility of the Bible with increasingly secular education that individual states continued into the twentieth century to pass laws *requiring* Bible-reading in public schools: Pennsylvania in 1913, Delaware and Tennessee in 1916, Alabama in 1919, Georgia in 1921, Maine in 1923, Kentucky in 1924, Florida and Ohio in 1925, and Arkansas in 1930."[123]

Catholics, accustomed to having their own schools denounced as "sectarian," turned the accusation back upon the public schools, as Senator Bogy (D-Missouri) put it during the debates over the proposed "Blaine Amendment" to the U. S. Constitution:

> The Catholics of the United States have been opposed to free schools . . . as organized some years ago. And why? For the reason that they were sectarian. . . . These schools were more or less sectarian and, this being so, there is nothing strange or astonishing or very remarkable that those who believed in their religion should not willingly sanction their children going where their religion was not only untaught but where they were really taught to believe it was not correct. There is nothing strange in that. Hence the Catholics have opposed throughout the United States the levying of public taxes for the purpose of maintaining public schools organized on sectarian principles, because they could not participate in the education conferred by them; not that they were opposed to education, not that they were opposed to free schools, but only because they were opposed to paying taxes for sectarian schools.[124]

Indeed, as early as 1828 Bishop Fenwick of Boston had complained that "all the children educated in the common schools of the country are obliged to use books compiled by Protestants by which their minds are poisoned as it were from their infancy." In 1840, the Catholic bishops formally charged that "the purpose of public education in many parts of the country was to serve the interests of heresy."[125] As the Catholic population of the country grew dramatically through immigration, the demand for their own schools grew as well, informed by the experience many of them had had in publicly-funded denominational schools before immigrating to the United States.

Thus, as summarized by Steven Green, the issues of Protestant practices in public schools and public funding for Catholic schools came to be closely linked; "[r]eligious dissention over the two issues only increased throughout 1874-1875."[126] If there were some Protestant leaders who called for removing Bible reading from public schools, it was as a way to entice Catholic parents to enroll their children, and this strategy was widely criticized by other Protestants as an

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122 Dunn (1958), 181-2; for an extended discussion, see Glenn (1988), 146-78.

123 Fessenden (2005), 807.

124 4 *Congressional Record* 5590 (1876).

125 Dunn (1958), 207, 211.

126 Green (2012), 185.

ignoble surrender.

What Catholics Expected

Although, as we have seen, public funding of Catholic schools was highly controversial in the 1870s in Europe as well as in the United States, and American opponents were very much aware of and borrowed liberally from the struggles occurring in Europe, it happens that Catholic immigrants to New Hampshire came overwhelmingly from two areas where public policy was friendly to denominational schooling, Ireland and Quebec. Both were predominantly-Catholic areas where most pupils attended publicly-financed Catholic schools but the right of the Protestant minority to schooling based upon Protestant convictions and traditions was also supported with public funding.

The situation in Ireland and Quebec reflected the fact that both were then ruled by predominantly-Protestant Great Britain, concerned to avoid offending restive Catholic majorities while protecting loyal Protestant minorities. In England itself, the 1870s saw creation of a national system of schooling – still in place today – with denominational and municipal schools treated on an equal basis with respect to public funding.

Government-sponsored schooling began in Ireland – source of the first large group of Catholic immigrants to New Hampshire – in 1831, several years before the first hesitant funding of denominational schools in England. A National Board was established "composed of men of high personal character, and of exalted station in the Church," that is, in both Protestant and Catholic churches, to provide financial support to local schools. At first the intention of the newly-established National Board was to establish inter-denominational schools as a means of improving relationships between Catholics and Protestants, and indeed among the various Protestant groups. Soon almost all "National Schools" had taken on either a Catholic or a Protestant character, despite the announcement that "the government would look with particular favour upon applications coming jointly from clergy of protestant and catholic denominations." These were so rare that "from the very start, the commissioners granted aid to anyone of good character without requiring inter-denominational religious cooperation."[127] By 1852 only 175 schools out of 4,795 were under joint management. Despite this reality, "in one of the ironies of Irish history," both (Protestant) Church of Ireland and Catholic bishops continued to call for an explicitly denominational system.[128] The Catholic position, initially favorable toward the national schools, hardened in the 1850s, when the hierarchy decreed that "only schools under Catholic auspices could be regarded as satisfactory for the education of young Catholics. In other words, what the bishops were saying was that the ideal for them was a system entirely under Catholic control, not merely a system regulated to a considerable extent from the outside and which was intended to cater for children of any or no religious denomination."[129]

In Quebec, the source of the other large group of Catholic immigrants to New Hampshire, a different process led to a similar result. The British Parliament passed the Quebec Act in 1774, preserving French laws and the status of the Catholic Church. The restrictions on Catholics

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127 Akenson (1970), 161-63, 150.

128 Akenson (1970), 215, 224.

129 Farren (1995), 6f.

holding office (which had been a feature of English, Scottish, and Irish law for nearly a century) were waived in the case of Quebec. This accommodation of Catholicism was, by the way, the basis for one of the 'abuses' detailed in the American Declaration of Independence: "For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies."[130] Thus even in one of America's Founding Documents we can find opposition to equal rights for Catholics!

It was the English-speaking minority in Quebec – in 1774 there were fewer than two thousand English-speakers and about 150,000 French-speakers – in the early 19th century, that demanded a more practical form of schooling to prepare its sons for careers in business and in public administration. As a concession to the concerns of both Catholics and Protestants about areas where they were in the minority, section XI of the Common School Act of 1841 provided that residents "professing a Religious Faith different from that of the majority of the inhabitants" of a township and dissenting from the "regulations, arrangements, or proceedings" of the school board were empowered to form a 'dissentient' board and receive assistance from the provincial school fund for their own school." Their school would be publicly subsidized based upon enrolment numbers, and governed and administered by their own trustees elected from the religious minority community.[131] Ironically, the arrangement which continues to provide public funding for Catholic schools attended by hundreds of thousands of Canadian pupils came into existence largely at the demand of Protestants in Catholic areas.[132]

This pattern of separate development was confirmed when the British Parliament adopted the British North America (or 'Constitution') Act in 1867, uniting Ontario, Quebec, New Brunswick, and Nova Scotia. Quebec Protestants demanded their own separate system of schooling, with control of the school tax revenues paid by Protestants, and their newly-formed Provincial Association of Protestant Teachers petitioned the London Conference of 1866 that worked out the details of confederation to the same effect.[133]

Section 93 of the Constitution Act, based on the arrangement enacted to protect the educational interests of Protestants in Quebec in 1846, guaranteed the legal status of denominational schooling in each province at the time of its joining the Dominion. Section 93 stipulated in part that:

> In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:
>
> 1. Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:
>
> 2. All the Powers, Privileges and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of

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130 see Esbeck (2004), 1453n.

131 Houston and Prentice (1988), 108-9; Dufour (1997), 34-5.

132 Wilson (1978), 38-9.

133 Macleod and Poutanen (2004), 77.

the Queen's Protestant and Roman Catholic Subjects in Quebec:

> 3. Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education.

The Canadian Supreme Court has ruled that this article gave Catholics and Protestants a right to direct and control their denominational schools, and (under some circumstances) to receive public funding to operate those schools. "The purpose and history of s. 93 also supports [provision of public support to denominational schools]. Protection of minority religious rights was a major preoccupation during the negotiations leading to Confederation. The basic compact of Confederation with respect to education was that rights and privileges already acquired by law at the time of Confederation would be preserved and provincial legislatures could bestow additional rights and privileges in response to changing conditions."[134]

Since, in Ontario, the law had already granted rights and privileges to the Catholic minority, they were and are still guaranteed a separate school system. In addition, "the second provision of Section 93 extended the same rights and privileges to 'the Dessentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec' as were granted to the Roman Catholic minority in Ontario."

Thus in the Ireland and the Quebec from which the great majority of Catholic immigrants came to New Hampshire in the nineteenth century they had become accustomed to educational systems which, as a matter of course, allowed both Protestants and Catholics to have their own publicly-funded schools. They could have seen little difference between the generically-Protestant schools that were the alternative to Catholic schools in Quebec or Ireland and the generically-Protestant public schools in New Hampshire. It is not surprising that they would expect to receive the same support that their schools had received in their homelands . . . and that explicitly-Protestant schools had received as well.

> Although conflict over public education had arisen between Catholic and anti-Catholic groups before the Civil War, the Church had not been strong enough to press its traditional claims on a broad front. Now, however, it comprised a majority or near-majority of the church-going population in some cities. Also, it was probably emboldened by the relaxed and tranquil state of public opinion.[135]

This may have been especially true in the case of Father William McDonald, who came to Manchester in 1848 as its first resident priest and continued active there until his death in 1885, spanning the period under consideration, including the anti-Catholic attacks on his church building and convent, the funding of Catholic schooling by public authorities in Manchester (see below), and the adoption of the anti-aid amendment in 1876-77. McDonald grew up in Ireland and received his training for the priesthood in Quebec, thus experiencing in depth two societies

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134 *Reference re Bill 30, an Act to Amend the Education Act (Ont.)*, [1987] 1 S.C.R. 1148 (Supreme Court of Canada).

135 Higham (1955), 28.

in which publicly-funded denominational schooling was the uncontroversial norm.[136]

Public Funding for American Catholic Schools

Just as in England and elsewhere, it was not uncommon in the American colonies and states in the eighteenth and early nineteenth centuries for public funding to be provided to schools that we would now consider "private" and that had a religious character, in the great majority of cases Protestant, as with the academies in New Hampshire.[137] These arrangements continued even as one state after another discontinued public funding support for their formerly-established churches, with Massachusetts the last, in 1830. Public funds were provided to church-sponsored schools in Pennsylvania and elsewhere: to Catholic schools in Lowell, Massachusetts, in the 1830s and 1840s, in Milwaukee in the 1840s, in several Connecticut cities and in New Jersey in the 1860s, and in New York State even later.[138] To take the example of Lowell, bordering New Hampshire, when Catholic immigrants were replacing the factory workers drawn from the New England countryside the public School Committee agreed to take over support and management of two parochial schools. The Committee would examine and employ the teachers, and prescribe the same books as for its other schools, but the teachers would be Catholic and the books would be examined to ensure that they contained no content reflecting negatively upon Catholicism. The arrangement continued from 1836 to 1852 (just before the anti-aid language was added to the state Constitution), and was praised by Horace Mann and others.[139]

> The most famous of the compromises, the Poughkeepsie, New York plan, went into effect in 1873, and was not effectively terminated until 1898 when the State Superintendent of Public Instruction ruled that teachers in religious dress could not teach in a public school. The Poughkeepsie Plan survived as long as it did because of strong support from non-Catholic community leaders, a willingness to accept Catholic separateness in schooling, the desire to keep school costs down, and its low profile. It was justified within and outside the Church as an ad hoc, local arrangement to limit the burden of financial costs. [140]

No doubt this decision was motivated by the anti-aid provision in the new Constitution adopted by New York State in 1894, which was in turn a response to anti-immigrant sentiment mobilized by the American Protective Association and other groups.[141]

In California, in 1870, the state legislature provided funding to schools operated by a

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136 Paradis (1998), 61.

137 See details in Glenn (2012).

138 Kaestle (1983), 13, 166-67; Justice (2005a), 197-98.

139 Walsh (1901), 7-14; Glenn (1988), 216-7; for the context of public funding of parochial schools in Lowell, see Cremin (1980), 417-18.

140 Lazerson (1977), 306.

141 Green (2012), 233-4.

Catholic teaching order, though this aroused considerable opposition.[142]

Nor were such arrangements unknown in New Hampshire: school district authorities in Manchester provided free use of a school building to a Catholic school in 1861, and in 1863 took over funding of the school; soon this support grew to include twelve schools with over a thousand pupils, and the salaries of a dozen teaching sisters. It may be that this was done in the spirit of wartime unity that did much to reduce hostility in the North between immigrants and natives; whatever the reason, this support was discontinued several years after the Civil War.[143] Such arrangements were not considered in violation of the First Amendment, though they were often deplored on political and anti-immigrant grounds; indeed, "[b]y 1854 nearly every northern state had experienced some sort of school funding controversy. 'Are American Protestants to be taxed for the purpose of nourishing Romish vipers?' asked the Philadelphia *Sun*."[144]

In the 1850s, as we have seen, the anti-immigrant American (or "Know-Nothing") Party swept the state elections in Massachusetts and promptly amended the state constitution to require that public funds could be "expended in no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own schools."

> As one member of the Constitutional Convention of 1853 bluntly put it, the Know-Nothings feared that "some new sect may outvote the Protestants, and claim the school fund." The Anti-Aid Amendment put the issue of who would provide elementary and secondary education in Massachusetts into the state's Constitution, its "organic law, something that cannot easily be changed."[145]

It is worth emphasizing that this anti-Catholic political movement thought it necessary to remove the question of funding of Catholic schools from the ordinary arena of politics in a democratic society, even though they currently had the votes to block efforts to appropriate funds for that purpose. The message was that this was a matter that could not be left subject to the wisdom of future voters. Massachusetts would make this even clearer in 1917, when another convention expanded the anti-aid to non-government and religious schools clause of the constitution by simply prohibited public funds to *any* institution "not publicly owned and under the exclusive control, order and superintendence" of the state or federal government. The same convention established a typical Progressive-era initiative process by which citizens could propose laws to be placed on a statewide ballot for approval by popular vote without legislative action, but included a prohibition against this process being used in the future "to repeal either the Anti-Aid Amendment, or the provision barring its use to repeal the Anti-Aid Amendment"![146] In other words, the question of how to respond to the desire of some parents that a share of the public funds allocated for schooling be made available for the sort of schooling that they preferred was simply removed from the process of democratic deliberation.

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142 Peterson (1985), 43.

143 Paradis (1998), 74-5.

144 Anbinder (1992), 25.

145 Chapman (2009), 5-6.

146 Chapman (2009), 7, 11.

It was in the 1870s, however, that concerns to prevent appropriation of public funds for Catholic schools were most evident. The Pennsylvania Constitutional Convention of 1873, for example, included a provision denying "to the legislature and local governments the power to appropriate monies for the support of schools under the control of religious bodies. This meant an end to the annual state appropriations which had contributed to the support of church-related academies and colleges."[147]

Soon, the funding of Catholic schools became a major issue in national (and thus in state) politics. Popular support for the "reconstruction" of the South and for schooling of freed slaves and their children had ebbed,[148] and in 1874 Republicans lost control of the House of Representatives and experienced serious losses in the Senate as well; "waving the bloody shirt" of the Civil War no longer ensured their political dominance. President Grant became concerned that the resurgent Democrats were monopolizing the issue of reform which the public was demanding. "'Realizing that the Republican Party had inherited a devotion to public education while the Democratic Party, thanks to its Southern conservative wing and its Catholic following in the North, had never been regarded as favoring free public schools, Grant sought to realign the party in favor of education.' Being in favor of free education made the Republicans appear moral and once again the party of reform."[149] Since in fact the federal government had no responsibility for schools, there were no practical measures that Grant could take, but in the context of the 1870s the surest way to be perceived as a friend of the traditional common public school, strongly marked by non-denominational Protestantism, was to warn against the Catholic menace. This perhaps came all the more naturally to President Grant because he had been a member of the Know-Nothing party in his younger years.[150]

In the 1870s, given the strong identification of urban immigrant Catholics as Democrats, Republican leaders found it easy to play upon the fear of many voters about the growing political power of the Catholic Church as a way to maintain their hold on the White House. In July 1875 the *New York Tribune* reported that both political parties were planning to use the issue of funding of Catholic schools to strengthen their positions. "Even the *St. Louis Republican* recently said: 'The signs of the times all indicate an intention on the part of the managers of the Republican party to institute a general war against the Catholic Church. .. Some new crusading cry thus becomes a necessity of existence, and it seems to be decided that the cry of "No popery" is likely to prove most available.'"[151] Similarly, *Harper's Weekly* announced that the Republicans had discovered a winning issue.[152]

As Stephen Green has pointed out, Grant's

> administration was racked by corruption and his political future, as well as that of the Republican party, depended on diverting public attention away from the revelations of

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147 Hellerich (1957), 5.

148 See Glenn (2011c), 74-80.

149 Green (1992), 49, quoting William Hesseltine.

150 Hamburger (2004), 322.

151 Green (1992), 44.

152 McAfee (1988), 192.

> the Whiskey Ring. In the last national election, the Republicans had lost control of the House of Representatives and seven seats in the Senate. Crucial off-year elections were being held in New Jersey and Ohio, where in the latter, Republican governor Rutherford B. Hayes' reelection hopes relied on tying the Democrats to papal plots and Catholic designs. Challenges to Republican ascendancy came from all sides. According to one Grant biographer, William Hesseltine, the President was concerned that the Democrats were monopolizing on the "reform" issue and would recapture either the presidency or the Senate in 1876. [153]

As Green has written more recently, "Republicans needed to invigorate those evangelicals who might otherwise be repulsed by the political corruptions of the day. A school amendment appealed to Protestant support for public education and played on latent suspicions about Catholic challenges to the financial and ideological basis of public schooling."[154]

The opening move in this campaign was in a speech to Union veterans gathered in Des Moines. President Grant struck a chord that had immediate resonance in the press nationwide:

> Let us all labor to add all needful guarantees for the security of free thought, free speech, a free press, pure morals, unfettered religious sentiments, and of equal rights and privileges to all men irrespective of nationality, color, or religion. Encourage free schools, and resolve that not one dollar, appropriated for their support, shall be appropriated to the support of any sectarian schools. Resolve that neither the State nor Nation, nor both combined shall support institutions of learning other than those sufficient to afford to every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family altar, the Church, and the private school, supported entirely by private contributions. Keep the Church and State forever separate. With these safeguards, I believe the battles which created the Army of the Tennessee will not have been fought in vain.[155]

While commentary in the "mainstream" press was generally highly favorable, Catholics saw Grant's summons as a politically-motivated attack on their growing influence in many urban areas. In the subsequent debate over a constitutional amendment forbidding aid to "sectarian" schools, Senator Bogy (D-Missouri) told his colleagues:

> I think I know the motive and the animus which have prompted all this thing. I do not believe it is because of a great devotion to the principles of religious liberty. That great idea which is now moving the modern world is used merely as a cloak for the most unworthy partisan motives. The African race has played its part in this country; the negro is for party purposes in a manner dead; and these gentlemen, knowing that this thing is played out, and that "the bloody shirt" can no longer call out the mad bull, another animal has to be brought forth by these matadores to engage the attention of the people in this great arena [the 1876 elections] in which we are all soon to be combatants. The Pope, the old Pope of Rome, is to be the great bull that we are all to

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153 Green (1992), 49.

154 Green (2012), 217.

155 Green (1992), 47-8.

attack.[156]

Grant's position was basically inconsistent, since his administration had greatly increased the role of religious (that is, "sectarian") organizations in carrying out federal responsibilities toward many Indian peoples, relying heavily upon denominational (including Catholic) organizations which it funded to provide schooling. The congressional appropriations in support of the 'civilizing' work of religious organizations, which had begun with $10,000 in 1817, reached $100,000 by 1870, and in 1876 there were 54,473 Indians in publicly-funded agencies supervised by Methodists, 40,800 supervised by Baptists, 38,069 by Presbyterians, 26,929 by Episcopalians, 24,322 by Quakers, 17,856 by Catholics, 14,476 by Congregationalists, and 21,974 by other denominations. The Commissioner of Indian Affairs expressed support for public funding of religious schools for Indians as late as 1882, writing in his annual report: "I am decidedly of the opinion that a liberal encouragement by the government to all religious denominations to extend their educational and missionary operations among the Indians would be of immense benefit. . . . No money spent for the civilization of the Indian will return a better dividend than that spent this way."[157]

In response to the growing opposition to Catholic schooling, however, policy-makers subsequently turned against Catholic schools for Indians. Hostility toward Catholic schooling became so strong that leaders of Protestant denominations that had been accepting public funding for many decades for their own Indian schools decided to reject that funding in order to be consistent with their opposition to public funds for Catholic parochial as well as Indian schools.[158]

The 'Blaine Amendments'

No doubt encouraged by the wide attention paid to his speech to the veterans, President Grant included in his annual message to Congress, in December 1875, a call for an amendment to the national Constitution, already amended three times in the previous decade,

> making it the duty of each of the several States to establish and forever maintain free public schools adequate to the education of all the children in the rudimentary branches within their respective limits, irrespective of sex, color, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school funds or taxes, or any part thereof, either by the legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever.[159]

Such an amendment, if enacted and ratified, would have revived an element that had been dropped from the 1875 Civil Rights Act, adopted as a last gasp of Republican dominance of

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156 4 *Congressional Record* 5589 (1876).

157 Mitchell and Skelton (1966), 42.

158 See Glenn (2011b), 68-75.

159 Green (1992), 52.

Congress: the prohibition of discrimination in school admission.[160] In addition to carrying forward this element of the Reconstruction agenda, however, the proposal added a crowd-pleasing new theme, a prohibition against public funding for Catholic schools. This was picked up immediately by an ambitious congressman from Maine, James G. Blaine, who introduced a bill calling for an amendment that dropped the racial provision, for which opposition had grown in the North as well as the South, and preserved only that aimed against Catholic schooling, disguised within an extension of the first clause of the First Amendment to the states:

> No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no money raised by taxation in any State, for the support of the public schools or derived from any public fund therefor, shall ever be under the control of any religious sect, nor shall any money so raised ever be divided between religious sects or denominations.[161]

It was no secret that this measure was directed against Catholic schooling; no one was concerned that a Quaker private school in Philadelphia or an Episcopalian private school in New York City might seek public funds. Behind the opposition to Catholic schooling was a conviction that Catholics sought to undermine the public school, as the long-serving Denver public school superintendent charged in 1878.[162] Senator Henry Blair, Republican of New Hampshire,[163] would tell the Senate in 1888 that "Jesuits . . . have come to our borders and they are among us to-day, and they understand that they are to secure the control of this continent by destroying the public-school system. They are engaged in that nefarious and wicked work."[164] During the debate over the Blaine Amendment in 1876, Senator Morton (R-Indiana) declared

> [m]y friend says there is no danger. Well, Mr President, in my judgment there is danger. That cloud is looming above the horizon; it is larger than it was a few years ago . . . without giving names here tonight, . . . there is a large body of people in this country, sincere, earnest, and pious, I have no doubt, who believe that our public schools in which religion is not taught are infidel and wicked, and who are not in favor of any school that does not teach religion. Does he not know that the public-school system of this country has been condemned and interdicted? , , , there is a large and growing class of people in this country who are utterly opposed to our present system of common schools, and who are opposed to any school that does not teach their religion.[165]

A Catholic colleague, Senator Kernan (D-New York) protested that "when he expresses the idea that those to whom he alludes would take from Protestants the right to have their children

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160 See discussion in Glenn (2011c), 73-5.

161 In Green (1992), 50.

162 Noel (1989), 35-6.

163 See Green (2012), 292, for Blair's deep opposition to funding Catholic schools, as a New Hampshire congressman in 1875-1876 and senator from 1879.

164 In Green (1992), 58n, from 19 *Congressional Record* 1218 (1888).

165 4 *Congressional Record* 5585 (1876).

educated just as they see fit, he does them great wrong. . . . we only ask that we should be allowed to educate ours as we think best, in all kindness, without the slightest unkind feeling or dissent about it." But another Republican, Senator Edmunds (R-Vermont) returned to the attack, warning that "there is a feeling well-grounded . . . that there is a particular sect that believes, in all sincerity undoubtedly, that the public schools of this country as at present conducted, non-sectarian . . . are not justified by the principles of religion; that they are wrong, and that it is the duty of a well-ordered state to teach in the public institutions the particular tenets of a particular denomination." Edmunds had selections from the *Syllabus of Errors* read into the record, condemning the idea that civil authorities should provide schooling independent of the authority of the Catholic Church. Catholics, he insisted, were required to believe this, and thus to seek to "revolutionize our systems of public instruction."[166]

The proposed amendment passed in both the House and Senate, but fell two votes short of the required two-thirds in the Senate. The real action, in fact, would be in the states, as one after another adopted similar language in their state constitutions over the next decades. In Colorado, a Constitutional Convention was at work for the aspirant state even as Congress considered Blaine's proposed amendment, and anti-aid language was debated and adopted in August 1876, with similar intent:

> Neither the general assembly, nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be made by the state, or any such public corporation to any church, or for any sectarian purpose (Article IX, section 7).

And, in another section of the Colorado Constitution, "No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association" (Article V, section 34). In effect, these two sections employ different strategies to attain the same goal, denying public support to Catholic schools.[167]

Similar reactions to President Grant's proposals occured in other states. The Republican Convention in California in June of 1875 received a platform from the committee on resolutions condemning division of the school fund with sectarian schools. The Catholic *Monitor* predicted that, in the tense political situation at state and national levels, three topics would dominate the elections:

> the public school question, the finances and the condition of affairs in Cuba. Senator Morton, who has been in the city for the last week or so, is responsible in a large degree for the President's assuming a position upon the school question in the coming message. He has been persuading the President that he must assume the position of GLADSTONE in England and BISMARCK in Germany, and come out against the

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166 4 *Congressional Record* 5586-8 (1876).

167 See Glenn (2012), chapter 7, for an account of these developments in Colorado a few months before similar actions in New Hampshire.

> growing demands of Catholicism .... General Grant has not the mental caliber to make a GLADSTONE or a BISMARCK, however anxious he may be to copy the anti-Catholic policy adopted by them."

In fact, public reaction in California was generally favorable to Grant's message opposing public funding for Catholic schools. "The Reverend Mr. Hemphill in a lecture in Calvary Church thought that the amendment was purely a Roman Catholic question since the system of parochial schools was intended to undermine the public school system. He said he wanted religious books in the schools and that Grant had not excluded these but only sectarian books."[168]

When, after various delays, California's Constitution was amended in 1878, it included a provision that "No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools."[169]

In the case of New Hampshire, Senator Blaine himself wrote to the editor of the Concord *Monitor* in March 1877 to express his approval of the measures adopted by the Constitutional Convention, in a letter intended to be published in the *Monitor* (and republished in the *New York Times*). Although those measures carefully avoided mentioning Catholics, the fact that the growing Catholic population and its demands for equitable treatment were the real issue are clear from Blaine's letter, if it were not already sufficiently obvious. The 'Protestant' qualification for state office Blaine referred to as "those clauses which prohibit Roman Catholics from holding political office in New-Hampshire," although of course the provision affected members of other religious groups as well. Blaine then urged,

> do not fail . . . to strengthen your system of free common schools with all the sanctions and safeguards of organic law. Deeply interested as thousands of Catholic laymen are in maintaining free schools as the only assured method of providing education for their children, the Catholic priesthood of the United States of America seem determined to break down the system of non-sectarian public instruction so happily established and so prosperous in most of the United States. . . . I have no desire to interpose my advice gratuitously in the affairs of your State, but the issues which I have thus briefly referred will affect public opinion far beyond the boundaries of New-Hampshire.[170]

As Senator Blaine observed, the debates and the actions taken in New Hampshire in 1876 and 1877 were part of a broad national movement which could be described as a counter-aggression to what was perceived, by many in the Protestant majority, as aggression by Catholics. The latter were coming to be sufficiently numerous and sufficiently well-established to demand that their convictions about the education most suitable for their children be treated with respect and translated into public policies, as in Ireland, Quebec, and elsewhere.

Steven Green has, indeed, called into question whether such anti-Catholic motivations were at work at the state level, while conceding their salience in the national debate. "Overall,"

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168 Goda (1967), 158-9.

169 Goda (1967), 162.

170 "The New Hampshire Vote: Special Dispatch to the New York Times." 11 March 1877. *Readex: America's Historic Newspapers*, The New York Public Library.

he writes, “it is impossible without more evidence from the twenty-one states to claim that the anti-Catholicism that surrounded the Blaine Amendment was the chief motive behind each of these state measures.”[171] In the case of New Hampshire, it is fair to say, that evidence is overwhelming, but in addition it is impossible to ignore the powerful effect of national and international debates on the Catholic school issue in the mid-1870s upon a literate and politically-engaged public, a public exposed, through the telegraph, to national events as never before. To suggest that anti-Catholicism could have played no significant role in adoption of state anti-aid provisions in this period is historically naïve.

As the amendments to the New Hampshire Constitution were being debated, a published address to the citizens of Suncook summed up what, to members of the Protestant majority, seemed the most urgent question of the day:

> The proposed amendment prohibiting money raised by taxation from being applied to the support of the schools or institutions of any religious sect or denomination, can hardly fail to commend itself warmly to every friend of our noble free school system. It is true that no demand has been made by any sect for the support of its denominational schools from the public school funds; and yet the position of one numerous and powerful sect in the State on this question leads logically to such an issue. The highest authority in the sect, assuming to speak with the awful protentiality of infallibility, declared in the Encyclical letter of 1864 that Catholic parents had no right to educate their children in other than Catholic schools. In the most populous city of this State [Manchester], for a dozen years, or ever since the issue of that letter, the children of Catholic parents have not been permitted to attend the public schools, but have attended sectarian schools exclusively. So long as any sect regards the public schools with hostility, the public school system is menaced with a danger that only a constitutional provision can avert. The free public school is the true nursery of freedom and equality. . . . With all its faults – and it has many – it is still the one influence that out of many nationalities moulds one nationality; that out of many faiths forms one faith in God and humanity; that out of weakness and ignorance and poverty emerges the strong, silent, affluent and magnificent American citizen.[172]

Difficult as it may be for us to understand, most Americans in the 1870s thought of Catholicism as ‘sectarian’ but were equally confident that Protestantism was not. This was nicely expressed by one of the delegates to the New Hampshire Constitutional Convention, who insisted, “That word ‘Protestant’ makes no war upon any denomination whatever. . . . It is simply there to express the regard of the people of New Hampshire for religious institutions. . . . But if you take that word ‘Protestant’ out of this article, and send it to the people of New Hampshire, we all know how many there are who are rather sensitive on this point, and they will reject it at once.”[173]

From the perspective of 2013, it is difficult to grasp how deeply suspicious most members of the Protestant majority in the United States – including in New Hampshire – felt toward the presence among them of growing numbers of Catholics. Catholics are of course now very

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171 Green (2012), 231-3.

172 In Kinney (1955), 166-7.

173 In Kinney (1955), 135.

much part of the American mainstream, but the older among us can remember the 1960 election and the enormous popularity of Paul Blanshard's book *American Freedom and Catholic Power* (1949, 1958). In the 1870s, many Americans reacted even more strongly against the intransigence of the Catholic Church of Pius IX against fundamental principles and freedoms of modern life. The fact that most American Catholics were exemplary citizens did not reduce majority concerns about the intentions of the church hierarchy and the supposed influence of "sectarian" Catholic schools on children from Catholic families. "One foe of Rome contended that the Irish would assimilate if the priests did not keep them separate. Another thought that the priesthood drove the Irish into reluctant hostility to public education."[174]

Nor, it should be noted, has the latter concern altogether vanished, as exemplified in a book by a professor of legal studies at Cornell University. Public authorities, Professor Dwyer argues, would be fully justified in ignoring "a child's expressed preference for a kind of schooling that includes the practices" of indoctrination and crippling of personality which the author claims characterize religious schools. Overriding the child's decision (not to mention that of her parents) "would be appropriate and even morally requisite." Thus, religious schools *may* be permitted as an alternative, but only if they conform themselves to public schools through abandoning such "harmful practices" as "compelling religious expression and practice, teaching secular subjects from a religious perspective . . . and making children's sense of security and self-worth depend on being 'saved' or meeting unreasonable, divinely ordained standards of conduct."[175] So farewell to educational freedom, and to religious freedom.

Conclusion

The sponsor of New Hampshire's anti-aid or 'Blaine' amendment in 1876 told his fellow-delegates that "[t]wenty-two states have seen the necessity, or the wisdom of adopting similar amendments in their constitutions."[176] We have seen that the conviction that the issues at stake were more important than could be entrusted to democratic decision-making was part of a national as well as an international pre-occupation. In Western Europe, in the 1870s and 1880s, political struggles resulted in a variety of outcomes: in the Netherlands, Belgium, Germany, Ireland, and England they led to public funding for Protestant and Catholic schools. Subsequent compromises in the political arena resulted, in yet other countries, in public funding for Catholic and other faith-based schools in virtually every Western democracy except the United States.[177]

In short, debate over state monopoly of the formation of future citizens, or consideration of the possibility that schooling could be provided in ways corresponding to different convictions about education, were very much in the air in this period, and inescapably linked with attitudes toward the Catholic Church and (on the part of opponents) about the dangers to society of encouraging Catholic education.

The precipitating causes in New Hampshire in 1876-1877, apart from these national and

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174 Highan (1955), 29.

175 Dwyer (1998), 164-5, 179.

176 In Kinney (1955), 118.

177 See Glenn and De Groof (2012) for the details on 65 national systems of schooling.

international currents, were undoubtedly the rapid increase of Catholic population drawn to the state's growing industries, and the prospect that, with removal of the language barring Catholics from statewide office, they might begin to use the political arena to demand equal treatment in education. An accommodation of the concerns of Catholic parents had been worked out in Manchester at a time of intense concern for national unity, as reflected in Governor Metcalf's second inaugural address in 1856, in which he abandoned his anti-immigrant and anti-Catholic warnings of a year before to warn instead about "the dark cloud . . . hanging over the country" as a result of the effort to extend slavery,[178] Victory over the 'Slave Power' won, New Hampshire voters and their delegates were ready to heed the warnings of President Grant and others about the menace of Catholic intentions toward the common public school.

In New Hampshire and other states, the anxieties and prejudices of that era were frozen into constitutional provisions that cut off democratic debate. Almost 140 years later, and unlike every other Western democracy, the United States still maintains barriers against reasoned deliberation through the ordinary political process about providing schooling that responds to the choices of parents. It is striking that, whether in Massachusetts, or Colorado, or New Hampshire, or in federal court litigation, opponents of making faith-based schooling available to parents without financial penalty have sought to remove this issue from the sphere of democratic decision-making.

Unfortunately, across the United States, the adamant refusal to permit public funding for Catholic schools led to Catholic opposition to increased tax support for the public schools in those cities where that opposition had serious consequences. Political scientist Paul Peterson comments that "the public schools might have gained more in fiscal terms at an earlier date had they been more willing to work cooperatively with their fellow educators within the Catholic church."[179] But that would have required an openness and even-handedness rare in the nineteenth century, when so much anxiety was directed against the Catholic influence in public and even in private life, and when the common public schools were expected to fulfill a spiritually-unifying role based on a generic Protestantism.

The fair treatment of Catholic immigrant parents that had existed briefly in Manchester, New Hampshire, in Lowell, Massachusetts, and in Poughkeepsie, New York, among a handful of other communities, was cut short by the anti-Catholic political movements that produced anti-aid language in over forty state constitutions.

Lacking openness and even-handedness toward their Catholic fellow-citizens, the Protestant majority in New Hampshire in 1876-77, while insisting on public schools based on their own religious convictions, did not hesitate to discriminate against Catholic parents who wanted Catholic schooling for their children.

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178 Metcalf (1856), 36-30.

179 Peterson (1985), 44.

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