

# A Protest of the Catholic Bishops of Wisconsin

— AGAINST THE —

## BENNETT LAW.

As Bishops of the Catholic Church in Wisconsin, we feel called upon to make an official declaration concerning the Bennett Law—in fact, to enter our protest against it. If this law were of a purely political nature, we would not have a single word to say about it; but as it touches upon questions of the greatest interest to our Catholic Church and our Catholic homes, we consider ourselves in duty bound to express and explain, even at some length, our opinion concerning the same. After calm and careful study of the Bennett Law we hold that it interferes with the rights of the Church and of parents. We, moreover, conscientiously believe that the real object of this law is not so much to secure a greater amount of instruction in and knowledge of the English language, as rather to bring our Parochial and Private Schools under the control of the State. And in this attempt, we cannot but apprehend the ultimate intention, gradually to destroy the Parochial School System altogether.

The impression which a close study of the law leaves on our minds is this: that in the eyes of its framers, the Parochial School exists by the grace and toleration of the State, and may continue to exist, if it humbly submits to the discretionary powers granted to School Boards through the Bennett Law, but not as a free, recognized institution, as old as the State itself, and deriving its existence from the free will and the generous efforts and sacrifices of hundreds of thousands of citizens, acting in full accordance with the dictates of their conscience and the spirit of the free institutions of our State and Country. In this our general view of the law and its object, we are strengthened by the personal knowledge which we have, from actual observation, of our Schools. For we are certain that in them the English language is used and taught to at least as great an extent as the Bennett Law requires.

After this general observation we enter our most earnest protest against the Bennett Law for the following particular reasons:

We consider the Bennett Law

1. An unnecessary law;
2. An offensive law;
3. An unjust law.

Ad. 1. We have in our three Dioceses 264 Parochial Schools, 14 Colleges, Academies and Select Schools, 9 Orphan Asylums. To the best of our own personal knowledge the English language is used and taught in all of them, even for a longer time each year, than the 12 or 24 weeks required by the Bennett Law. The exceptions, if any, are so few, that no special legislature is needed as a remedy; and certainly, not a law so harsh and severe as the Bennett Law, fairly bristling with threats of prosecutions and fines. We know, it is true, of some districts in the State where, on account of hardly any English being spoken at home, the children make but little progress in English at school. But this is precisely as true of the children who attend the Public Schools in those districts, as it is true of those who attend the Parochial Schools. The fact, that our mixed and fast growing population is in no part of the State of a really remote and, in many, of a very recent date, sufficiently accounts for this defect. The natural causes of this defect being beyond the control of legislature, we may, from general development and improvement, safely expect the disappearance of this defect without any legislative provisions.

Ad. 2. In the second place we consider the Bennett Law an offensive law.

We have at least 350,000 Catholics in Wisconsin. They are as good, law abiding citizens as any. Except in some places in which Parochial Schools are impossible, and in some cases of carelessness, they send their children to the Parochial Schools. All these schools have been built and are maintained by the parents themselves, often at very great cost and sacrifice. Never, as far as we know, has the State been asked to appropriate one single dollar for these schools. A great number of them have been in operation for more than 25 or 30 years. They have turned out hundreds and thousands of as good and useful citizens as any.

It is, consequently, an outrage upon the intelligence and good character of our Catholic people, to interfere with their schools. Are the 50—60,000 Catholic fathers and mothers of families so ignorant and stupid, that they do not know what kind of education their children need; or, are they so destitute of love and interest for their children, that they would not be willing to provide proper education for them? Have they deserved to be treated as persons who cannot or will not take care of the interests of their children, so that the State has to step in and act as guardian for them? Such, indeed, is the appearance of things, when the State attempts to force upon so many of its citizens a law, of which not one in ten, and perhaps not one in a hundred, had an idea, or felt the want, when they sent their representatives to Madison—a law against which thousands upon thousands of the State's most industrious and conservative citizens, outside of our religious communion, most unanimously and vigorously protested, as soon as they got knowledge of that law. It is a well-known fact, that in the same legislature which passed the Bennett Law, the Pond Bill had to succumb to the pressure of remonstrances against it from all parts of the State, though that bill provided for State Supervision of Private Schools for the sole purpose of obtaining reliable statistics. Towards the close of the Session, when bills of any great importance naturally cannot command the consideration which they deserve, the Bennett Law was substituted for the Pond Bill. That the citizens at large would have tried to prevent its passage, as well as that of the Pond Bill, is evident from the fact, that they began to protest against the Law as soon as it was published. From all this, it is but too clear that the Bennett Law must be called an offensive law. But it is also

3. An unjust law. And on this account, we object to it still more strongly than on any other.

The Bennett Law is an unjust law, because

- a. It interferes with the sacred, inalienable rights of parents.
- b. It threatens penalties which are really beyond all equity.
- c. It opens every avenue to partiality and injustice, to strife and disorder.

Ad. a. Parents have the *duty* to educate their children, because, under God, the children belong to parents who have to give to Him an account for them. This most sacred duty necessarily gives them also the inalienable *right* to educate their children. If any one, the State not excepted, takes away from parents this right or interferes with it, he violates one of the first principles of the natural order. There may be cases, in which parents either grossly neglect this duty or positively abuse this right, for the damage or ruin of their children. It is only in such cases that the State, as the custodian of the rights of its citizens, is justified and obliged to step in and make parents do their duty or punish them for the abuse of their right. The cry has been raised that, as to Education, Catholics, and especially their Bishops and Priests, deny every right to the State and assume every right for the Church, that they want to make Catholic parents free from the State and slaves to the Church. Here may be the proper occasion to place this question in its true light and meaning before the public at large. Indeed, we deny to the State the right to educate the children of those parents who are willing and able to do so themselves. If parents want to delegate the exercise of their inalienable right to the State—as those parents do who send their children to the Public Schools—the State acts simply by delegated power, as the agent or functionary of those parents, not above them, but for them. If other parents, and they are thousands upon thousands, do not want to delegate the exercise of their right, they are perfectly free to retain it for themselves. All the State can demand of such parents for the common good, is that they do not allow their children to grow up in such ignorance or to acquire such knowledge as would make useless or dangerous citizens of their children. Now, whereas our Catholic parents provide an education for their children which not only not endangers but promotes the welfare of the State, their schools should not be molested by any interference on the part of the State. The conduct of our children in and out of school, the character of the younger generations which have passed through our schools, their standing and success as farmers, mechanics, business men and professional men, should be sufficient guarantee to the State that our parents have not neglected their duties towards the State, in the education of their children. Official inspection and supervision by Boards—the members of which are generally not better posted on School matters and certainly not more interested in School children, than the parents themselves—should be left aside; for friendly visits of fellow-citizens or State Officials our schools shall be open.

As to the position of the Church:

She insists, indeed, on parents giving their children not only a secular, but also a religious education. This obligation of parents, however, is not chiefly the result of a positive Church Law; but it is an obligation incumbent on Christian parents by the natural and divine law, independent of the action or



law of the Church. It is a most sacred and indispensable duty of Christian parents to educate their children in the knowledge and fear and love of God—to provide religious instruction for their children, a duty which they cannot neglect without guilt. The Church merely urges parents to comply with a duty imposed upon them by divine law, and every Catholic parent will acknowledge that it is his conscientious duty, to save and protect the faith of his children, to have them well instructed in it, both theoretically and practically.

No one can be a true member of the Church and at the same time hold a different view or follow a different practice from this. "The Church," says the III Plenary Council of Baltimore (No. 194), "whose mission on earth, above all, is this, to lead every man, regenerated in the Baptism of Christ, even from the first use of his reason, in the ways of truth and justice to his supernatural end, can by no means allow that Catholic parents—whose natural and divine right, as well as duty, it is to provide a Christian education for their children—procure for them a merely secular education; because such education cannot equip them with the means necessary to know and reach their last end." The Church, then, teaches distinctly, that the Christian education is the natural and divine duty and right of the parents, which they have anterior to and independent of any law and action of the Church.

But how can they fulfill this their sacred duty? The Public Schools professedly and exclusively give only a secular education; the Parochial School is established and operated to give both a secular and religious education, and is, in our present time and circumstances, the ordinary and, we may say, almost the only means for securing to Catholic children the necessary religious education. For these reasons the Church urges and obliges parents to send their children to Parochial Schools, for whosoever is bound to the end is also bound to the means. The Church hereby does not violate the rights of parents in any sense whatsoever, but simply insists on the parents doing their God-given duty.

So much to show that the Church by no means interferes with parental rights, by insisting on parents doing their natural and divine duty, whilst the State, through the Bennett Law, attacks these rights, by interfering with the Parochial, that is, the Parents' School. It will not do to object that the Bennett Law, or at least the one official explanation of it, given by the State Superintendent, assures us "that there is no attempt or purpose to ostracize, antagonize or in any manner or degree to interfere with parochial or any other form of private schools;" that "the law has due regard for the rights of conscience and holds parents alone responsible, and requires of them only that they provide for their children, somehow or somewhere, that secular education which the State deems necessary for its own prosperity and for the welfare of its citizens." For in the very next sentence, the State Superintendent explains, that parents, even though they provide for the education of their children, in private schools—certainly then "somehow or somewhere"—may be summoned by the School Board and "must show sufficient reason for non-attendance of their children upon the Public School." In the one part of his explanation, the State Superintendent fully asserts the right of parents and in the very next he denies the same entirely, by making parents liable to be summoned for making use of it. This is direct interference with Parochial and Private Schools, the Schools of the parents, and, consequently, the rights of the parents.

But not only in the general principle, also in various details are the rights of parents attacked by the Bennett Law.

Sec. 1 provides that the children must attend school "in the city town or district in which the parent resides." According to this parents could not send their children to the Parochial School, if it so happens that it is outside of the district in which they reside. Nor could they send any of their children to a Boarding School, outside of the city, town or district in which they reside. In both cases they would have first to obtain permission from the School Board of the district. They would have to apply for a like permission, if, as so many country parents do, they wanted to send their children to town for at least some months previous to first Holy Communion, if that period of time should fall within the weeks fixed by the School Board for consecutive attendance upon some school in the district. Again, the Law does not allow parents to have anything to say as to the time of the year during which the 12 or 24 weeks of compulsory attendance should be fixed. It is the School Board that decides all; the parents have nothing to say.

Sec. V. goes even so far as to leave it to the decision of the Board, whether a school is to be regarded as a school at all, under this Law or not. We have, indeed, nothing against the demand that reading, writing, arithmetic and United States History be taught in the English language. But we do object to the power granted by this provision, to School Boards to decide, whether our schools have a right to exist before the law or not.

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Ad. b. The Bennett Law is furthermore an unjust law, because of the fines which it threatens. We do not hesitate to call them ruinous fines. If any one will take the trouble to calculate the fines which a parent might have to pay for one single child during a single year, he will find out that the amount is simply appalling. It will come to hundreds of dollars, and all that within the letter of the law. It will not help much to say, that such exorbitant fines will never be collected, or that it is not even the spirit of the law that they should be collected. They stand as a part of the law and either have not been well considered, or they must have been intended as a threat by which to scare timid people into a trembling submission to an unjust law.

Ad c. Finally we consider the Bennett Law unjust, because it opens every avenue to partiality and injustice, to strife and discord.

Sec. IV. speaks of prosecutions under this law, on the part of the School Boards.

But neither here nor anywhere else is it defined, *that* and *when* they must prosecute. They may and they may not.

This evidently gives the parents entirely over to the discretionary powers of the School Boards, opening every way to partiality and strife. In cities with large Parochial Schools, in which there are many children of influential citizens, the School Boards will probably be rather slow about prosecuting. In rural districts, as the experience of our neighboring state, Illinois, plainly shows, they may annoy and vex parents to their hearts' content, all in the name of the famous Bennett Law of the State of Wisconsin. It may be claimed that, in as much as the School Boards are not appointed by the government but elected by the people, they will naturally be inclined to act agreeably to the wishes of their constituents. But, no matter how fairly they may be disposed, no officer should have any more discretionary powers than absolutely necessary; otherwise he is apt to act arbitrarily and to exceed the wishes and wants of his constituents.

It is possible, that some may attempt to weaken the force of our protest, by the insinuation that it is dictated perhaps as much by the German Catholics' interest in the German language, as by our zeal for the intact preservation of parental rights. We hereby declare, most unequivocally, that such is not the case, though we fully concede to every not English speaking nationality in our State the right to preserve their language, as long as they believe this to be for the best interest of themselves and their children. As the English language is the official language of our country, our Schools will and must use and teach it, even to a greater extent than the Bennett Law requires, not only for 12 or 24 weeks of the year, but all the year around. As long, however, as any other language—be it German, French, Polish, Dutch, Bohemian or any other—is in many parts of our State the language of home and family, we consider it a great advantage for children to know, besides the English, the language of the home circle, and we cannot possibly see what disadvantage to State and society there could arise from the instruction of our children in more than one language.

It is not our concern about any language, but the defense of God-given rights and duties which has prompted this our protest. Our exclusively English Parochial Schools are as much affected by the Bennett Law, in principle, as our mixed schools, though probably, for reasons of prudence, they would be allowed, for the near future at least, not to feel its effects, if the law should remain a part of the legislation of our State. But we confidently hope, that not only our Catholic voters, but all friends of parental rights will stand together for the repeal of this law.

It is certainly no pleasure for us, to come out with this protest. Nothing but our duty, well considered before God, could have prompted us to enter it. Neither we ourselves, nor our beloved Clergy, nor our faithful people have invited the necessity of this protest; it is forced upon us.

We want to live in peace and good fellowship with all our fellow-citizens: if strife and discord has been stirred up, the fault rests not with us. We teach by word and example, respect and obedience to law and government: no law should be forced upon us, for the repeal of which we would have to raise our voice.

The youngest of us has lived and worked in our State nearly twenty-five, the oldest almost fifty years. We have labored incessantly for the education of our youth: we shall continue to do so to the end of our days. Under God we have always relied on the zeal of our priests and the generosity of our people. We have never received one single cent of State help for our Schools—we want no State interference with them either.

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† KILIAN C. FLASCH, Bishop of La Crosse.

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