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From Ballot box to the Supreme Court: The 1922 Oregon School Bill

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Abstract

On June 15, 1922, the Masons of Oregon launched a one-day petition drive that resulted in the placing on the November ballot of the Oregon Compulsory Education Bill. This bill required all schoolchildren between the ages of eight and sixteen to attend public school, thus forcing the closure of all private schools in the state, in particular those sponsored by the Catholic Church. After a hard fought campaign the bill passed, moving the campaign from the polls to the courts. On June, 1, 1925, in Pierce v. Society of Sisters, the U.S. Supreme Court ruled the bill to be unconstitutional. It is this three year journey that will be the subject of this paper. In the first part we shall follow the political campaign that led to the bill’s passage. We shall examine both supporters and opponents of the bill, as well as their arguments. In the second part we shall follow the bill on its journey from Federal District Court to the Supreme Court. We shall study the arguments put forth by both Hill Military Academy and the Society of Sisters, as well as the State of Oregon’s counterclaims. We shall also briefly look at some of the difficulties faced by the Catholic legal team. Finally, we shall examine the rulings of both Courts on the Bill. We shall close with a brief summing up the importance of the bill and the Court rulings for the future of private education, especially in our post 9-11 world.

Keywords: Ku Klux Klan, Oregon School Bill, Pierce v Society of Sisters.
The Campaign

In the 1920’s, Oregon had a reputation for being politically radical. It had been a proving ground for much innovative legislation, including woman suffrage and the initiative petition, by which voters place measures on the ballot by gathering the required number of signatures. If passed, the measures become law. Then Chief Justice Taft recognized Oregon’s unique place:

The State of Oregon served a useful function in the life of the nation, as a sort of laboratory for trying out new and dangerous experiments in the political and social world, since her remoteness from the centers of population in the older portion of the Union enabled her to conduct such exploits without serious hazard to the rest of the country (Saalfeld, 1984, pp. 62-63).

In May 1920, the following resolution was adopted by the Supreme Council of the Scottish Rite (Masons):

Resolved, that we recognize and proclaim our belief in the free and compulsory education of the children of our nation in public schools supported by public taxation, upon which all children shall attend and be instructed in the English language only without regard to race or creed as the only sure foundation for the perpetuation and preservation of our free institutions, guaranteed by the Constitution of the United States, and we pledge the efforts of the membership of the order to promote by all lawful means the organization, extension, and development to the highest degree of such schools, and to oppose the efforts of any and all who seek to limit, curtail, hinder, or destroy the public school system of our land (Gallagher, 1984, pp. 8-9).

The resolution arose out of Masonic fears that those educated in private schools were taught to be uninformed and antagonistic towards American institutions. It was also felt that
private schools were being used by immigrant groups to maintain divided loyalties, class differences and opposition to American ideas of democratic practice. The wartime fears that had been directed at Germany had expanded in the postwar period (Gallagher, 1984).

Masons joined with John Dewey and the Progressives in the educational crusade to transform society through the common school. The goal was the fullest realization of the principles of democracy (Gallagher, 1984).

The importance of the public school was recognized throughout Oregon. William Ross sums up the feelings of many Oregonians:

The public school was a particularly potent symbol in Oregon, where the disappearance of the frontier during the early twentieth century had threatened the values of a pioneer people. Many Oregonians wistfully recalled their education in one-room rural schoolhouses, where they had absorbed simple verities that were mocked and challenged by their experiences as adults in a more complex world. With time having softened the memories of childhood hardships, these aging rustics may have recalled a frontier Eden in which they desired to take refuge from a world that they no longer understood. While this Eden of rugged individualism and pure democracy never really existed, it was not entirely mythical. Although class tensions never were far from the surface of frontier life, distinctions of rank and wealth were mitigated by the common struggle for survival, the absence of any entrenched hierarchy, and the paucity of consumer goods. As society became more stable and more commercial, class distinctions were increasingly apparent and many people felt that they had less control over their destinies (1994, pp. 154-155).
Several themes are evident. The first is that of Oregon as a frontier Eden, which was now under attack from ‘outsiders’. The second is the egalitarian nature of frontier life, which was also in danger of disappearing. The third is the more general theme of reverence for Oregon’s pioneer history, which we have labeled the “pioneer myth” (Loomis, 2001).

During the 1922 Oregon primary election campaign, the Republican candidate, Charles Hall endorsed compulsory education. The Klan threw its support to Hall, partly because incumbent governor Ben Olcott had attacked the Klan in a proclamation, and partly because of Hall’s stand on public education (Gallagher, 1984). Hall lost the primary election.

Encouraged by the prominence that was being given the school issue, the Masons launched a spectacular one-day campaign to obtain sufficient signatures to place the issue on the November ballot. On June 15, 1922, they obtained 29,000 signatures. Although 13,000 were found to be invalid, only 13,000 were needed, and they thus carried the day (Saalfeld, 1984).

The text of the bill is as follows:

BILL FOR AN ACT TO PROPOSE BY INITIATIVE PETITION TO AMEND SECTION 5259, OREGON LAWS--COMPULSORY EDUCATION.

Be it enacted by the people of the State of Oregon:

Section 1. That Section 5259, Oregon Laws be, and the same is hereby, amended to read as follows:

Sec. 5259. Children Between the Ages of Eight and Sixteen Years. Any parent, guardian or other person in the state of Oregon, having control or charge or custody of a child under the age of sixteen years and of the age of eight years or over at the commencement of a term of public school of the district in which said child resides, who shall fail or
neglect or refuse to send such child to a public school for a period of time a public school
shall be held during the current year in said district, shall be guilty of a misdemeanor and
each day’s failure to send such child to a public school shall constitute a separate offense.
Provided, that in the following cases, children shall not be required to attend public
schools.

(a) Children Physically Unable. Any child who is abnormal, subnormal or physically
unable to attend school.

b) Children who have Completed the Eighth Grade. Any child who has completed the
eighth grade, in accordance with the provisions of the state course of study.

c) Distance from School. Children between the ages of eight and ten years inclusive,
whose place of residence is more than one and one-half mile, and children over ten
whose place of residence is more than three miles, by the nearest traveled road, from a
public school; provided, however, that if transportation to and from school is furnished by
the school district, this exemption shall not apply.

(d) Private Instruction. Any child who is being taught for a like period of time by the
parent or private teacher such subjects as are usually taught in the first eight years in the
public school, but before such child can be taught by a parent or a private teacher, such
parent or private teacher must receive written permission from the county superintendent,
and such permission shall not extend longer than the end of the current school year. Such
child must report to the county school superintendent or some person designated by him
at least once every three months and take an examination in the work covered. If, after
such examination the county superintendent shall determine that such child is not being
properly taught, then the county superintendent shall order the parent, guardian, or other
such person, to send such child to the public school the remainder of the school year.

If any parent, guardian or other person having control or charge of any child between the age of eight and sixteen years, shall fail to comply with any provision of this section, he shall be guilty of a misdemeanor, and shall, on conviction thereof, be subject to a fine of not less than $5, nor more than $100, or to imprisonment in the county jail for not less than two nor more than thirty days, or by both such fine and imprisonment in the discretion of the court.

This act shall take effect and be and remain in force from and after the first day of September, 1926 (Oregon school fight, 1924, pp. 5-6).

The Masons gave their arguments supporting the bill in the Oregon Voter. First, it was needed to help preserve the nation. Second, it would help in the assimilation of the foreign born. Third, it would aid in the teaching of the foreign born the principles of our government. Fourth, it would stop immigrants from forming groups and establishing schools that would cause children to be raised in an environment often antagonistic to our government. Finally, it was egalitarian. All groups would be together in the American melting pot, as opposed to dividing into antagonistic groups that sought the good of the group over the good of the whole (Oregon school fight, 1924, p.7).

The Masons were soon joined by the Klan in supporting the bill. The Klan was opposed to all private schools and military academies, as well as parochial schools.

The Klan’s views were summarized in the following leaflet:

THE KLAN

Believes the Free Public School is a fundamental American Doctrine.
Advocates the adequate education of all future citizens through the Free Public School.

 Declares the Public School is the most essential of all American institutions.

 Insists that the young be taught *how to think, not what to think*

 Favors a Department of Education with a Cabinet Secretary at its head. The Catholic hierarchy opposes this.

 Believes that the agencies and objects of education should be publicly controlled— that such is the fundamental function of the State.

 Maintains that Public School education is Democratic education. The fight against this system is being waged by and for Catholic parochialism, which is the essence of monarchy.

 Challenges Rome to submit our differences to a democratic education in a Public School System as an educated electorate, and is willing to wait the required generation to impanel the jury.

 “Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge.”— *George Washington.*

 “The national safety— can be obtained only through Free Public Schools, open to all, good enough for all, and attended by all.”— *HORACE MANN, Sponsor of the American Public School* (Klan view, 1922).

 Klan boss Fred Gifford was of the opinion that no child should be allowed to be educated in a private school, that they rather ought to be educated in American public schools. Walter Pierce, winner of the Democratic primary election and then gubernatorial candidate, agreed. He
felt that bigotry and snobbery would be eliminated if children received public school education (Horowitz, 1989).

Another Klan leader, Luther Powell, shared similar sentiments. Writing on the school bill he noted that:

The purpose of the law was so plain that anyone who wished to understand it could readily do so.

A government founded on the will of the people will preserve their liberties in exact proportion to their understanding of its principles and no more. The foundation of such understanding is a common school education. The bill required that, and that only. It neither required nor prevented teaching anything else. Privately anything desired might be taught, including all religions or no religion.

It did not increase taxation.

It did not take away any constitutional or other rights (1922, pp. 5-6).

He went on to list the threefold purposes of the school bill:

1. To prevent the public schools from falling into decay because of the encroachment of private schools.

2. To insure education of children in the subjects adopted by the public schools, and

3. To prevent using children as work animals while they grow up in ignorance (1922, p. 6).

According to Powell, objections to the bill were raised by those who sought to exploit children and by those who objected to the teaching of the public school curriculum in the private schools. Their battle cry was that of religious persecution, although Powell views them as the
real persecutors who only cry persecution because they have no other valid arguments (1922, pp. 7-8).

_The Old Cedar School_, from which the above is taken, is a fascinating bit of Klan propaganda. Like a lot of propaganda pieces, it is at times difficult to wade through, in part due to its use of ‘pioneer’ dialect. However, it does provide an interesting glimpse into its time. Its primary theme is a defense of the public school, as symbolized by the one-room cedar schoolhouse. It mixes nostalgia, anticlericalism, populism and anti-intellectualism; and it is egalitarian and anti-elitist. It is also full of historical references, and it even manages to take aim at the Klan’s own initiation fees.

The narrator is of pioneer stock. He soon tells the reader the purpose of the school bill; “the idea of the school bill bein’ to teach ‘em enuff to keep this nation alive an so’t they’ll not be burden to themselves an society when ther grown up (Estes, 1922, pp. 15-16).” His three children are married into the religious groups that are under suspicion, the “Piscopalyun,” the Seventh Day Adventists and the Methodists (Estes, 1922, pp. 16-20).

The narrative is not without its surprises. The first is a short section praising the work of Catholic missionaries (Estes, 1922). The second is part of a hit of philosophical insight that, while directed at the bill’s opponents, could easily be used by them:

It is the disposition of man to lay hold of some one thing, of greater or lesser importance, but not fundamental or at least but partially so, and behold it immediately becomes in his sight the only saving measure; without it the world is lost, with it pursued to infinity the universe is safe. . . .

. . . . The lesser important matters of life are as changeable as the chameleon and yet we exhaust our resources and energies in fruitless controversies over the merest
shadings of these non-essentials, while the great foundation of our very existence is being undermined (Estes, 1922, p. 21).

The moment passes quickly, and the narrator soon shares his fears if the bill fails. He fears that those privately educated would be unable to face the world or earn a living. Families would be broken up through sectarian divisions. Private school supporters would want to stop paying taxes for public schools, and if the public schools closed, poor people would have no chance of getting an education (Estes, 1922).

A glimpse is given of Klan religious beliefs. In the story, they are referred to as “Pantheists.” These beliefs include; the equality of all branches of Christianity, including Catholicism, God is the same God for all, church rituals, forms, icons ceremonies and relics are of human invention and not from God, and an anti-priest attitude (Estes, 1922).

The work ends with the burning of the Old Cedar School and the death of its beloved teacher. The illustrations leave no doubt that the Catholics are to blame (Estes, 1922).

Along with its own literature, the Klan used the state’s newspapers. Outright fraud marked some of the Klan’s efforts. On November 4, 1922, an advertisement was placed in editions of the Salem Statesman and the Baker Morning Democrat. It preyed on fears of a Catholic political machine. Proclaiming “Catholics Beware,” and signed by the Catholic Defense League, the advertisements warned of Klan backed tickets, and told Catholics to vote Catholic. The trick was exposed, however, by the Rev. J. J. Buck, pastor of the Salem parish (Saalfeld, 1984).

Another piece of anti-Catholic fraud was reported to the Catholic Sentinel. A fraudulent oath supposedly of the Knights of Columbus was circulated in Lane County and despite being
viewed as a “pretty rotten proposition” was said to have had considerable influence. The Sentinel observed that:

If the public schools produce the type of mentality which is taken in by the faked Knights of Columbus oath it is time that a commission of inquiry be instituted to see if the schools cannot be brought up to some intellectual standard (“Education needed,” 1922, p. 4).

Protestants were divided on the bill. Ministers spoke on both sides. The bill raised enough controversy that the Portland Ministerial Association refused to go on the record for either side. At their October 2nd meeting the association listened as school board member William F. Woodward, who favored the bill, and William D. Wheelwright who opposed it debated the issue. After some discussion following the debate it was decided that since it was a question upon which congregations were divided in opinion, the matter was not properly a religious issue. A resolution on the measure was tabled. Despite their non-stand on the bill, members still “joined in declaring the public school system the salvation of the nation” (“Bill stirs up pastors,” 1922, p. 11).

George Putnam, outspoken editor of the Salem Capitol Journal, took ministers to task who tolerated the mass attendance at their services of Klan members in full regalia, and who accepted Klan contributions to their churches. He also questioned the failure of the Salem Ministerial Association to condemn Klan utterances and its efforts, along with other secret societies, to “dominate Oregon politics in the interests of racial and religious politics” (Turnbull, 1955, pp. 72-73).
The anti-Catholic and reform agitation of the Klan drew many Tillamook ministers into its ranks. The most active came from the Nazarene, Baptist, United Brethren and Christian churches (Toy, 1962).

On November 1, 1922, Rev. E. I. Goshen, pastor of the First Congregational Church of Salt Lake City, spoke at the Lincoln Auditorium under the auspices of the Masons. He spoke in favor of the bill. He noted that foreign schools fostered an aloofness from “the true spirit of the land.” He strongly argued against foreign language newspapers, saying, “[Y]our newspapers, printed in America, must be printed in the language of America.” He went on to say,

The public school is the only meeting place where children can be taught the great principles of Americanism, and be molded into Americans. I say the public school is the only means to this end. It cannot be done in the church (“Minister praises,” 1922, p. 8).

Oregon Baptists were strongly in favor of the bill, giving it more support than any other denomination in the state except the Disciples of Christ. In July 1922, the Oregon Baptist Ministers’ Conference approved a resolution supporting it. In a debate held at a meeting of the Portland Federation of Women’s Clubs Thomas J. Villers, then pastor of the Portland First Baptist Church, claimed that his support of the bill was not motivated by “race prejudices, religious hatreds or party politics”. He believed that the public schools were the greatest agency for unifying the nation, promoting undiluted Americanism and training citizens (“Bill debated,” 1922, p. 18). Landmark Baptists also strongly supported the bill. At the same time, Oregon Baptists were also concerned about the teaching of evolution in the public schools (Wardin, 1969). Typically, their position did not necessarily reflect the position of Baptists outside the state.
Presbyterians were also divided on the bill. During their annual denominational meeting a group of twenty-five pastors signed a statement of belief opposing the bill. This statement later appeared in the state *Voter’s Pamphlet*. Among the concerns raised in it were the loss of one kind of religious instruction with no replacement, the threat to American liberty, and the violation of the “spirit of fraternity and brotherly love taught by our Master.” At the same time, the statement favored the erection of standards for teachers and students in both public and private schools (*Oregon school fight*, 1924, p. 18). It also touched off a controversy within the denomination that would find expression in the *Oregonian*.

Dr. Walter H. Nugent, pastor of the Central Presbyterian Church, protested the statement in a sermon delivered October 22\textsuperscript{nd}. His concern was that the view of a minority in the denomination was being taken as the view of the whole. He further claimed that many of the signers of the statement had changed their minds. He went on to offer support for the bill, and noted that anyone opposing it was, “50 years behind his denomination and takes issue with it” (“Nugent regrets,” 1922, p. 20).

A reply was made by Dr. Edward H. Pence, pastor of the Westminster Presbyterian Church. He began by stating that it was possible that some signers had changed their minds, considering the pressure that was being put on them from some quarters. He also pointed out that he did not ever claim to represent the views of the whole denomination, unlike his opponent (“Nugent regrets,” 1922).

Dr. Nugent replied the next day. He noted that a declaration in support of public schools had been made by the denomination’s general assembly and that the *Presbyterian Digest* had contained this declaration in every issue since 1870. He asked why Dr. Pence had not made any effort to change it. He concluded:
I repeat that the Presbyterian church is on record as declaring that the American
people cannot be content to let a portion of the public schools pass under the control of
any particular denomination and thus become the instruments of sectarian instruction and
influence (“Nugent stands pat,” 1922, p. 23).

The debate continued the next day as Dr. Pence replied. He pointed out that declarations
did not carry obligatory obedience for church members. He quoted the denomination’s
Confession of Faith:

All synods and councils since the apostles’ time, whether general or particular,
may err, and many have erred; therefore they are not to be made the rule of faith and
practice, but to be used a help for both.

Synods and councils are to handle and conclude nothing but that which is
ecclesiastical; and are not to intermeddle with civil affairs which concern the
commonwealth, unless by way of humble opinion in cases extraordinary; or by way of
advice for the satisfaction of conscience, if they be thereunto required by the civil
magistrate.

Dr. Pence concluded by saying that the declaration referred to by Dr. Nugent had no
reference to the school bill (“Pence reply,” 1922, p. 13).

Dr. Nugent responded the next day, chiding his colleague for not accepting
denominational pronouncements as principles worthy of fighting for. He commented:

If I sense Dr. Pence’s position correctly it is that it is one thing to be a
Presbyterian while its general assembly sets forth ideals and principles of righteousness,
but it is another thing to stand up bravely and fight for these principles and ideals when
they get into action.
This ends the controversy as far as I am concerned (“Pence target,” 1922, p. 8).

The last word on the matter was had by Rev. W. H. Boddy, vice-moderator of the Presbyterian synod of Oregon and a signer of the declaration. He pointed out that the supporters of the declaration themselves had taken action to keep it from becoming an official action of the synod. He also stated that he had not changed his opposition to the bill (“No action,” 1922).

Moody Monthly also entered the lists. Its article on the school bill listed both reasons to support the bill as well as concerns about it. The reasons for supporting the bill were as follows:

(1) Foreign born children can more quickly be assimilated in public rather than in private schools; (2) increase in crime among children is more likely in private schools; (3) religious prejudice is increased by two school systems; (4) private schools might be conducted by Bolsheviks et. al.; (5) instruction in private schools is inferior; (6) private schools might be developed to the point of destroying public schools (“Oregon case,” 1925, p. 447).

At the same time, concerns were raised. One was that parents and guardians would lose control of the education of their children. The second was the possibility of a boomerang effect; if Catholics became a majority, would Protestant schools be abolished? In the end, Moody held the opinion that the state’s concern with private schools ended when it is satisfied that the instruction in secular subjects is adequate. Yet where the states concern ended, that of parents and church began (Oregon case, 1925, pp. 447-448).

The Oregon Teachers Monthly supported the bill. Its editorial stand expressed the desire for a body of citizens not divided by old world prejudices, but rather united in seeking the welfare of America (Recken, 1973).
The Executive committee of the Multnomah County Republican party passed the following resolution supporting the bill, even though their candidate for governor opposed it:

Whereas, for the past year or more there has been an effort on the part of certain individuals and organizations to inject the question of religion into politics:

And, whereas, the executive committee of the county central committee of the Republican party believes that all Republicans have the right to decide for themselves what religion they shall accept, they deplore the efforts of the aforesaid individuals and organizations to inject religion into politics:

And, whereas, the executive committee of the Republican county central committee believes in the principles of Americanism as propounded by George Washington, Abraham Lincoln, William McKinley, Theodore Roosevelt and Warren G. Harding, that the cradle of the nation is to be found in the public schools of this country:

Therefore, be it resolved, that the executive committee of the Multnomah county Republican central committee, from the standpoint of pure Americanism, hereby indorse the so-called “compulsory public school bill,” which is being fathered by the Oregon consistory, Ancient and Accepted Scottish Rite of Freemasonry (“O. K. school bill,” 1922, p. 2).

The pro-initiative advocates saw only two kinds of people opposing them: The first were those who believed that the rights of the church should take precedence over the rights of the state. The second were the blue-bloods who cherished class distinction and social caste. In reality, those opposing the initiative were more diverse. The Catholic Civic Rights Association formed parish committees throughout the state, and raised and spent over $50,000 in the campaign. Episcopalians, Lutherans, and Seventh-Day Adventists, generally supported parochial
and private education. Professors from Reed College in Portland and the University of Washington voiced their disapproval. Large newspaper advertisements were purchased by the Jewish League for the Preservation of American Ideals, the Protestant Committee for Freedom in Education, and the Non-Sectarian and Protestant School Committee (Jackson, 1967). One such ad charged that the bill would destroy the rights of parents and create a school system like those in Prussia and Russia (“In justice,” 1922, p. 15).

The bill was condemned by the presidents of Chicago, Yale, Stanford, Columbia, Princeton, Texas, and George Washington Universities. It was attacked as un-American and taking away fundamental rights. The task of educating children was seen as big enough to be shared by public and private schools (“Educators hit,” 1922).

A group of leading lawyers in Portland and other Oregon cities compiled a brief attacking the bill on constitutional grounds. The brief held that the bill violated the federal constitution in the following particulars: First—It violated section 10 of article 1 which prohibits any state from passing any law impairing the obligation of contracts; Second—It violated section 1 of the 14th amendment in that it would abridge the privileges or immunities of United States citizens; Third—It violated section 1 of the 14th amendment in that it would deprive the owners of private schools of their property without due process of law; Fourth—It violated section 1 of the 14th amendment in that it would deprive teachers and others conducting private schools of the right to follow a lawful occupation (“Why unconstitutional,” 1922).

Opposition to the bill came from other quarters as well, as the arguments in the Oregon Voter reveal. They were submitted by: The Oregon and Washington District of the Evangelical Lutheran Synod of Missouri, Ohio and other states; a group of prominent Portland citizens; the Board of Trustees of St. Helen’s Hall; the principals of Miss Catlin’s School, the Preparatory
School, Hill Military Academy, and the Music Education School; the Seventh Day Adventists of Oregon; the above mentioned twenty-five Presbyterian ministers; and the Catholic Civic Rights Association of Oregon (Oregon school fight, 1924).

The arguments presented would appear throughout the campaign. Lutherans saw the bill as a threat to constitutional and parental rights, as well as raising taxes and destroy peace and harmony between groups. Portland citizens saw the bill as unnecessary. They were concerned about parental rights, school overcrowding, the fear of “Blue Laws,” and they compared the bill’s effects with Bolshevism. They also said that the bill would destroy true Americanism. The Board of St. Helens Hall saw it as an invasion of civil and religious liberty. The principals of the non-sectarian private schools saw their schools threatened with destruction, and their teachers deprived of their living. They also saw the public schools losing the contributions that the private schools made to education. Adventists questioned the assumption that public schools made one more patriotic. They also saw the bill as violating the “free exercise” clause of the Constitution, while at the same time bringing about the union of church and state. Catholics pointed out that many leading public men were educated in private schools. They showed that children were already required to attend school, and that immigrant children, for the most part, attended public schools. They feared that the bill would bring discord and division and that it would violate parental rights (Oregon school fight, 1924).

Rabbi Wise of Temple Beth Israel spoke out against the bill. He did not personally approve of parochial schools, and was a strong public school supporter. He called it “a harking back to inquisitional ideas without the inquisitional thumbscrew.” Quoting Samuel Adams, a father of the Declaration of Independence, he said, “The American nation, unless it be founded
on a broad basis of religious tolerance and as an asylum for the free exercise of every religion under the sun, cannot reasonably expect to survive (“Bill scored,” 1922, p. 15).

Unitarian pastor, Dr. William G. Eliot Jr., preached against the bill. In a pointed question he asked: “Will any proponent of the bill publicly avow that he would have proposed the law if no Roman Catholic schools had existed in Oregon?” He also noted that if passed the bill would have the effect of solidifying and strengthening the Church, not weakening it (“Voids golden rule, 1922, p. 18).

Judge Stephen A. Lowell of Pendleton appealed to Protestants to vote against the bill, saying that it went against basic Protestant beliefs. He also pointed out that the bill, if enacted, would close Protestant schools as well as Catholic (“Lowell appeal,” 1922).

Although it is claimed that the focus of the Catholic opposition to the bill was limited to attacking the Klan and the forces of prejudice and bigotry (Gallagher, 1984), the evidence shows a more balanced picture. Father Edwin O’Hara of Portland, for example, persuaded the National Education Association to come out against the bill. He even persuaded the patron saint of the common school, John Dewey, to join the opposition (Gallagher, 1984).

The Catholic Civic Rights Association of Oregon was formed in 1922, shortly after the Masons’ successful petition drive. It determined that its campaign would be waged on the grounds that the measure violated the natural rights of parents. Under the guidance of Archbishop Christie of Oregon City and Bishop McGrath of Baker City, a door-to-door campaign was launched. The aim was to encourage Catholics to vote and to distribute literature. Despite the difficulty of getting the interest and cooperation of the faithful, the campaign proved a success in some areas (Saalfeld, 1984).
Speakers and a literature campaign were also used. Among the arguments used were those showing Catholic patriotism, the high scholastic standard of Catholic schools, the bill’s danger to Oregon growth and business, and the bill’s deceptive nature. The main argument of parental rights was best summed up by Father O’Hara in an address given at Marylhurst College on July 4, 1922:

We proclaim the following principles: That the family is more ancient and a more fundamental social institution than the state; that to parents belong primarily the right and the obligation of educating their own children; that only when parents fail to do their duty by their offspring has the state a right to interfere; that these rights of parents are primitive and inalienable and may not be violated by the state without injustice; that the rights of parents to educate their children and choose the instructors for their own offspring is the most inadmissible of human rights, and the exercise by the state of its police power to drag children from the home of parents who are capable of and willing to perform their full duty in the education of their children, would be an importation of tyrannous principles heretofore foreign to American traditions (Saalfeld, 1984, p. 82).

In a pastoral letter, Archbishop Christie defended Catholic schools:

We educate the heart as well as the mind, and who needs strong moral principles than the foreigner and his first and second generation children. . . . Who more than they need to know the Ten Commandments and be taught how to keep them? In some of our sisters’ schools in Portland we have 10 or 12 nationalities represented though only one language is spoken—English. In what way do our Catholic schools show themselves less American, less efficient in molding a promiscuous assembly of nations into one great harmonious family (“Attack,” 1922, p. 16)?
He continued:

**Schools are Defended**

You beloved members of the laity are the best proofs of the Americanism of our own denominational schools; you know that these schools are absolutely American for innumerable reasons, among which are the following:

First— Their history is American, religious schools antedate the American revolution; their growth has kept pace with the growth of the country; religious schools are not a foreign importation.

Second— Their curriculum is American. Our religious schools follow the accepted American course of studies from the first grade to the university.

Third— Their teachers are Americans. The nation has no better or truer citizens than the instructors in our denominational schools.

Fourth— Their pupils are Americans, for under the influence of their training, they are rapidly changed into the refined and finished product.

**Devotion to Flag Taught**

Fifth— Their ideals are American; nowhere is love and respect and devotion to the flag more insistently taught than there, as every crisis in America has proved.

Sixth— The motto of every Catholic school in the land is American ‘For God and Country,’ a fitting complement to the motto of our nation itself, ‘In God We Trust’ (Attack, 1922, p. 16).

Catholic opposition to the bill and the Klan found a voice in the Catholic Sentinel. In one article, it listed twenty four reasons to vote against the bill. Some of the reasons were of a practical nature; the bill would retard economic development in the state, it would destroy vast
amounts of private property, and that it would cause injury to the public school system. Others attacked the charges that private schools did not teach patriotism and loyalty to American ideals and that Catholic schools are hostile to the public school system. Freedom of religious belief, liberty of conscience, and the duties and obligations of parenthood were also seen as threatened by the bill (“State monopoly,” 1922).

The Sentinel also published articles and editorials from other Oregon newspapers. A piece from the Salem Daily Capital-Journal questioned what the “supreme council of non-residents,” referring to the Masons, had to do with Oregon’s educational standards. It went on to charge that the bill’s sole purpose was to strike at Catholics; as well as any other denominational or non-denominational school (“Regulate religion,” 1922).

On July 6, 1922, the Sentinel began a series of advertisements on the legitimacy of Catholic citizenship and the quality of Catholic patriotism entitled “Catholic Citizenship.” They were published by the Catholic Defense Guild over the name of Secretary E. E. Eberhard, and also appeared in the Oregon Journal, the Oregonian, the Telegram, and the News (Schoenberg, 1993). They continued until October, when funds ran out. After the election, the newly formed Catholic Truth Society of Oregon carried on the work (Saalfeld, 1984).

The Catholic campaign was not without its share of problems. In certain parts of the state there was a surprising Catholic apathy to overcome. There were also financial difficulties. Contributions to the Catholic Civic Rights Association did not cover expenses. What was most disturbing to Oregon Catholics was the paltry support from out of state. Not surprisingly, there was a certain amount of resentment after the election (Saalfeld, 1984).

The state’s newspapers were a main source of information. Whether there was a conspiracy of silence by them is open for debate. However, of all the papers in the state, the
following four were the most outspoken in their opposition to the Klan and the bill: the Corvallis 
*Gazette Times*, the Salem *Capital Journal*, the Eugene *Guard*, and the Portland *Telegram*.

The *Telegram*’s opposition took many forms. A front page editorial cartoon showed 
Lenin, a Klansman, and candidate Pierce with a sign that proclaimed, “‘State Monopoly of 
schools is an absolute success.’” Lenin (“Three souls,” 1922, p. 1).

Editorials were also used by the *Telegram*:

For more than six months Oregon has been distracted over political warfare 
inspired by race prejudice and religious hatred. This warfare has been made the issue of 
the present campaign. The anti-private school bill and the things for which the Ku Klux 
Klan stand have been automatically joined.

For the first time in the history of this state organized effort is put forth to write a 
law which discriminates against a minority on account of religious beliefs. One branch 
of the Christian church is the conspicuous object of attack by the school bill.

All True Americans devoutly wish to perpetuate not only the form of our free 
government, but its spirit, and every person who is guided by reason knows that the spirit 
cannot be maintained if cherished rights of a considerable minority are trodden underfoot. 
Equality is our foundation stone. It would be national suicide to shatter it (“Religious 
warfare,” 1922, p. 4).

The *Telegram* reprinted an article from the October 16, 1922 New York *Survey* entitled 
“Intolerance in Oregon.” The article opposed the school bill, as well as the Klan:

The masks and gibberish, the appeals to instinctive hostilities to the unfamiliar, 
the plays on racial and religious prejudices, are all there and they are disturbing evidence
to the limits of what education can do even for a selected and naturally intelligent people. . . 

. . . The state has an undoubted right to supervise private and church schools, to establish standards to which they shall conform, even to examine teachers and see whether they are qualified to give the instruction which the state deems essential. But the state should not establish a monopoly of education. To set up one type of school and to say that there shall be no other even at private expense would be to put education in a strait jacket. The state has an undisputable right to tax all wealth and incomes for the support of its free public schools; but it is not sound policy to say that all children must attend these schools regardless of the wishes of parents.

The public schools do not need such coercion and would suffer from the absence of the stimulation of free competition. Variation is, of course, possible within a public school system, but what is needed is the utmost freedom of experiment and variation and this a monopolized and closed public school system would not secure (“Eyes of nation,” 1922, pp. 1-2).

Whether or not the opinions of the press outside the state had any effect is unknown. Many Oregonians had little use for outside opinion, which mattered less than that of the President of Oregon Agricultural College, who supported it (Holsinger, 1968). It didn’t help that outside opinion on occasion characterized Oregonians as hillbillies (Schoenberg, 1993).

Along with the more lofty appeals, the bill’s opponents resorted to sarcasm, in the form of doggerel:

We’ve gotta keep Liberty active and going;

We’ve gotta keep Freedom efficient and strong;
We’ve gotta have new crops of patriots growing;
We’ve gotta keep citizens coming along;
And the school is the cradle of Sweet Liberty
One country, one flag and one school—Don't you see!
We’ve gotta teach children the way to emote
For Freedom—by cramming the stuff down their throat (Holsinger, 1968, p. 334).

Another example by Dean Collins that first appeared in the Oregon Voter also found its way into the Catholic Sentinel:

**School Bills**

In killing a cat, 'tis a popular way
To coat with sweet sugar the pill,
So the kitty all purring and eager and gay
Will gulp it and get very ill;
In killing a school, it is sometimes the rule
To use not the brutal sand-bag,
But to make exhortation about education
And flap the American flag.

**CHORUS**

School bill, school bills,
Dear old freak and fool bills.
Make it “compulsory,” that’s the plan,
Teachers are scarce but of course we can
Help things along by cutting short
All private schools of every sort.

Will that make things nice? Well, we should snort!

Though it would make trouble for kids.

The camouflage art we learned in the war

Will help in political play,

And a camouflaged bill is a splendid thing for

The stowing of rivals away,

All faiths and all creeds we may tolerate

Without any quibble or fuss—

We may tolerate— but we beg here to state

They must think precisely with us.

CHORUS

School bills, school bills,

Dear old freak and fool bills.

Bring out the standard they used to raise

Back in the witch-burning bygone days.

“Freedom shall flourish— but we’ll flay

Whoever thinks some other way

Than we, when they vote.” (Signed K. K. K.)

Though it may be hard on the kids (Collins, 1922, p. 1).

The bill passed in the November 1922 election by 11,821 votes (Oregon school fight, 1924). It lost in 21 of 36 counties, with half of its majority coming from the more urban
Multnomah County (Clark, 1974). It was defeated in Jackson County, which came as a surprise since it was considered a Klan stronghold (Lalande, 1992).

There some other interesting facts to come out of the campaign. Although the Klan gave the Masons credit for the bill’s passage, not all Masons supported it (Saalfeld, 1984). Grand Dragon Gifford was said to have enrolled his children in private schools during the campaign (Horowitz, 1989). Newly elected Governor Pierce, who had been backed by the Klan, had been a friend of Father O’Hara’s (Gallagher, 1984).

**The Court Battles**

The court challenges to the bill began in 1923. Hill Military Academy filed suit in Federal District Court in July. The Society of the Sisters of the Holy Names of Jesus and Mary filed in August. The Catholics had delayed filing, but the Supreme Court’s ruling in *Meyer v. Nebraska* had given them hope. Nebraska had prosecuted a teacher in a private Lutheran school for teaching Bible studies in German. Since the effect of such a law would have been the destruction of German schools and churches, it was held to be a violation of free speech and the right of freedom of worship, and thus struck down (Gallagher, 1984).

The suits were directed against Governor Pierce and the state and county district attorneys as agents responsible for enforcing the bill. Much of the argument was of a technical nature, dealing with questions that had not arisen during the public debate preceding the election. These questions included the following: Was the suit premature, since the law would not take effect until 1926? What were the precedents for actions by the state that deprived private corporations of their property rights? When does interference with the patronage of a business
become arbitrary and unlawful? At the same time, other questions concerning public policy on public education were examined (Tyack, 1968).

The Academy’s suit charged that the bill was unconstitutional. It violated both art.1, sec. 10, “No State shall... pass any Bill of Attainder, ex post facto Law, or Law impairing the obligation of Contracts. . . .,” and amend. 14, sec. 1 of the U. S. Constitution:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

The effects of the law were then cited. First, the threat of the law’s enforcement was destroying the plaintiffs business, depriving plaintiff of its property rights, and causing the depreciation of value of the property, causing much of it to be rendered valueless. Second, parents and guardians were removing their children and wards from the elementary department of the school and taking them to schools not threatened with destruction. Third, the school was having difficulty entering into contracts for future supplies and equipment, and for alterations, improvements and repairs. This was preventing the business from being run at a profit and from obtaining loans. Finally, it was stated that unless the threat was removed, “plaintiff will suffer an irreparable injury for which there is no plain, speedy of adequate remedy at law” (Oregon school fight, 1924, pp. 28-29).

The Sisters’ suit covered some of the same arguments, although in greater detail. It held the bill unconstitutional for the following reasons: First, it would deprive plaintiff of its property
rights without due process of law, in violation of the U.S. Constitution, amend. 14, sec. 1 (see above). Second, it would attempt to deprive parents of their right to control and direct their children’s education, children of their right to be educated in private schools, teachers of their right to engage in their occupation of teaching in private schools and plaintiff of its right to maintain and conduct its schools in Oregon, all in violation of the U.S. Constitution, amend. 14, sec. 1 (see above). Third, by attempting to impair the obligation of the contract between the State and the plaintiff, it would violate both the U.S. Constitution, art. 1, sec. 10 (see above) and the Oregon Constitution, art. 1, sec. 21:

No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend on any authority, except as provided in this Constitution; provided, that laws locating the Capital of the State, locating County Seats, and submitting town, and corporate acts, and other local, and special laws may take effect, or not, upon a vote of the electors interested.

Fourth, it would violate the due process and equal protection clauses of amend. 14, sec. 1 of the U.S. Constitution by attempting to delegate arbitrary and unlimited power to the County School Superintendent to determine who shall attend or be exempt from public school attendance. Fifth, it would attempt to control the free exercise and enjoyment of religious opinions and interfere with the rights of conscience, violating the Oregon Constitution, art. 1, sec. 3, “No law shall in any case whatever control the free exercise, and enjoyment of religious (sic) opinions, or interfere with the rights of conscience.”, as well as the U. S. Constitution, amend. 14, sec. 1 (see above). Sixth, it would attempt to abridge the rights of parents in Oregon to send their children to private schools in other states, again in violation of the U.S.
Constitution, amend. 14. Finally, the bill embraced subjects not expressed in its title, violating the Oregon Constitution, art. 4, sec. 20:

   Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title (*Oregon school fight*, 1924, pp. 40-42).

The Sisters also presented non-constitutional arguments. Parents were withdrawing their children from plaintiffs schools out of fear that their children would be forced to attend public schools and because of popular opinion that questioned their patriotism for sending their children to private schools. As a result, plaintiff’s rights and property would be threatened, and the continuance of its schools imperiled (*Oregon school fight*, 1924).

The District Court hearing was on January 15, 1924. Both suits were tried together. The State argued that the bill contained no provision which operated directly upon the plaintiffs. It did not prohibit the operation of their schools nor did it take away any of their property. The damages asserted were compared to those sustained by citizens when legislation was enacted aimed at the public welfare, such as the hops growers when Prohibition was passed (*Oregon school fight*, 1924).

The State also argued that it had the duty to provide for a child’s welfare, and to protect children from exploitation. Since compulsory education was already within its power, the bill merely served as a means to make education standard and efficient (*Oregon school fight*, 1924).
Class hatred was cited as the greatest danger to the republic. The way to protect the next generation was to require that all people of all classes, distinctions and religious beliefs attend the common schools, the great American melting pot (Oregon school fight, 1924).

Finally, the State argued that the motives behind the bill’s passage were not malevolent, but positive:

The presumption is clear that the people are to be given credit for good faith, and the people of Oregon are ordinarily a people acting in good faith, without malevolence, but with a hearty good will for each other. The pioneer spirit is still upon our State, and the spirit of neighborliness and good will, which was characteristic of the pioneer history of Oregon, is still in the air. The people have not enacted this statute in a spirit of malevolence, but looking to the welfare of the children within our boundaries and looking to the elevation of the manhood and womanhood of the next generation (Oregon school fight, 1924, pp. 115-116).

John Veatch was attorney for Hill Military Academy. His short opening statement stated that the bill was causing harm to the schools, and that the corporations had the right to be heard by the Court (Oregon school fight, 1924).

J. P. Kavanaugh, representing the Sisters, expanded Veatch’s arguments. He also declared that private schools were one of America’s greatest institutions, and that public schools did not come into vogue until around 1840 (Oregon school fight, 1924). He then showed that the private and public systems were equals and had worked in harmony since their founding. He pointed out that schools which taught patriotism, respect for law and order and obedience to constitutional authority were not a menace to a free government (Oregon school fight, 1924).
Kavanaugh closed his arguments by noting that the danger lay not with children, but with movements whose purpose was the defeat of law and order, and the defying of the Courts and the authority of the law. The zeal directed at children ought to be aimed at such movements (Oregon school fight, 1924).

Dan Malarkey, also representing the Sisters, pointed out that no one deplored class hatred more than those he represented, because they themselves were victims of it. The forces that passed the bill had caused more class hatred and divisions than anything else in history (Oregon school fight, 1924).

Veatch and Malarkey both attacked some of the assumptions held about the common schools. Veatch cited statistics that showed most immigrant children were already attending public schools, thus the private schools were hardly a threat to the public system. Malarkey showed that the public schools were neither common nor a melting pot. The neighborhood was what determined who attended which schools, and who mingled with whom (Tyack, 1968).

The Court rendered its opinion on March 31, 1924. It affirmed the rights of the private schools to do business and the rights of the parents to send their children to them. It also noted that the time delay in the bill’s taking effect was an admission that it would cause harm to private schools (Oregon school fight, 1924).

The so-called ‘police powers’ of the state were not denied. These powers, though not precisely defined, relate to safety, health, morals and the general welfare of the public. Property and liberty are held on reasonable conditions imposed by the state, and such conditions cannot be interfered with by the fourteenth amendment. Yet in this case, the Court held that the state had exceeded the limitations of its power. Its actions would take away the complainants
constitutional right and privilege to teach the grammar grades, and would deprive them of their property without due process of law (Oregon school fight, 1924).

The Court quoted from Meyer v. Nebraska in making its point:

The desire of the legislature to foster a homogeneous people with American ideals prepared readily to understand current discussions of civic matters is easy to appreciate. Unfortunate experiences during the late war and aversion toward every characteristic of truculent adversaries were certainly enough to quicken that aspiration. But the means adopted, we think, exceed the limitations upon the power of the state and conflict with rights assured to plaintiff in error (Oregon school fight, 1924).

Not surprisingly, the State appealed the case to the U. S. Supreme Court.

For Oregon Catholics, the road to the Supreme Court was not a smooth one. During the 1922 campaign, Oregon Archbishop Christie had requested help from the Eastern establishment, but none came. With the bill’s passage, and the threat to all Catholics suddenly made manifest, the “Eastern bureaucrats” (Schoenberg, 1993, p. 188) demanded total control of the final court case. One of them went so far as to claim that the issue was much too important to leave to the Catholics of Oregon, ignoring the fact that the Oregon Catholics had taken the case to the District Court and won. Needless to say, the Oregon Catholics were not about to let themselves be pushed aside (Schoenberg, 1993).

A great deal of criticism was leveled at Christie’s lawyers. Archbishop Dowling of St. Paul and Archbishop Hanna of San Francisco were among the critics. Hanna referred to Kavanaugh, the winner of the District Court case, and his colleagues as “second-rate lawyers” who were “charging exorbitant fees and using the case so that they could appear before the Supreme Court.” In the end, William D. Guthrie, a New York Attorney specializing in
constitutional law, was chosen. Thanks to protests by Archbishop Christie, Kavanaugh was chosen to become Guthrie’s assistant. Hall Lusk, Kavanaugh’s partner, was also on the team, and his contributions would be instrumental to the success of the case (Schoenberg, 1993).

Help also came from Protestant and Jewish quarters. Three amicus curiae briefs were filed by the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, the American Jewish Committee and the North Pacific Union of the Seventh Day Adventists (Holsinger, 1968).

The case was heard on March 16-17, 1925. There were written and oral arguments presented. The State held that compulsory public education was necessary to avert “the moral pestilence of paupers, vagabonds, and possibly convicts.” Juvenile delinquency was linked to private schools, and it was maintained that the influence of non-public schools would weaken the nation’s fight against foreign dangers. Future citizens were in danger of being controlled by bolshevists, syndicalists [sic] and communists (Tyack, 1968).

It was also argued that private schools were unnecessary and divisive. The fear was expressed that children would be taught “that the claims of the religion to which they belong are superior to the claims of the United States.” It was insisted that the state, not the church, had the prior and paramount right to direct the education of its children (Hennesey, 1981, pp. 247-248).

The State probed the question of whether or not the bill had violated the constitutional rights of parents. It was argued that the bill was reasonable, that it would promote the welfare of the people, that no one’s rights were violated and that the theory behind the legislation was honorable and not intended to discriminate against any citizens. The State also held that it had the right to exert a certain amount of control over its citizens. In the same way that it could expect its citizens to serve on juries, it could expect children to attend public school. Finally, the
State claimed that parental control over a child was neither property nor liberty, and therefore it was out the scope of the Fourteenth Amendment (Oral arguments, 1925).

The brief for the Sisters conceded that the arguments that public schools would diminish crime and pauperism, and promote good citizenship and social unity were a part of the common school ideology. The problem was that the bill’s advocates had adopted totalitarian methods. Monopoly in education would lead to standardization and religious diversity, along with other forms of pluralism, would disappear. In another brief, Louis Marshall warned that if the liberty to teach and learn were dependent on the will of the majority, thought would be stifled (Tyack, 1968).

The position of Hill Military Academy was summed up by Attorney Veatch. He maintained that the State had no power to enact any piece of legislation that interfered in any way with individual or property rights, unless it was designed to correct some evil or promote some public good. Despite repeated questioning, the measure’s proponents had been unable to define either the evil or the good that made it necessary. He also argued that the prime purpose of public education laws was to insure a standard of education. The State’s interest was in the result, not the means by which it was obtained (Oral arguments, 1925).

On June 1, 1925, the Court reached its decision. It upheld the lower court’s decision, and it made its own comments on education:

No question is raised concerning the power of the state reasonably to regulate all schools, to inspect, supervise and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good
citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare.

The inevitable practical result of enforcing the act under consideration would be destruction of appellees’ primary schools, and perhaps all other private primary schools for normal children within the state of Oregon. Appellees are engaged in a kind of undertaking not inherently harmful, but long regarded as useful and meritorious. Certainly there is nothing in the present records to indicate that they have failed to discharge their obligations to patrons, students, or the state. And there are no peculiar circumstances or present emergencies which demand extraordinary measures relative to primary education.

Under the doctrine of Meyer v. Nebraska [sic.] . . . we think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the state. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations (Pierce v. Society of Sisters 45 S. Ct. 573, 1924).
The Court’s decision was received with widespread praise and little public criticism. It was seen as forever barring “the abolition of the private school.’ It was also seen as a victory for all Americans and not just Catholics (Ross, 1994).

**Summing Up**

Things have changed, and things have remained the same. Oregon Protestants and Catholics have learned to get along and to achieve a real spirit of cooperation. This movement away from mutual animosity began during the controversy, when both sides found themselves on the same side of the fence. Discovering a common foe does wonders to foster cooperation. At the same time, one cannot say that prejudice vanished. It simply takes new forms and finds new victims, as the Japanese discovered in 1942 (Holsinger, 1968).

For Baptists (and other Protestants) the campaign ought to sound a warning bell. This has to do with the relationship between church and state. During the campaign, much was made of the supposedly divided Catholic loyalties. It was feared that they would put loyalty to the Church above loyalty to state. Considering that Baptists had themselves been found guilty of similar charges in their early history, it seems all the more remarkable that they should forget their own story and replace it with another. The identification of the church with American culture, however positively it began, has not been without its share of perils.

As we have shown, the factors that contributed to the bill’s passage were many and complex. One factor was the postwar drive for unity and homogeneity, which was a product of wartime extremism. Recken contends that the school bill was less the product of intolerance and bigotry than of national educational traditions. Horace Mann and John Dewey were more responsible for it than the Klan (Recken, 1973).
Mecklin believes that the school bill was not based on calm consideration of what was best educationally for all concerned but rather on religious animosity (Mecklin, 1924/1963). He also asserts that Oregon’s educational system failed to teach the critical analysis needed to see through propagandist claims (Mecklin, 1924/1963).

Ross takes a different tack. The coercive zeal to maintain an absolute loyalty that survived the war was not tempered by the need for national unity. During the post-war period, it grew uglier and more intense. The war had provided a vivid reminder of the danger of unassimilated ethnics. Postwar nativism may have been an extension of aggressive impulses that had found more constructive wartime outlets (Ross, 1994).

It must be said here, however, that the nativist impulse had a long history in Oregon (Clark, 1974), (Loomis, 2001). All three views have merit, although we feel that the nativist is the most compelling. Oregon of the 1920’s reflected a national intolerance (Mecklin, 1924/1963). The Klan was the most visible manifestation of this intolerance. At the same time, it must be remembered that people joined the Klan, and supported the school bill, for a variety of reasons, including a desire to affect reform. Educated urban dwellers, as well as their small-town counterparts, joined the Klan and /or supported the bill (Loomis, 2001).

All of them were, however, informed by the pioneer myth, which we feel was perhaps the most influential tradition for both women and men. It gave fuel to anti-Catholic and anti-immigrant sentiments. Its visions of an idyllic past, the overcoming of hardships, and the spirit of the frontier community led many Oregonians to react to what they saw as threats to their “Promised Land” (Loomis, 2001). For Oregon women, the battle for suffrage also figured into their common narrative. Having won the prize earlier than most, they were determined to protect
it at all costs. They felt that their voting rights were needed to maintain a white, Protestant nation and to ensure women’s rights (Blee, 1991).

In a post-9/11 world, it is perhaps not surprising to hear many of the same charges that were once leveled against Catholic schools now being aimed at Muslim schools. Concerns for safety and security seem to threaten the constitutional rights of individuals and groups. Thus it is all the more important for supporters of private and parochial education to remember their past and bring the lessons of history and theology into the debates in the public square. Having won the right to teach not only the ABCs but also Christian values and morality, we must stay alert to protect and defend it.
References

Attack is made on education bill. (1922, July 23). *The Oregonian*, 16.


Dr. Nugent stands pat. (1922, October 24). *The Oregonian*, 23.


Education bill scored. (1922, o). *The Oregonian*.


Educational bill stirs up pastors. (1922, October 3). *The Oregonian*, 11.


Minister praises school measure. (1922, November 2). *The Oregonian*, 8.


Proposed Oregon school measure would set up a state monopoly of education. (1922, August 17). *The Catholic Sentinel*, 1,7.


Rev. Mr. Pence target. (1922, October 26). The Oregonian, 8.


School bill attempts to regulate religion. (1922, August 17). The Catholic sentinel, 2.

School bill is debated. (1922, October 15). The Oregonian, 18.

School bill voids golden rule, view. (1922, October 16). The Oregonian, 18.

Synod takes no action. (1922, October 29). The Oregonian, 10.


Three souls with the same thought. (1922, October 26). Portland Telegram, 1.


