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Amendment of the Constitution of the United States, New York, Feb. 26 and 27,
1873.*

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OF THE
NATIONAL CONVENTION

TO SECURE THE
RELIGIOUS AMENDMENT
OF THE
CONSTITUTION OF THE UNITED STATES,

HELD IN NEW YORK, FEB. 26 & 27, 1873.

WITH AN ACCOUNT OF
THE ORIGIN AND PROGRESS OF THE MOVEMENT.

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Pending the report of these Committees, the Rev. D. McAllister, General Secretary of the National Association, delivered an address, in substance as follows:

D. McALLISTER'S ADDRESS.

THE RELIGIOUS AMENDMENT MOVEMENT JUST, SEASONABLE, AND NECESSARY.

It is fitting that something should be said, at the beginning of the sessions of this Convention, in answer to the question, "For what purpose and why has this National Assembly met?" As a representative of the movement, I shall endeavor to answer this inquiry, and show that we have met to further what is right in itself, and seasonable, and necessary.

This Convention has assembled at the call of the National Association to secure the Religious Amendment of the Constitution of the United States; and the object of the Convention, like that of the Association, is to prepare the way for ultimately securing such an amendment to the Constitution as will suitably express our national acknowledgment of the authority of Almighty God, of Christ, and of the Bible. No one is committed to any form of words. A suitable acknowledgment of the nation's relation to the Supreme Ruler of nations, and His moral laws, is asked for, while it is left with the appropriate authority, either Congress or a Constitutional Convention, as the case may be, to formulate the expression.

The movement for such an amendment rests upon a fact and a principle: on the *fact* that the Government of the United States, as it is and always has been administered, stands in intimate relations with Christianity; and on the *principle* that the relations of a government to the religion of the people, as a unit, should be acknowledged in the fundamental law. The fact is indisputable. The principle is one of the most firmly established and fundamental principles of constitutional law. Let us examine each of these points, appealing to the records of history and the highest authorities in political science and jurisprudence.

The fact that our Government always has been connected with Christianity, as it never has been connected with any other religion, is so patent a fact of history as to need only to be stated. The men who came to this country and originally settled it, were, for the most part, Christians. They acknowledged Almighty God, and Christ, and the Bible. The Christian religion was the religion by whose teachings they sought to regulate all their affairs. They were of different nationalities and languages, but they were mainly of one religion—Christianity, with an open Bible. There were Swedes and Finns; there were Dutch and French settlers; there were Scotch, and Irish, and English colonists. But they were, with but comparatively few exceptions, Christian men, with their different translations of one and the same authoritative Holy Book.

Now, the religion of a people must lie at the very foundation of their nationality. Max Müller, in his lectures on the Philosophy of Religion, looking at this subject simply as a philosopher, says: "It is language and religion that make a people; but religion is even a more powerful agent than language." The history of our own nation may be cited as one of the most convincing proofs of this statement. Schelling and Hegel, expressing the conviction reached through the philosophic study of history, declare the same

truth. Says Hegel, in his *Philosophy of History*: "Their idea of God constitutes the general foundation of a people. Whatever is the form of a religion, the same is the form of a State and its Constitution. It springs from religion."

Had Mohammedans settled this country, they would have incorporated Mohammedanism into its civil and political institutions. Had Pagans come here at first, and continued in the ascendancy, the political body formed and developed would have taken on distinctively Pagan features. The religion of a people will pervade all their relations and associations. It is the most potent of all social forces. It will inevitably control the molding of the national life. All other influences must at last succumb to it, or it must cease to be the religion of the people.

The Christians who peopled this land simply did what the settlers of any country always have done and will do. They built up institutions which were clearly and unmistakably marked with the characteristics of their religion. As Daniel Webster well said: "Our ancestors founded their government on morality and religious sentiment. They were brought hither by their high veneration for the Christian religion. They journeyed by its light and labored in its hope. They sought to incorporate it with the elements of their society, and to diffuse its influences through all their institutions, civil, political, social, and educational." They formed themselves as Christians into civil and political organizations. At first in the colonies, and then in the States, the Christian religion was acknowledged in the whole structure of government. In his commentaries on the Constitution, Justice Story remarks: "Every American colony, from its foundation down to the revolution, with the exception of Rhode Island, if, indeed, that State be an exception, did openly, by the whole course of its institutions, support and sustain, in some form, the Christian religion." After the revolution the intimate relation of the Government with Christianity still continued. Our forefathers, who called on God during their struggle, acknowledged Him in their legislative assemblies, in their schools where His word was read, and in the courts of justice where an oath was prescribed to be taken in His name. They appointed public days of fasting and thanksgiving, and placed upon their statute-books laws guarding the sacredness of the Lord's day. Again and again they declared that Christianity was part of the common law of the land.

This connection between Christianity and the administration of our Government still exists. Christian ministers are employed by Government as chaplains in public institutions. They go forth at Government's expense with our army and our navy in time of war, and still teach the truths of Christianity to soldiers and sailors in time of peace. Prayers are offered in our State legislatures and in the halls of Congress. The Bible is in our schools and the oath in our courts of justice. Laws against profanity and Sabbath desecration, though too often inoperative, are still upon our statute-books. The appointment of days for public thanksgiving, since Lincoln's time, has become the regular annual practice of the President as well as of State Governors.

Here, then, is the fact. The Government of the United States, as the government of a Christian people—a people among whom the Christian religion is altogether in the ascendancy—is to-day administered, as it always has been, in intimate connection with Christianity.

And now we come to the principle that the connection which actually exists

between the government and the religion of the people should find acknowledgment in the fundamental law.

The highest authorities in Constitutional Jurisprudence are at pains to point out the distinction between the written Constitution of a nation, and that providential or historical Constitution which exists before the written instrument. Not only such authorities as De Maistre, Rothe, and Stahl, but the best writers among ourselves, such as Brownson, Hurd, Jameson, and Mulford, make this important distinction in a very clear and emphatic manner. Says the last named author, in his invaluable work entitled "The Nation:" "The Constitution of the political people has a two-fold character: there is a real and a formal Constitution. The one is the development of the nation in history—the historical Constitution; the other is the formula which the nation prescribes for its order—the enacted Constitution."

Now, a written Constitution is not a necessity of government. Up to the year 1818, the State of Connecticut had no written Constitution; nor was one framed for Rhode Island until the year 1842. If the United States Government had no written Constitution, the question as to the constitutionality of any official action would be tested by an appeal to the customs, compacts, decisions of courts, and ordinary statutes of the country. But as we have a written instrument, the appeal is made to it. And just so far as the written instrument serves its purpose as a Constitution of government, it will be a transcript of the unwritten historical Constitution of the nation. It is a dress made for the nation, and it should be made to fit. The social forces actually operating in a nation give it a certain character. They mold its institutions, determine its common law, and evolve the actual and distinctive features of the nation's life. It is the office of a written Constitution to translate these facts of the unwritten Constitution into legal language, and authenticate them. So says Judge Jameson. Mr. Mulford expresses the same thought thus: "The formal Constitution must correspond to the real. It is the order in which the people are to act, and the people must find, therefore, in the written or formal Constitution, the expression of its spirit, and its purpose must not be fettered nor perverted by it, but it must be able to act in and through it with entire freedom, in the furtherance of its aim. There must be reflected in it its own spirit, and in so far as it fails of this, it has elements of weakness or of peril."

Here, again, are the most important principles of political philosophy, thought out by able men without regard to any movement. Let the candid student of constitutional law apply them. Is it not a fact that the Christian religion is the most potent social force that ever operated among us as a people? Has it not evolved facts of a distinctively Christian character in the nation's life? Is there not, as there always has been, a vital connection between our Government, in its administration, and Christianity? Do not the very demands of our opponents prove this? Is not, in other words, the real, vital, historical Constitution of our nation, Christian? And, according to the principle brought to view, should not the formal, written Constitution conform to the unwritten one, and be explicitly Christian also? If Christianity be the most powerful social force in operation in this nation, and if it have evolved, as a matter of fact, most important national features and institutions of a Christian character, as is admitted on all hands; and if it be the office of a written Constitution to translate these facts into legal language, and incorpo-

rate their authentication into itself—if it be a principle of constitutional law that the formal Constitution should correspond to the real Constitution, as the highest authorities agree in maintaining, then it seems utterly impossible to escape the conclusion that the relation which actually exists between our Government and Christianity should have expression in the written Constitution of the nation.

Such expression, however, is not found in our fundamental law. I do not wait here to show how that omission occurred. It is sufficient for us just now to have in mind the admitted fact that the national Constitution is silent as to religion, while the nation itself, as it moves on in the administration of its affairs, is not silent. Christianity has evolved and maintained the fact, in the unwritten Constitution of the nation, of prayer in the name of Christ in the nation's halls; but the written Constitution has no clause to correspond to this fact. Christianity has placed the Bible, as a fact, in the nation's courts of justice, and in the common schools; but the written Constitution does not authenticate this essential fact of our national life. Thus, to adapt to this point the language already quoted—language all the more forcible because the writer had only general principles in view, "The written or formal Constitution fails to reflect the nation's spirit in not being conformed to the real or unwritten Christian Constitution of the nation, and for this reason it has in itself elements of weakness and of peril."

Hundreds of intelligent men, when their attention has been called to this omission, while they deeply regret it, have deprecated any attempt to remedy the defect. They would rejoice, they say, had the acknowledgments we seek been made in the Constitution when first framed, but at this late day the attempt to secure them is open to the gravest objections. How forcibly does this remind us of the objection to Franklin's motion for prayers in the Convention that framed the Constitution. For nearly five weeks there seems to have been no thought of looking to God for direction in the Convention. Franklin moved that henceforth prayers be offered every morning. Mr. Sherman seconded the motion. But Mr. Hamilton and several others expressed their apprehensions that, however proper such a resolution might have been at the beginning of the Convention, it might at that late day bring on it some disagreeable animadversions. Franklin and Sherman well replied that the past omission of duty could not justify a further omission. Had the Convention not been guilty of a continued omission of an acknowledged duty, but looked to the Father of lights for guidance, we might have been spared the disasters of recent years, and the rising perils of to-day.

A continued omission on our part, to do what it is admitted ought to have been done at first, can be attended only with evil.^c Once more I appeal to the authority of Judge Jameson. Like the other writers to whom I have referred, he insists upon having the written Constitution conform to the unwritten Constitution of the nation. In any case in which there is a want of conformity between the formal or written and the real or unwritten Constitution, he states clearly and pointedly what should be done. And let his words be marked. They are the words of a sound lawyer. They are words of present warning. "Not only *may* the people, but, if they would insure peace with progress, they *must* by amendments cause the former to conform substantially with the latter."

Because of the failure to conform our written Constitution to the facts of the

relation of our Government to Christianity, obstacles have been thrown in the way of the progress of the nation as a Christian nation. When the Constitution was adopted no one dreamed of denying that relation. But the omission of its acknowledgment in the formal Constitution soon led to its denial. Nine years after the written Constitution was framed, a treaty was ratified with Tripoli in which it is expressly stated that "the Government of the United States is not in any sense founded on the Christian religion." Justice Story tells us in his "Commentaries on the Constitution," that at the time of its adoption "an attempt to level all religions, and make it a matter of State policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation." And yet the very policy of the written Constitution is at the present time almost universally declared to be to put all religions on a level, and hold all in indifference. This is the legitimate power of silence—the potent influence of omission, of non-conformity to the real Constitution of the nation, in our fundamental law.

The same disastrous influence of this omission is seen in many practical questions of our day. Chancellor Kent and other eminent jurists decided long ago that Christianity is part of the common law of the land. This decision is now repeatedly, and in high quarters, reversed. The Supreme Court of Ohio and the Superior Court of New York City have laid down the counter-position that Christianity is not a part of our common law. Comstock, in his popular edition of "Kent's Commentaries," declares that, according to the best considered authorities, Christianity is not a part of the common law of the land. This decision is maintained all over the country by an increasing number of citizens, on the ground that the Constitution of the United States acknowledges Christianity no more than any other religion.

And now come forward the so-called "Liberals" with their demands for the discontinuance of chaplains, and of the oath, and of the Bible in the public schools, and for the abrogation of Sabbath laws, and all laws enforcing *Christian* morality, on the ground that the Constitution of the United States contains no acknowledgment of Christianity, and places all religions and no religion, irreligion, infidelity and atheism included, on a perfect equality. Their complaint is that in the actual administration of our Government all religions are *not* put upon a level, and their demand is now reiterated—and they are organizing to carry it into effect—that our whole political system shall be administered on a purely secular basis, in accordance with a written Constitution which, they boast, is untainted with any acknowledgment of Christianity.

It is useless to insist that they misinterpret the written fundamental law. However well an implied or obscurely-expressed acknowledgment of the Government's relation to Christianity might have answered heretofore, the day for every thing of this vague and uncertain kind has gone by. The nation must now declare itself. For, if it remain silent now, its written law will be made the potent weapon for enforcing the demands against our Christian civil institutions.

Nor are these opponents of the Christian institutions of the State asserting their demands in vain. Already the Bible is excluded from many of our public schools. Even prominent City and State Superintendents of Education have decided that the Holy Scriptures cannot be legally read during regular hours in our schools. Our Sabbath laws are becoming a dead letter. The theory

that government has nothing to do with religion, the theory which is on every hand declared to be the theory of our national Constitution, is binding us hand and foot. The enemies of our Christian institutions set up the written Constitution before us as an insuperable barrier to our progress in Christian civilization. They defy our Christian laws of marriage and divorce, and betake themselves for refuge to the Constitution. They violate the civil safeguards of the Sabbath, and shield themselves beneath the Constitution. Elated with success, and gathering strength and boldness in their struggles, they brandish the written Constitution, and now more defiantly than ever before, assault the nation in the very citadel of its strength—the use of the Bible in its common schools. In a word, the written Constitution is to-day the spear and shield, the potent weapon both of offense and defense, of the foes of the Christian institutions of the nation.

But there is a limit to these aggressions upon what is dearest and best among the institutions we have inherited. The spirit of the Christian fathers of the Republic still lives. These last sweeping demands of the enemy are rousing it from its slumber. It hears the demand for the obliteration of everything that marks our Christian character; the demand that as there is no acknowledgment of God in the Constitution, there must be none in the halls of Congress; that as there is no acknowledgment of Christianity in the written instrument, there must be none in our army or navy, or in prisons; that the Bible must be expelled from our courts and schools to make them conform to the Constitution. And already the response has begun to sound out over our States. The hundreds of delegates from the majority of the States of the Union gathered here to-day, their number every hour increasing, give expression to the deepest feelings of patriotic hearts. The answer to the "Demands of Liberalism" is an earnest and determined "No!" Our fathers founded Christian institutions. These are the sources of our prosperity, the guarantees of our liberty. For the sake of these and their blessed fruits, the written Constitution was framed. It was made for them, not they for it. The dictate of true patriotism and statesmanship is clear. The Bible must not be cast out of our schools; our Christian laws of marriage, and of the Sabbath, must not be abrogated; the oath of God must not be banished from our courts of justice, and all this to make the administration of our Government conform to the written Constitution. But, on the other hand, we shall meet the crisis that is upon us by inserting a suitable acknowledgment of God, and Christianity, and the Bible, in the written Constitution, and make it conform to our common schools and all the other essential features of our unwritten Constitution. To insure peace with progress, we *must*, by a Religious Amendment, cause the written fundamental law of the nation to conform to the Christian *facts* of our national life. This is the just, seasonable, and necessary movement, for the advancement of which we are met to-day.

At the close of this address, the Committee on Permanent Organization presented a partial report, which was completed at a subsequent session, and is as follows: