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# Initiative Measure No. 49

## BALLOT TITLE

"An Act compelling children between seven (7) and sixteen (16) years of age to attend the public schools, and prescribing penalties."

A BILL FOR AN ACT requiring all children within the state of Washington between the ages of seven and sixteen years to attend the public schools thereof; amending sections 5072 and 5074 of "Remington's Compiled Statutes of Washington"; adding certain sections thereto; repealing all acts and parts of acts in conflict herewith; and prescribing penalties.

*Be it enacted by the People of the State of Washington:*

SECTION 1. That Section 5072 of Remington's Compiled Statutes of Washington be, and the same is hereby amended to read as follows:

Section 5072. That all parents, guardians, or other persons in this State having, or who may hereafter have immediate custody of any child between the ages of seven and sixteen years shall cause such child to attend the public school of the District in which the child resides, for the full time when such school may be in session. *Provided, however,* That the Superintendent of Public Schools of the District in which such child resides, or the County Superintendent of Common Schools may excuse such child from such attendance if said child is physically or mentally unable to attend school as above set forth in this section, or has completed the course in such Public School in the branches required to be taught in the first eight grades of the Public Schools of this State as provided by the course of study for such schools. Proof of absence from the Public Schools shall be deemed prima facie evidence of the violation of this section.

SEC. 2. That Section 5074 of Remington's Compiled Statutes of Washington be, and the same are hereby amended to read as follows:

Section 5074. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00) or more than One Hundred Dollars (\$100.00), or imprisonment in the county jail not less than Two (2) Days or more than Thirty (30) Days, for each separate offense, or by both such fine and imprisonment. Attendance officials shall, and any citizen of the State of Washington may, make complaint for violations of this Act to a Justice of the Peace, or to a Judge of the Superior Court.

SEC. 3. That there be and is hereby added to Remington's Compiled Statutes of Washington a new section to be known as Section 5074-A, to read as follows:

Section 5074-A. That whenever it shall be necessary for any minor child over the age of fourteen (14) years to engage in any kind of gainful occupation for the support and maintenance of itself or any person or persons which such child may by law be required to support, such child may be excused from attendance at the Public Schools of the State as required herein, upon petition and showing of such necessity to the Superior Court or any Judge thereof in the County in which such minor child shall be a resident. Upon proper petition and showing the Superior Court or any Judge thereof in the County of the residence of said minor child shall have the power to make an order granting said minor child permission to absent itself from the Public Schools of this State and to engage in such gainful occupation so long as the necessity mentioned in this Section shall continue to exist.

SEC. 4. That there be and hereby is added to Remington's Compiled Stat-

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utes of Washington a new Section to be known as Section 5074-B, to read as follows:

Section 5074-B. That this act shall be and remain in full force and effect from and after the first day of September, 1925.

SEC. 5. That there be and hereby is added to Remington's Compiled

Statutes of Washington a new Section to be known as Section 5074-C, to read as follows:

Section 5074-C. That all acts and parts of Acts heretofore enacted in this State, which are contrary to the provisions of this Act, be and the same are hereby repealed insofar as same conflict with this Act.

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STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State January 15, 1924.

J. GRANT HINKLE, *Secretary of State.*

## ARGUMENTS ON BEHALF OF PROPONENTS OF INITIATIVE MEASURE NUMBER FORTY-NINE

Under this bill the State requires all children mentally and physically fit, to attend the public schools until the **eight grammar grades** shall have been completed, or until the child reaches the age of sixteen years. Children not so fitted may be educated elsewhere, and special public schools created to take care of them. No restraint is placed upon parents wishing to send their children to schools, public or private in other states.

The country may command our property and life in its service. It may require each citizen to be self-supporting and trained in the duties of citizenship. It may prohibit the working of children in factories, and require them to attend school.

All parties admit the right of the State to control the education of its children. Then why should any one object to their attending the public schools? It is the school **and college**, of the common people; it is the nursery of democracy; it was the starting point and inspiration of our great men. The United States has given 86,000,000 acres of land from the public domain to the public schools. It is a national institution.

Even if this measure should cost us more money, the State owes its children the opportunity of a public education. If any private school should suffer because of this law, it will be for the general welfare, the public good. Every good citizen should be willing to concede something for the good of all.

The so-called Oregon decision is in no wise binding on this question. In the first place, that decision was rendered by the lowest Federal court in that State. No court, save the United States Supreme Court can finally construe the Federal Constitution, and this case has been appealed. Moreover, the wording of the two measures is entirely different, and the fact that one may have been held unconstitutional is no criterion by which to judge the other. Many times it is the wording, not the intent of the law which is most considered by some courts.

If one group may take a portion of the children out of the public schools, then a **hundred** groups may take them all out of these schools.

The parochial schools have failed to keep step with the progress of society in Spain, France, Italy, South America, Mexico, and in the United States. Where they rule, the percentage of illiteracy and ignorance is on the increase. Even in Great Britain, where they have been incorporated into the system of Public Education, the system is an ever growing failure.

These things do not come within the scope and objects of special groups nor special schools. They can be found **only** in the public school, made for all,—good enough for all, **attended by all**, and in the charge of teachers who **appreciate and love** our greatest institution, the public schools. How shall the State discharge its high duty of **insuring** an adequate training to all its children? It must be done in public schools. It can not so control and regulate private schools and the teaching in them, as to secure the grade of citizenship.

The public school then, is the **only** answer to the riddle. It is a choice of means to this end. The **only** question involved in this measure, is a political one—a matter of public policy. Will it be better for a united America to have the advantage of personal contact with all classes of society—**under the supervision of good teachers**? Children so educated will receive the advantage of the **best qualities of all classes**.

Thus we shall be able to solve the problems of democratic government and assure the progress of mankind. Under the Constitution of the State of Washington, such an educational system is "the paramount duty of the State." Why should we hesitate? The path of duty to the children, to humanity, to our Country, to the future, points in **one** direction. Also the way is pleasant and beautiful.

LET US TAKE IT!

LET US PASS THIS BILL!

BEN H. BRITTON,  
One of Committee.  
JOHN A. JEFFREY,  
Ch. Ex. Com. G. G. L.  
A. C. CARR.

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STATE OF WASHINGTON—ss.  
Filed in the office of the Secretary of  
State July 17, 1924.  
J. GRANT HINKLE, *Secretary of State.*

# INITIATIVE MEASURE No. 49 IS UNCONSTITUTIONAL, UNNECESSARY AND UNAMERICAN

Vote against INITIATIVE No. 49 because it VIOLATES THE CONSTITUTION OF THE UNITED STATES. The United States District Court, the highest trial court in the land, so decided when it ruled out an identical measure in Oregon.

Vote "Against" Initiative No. 49 because WASHINGTON NOW HAS THE BEST COMPULSORY SCHOOL LAW and the best system of education of any state in the Union. Initiative No. 49 would only weaken these.

Your TAXES WOULD BE INCREASED by Initiative No. 49. Why spend more money to pass and operate a law which is not as good as the law we now have?

INITIATIVE No. 49 would injure the public schools, financially and by overcrowding.

Vote "Against" Initiative No. 49, because it is born of hatred and intolerance and gained place on the ballot through misrepresentation in securing signatures on the petition. Thousands of persons have voluntarily signed public statements withdrawing their names from the bill and declaring that the message was misrepresented to them.

The Friends of Educational Freedom, an organization formed by Protestants of all creeds and classes to defend American principles and constitutional liberty, asks you to consider carefully the following facts:

## 49 Would Increase Taxes

According to the official report of the Superintendent of Public Instruction, issued at Olympia, there are 18,517 children receiving grammar school education in private schools in Washington, AT NO COST TO THE STATE.

This same official report shows that the average annual cost of instruction for each child in the public school is \$120.03, and that the cost of school buildings per child is \$226.24.

If the thousands of private school pupils were forced into the public schools, it would cause an added tax

burden of \$6,411,833.59, as the multiplication of these figures will show. With the people suffering under high taxation, why add more than \$6,000,000 to the load?

## 49 Would Occasion Financial Loss to Public Schools

TAXES ARE APPORTIONED to the public schools in every district ACCORDING TO THE NUMBER OF CHILDREN IN THE DISTRICT, AND NOT ACCORDING TO THE NUMBER OF CHILDREN IN THE PUBLIC SCHOOL. For instance, if there are 1500 children in the public school in a district, and 150 attending a private school in the same district, the PUBLIC SCHOOL gets an annual donation from the state fund for the 150 children who are in the private school, as well as for the 1500 attending the public school. The public school now gets all of this allotment, and if the private schools were abolished, the public schools would have to educate these children without receiving any larger allotment.

## Private Schools Maintained at Private Expense

Not one cent of public money goes to the building or maintenance of any private school in the State of Washington, nor can any tax money ever be appropriated for any church or private school. This is prohibited by the Constitution of the State.

## Pupils Affected

Only one-fifteenth of the children of school age in the state of Washington attend private schools. These schools are maintained by private institutions, or are established by religious denominations, principally, the Protestant Episcopal, Catholic, Methodist, Seventh Day Adventists, Christian and Lutheran.

## All Appreciate Public School System

Citizens who maintain such private schools have no quarrel with the state educational system. Many of them feel that the state system, while excellent in organization and results, does not go far enough to

meet the approval of their consciences, which—from their standpoint, at least—require them to give a definite training in religion and morality. They feel that the liberty which they and you enjoy as American citizens should not be taken from them, as long as their children are receiving the same education on all subjects as children in the public schools, and as required by the general laws of the state. Present state laws require every child of school age to receive an education equal to the standard established for the public schools, and pupils in private schools pass state examinations.

**No Such Restriction of Individual Liberty Ever Enforced in Any State In the United States.**

The American people have grown great and strong under the principles of individual liberty. If this liberty ever is undermined, it will not be taken away all at once, but gradually, step by step. Shall the State of Washington take a step backward, and say that there shall no longer be liberty in the matter of education?

Everyone admits that the state has the right and the duty to provide public schools and to fix standards for all schools, but the state has no right to deprive the parent of his right to select the school for his child. Once grant that, the state can say to a parent "you must send your child to this school and no other" then the state can say to a parent, you must dress your child thus and so, you must send your child to this public health officer, and to no other practitioner.

Private schools have existed from the foundation of this country, and many of the greatest Americans were educated in them. Among these were George Washington, Thomas Jefferson, Patrick Henry, James Madison, William McKinley, Theodore Roosevelt and Woodrow Wilson.

If you try to take from your neighbor the liberty which all have enjoyed during the 137 years of American Constitutional Government in one particular, there is no reason why your neighbor, when some other question shall arise, will not vote for another measure which will deprive you of some privilege which you now possess and value. If we value our own liberties, we must concede to our neighbor the same liberty.

The Executive Committee of the Friends of Educational Freedom includes:

Reginald H. Parsons,  
Dr. S. B. Penrose, President Whitman College, Walla Walla,  
Dr. O. E. Tiffany, President Seattle Pacific (Methodist) College,  
Rev. Oscar Fedder, Trinity Evangelical Lutheran Church,  
Clark P. Bissett, Professor University of Washington,  
Clarence L. Reames,  
William Short  
and many ministers and representative laymen of all creeds are members.

**FRIENDS EDUCATIONAL FREEDOM**

By W. M. INGLIS,  
Executive Secretary.

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**STATE OF WASHINGTON—ss.**

Filed in the office of Secretary of State, July 23, 1924.

**J. GRANT HINKLE, Secretary of State.**

## TO THE FAIRMINDED VOTERS OF THE STATE OF WASHINGTON, GREETINGS.

As citizens, who desire the greatest welfare of the state and nation, and as Catholics who profess their religion out of sincere conviction and who cherish the principles of religious freedom for all, we present these facts without malice or prejudice:

### Who Are Back of Initiative No. 49?

Initiative No. 49 is sponsored solely by the Ku Klux Klan. The only argument in its favor is made by the Klan. For proof, turn to the argument on behalf of Initiative No. 49 (which appears on a preceding page of this pamphlet). The argument is signed by "John A. Jeffrey, Chairman of the Executive Committee, Good Government League." John A. Jeffrey is the "Exalted Cyclops" and leader of the Ku Klux Klan in this state. "The Good Government League," organized by the Ku Klux is another mask for their activities. It is a sham—behind the mask is the Klan.

### What 49 Proposes

Initiative No. 49 would make it a crime punishable by fine and imprisonment for a citizen of this state to send his children to a private school, either in this state or in any other state, or to send his children to a public school in any other district than that in which the child resides. Under this iniquitous measure a widowed or abandoned mother, who placed her child in a private boarding school or orphanage while she worked for a living, would be liable to a jail sentence; a father might go to jail for placing his motherless children in a boarding school. There are hundreds of orphans and half-orphans being cared for in the private schools at no expense to the state. There are no public boarding schools or orphanages to care for these children. What would become of them?

### No Public Necessity for This Act

No public necessity demands that YOU should sacrifice more money; no necessity requires the destruction of the orphans' school and home; no public necessity demands the destruc-

tion of private schools that have been a part of the American system of education since the nation was founded.

### Shall We Imitate Oregon In Voting An Unconstitutional Law?

The United States District Court, in holding that an Oregon measure, identical in purpose and terms with Initiative No. 49 violated the Constitution of the United States, said:

"Compulsory education being the paramount policy of the state, can it be said with reason and justice that the privilege of parochial and private schools to teach in the common school grades is inimical or detrimental to or destructive of that policy? Such schools and their patrons have the same interest in fostering primary education as the state, and proper legislation places them under supervision of school authorities."

"It would seem that the Act in question is neither necessary nor essential for the proper enforcement of the state's school policy," the United States Court said.

### Public and Private Schools Teach the Same Subjects—Pupils Pass the Same State Examinations

Pupils in private and parochial schools, which are maintained either as non-sectarian or by Episcopalians, Catholics, Methodists, Seventh Day Adventists, Lutherans and others, are taught the same history, language, mathematics and the same respect for the flag and devotion to their country as are the children in the public schools, and they pass the same state examinations in these subjects.

Those who support these private schools do so out of a sincere conviction that their children should be taught the Ten Commandments, Bible History and simple religious and moral truths for a short period each school day. Under our laws and Constitution these things cannot be taught in the public school. It is absurd to say that children can be made to attend private school after

*Argument Against Initiative Measure No. 49*

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ordinary school hours. A tired mother or father cannot adequately impart religious instructions after their daily work.

We are deeply sensible of the high-minded purposes, and lofty tolerance of the representative gentlemen of Protestant faith who have organized the Friends of Educational Freedom to defend American principles, to vindicate the American spirit of fair play and to uphold the spirit of Him who said:

"Do unto others as you would have others do unto you."

As Catholics, we shall rest our case, confident that the citizens of the State of Washington will not discredit themselves and the state by making, at the suggestion of prejudice, a useless attempt against the constitutional rights of their fellow citizens.

For the Catholics of the State  
of Washington:

WILLIAM PIGOTT,  
J. J. DONOVAN,  
LAURENCE S. BOOTH.

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STATE OF WASHINGTON—ss.

Filed in the office of Secretary of State, July 23, 1924.

J. GRANT HINKLE, *Secretary of State.*



## ARGUMENT AGAINST INITIATIVE No. 49

(Resolutions Unanimously Adopted by the Norwegian Lutheran Church.)

Whereas, the intent of Initiative No. 49 is, in effect to destroy all private and parochial schools in the State of Washington; and

Whereas, the proposed bill is based upon the philosophy of autocracy, that the child belongs primarily to the state and not to the parent; and

Whereas, said bill is an unjustifiable invasion of family authority and threatens ultimately the guarantee of our American liberty depriving the parents of their inherent and God-given right and duty to direct the education of their children; and

Whereas, said bill tends to create State monopoly of Education, which in effect would banish from our Educational System all schools giving moral and religious training; and

Whereas, said bill would work a direct injury to the Public School System, eliminating from it the inestimable aid rendered by Private and Religious Schools; and

Whereas, such a law would increase the taxation to the enormous extent of \$6,000,000; and

Whereas, said bill is a direct violation of the Constitution of the United States of America which guarantees religious liberty and freedom of conscience to all its citizens; and

Whereas, a similar law in the State of Oregon was found unconstitutional this year, said bill would be an

absolute disregard of a Federal Decision, and would be wasteful in time, energy and money, and would unnecessarily engender discord and strife of such serious consequence as to cripple our progress beyond concept;

Therefore, BE IT RESOLVED, That, we, the Pacific District of The Norwegian Lutheran Church of America in convention assembled at Stanwood, Washington, June 18 to 25, do hereby solemnly appeal to the voting public of the State of Washington to vote "No" on Initiative No. 49.

We, the members of the Pacific District of the Norwegian Lutheran Church of America, believe and maintain that the State of Washington already has an adequate compulsory Attendance Law, with right to regulate and supervise the course of studies in any school within the state.

We believe in the free American Public School System. We willingly and gladly pay our share to the upkeep and furtherance of the Public Schools; but we also on the other hand recognize the necessity of religious schools, and Christian education for which we are willing to pay, and do not ask for any Public Funds for such schools.

Submitted for publication by

(Rev.) O. L. HAAVIK,

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STATE OF WASHINGTON—ss.

Filed in the office of Secretary of State, July 23, 1924.

J. GRANT HINKLE, *Secretary of State.*