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Article Summary: During and immediately after World War I, prejudice against German-Americans in Nebraska forced Missouri Synod Lutherans to close some parochial schools and to restrict the teaching of German in others. Eventually the US Supreme Court ruled against the state legislature's attempt to exercise control over parochial school education. It overturned a judgment against Robert T Meyer, who had been convicted and fined for teaching German to students, but the use of German in Nebraska schools and churches never again became common.

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Photographs / Images: Trinity Lutheran Church, Lincoln, which established the first Missouri Synod day school in the city in 1882 (the 1922 school building shown replaced the earlier frame structure)



The Trinity Lutheran Church of Lincoln established the first Missouri Synod day school in the capital in 1882. The school (at right) was built in 1922 to replace an earlier frame structure. Classes were held in the building at 13th and H Streets until another school was built at 1200 North 56th Street in 1964.

THE MISSOURI SYNOD LUTHERANS AND THE WAR AGAINST THE GERMAN LANGUAGE, 1917-1923

By NIEL M. JOHNSON

World War I produced a social as well as military crisis. The demands of the war and the aroused emotions of the majority of Americans forced various minority groups to de-emphasize or even discard some of their traditional habits, institutions, and customs. Especially affected by the trauma of the war were radical labor groups, the national German-American ethnic association (National German-American Alliance), and the German-American Lutheran church bodies. The largest of the latter groups was the German Evangelical Lutheran Synod of Missouri, Ohio, and other states, commonly known as the Missouri Synod. Troubles for this organization of nearly one million members began in July, 1917, when the Nebraska Council of Defense made the first public charge of disloyalty against the Lutheran Church. The church's "conspicuous representatives" were cited for their refusal to take part in various patriotic activities, for discouraging the American cause, and failing to organize for war-relief work.¹ The various Lutheran bodies in Nebraska thereupon appointed a committee that publicly defended the loyalty of their churches and presented a rebuttal to the Nebraska Council of Defense on July 24. The council subsequently retracted its charges, saying it disavowed "any purpose to reflect upon the Lutheran Church itself."²

In the following months the Missouri Synod moved from a position of quiet acceptance to active support of the American war effort. Nevertheless, the prevailing climate of opinion forced the synod to close some of its parochial schools and to

abandon the use of German in many of its worship services and as a language of instruction in its schools. In fact, the Nebraska Council of Defense was again at the forefront when it issued an order in December, 1917, banning the use of foreign languages in the schools of Nebraska. About one hundred and fifty parochial schools were affected by this order.³

The Armistice in November, 1918, did not immediately end the synod's problems. In fact, anti-German sentiment seemed to rise to new heights in some areas for a few months after the war. Moreover, such feeling now found a new outlet in the more general hostility toward foreign elements aroused by the Bolshevik-inspired unrest in Europe and acts of violence attributed to anarchists. The antagonism toward the parochial schools was thereby sustained into the early 1920's, and the forces of nativism remained powerful and influential until the latter part of the decade.

That pent-up emotions still had to be expended was evident in such places as Sweet Springs, Missouri, where, in January, 1919, one of the Missouri Synod's schools was burned down in an act attributed to nativist elements. One of the more curious, quasi-legal episodes occurred in South Dakota in December, 1918, when a Reformed Church pastor was brought before the secretary of the state's Council of Defense and fined \$10, to be paid to the Red Cross, for preaching to his congregation in German.⁴

In addition to the unlawful or violent attempts to banish the Germanizing influence in America, there were a number of state legislatures that endeavored to prohibit the teaching or use of German in the elementary grades. Already by the beginning of 1919 bills had been introduced by the legislatures of Ohio, Iowa, Missouri, and Nebraska, making it unlawful to use any language except English as the medium of instruction in the elementary grades, or to teach any language except English. Similar action was being considered in several other states. Some legislators were also proposing that all children be compelled to attend public schools, thereby threatening the existence of parochial schools. The hostile forces behind these actions, synod spokesmen declared, "use the plea of Americanization for advancing their purposes, and are backed by the Reformed sectarian element and by the foes of our Church

generally.” A third issue raised in this controversy was the possibility of subjecting parochial schools to inspection by the state for adherence to prescribed educational standards.⁵

On the issue of state inspection, Theodore Graebner—co-editor of the synod’s English-language journal, the *Lutheran Witness*—advised that acceptance of this type of regulation would depend on the terms and provisions of the law. Any such law should be opposed if it infringed upon the “natural right of parents,” or violated the constitutional guarantee of religious liberty.⁶

On the matter of language, Graebner admitted the right of the state to require that all secular subjects be taught only in English in order that “children will readily fit into the body politic when they grow up.” On the other hand, he contested the right of the state to demand the exclusive use of English in religious instruction, if the parents desired use of another language. Nevertheless, in such cases where a non-English language was being used, he recommended that an English course of instruction in religion should be added. Graebner predicted and welcomed the inevitable, ultimate transition to English but decried any statutory coercion to hasten it.

Pressing the synod’s argument further, Graebner asserted that the claim that the state has the exclusive right to educate the youth was in line with principles of modern Prussian jurisprudence, but was un-American. Quoting from Blackstone, John Stuart Mill, and state and federal Supreme Court decisions, Graebner contended that the right of parents to control the education of their children was a natural right and a “basic principle of Anglo-Saxon law.” Denying again any trace of pan-Germanism in the parochial schools, Graebner emphasized the religious function of the schools and argued that the constitutional guarantee of the free exercise of religion authorized citizens to train their children in the tenets of their own religion.⁷

In spite of such protests the *Lutheran Witness* noted that in the early months of 1919 at least a dozen states had enacted, or were on the verge of enacting, legislation outlawing or severely restricting the teaching of foreign languages in the public and private primary schools. Most of these states were in the Midwest. In Nebraska representatives of the synod’s parochial

schools declared before a legislative committee their willingness to use English exclusively in the teaching of secular subjects, to submit their teachers to the same examination and certification required of public school teachers, and to standardize their courses of study in accord with that of the public schools.⁸

In April, 1919, Graebner published an open letter aimed at giving legislators in Nebraska a summary statement of the synod's views on language legislation and other matters affecting the freedom of the private or parochial schools. Besides language restrictions, there was also the threat of the state selecting the books and equipment to be used in all schools. With respect to the issue of the extent of governmental authority, Graebner averred that "to interfere with the personal affairs of citizens is fundamentally un-American." For the situation impending in Nebraska, Graebner found a partial parallel in the conditions in Saxony eighty years earlier where "the rights of our people were interfered with by the state, as when, for instance, the children were forced to use certain school books (readers, etc.) containing religious teachings which sound Lutheranism rejects."⁹

Claiming that certain forms of patriotic service required knowledge of foreign languages, Graebner referred to the work being done by parochial school graduates in the censoring of German newspapers for the Army of Occupation. Likewise cited was the government's concern over meeting the rising demands for expanding the consular service in foreign countries. The state's right to compel citizens to give their children a "good elementary schooling," including a basic competence in English, was admitted, but this right is circumscribed by the "natural right" of parents to control the training of their offspring, to the extent of deciding what textbooks may be used and whether a foreign language should be taught or used in religious courses. Graebner concluded that the language problem was resolving itself in a prompt, orderly fashion, presumably through social and religious pressures, and that to legislate on the matter would create worse problems through the suppression of basic freedoms.¹⁰

The foregoing appeal was only partially successful in its objective. The outcome in Nebraska was a statute, enacted on April 9, that permitted the use of a foreign language in religious

instruction in the parochial schools but forbade the teaching of any foreign language in either parochial or public schools through the first eight grades.¹¹ Predictably enough, the constitutionality of this law was destined to be challenged in the state and federal Supreme Courts, the result of which was its ultimate revocation.

In Iowa the synod's Iowa District School Committee drafted an extensive statement defending this district's stand against certain provisions of the Dean Bill that was under debate in the state legislature. One of the significant paragraphs contained the following:

Our government is a government 'of the people, for the people, and by the people.' From this it follows that the people are not for the sake of the Government, or State, but that the State, or Government is for the sake of the people. The Government does not make the people, but the people make the Government. The primary function of the Government consists in protecting the citizens in their lawful pursuits, so that they may lead a quiet and peaceful life, and not in exercising a tutorage over them. If our people are actually a free and democratic people, the children belong primarily to the parents and not to the State, and it is an inalienable right of the parents to decide for themselves when and where and how they desire to have their children educated, provided such education is not injurious to the common weal.¹²

The constitutional safeguard for the free exercise of religion was interpreted by the district's school committee to imply that religion could be taught in foreign languages as an inviolable right. Reflecting a concern of many Americans at that time, the committee claimed that among the foreign-born of Iowa, and especially among those maintaining private schools, one would not find adherents either to anarchism or Bolshevism. Particularly heavy emphasis was placed on the need for children of German-speaking parents to be able to understand the parent's vocabulary, especially in the area of Christian "nurture and admonition." Indeed, the language issue was tied into the problem of maintaining traditional parental authority over the children. Accordingly, the committee contended:

It is of the utmost importance for the welfare of the family and the State that the children should honor their father and mother, serve and obey them, and hold them in love and esteem. Will the children do this if they do not understand the language of their parents? Will they not rather despise them as foreigners? A law that undermines parental authority is certainly not beneficial.¹³

In a conciliatory conclusion, the committee labeled the Dean Bill as "admirable" with the exception that it included religion in the subjects that could be taught only in English.

Such appeals apparently had their effect, since the bill, when it became law on April 3, specified that secular subjects only must be taught through the medium of the English language. On the other hand, the law prohibited the teaching of any foreign language in grades one through eight.¹⁴ Due to the latter provision, this law, too, was destined to be challenged and annulled in 1923 as unconstitutional.

In most of the other states where similar bills were acted upon, the legislation was either voted down or vetoed by the chief executive. The constitutionality of laws that forbade the teaching of any foreign language in the elementary grades was, of course, questionable. In three states—Nebraska, Iowa and Ohio—this type of discriminatory legislation passed state Supreme Court tests, only to be finally revoked by an adverse decision of the United States Supreme Court.

The case that caused the revocation was brought by Robert T. Meyer, a teacher in a Missouri Synod parochial school, against the state of Nebraska. Meyer had been convicted and fined in November, 1919, for teaching German to a group of students for the ostensible purpose of enabling them to understand the German religious services attended by their parents. The state Supreme Court had upheld the conviction on the basis that an enactment designed to make English the mother tongue of all children reared in the state was reasonably within the police power of the state as exercised in protecting the health and safety of its citizens. The majority opinion included the following statement:

The salutary purpose of the statute is clear. The legislature had seen the baneful effects of permitting foreigners, who had taken residence in this country, to rear and educate their children in the language of their native land. The result of that condition was found inimical to our own safety.¹⁵

The two dissenting judges asserted that the enactment of prohibitory legislation on the basis of "public health" was the result of "crowd psychology," that is, "a product of the passions engendered by the World War which had not had time to cool."¹⁶

On appeal to the Supreme Court of the United States, the Meyer case was accepted and a verdict rendered in 1923. There was only one dissenter from the majority opinion overturning

the decision of the state court. In its majority opinion the United States Supreme Court observed:

The desire of the legislature to foster a homogenous 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 certain 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. The interference is plain enough and no adequate reason therefor in time of peace and domestic tranquility has been shown.¹⁷

The lone dissenter, Justice Oliver Wendell Holmes, Jr., maintained that the criterion of constitutionality should be "whether, considering the end in view, the statute passes the bounds of reason and assumes the character of a merely arbitrary fiat." True to his pragmatic point of view, Justice Holmes considered that the desirability of the law's objective should permit the necessary latitude of methods of means to achieve the avowed ends.¹⁸

This court decision did not mean, of course, a return to the use of the German language. The hopes that some may have entertained for a postwar revival of German-language usage in church or school were doomed to failure. The war had greatly accelerated the trend away from the German language, although the number of English-language services in the synod did not equal those conducted in German until 1925.¹⁹ The synod could not reverse this trend; neither, however, could it accede to demands, in peacetime, for legislative restrictions on its historic right to maintain parish schools. The Meyer decision in 1923 was important in protecting that right not only for the Missouri Synod and its institutions but for school boards everywhere in the country. In a more general sense, it upheld an American tradition that guards the rights and prerogatives of parents against unjust inroads of the state.

NOTES

1. *Des Moines Register*, July 12, 1917. 2. In Jack W. Rodgers, "The Foreign-Language Issue in Nebraska, 1918-23," *Nebraska History*, XXXIX (March, 1958), 1-22, an account is given of the German-American element in Nebraska and of the actions taken by Nebraska authorities to outlaw use of the German language in the state. The present article deals primarily with the position and reactions of the

Missouri Synod which operated the majority of the "German" parochial schools in Nebraska and other Plains and Midwest states.

2. *Des Moines Register*, July 18, 1917, 2; *Lutheran Witness*, XXXVI (August 21, 1917), 254.

3. Robert N. Manley, "Language, Loyalty and Liberty: The Nebraska State Council of Defense and the Lutheran Churches, 1917-1918," *Concordia Historical Institute Quarterly*, XXXVII (April, 1964), 9, 12.

4. *Lutheran Witness*, XXXVII (October 29, 1918), 349; *Lutheran Witness*, XXXVIII (February 4, 1919), 35-37, 42; *Lutheran Witness*, XXXVIII (April 29, 1919), 136; *Lutheran Witness*, XXXVIII (October 28, 1919), 347.

5. *Ibid.*

6. *Lutheran Witness*, XXXVIII (February 4, 1919), 35-36.

7. *Ibid.*

8. *Lutheran Witness*, XXXVIII (February 18, 1919), 52-53; *Lutheran Witness*, XXXVIII (March 4, 1919), 73.

9. *Lutheran Witness*, XXXVIII (April 1, 1919), 104-06.

10. *Ibid.*

11. Lawrence B. Evans, *Cases on American Constitutional Law* (5th ed. rev.; Chicago: Callaghan and Co., 1942), 979.

12. *Lutheran Witness*, XXXVIII (March 18, 1919), 87.

13. *Ibid.*, 87-88.

14. *Lutheran Witness*, XXXVIII (April 29, 1919), 135.

15. Meyer v. State, No. 21924, *Northwest Reporter*, Vol. 187, 102.

16. *Ibid.*, 104.

17. Evans, *Cases on . . . Law*, 981.

18. *Ibid.*

19. Paul T. Dietz, "The Transition from German to English in the Missouri Synod from 1910 to 1947," *Concordia Historical Institute Quarterly*, XXII (October, 1949), 100.