Governor Smith's Reply To Marshall Wins General Praise

Text of Governor Smith's Reply

Judging by the editorials in the newspapers and comments by important persons quoted in interviews, Governor Smith's answers promise to be a powerful influence not only during the forthcoming presidential campaign but in the future history of the United States.

New York, April 18.—Following is the official text of Governor Smith's reply to Charles C. Marshall, the New York attorney, who in an open letter to the Governor in the April issue of the Atlantic Monthly questioned his ability to give undivided allegiance to his country because of his religious faith

"Charles C. Marshall, Esq.

"Dear Sir: In your open letter to me in the April Atlantic Monthly you 'impute' to American Catholics views which, if held by them, would leave open to question the loyalty and devotion to this country and its Constitution of more than twenty million American Catholic citizens. I am grateful to you for defining this issue in the open and for your courteous expression of the satisfaction it will bring to my fellow citizens for me to give "a disclaimer of the convictions' thus imputed. Without mental reservation I can and do make that disclaimer. These convictions are held neither by me nor by any other American Catholic as far as I know.

"Before answering the argument of your letter, however, I must dispose of one of its implications. You put your questions to me in connection with my candidacy for the office of President of the United States. My attitude with respect to that candidacy was fully stated in my last inaugural address as Governor when, on Jan. 1, 1927, I said:

" 'I have no idea what the future has in store for me. Everyone else in the United States has some notion about it except myself. No man could stand before this intelligent gathering and say that he was not receptive to the greatest position the world has to give anyone. But I can say this, that I will do nothing to achieve it except to give to the people of the State the kind and character of service that will make me deserve it.'

Answers As American Citizen.

"I should be a poor American and a poor Catholic alike if I injected religious discussion into a political campaign. Therefore, I would ask you to accept this answer from me not as a candidate for any public office but as an American citizen, honored with high elective office, meeting a challenge to his patriotism and his intellectual integrity. Moreover, I call your attention to the fact that I am only a layman. The Atlantic Monthly describes you as 'an experienced attorney who 'has made himself an authority upon canon law.' I am neither a lawyer nor a theologian. What knowledge of law I have was gained in the course of my long experience in the Legislature and as Chief Executive of New York State. I had no such opportunity to study theology.

"My first thought was to answer you with just the faith that is in me. But I knew instinctively that your conclusions could be logically proved false. It seemed right, therefore, to take counsel with some one schooled in the church law, from whom I learned whatever is hereafter set forth in definite answer to the theological questions you raise. I selected one whose patriotism neither you nor any other man will question. He wears upon his breast the Distinguished Service Cross of our country, its Distinguished Service Medal, the Ribbon of the Legion of Honor, and the Croix de Guerre with palm of the French Republic. He was the Catholic chaplain of the almost wholly Catholic 165th Regiment in the World War—Father Francis P Duffy now in the military service of my own State

People See No Conflict.

"Taking your letter as a whole and reducing it to commonplace English, you imply that there is conflict between religious loyalty to the Catholic faith and patriotic loyalty to the United States. Everything that has actually happened to me during my long public career leads me to know that no such thing as that is true. I have taken an oath of office in this State nineteen times. Each time I swore to defend and maintain the Constitution of the United States. All of this represents a period of public service in elective office almost continuous since 1903. I have never known any conflict between my official duties and my religious belief. No such conflict could exist.

"Certainly the people of this State recognize no such conflict. They have testified to my devotion to public duty by electing me to the highest office within their gift four times. You yourself do me the honor, in addressing me, to refer to 'your fidelity to the morality you have advocated in public and private life and to the religion you have revered; your great record of public trusts successfully and honestly discharged.' During the years I have discharged these trusts I have been a communicant of the Roman Catholic Church. If there were conflict, I of all men, could not have escaped it, because I have not been a silent man, but a battler for social and political reform. These battles would in their very nature disclose this conflict if there were any.

His Support Of Education.

"I regard public education as one of the foremost functions of government, and I have supported to the last degree the State Department of Education in every effort to promote best single item of increased appropriations under my administration appears in the educational group for the support of common schools. Since 1919, when I first became Governor, this item has grown from $9,000,000 to $82,500,000.

"My aim and I may say I have succeeded in achieving it—has been legislation for child welfare, the protection of working men, women and children, the modernization of the State's institutions for the care of helpless or unfortunate wards, the preservation of freedom of speech and opinion against the attack of war-time hysteria and the complete reorganization of the structure of the government of the State.

"I did not struggle for these things for any single element but in the interest of all of the 11,000,000 people who make up the State. In all of this work I had the support of churches of all denominations. I probably know as many ecclesiastics of my church as any other layman. During my long and active public I never received from any of them anything except cooperation and encouragement in the full and complete discharge of my duty to the State. Moreover, I am unable to understand how anything that I was taught to believe as a Catholic could possibly be in conflict with what is good citizenship The essence of my faith is built upon the commandments of God The law of the land is built upon the commandments of God There can be no conflict between them

Religious' Common Ideal.

"Instead of quarreling among ourselves over dogmatic principles, it would be infinitely better if we joined together in inculcating obedience to these commandments in the hearts and minds of the youth of the country as the surest and best road to happiness on this earth and to peace in the world to come. This is the common ideal of all religions. What we need is more religion for our young people, not less, and the way to get more religion is to stop the bickering among our sects which can only have for its effect the creation of doubt in the minds of our youth as to whether or not it is necessary to pay attention to religion at all.

"Then, I know your imputations are false when I recall the long list of other public servants of my faith who have loyally served the state You, as a lawyer, will probably agree that the office of Chief Justice of the United States is second not even to that of the President in its influence on the national development and policy The court, by its interpretation of the Federal Constitution, is a check not only upon the President himself but upon Congress as well During one-fourth of its history it has been presided over by two Catholics, Roger Brooke Taney and Edward Douglass White No one has suggested that the official conduct of either of these men was affected by any unwarranted religious influence or that religion played with them any part other than it should play in the life of every God fearing man.

Catholics Who Died For America.

"And I know your imputations are false when I recall the tens of thousands of young Catholics who have risked and sacrificed their lives in defense of our country These fundamentals of life could not be true unless your imputations were false.

"But, wishing to meet you on your own ground, I address myself to your definite questions, against which I have thus far made only general statements I must first call attention to the fact that you often divorce sentences from their context in such a way as to give them something other than their real meaning I will specify You refer to the apostolic letter of Pope Leo XIII as 'declaring to the world that the orders of the Church of England were void, her priests not priests,' and so forth. You say that this was the 'strange fruit' of the toleration of England to the Catholics You imply that the Pope gratuitously issued an affront to the Anglican Church

"In fact, this apostolic letter was an answer to a request made at the insistance of priests of the Anglican Church for the recognition by the Roman Catholic Church of the validity of their priestly orders. The request was based on the ground that they had been ordained in succession from the Roman Catholic priests who became the first priests of the Anglican Church. The apostolic letter was a mere adverse answer to this request, ruling that Anglican priests were not Roman Catholic priests, and was in no sense the gratuitous insult which you suggest it to be. It was not directed against England or citizens of that Empire.

Meaning Of "Dogmatic Intolerance"

"Again, you quote from the Catholic Encyclopedia that my church 'regards dogmatic intolerance, not alone as her incontestable right, but as her sacred duty.' And you say that these words show that Catholics are taught to be politically, socially and intellectually intolerant of all other people. If you had read the whole of that article in the Catholic Encyclopedia, you would know that the real meaning of these words is that for Catholics alone the church recognizes no deviation from complete acceptance of its dogma. These words are used in a chapter dealing with that subject only.

"The very same article in another chapter dealing with toleration toward non-Catholics, contains these words: 'The intolerant man is avoided as much as possible by every high-minded person.... The man who is tolerant in every emergency is alone lovable. The phase 'dogmatic intolerance' does not mean that Catholics are to be dogmatically intolerant of other people but merely that inside the Catholic Church they are to be intolerant of any variance from the dogma of the church.

"Similar criticism can be made of many of your quotations. But, beyond this, by what right do you ask me to assume responsibility for every statement that may be made in any encyclical letter? As you will find in the Catholic Encyclopedia (Vol. 5, p. 414), these encyclicals are not articles of our faith. The Syllabus of Pope Pius IX, which you quote on the possible conflict between church and state, is declared by Cardinal Newman to have 'no dogmatic force'.

Faultiness Of Reasoning.

"You seem to think that Catholics must be all alike in mind and in heart, as though they had been poured into and taken out of the same mould. You have no more right to ask me to defend as part of my faith every statement coming from a prelate than I should have to ask you to accept as an article of your religious faith every statement of an Episcopal Bishop, or of your political faith every statement of a President of the United States. So little are these matters of the essence of my faith that I, a devout Catholic since childhood, never heard of them until I read your letter. Nor can you quote from the canons of our faith a syllable that would make us less good citizens than non-Catholics. In fact, and in truth, I have been taught the spirit of tolerance, and when you, Mr. Marshall, as a Protestant Episcopalian, join with me in saying the Lord's Prayer, we both pray not to 'My Father' but to 'Our Father.'

"But I go further to demonstrate that the true construction of your quotations by the leaders of Catholic thought is diametrically the opposite of what you suggest it to be.

I.

"Your first proposition is that Catholics believe that other religions should, in the United States, be tolerated only as a matter of favor and that there should be an established church. You may find some dream of an ideal of a Catholic state, having no relation whatever to actuality, somewhere described. But, voicing the best Catholic thought on this subject, Dr John A Ryan, professor of moral theology at the Catholic University of America, writes in 'The State and the Church' of the encyclical of Pope Leo XIII, quoted by you

"'In practice, however, the foregoing propositions have full application only to the completely Catholic state The propositions of Pope Pius IX, condemning the toleration of non-Catholic sects do not now, says Father Pohle, "apply even to Spain or the South American republics, to say nothing of countries possessing a greatly mixed population" He lays down the following general rule "When several religions have firmly established themselves and taken root in the same territory nothing else remains for the State than to exercise tolerance toward them all, or, as conditions exist today, to make complete religious liberty for individual and religious bodies a principle of government"'

Good Americanism And Catholicism.

"That is good Americanism and good Catholicism And Father Pohle, one of the great writers of the Catholic Church, says further

"'If religious freedom has been accepted and sworn to as a fundamental law in a Constitution, the obligation to show this tolerance is binding in conscience.'

"The American prelates of our church stoutly defend our constitutional declaration of equality of all religions before the law Cardinal O'Connell has said 'Thus to every American citizen has come the blessed inheritance of civil, political and religious liberty safeguarded by the American Constitution. . . the right to worship God according to the dictates of his conscience'

"Archbishop Ireland has said 'The Constitution of the United States reads. 'Congress shall make no laws respecting the establishment of religion, or prohibiting the free exercise thereof' It was a great leap forward in the part of the new Nation toward personal liberty and the consecration of the rights of conscience.'

"Archbishop Dowling, referring to any conceivable union of church and state, says 'So many conditions for its accomplishment are lacking in every government of the world that the thesis may well be relegated to the limbo of defunct controversies'

Reviving A Dead Issue.

"I think you have taken your thesis from this limbo of defunct controversies.

"Archbishop Ireland again said 'Religious freedom is the basic life of America, the cement running through all its walls and battlements, the safeguard of its peace and prosperity Violate religious freedom against Catholics, our swords, are at once unsheathed. Violate it in favor of Catholics, against non-Catholics, no less readily do they leap from the scabbard.'

"Cardinal Gibbons has said. 'American Catholics rejoice in our separation of church and state, and I can conceive no combination of circumstances likely to arise which would make a union desirable to either church or state. . . . For ourselves, we thank God that we live in America, "in this happy country of ours", to quote Mr. Roosevelt, where "religion and liberty are natural allies."'

"And referring particularly to your quotation from Pope Pius IX. Dr. Ryan in 'The State and the Church', says, 'Pope Pius IX did not intend to declare that separation is always unadvisable, for he had more than once expressed his satisfaction with the arrangement obtaining in the United States.'

"'With these great Catholics I stand squarely in support of the provisions of the Constitution which guarntee religious freedom and equality.

II.

"I come now to the speculation with which theorists have played for generations as to the respective functions of church and state. You claim that the Roman Catholic Church holds that if conflict arises the church must prevail over the state. You write as though there were some Catholic authority or tribunal to decide with respect to such conflict. Of course there is no such thing. As Dr. Ryan writes: 'The Catholic doctrine conceedes, nay, maintains that the state is co-ordinate with the church and equally independent and supreme in its own distinct sphere.'

"What is the Protestant position on this subject? The articles of religion of your Protestant Episcopal Church (XXXVII) declare. 'The Power of the Civil Magistrate extendeth to all men, as well Clergy as Laity, in all things temporal; but hath no authority in things purely spiritual'.

"Your church, just as mine, is voicing the injunction of our common Saviour to render unto Caesar the things that are Caesar's and unto God the things that are God's.

Conflict Only A Wild Dream.

"What is this conflict about which you talk? It may exist in some lands which do not guarantee religious freedom. But in the wildest dreams of your imagination you cannot conjure up a possible conflict between religious principle and political duty in the United States, except on the unthinkable hypothesis that some laws were to be passed which violated the common morality of all God-fearing men. And if you can conjure up such a conflict, how would a Protestant resolve it? Obviously by the dictates of his conscience. That is exactly what a Catholic would do.

"There is no ecclesiastical tribunal which would have the slightest claim upon the obedience of Catholic communicants in the resolution of such a conflict. As Cardinal Gibbons said of the supposition that 'the Pope were to issue commands in purely civil matters'

"'He would be offending not only against civil society but against God, and violating an authority as truly from God as his own. Any Catholic who clearly recognized this would not be bound to obey the Pope; or rather his conscience would bind him absolutely to disobey, because with Catholics conscience is the supreme law which under no circumstances can we ever lawfully disobey'

Catholic Allegiance To Constitution.

"Archbishop Ireland said: 'To priest, to Bishop, or to Pope (I am willing to consider the hypothesis), who should attempt to rule in matters civil and political, to influence the citizen beyond the range of their own orbit of jurisdiction that are the things of God, the answer is quickly made "Back to your own sphere of rights and duties, back to the things of God."'

"Bishop England, referring to our Constitution, said 'Let the Pope and the Cardinals and all the powers of the Catholic world united make the least encroachment on that Constitution, we will protect it with our lives Summon a General Council—let that council interfere in the mode of our electing but an assistant to a turnkey of a prison—we deny right, we reject the usurpation.'

"Our Supreme Court has marked out the sphere of influence of church and state in a case from which you quote copiously, Watson vs Jones, 13 Wall 729; but you refrain from quoting this statement

"'The right to organize voluntary religious associations, to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all of the individual members, the congregation, and officers within the general association, is unquestioned.

Supreme Court Quoted.

"'It is of the essence of these religious unions and of their right to establish tribunals for the decision of questions arising among themselves that those decisions could be binding in all cases of ecclesiastical cognizance, subject only to such appeal as the organism itself provides for.'

"That is the state's attitude toward the church. Archbishop Ireland thus puts the church's attitude toward the state:

"'To the Catholic obedience to law is a religious obligation, binding in God's name the conscience of the citizen..... Both Americanism and Catholicism bow to the sway of personal conscience.'

"Under our system of government the electorate intrusts to its officers of every faith the solemn duty of action according to the dictates of conscience. I may fairly refer once more to my own record to support these truths. No man, cleric, or lay, has ever directly or indirectly attempted to exercise church influence on my administration of any office I have ever held, nor asked me to show special favor to Catholics or exercise discrimination against non Catholics

His Own Religious Fairness.

"It is a well known fact that I have made all of my appointments to public office on the basis of merit and have never asked any man about his religious belief In the first month of this year there gathered in the Capitol at Albany the first Governor's Cabinet that ever sat in this State It was composed, under my appointment, of two Catholics, thirteen Protestants, and one Jew. The man closest to me in the administration of the government of the State of New York is he who bears the title of Assistant to the Governor He had been connected with the Governor's office for thirty years in subordinate capacities until I promoted him to the position which makes him the sharer with me of my every thought and hope and ambition in the administration of the State He is a Protestant, a Republican and a thirty-second-degree Mason

"In my public life I have exemplified that complete separation of church from state which is the faith of American Catholics today.

Summary Answer On Schools.

III.

"I next come to education You admit that the Supreme Court guar-

Concluded on Page Five

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DEATHS OF THE WEEK

Funeral services were held from the respective churches on dates given. May their souls rest in peace.

KEARNS—Monday April 18, at her home in Ontario, N. Y., Miss B. Etta Kearns. Funeral took place Thursday morning from St. Mary's of the Lake Church. Interment at the Calvary cemetery, Ontario, N. Y.

OBERST—April 19th, Frederick A. Oberst, aged 57 years, died suddenly. Funeral took place Friday at Corpus Christi church. Interment at Holy Sepulchre cemetery.

Brenner—Mrs. Rose Doser Brenner died Wednesday at her home, 16 Lang St., aged 65 years. Funeral will take place Saturday morning at 9 o'clock at Perpetual Help church.

Eddy—Mrs. Elizabeth Redman Eddy died Tuesday at her home, 496 Hawley St. Funeral took place Friday at St. Monica's church. Interment at Holy Sepulchre cemetery.

Hohman—Mrs. Josephine Schnopp Hohman died Wednesday at her home, 272 Mulberry St., aged 71 years. Funeral will take place on Saturday at 9 o'clock at St. Boniface Church. Interment in Holy Sepulchre cemtry.

Murphy—At the family home, 272 Averill Ave., Mrs. Frank Murphy died on Tuesday. Funeral took place Friday morning at 9 o'clock from St. Mary's church. Interment in Holy Sepulchre cemetery.

Murphy—Augustine Murphy died Wednesday at his home 24 Ellicott St. Funeral was on Thursday at 9 o'clock from St. Monica's church. Burial on Friday at Auburn, N. Y.

Spiegel—John Spiegel, aged 51 years, did Tuesday morning. Funeral at 9 o'clock from St. Joseph's church.

Cripps—Sylvia Cripps, aged 27 years, died suddenly, April 15. Funeral from her home, No. 1247 North Goodman street, April 19, and at St. Francis Xavier Church.

Dentinger—Joseph E. Dentinger aged 63 years, died suddenly April 15 at his home, No. 87 Randolph street Funeral from St. Andrew's Church, April 20.

Di Gioia—Mrs. Marianna Di Gioia died at her home, No. 526 State street, April 15. Funeral from St. Anthony of Padua Church, April 18.

Doyle—John V. Doyle died April 17 at the family residence, No. 96 Broadway, aged 61 years. Funeral from St. Mary's Church, April 20.

Fisher—Gloria Mae Fisher, infant daughter of Raymond and Mary Fisher died April 17. Interment at Holy Sepulchre cemetery.

Kohler—Ottilia Wirth Kohler, wife of Robert Kohler, died April 15 at the home of her daughter, Mrs. Fred Huhn, No. 113 Empire boulevard, aged 80 years. Funeral from St Ambrose Church, April 19.

Lynch—Edward M. Lynch, aged 41 years, died April 17. Funeral from St Francis Xavier Church, April 20.

McDermott—Mary Monica McDermott, daughter of Mr. and Mrs. Albert J McDermott, of No. 27 Reliance avenue, died April 17, aged 6 years. Funeral from Our Lady of Perpetual Help Church, April 20.

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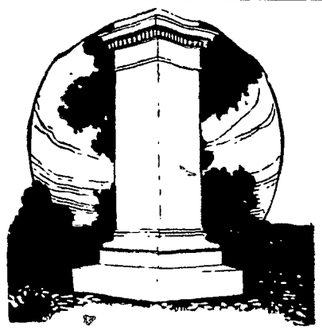
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