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Legal Restrictions on Foreign Languages in the Great Plains States, 1917–1923

FREDERICK C. LUEBKE

A major effect of World War I on American social history was that it focused attention on the nation's apparent difficulty in assimilating the millions of immigrants and their children who had streamed to the United States during the preceding two decades. The national mood, darkened by fears and resentments of long standing and deepened by systematic wartime propaganda, favored the adoption of stringent laws limiting the use of foreign languages, especially in the schools. During the war itself, restrictions were usually extralegal and often the consequences of intense social pressure recklessly applied. After the war, however, many state legislatures enacted measures that were highly restrictive. The denouement of the movement came in 1923 when the United States Supreme Court declared one of these laws, Nebraska's Siman Act, to be unconstitutional.

Laws regulating the use of languages in the United States evolved in the latter half of the nineteenth century. Before then English was so preponderant in usage that its official adoption seemed superfluous in most states. Louisiana, which became a state in 1812, was an early exception because of its large French-speaking population. After the Civil War, when the number of non-English-speaking immigrants increased greatly, many states passed laws regulating the publication of legal notices in languages other than English. These were generally permissive rather than restrictive. Similarly, a few states legalized the practice of conducting public school in languages other than English. Such laws usually legitimized what was happening informally. When the population of a school district was solidly German, which was often the case in those years, the locally elected school board was likely to hire a German teacher who would instruct the children in the German language, or in both German and English, irrespective of what the statutory provision might have

been. Thus, a Kansas law of 1867 permitted instruction in the German language when "freeholders representing fifty pupils" demanded it. Although German was specified in some laws, the provisions usually applied to all foreign tongues, even though German Americans were nearly always responsible for the enactments and were their chief beneficiary.¹

The mere passage of such laws invigorated opposition among guardians of Anglo-American traditions who insisted that English be the language of instruction in the public schools. California was the first to shift to this ground. Kansas followed in 1876, and three years later the Dakota territorial legislature directed that English be used exclusively in its schools. By 1890 the language issue dominated political debate in Wisconsin, where the famous Bennett law of 1889 made attendance in public or private schools compulsory for children and defined a school as one in which the common subjects were taught in the English language. Similar legislation was enacted in Illinois. Opposition in Catholic and German Lutheran quarters was massive and effective; in both states the restrictive laws were repealed in the early 1890s. Nevertheless, the trend continued elsewhere. In 1897 an Iowa law provided that all instruction in the public schools was to be in English, except in the teaching of foreign languages, and Louisiana specified in its constitution of 1898 that English was to be the language of its schools, save in its French districts.²

A fairly consistent pattern of legislation emerged during the decade before World War I, as European immigration reached its highest levels in the nation's history. At least seven states, including Texas (1905), Montana (1907), and Colorado (1908), obliged teachers to use English exclusively in their instruction. When Oklahoma and New Mexico were admitted as states in 1907 and 1912, English-language provisions were written into their constitutions, although in the latter case the needs of the large Spanish-speaking population were recognized. Other states again tied instruction in English to compulsory attendance and to textbook laws. None of these measures prohibited the teaching of foreign languages as subjects, since they were aimed primarily at the use of foreign languages as media of instruction.³

Support for laws specifying English as the language of instruction in the public schools often came from persons who lacked confidence in the nation's assimilative powers. They were eager to support any number of programs that promised to Americanize the immigrant. Too many immigrants had come in too short a time, they thought. In 1910, when the total population of the United States was 92 million, 23 percent of the nearly 13 million foreign-born persons ten years of age and over were unable to speak English.

Additional support for restriction came from champions of public school education who saw private and parochial schools as obstacles to their improvement programs. Parents who objected to reform measures, they argued, could always withdraw their children and enroll them in private church schools.

One-room parochial schools with pastors as teachers and with much instruction in a foreign language were not uncommon in the Great Plains states during the prewar years. Of all the ethnoreligious groups, the German Lutherans were most deeply committed to this kind of education and were therefore most frequently criticized for the inadequacies, such as they were, of their schools. Naturally, they felt threatened by the movement to specify English as the language of instruction, believing that laws restricting their own schools were next on the agenda, as they had been in Wisconsin and Illinois in 1889. They feared similar legislation in North Dakota, where in 1910 and 1920 bills were introduced to restrict instruction to English in all schools, public and private, and in all subjects except religion. Determined opposition from immigrant churches contributed to the defeat of both these bills. In Wisconsin in 1912 another bill, denounced as a "second Bennett law," which aimed to improve the quality of education in parochial schools, was also defeated.⁵

While the movement for restriction seemed to be the dominant theme during this period, counterpoint of a different spirit could also be heard. Several states enacted laws that specifically authorized public school instruction in a non-English tongue, usually at the behest of well-organized ethnic associations of nonreligious character. For example, Colorado in 1908 permitted German or Spanish to be taught when requested by the parents or guardians of twenty or more pupils. Similarly, a Nebraska statute of 1913 required the request by parents of fifty or more pupils for instruction to be given in any modern European language for one hour per day above the fourth grade. Unlike the Colorado measure, which served the needs of pupils deficient in English-language skills, the Nebraska law was partly intended to provide English-speaking pupils with an opportunity to study a foreign language. More importantly, however, it enabled a minority of German-American citizens in a given school district to secure formal instruction for their children in the mother tongue. Known as the Mockett Law, this measure had been lobbied through the state legislature by the Nebraska branch of the National German-American Alliance. No friend of ethnic parochial schools, the alliance aggressively sought to broaden the influence of German language and culture in the public school system.⁶

Thus, by the time World War I broke out in 1914, several separate trends in the regulation of foreign languages could be discerned. First, there were laws that provided a legal basis for instruction in foreign languages as a practical measure in communities dominated by non-English-speaking people; second, there was an opposite trend that favored laws to establish English as the language of the schools; and third, some states passed laws that made foreign-language instruction possible for English-speaking pupils.

The war in Europe placed severe strains on America's heterogeneous society during the period of United States neutrality, which extended from

August 1914 to March 1917. There was a natural tendency for persons of Anglo-American heritage to sympathize with Britain and her allies, just as citizens with German antecedents often felt an emotional bond with their ancestral homeland. Inevitably the events of the war intensified loyalties and diminished tolerance for cultural diversity.⁷

Many German-American citizens, especially those who advocated programs of ethnic cultural maintenance, were tempted to indulge in extravagant partisanship for Germany. They staged rallies and bazaars for the German Red Cross; they bombarded their representatives in Washington with strongly worded letters and telegrams; German-language newspapers published intemperate editorials attacking the president for what were perceived as pro-Allied policies. While the opinions of these more vocal groups were not necessarily representative of the masses of German Americans, they were believed to be by dominant Anglo-American elements of the society. In the German-American view, it was in the interest of the United States to stay out of the conflict completely. That meant no loans to belligerents on either side, no shipments of war materiel, and no travel by American citizens on the ships of nations at war. In President Wilson's opinion, such policies would ultimately work to the advantage of Germany and therefore were unneutral and un-American. In a series of public statements, Wilson questioned the patriotism of German-American leaders whose understanding of the American interest differed from his own, though he never specified them by name or even by ethnicity.

Meanwhile, British propaganda had begun to portray Germany as a land of barbarians at war against western civilization, Kaiser Wilhelm as a merciless, grasping tyrant, and his soldiers as butchers of innocent women and children. By 1915 a hate-Germany campaign was well under way in the United States. German Americans became resentful and fearful as their language and culture were disparaged and things German became objects of hatred.

When the United States declared war on Germany in April 1917, President Wilson emphasized that the enemy was the imperial government of Germany, not the German people, their language, or their culture. But in the frantic effort to mobilize the country's resources for war, such distinctions were lost to many minds. Rumors of German-American subversion flitted about, and many Americans succumbed to the fear that the country was swarming with spies.

A variety of government agencies and private organizations contributed to the growing anti-German hysteria. The Committee of Public Information created a national mood of aggressive patriotism as it attacked dissent as disloyalty, extolled British culture, and fostered hatred for Germany. Meanwhile, the American Protective League organized a massive program to search out domestic espionage. The National Security League and its offshoot, the American Defense League, spread a virulent strain of superpatriotism and intensified the anti-German hysteria through indiscriminate attacks on

German-American churches, schools, societies, and newspapers, describing them as inhibitors of assimilation and as agents of a worldwide Teutonic conspiracy.

Both organizations made special war on the German language. By eliminating German-language instruction from the elementary and secondary schools, the American Defense League proclaimed, the nation could destroy the means by which the Kaiser and his henchmen were seeking to pervert American youth. One of its pamphlets, "Throw Out the German Language and All Disloyal Teachers," illustrates the logic of superpatriotism: "Any language which produces a people of ruthless conquistadors [sic] such as now exists in Germany, is not a fit language to teach clean and pure American boys and girls." The Germans, according to this tract, were "the most treacherous, brutal and loathsome nation on earth. . . . The sound of the German language . . . reminds us of the murder of a million helpless old men, unarmed men, women, and children; [and] the driving of about 100,000 young French, Belgian, and Polish women into compulsory prostitution."⁸ The American Defense League also encouraged the public burning of German-language books.

Superpatriotic politicians and newspaper editors joined in the cry. In Lincoln, Nebraska a newspaper began a campaign, ultimately successful, to remove a thousand German-language books from the collection of the State Library Commission. Richard Metcalf, a political lieutenant of William Jennings Bryan, broadcast unconfirmed tales, soon repeated across the nation, about teachers in German Lutheran schools in Nebraska who whipped pupils who dared to speak English during recess periods.⁹

Many educators lent their authority to the war on German-language instruction in the schools. The most moderate argued that foreign-language instruction had to end because the heterogeneous mass of American society could be welded together only by means of English as the common national tongue.¹⁰ In an address delivered to the National Education Association, the dean of the University of Minnesota College of Education asserted that subversive Germans expected to achieve their nefarious goals "by having German teachers teaching German ideals through the German language" in American schools.¹¹ Another educator announced that the German language was "lacking in euphony" and therefore "savors of the animalistic and does not induce a certain polish and refinement essential to civilized people." There should be no place for the German language in our schools, he insisted, because it upholds a philosophy that "prides itself in its inhumanity [that] murders children, rapes women, and mutilates the bodies of innocent men."¹² With comparable logic, a retired United States admiral insisted that German-language instruction be dropped because the textbooks glorify German things and German men who have shown themselves to be "arrogant, domineering, treacherous, dishonest,

mendacious, scheming, unscrupulous, without honor, cruel, and murderous.”¹³

The National Education Association also supported the campaign. Through one of its commissions the NEA condemned “the practice of giving instruction in a foreign tongue” as “un-American and unpatriotic.” Although it was silent on classes in which students were taught to speak a foreign language, the NEA urged that “every legitimate means, both state and federal, be used” to make English the language of instruction in all public and private schools.¹⁴

The clamor was in fact very much ado about very little. The campaign was directed chiefly against German-language instruction in the first eight grades. Yet few school systems offered instruction in any foreign language at that level. The United States Bureau of Education compiled statistics in autumn 1917 on the question. The data revealed that in only 19 of 163 cities of twenty-five thousand plus were such classes offered.¹⁵

In secondary schools, however, relatively few German-language classes had been dropped, though enrollments had decreased significantly. A *Literary Digest* poll of school superintendents conducted early in 1918 showed that only 149 of 1,017 respondents reported discontinuation of German-language classes. Many individual comments were published in the article, and most reflect the closed-mindedness and intolerance fostered by war propaganda. A superintendent in Grafton, North Dakota offered a minority view when he replied that “to drop German as a language-study because we are at war with Germany would be indicative of that sort of stupidity and lack of vision that we believe is native in the Prussian intellectual atmosphere.” Few of the educators quoted agreed with the calm assessment of Philander P. Claxton, the United States commissioner of education, who opposed the elimination of German-language instruction on the secondary school level. The United States is not at war with the German language, he wrote in a widely publicized letter, and “the fewer hatreds and antagonisms that get themselves embedded in our institutions and policies, the better it will be for us when the days of peace return.”¹⁶

State councils of defense also shared in the fight to eliminate “the enemy language” from the public schools. Shortly after war had been declared, President Wilson urged each state government to form a commission to coordinate food and fuel production and conservation, mobilization of labor, sanitation, Americanization programs, and other aspects of the war effort on the state and local level. All states eventually complied, although the councils varied greatly in name, structure, and authority. Subordinate county councils of defense were also created and the various functions farmed out to committees of unpaid civilian appointees. In some states, especially in the West, state councils of defense were granted sweeping powers, sometimes of doubtful constitutionality. Public attention was most often attracted to the zealous manner in which

some councils performed their duties relative to patriotism, Americanization, or disloyalty.

The councils of defense for the several Great Plains states each joined in the anti-German campaign. Most issued orders or requests in 1918 to eliminate German-language instruction in the schools. But in some states the councils of defense went much further, banning the use of the German language in church services, parochial schools, public meetings of all kinds, and even on the telephone. German-language newspapers were also attacked. The principal argument for suppressing the language was that the country, for the sake of unity, had to Americanize its foreign-born citizens and that continued use of the German language kept the immigrant "subservient to the Hohenzollern autocracy."¹⁷

The Nebraska State Council of Defense was one of the most active and influential of the several commissions established in the plains states. Its activities were guided by men who were thoroughly imbued with superpatriotic sentiments; it had the consistent support of influential newspapers, most notably the *Lincoln Star*, whose publisher himself became a member of the council. Bothered by the alleged failure of Nebraskans to support the war effort with appropriate enthusiasm, the state council in July 1917 conducted an investigation into the loyalty of the strong German element in the state. Leaders of the several German Lutheran synods were singled out for special attention and were broadly accused of disloyal behavior. Subsequent meetings of the council with Lutheran church officials moderated the antagonism a little, yet it is clear that the council deliberately sought to focus public indignation on the German Lutherans and their continued strong attachment to their ancestral language and culture.¹⁸

The Nebraska council took several steps in the development of its policy to curb foreign languages in the churches. On 12 December 1917 the council, relying on the force of public opinion rather than law, banned the teaching or use of foreign languages in all private and denominational schools of the state. Church services in foreign languages, however, continued to be seen as a problem, and on 8 June 1918 the council issued a proclamation requesting that the ban on German be extended to all means of communication to the fullest possible extent. "All sermons and public speeches should be exclusively in the English language," the council ordered, "but where there are old people who cannot understand the English language and it is deemed necessary to give instruction in a foreign tongue, all publicity should be avoided in such instruction." Two months later the council clarified its ruling regarding religious instruction in German. Sunday schools were to be conducted in English, the council decreed, as should all religious services. The old people who could not understand English, according to this directive, could have the sermon briefly summarized for them in the foreign language shortly before or after the regular

services. The regulation, still without force of law, applied equally to religious meetings in Swedish, Danish, Czech, and other languages in use in Nebraska, as well as German.¹⁹

The records of the Nebraska council reveal that very few clergymen were willing to risk the wrath of adverse public opinion, which had been so effectively marshalled by the council. The Reverend John Gerike, a pastor of a rural Missouri Synod Lutheran congregation near Crete, Nebraska, was a courageous exception. He coolly informed the council that his congregation had voted to continue German services "until a law is passed forbidding the use of it."²⁰ But most church leaders, while objecting to the action as illegal and unfair, urged a willing conformance for the sake of harmonious public relations.

Other state councils pursued similar courses with similar results. In Montana, where the use of the German language in the pulpit was also forbidden, a few congregations fearfully suspended all public worship. In South Dakota, where the state council was empowered to act in any way "not inconsistent with the constitution and laws of South Dakota . . . which are necessary and proper for public safety," the ethnic conflict was as sharp as in Nebraska. On 22 February 1918, even before it had statutory authority to do so, the South Dakota council ordered the first statewide ban in the nation on German-language instruction in all public schools from the elementary grades through the universities. Its Order No. 4, which went into effect on 1 June 1918, prohibited the use of the German language at all public gatherings, including church meetings, and the ban on German-language instruction was extended to private and church-related schools. A subsequent order "prohibited the use of the enemy's language in public conversation except in cases of extreme emergency."²¹

In Kansas the state council acted with moderation and understanding, compared to its counterparts in most other Great Plains states. Although the Kansas council was thoroughly committed to its program to make the English language "universally understood and habitually used by all citizens," it carefully avoided the harsh and autocratic methods employed in neighboring states. This was due largely to the efforts of Martin Graebner, a clergyman and professor at Saint John's College, a Lutheran institution in Winfield, who had been placed in charge of the foreign-language problem in the state. A sensitive and knowledgeable man, Graebner successfully enlisted the voluntary support and cooperation of German-speaking organizations and communities in the state.²²

On the local level, however, county councils of defense were often less circumspect than the state councils and tended to ignore the complexities of their tasks. A county council, for example, dictated in one instance which members of a German Lutheran church could attend German-language services and which could not. In Oklahoma, the Major County Council of Defense brusquely asserted that since "God Almighty understands the American lan-

guage, address Him only in that tongue.” In Nebraska, the Dixon County Council of Defense resolved on 10 May 1918 that all persons should abstain from the use of the German language at all times and in all places, including church and home, and “that the reading of German-language papers should immediately be discontinued by all who are to be considered loyal Americans.” Two weeks later the Hall County, Nebraska council resolved “that in this hour of our nation’s greatest peril brought upon us by the murderous and ruthless Hun,” all instruction in German in every school in the county, public and parochial, should stop and that all German school books be removed from every school. It requested further that the *Anzeiger-Herald* (Grand Island) cease publication at once; that the *Liederkranz* and the *Plattdeutscher Vereen*, two social organizations, change their names to English, rewrite their constitutions in English, and conduct all organizational activities in English; and that “the use of the German language in public and private conversation . . . be discontinued.” The resolution was larded with such pornographic phrases as “brutal hordes of German ravishers and murderers.” The council also declared its belief that Germany had “forfeited all claims to be classed among the civilized nations of the world.”²³

In their zeal to promote “a true spirit of patriotism,” county councils of defense fostered disrespect for law. In South Dakota, when church officials protested an interpretation of the state council’s Order No. 4, the Douglas County Council of Defense replied that it did not care what the state council or the state or federal judiciary had said; it simply would not tolerate preaching in the German language.²⁴

A mob spirit took over in some communities. German Americans were subjected to threats, intimidations, beatings, tar-and-featherings, flag-kissing ceremonies, and star chamber proceedings in council of defense meetings. Their homes and buildings received liberal applications of yellow paint as a symbol of disloyalty.²⁵ In Texas a German Lutheran pastor was whipped after he allegedly continued to preach in German after having been requested not to by the Nueces County Council of Defense. In South Dakota a county council of defense itself became the object of mob threats when it met to consider the question of granting permits to pastors of German churches to give synopses of their sermons in German at the close of English-language services. In Nebraska a German Lutheran pastor of a church in Papillion was beaten by a mob; in Riverdale another was hanged in effigy and given three days to leave town. Schools and churches were ransacked for German-language books.²⁶ In South Dakota, Yankton high school students were praised for having dumped their German-language textbooks into the Missouri River as they sang the “Star-Spangled Banner.” The burning of German-language books as parts of super-patriotic exercises occurred in Oakland, Hooper, and Grand Island, Nebraska. In Boulder, Colorado a German-book-burning rally was sponsored by the

University of Colorado preparatory school. Early in September 1918, the Lutheran parochial school in Herington, Kansas was destroyed by fire by superpatriots.²⁷

In both Kansas and South Dakota German-speaking Mennonite and Hutterite pacifists suffered grievous persecution. Superpatriots condemned them not merely because of their tenacious retention of the language, but also because of their refusal on religious grounds to accept military service or to buy war bonds. In Collinsville, Oklahoma a Mennonite named Henry Reimer was strung up by a mob on 19 April 1918. Police persuaded the would-be executioners to cut him down before he died, on the promise that he would be given a trial by the county council of defense the next day. In Kansas vigilantes besieged rural families at night, firing pistol shots into the air and scattering written threats and warnings about the yard. In Newton a mob intimidated the students of the Mennonite Bethel College and displayed a sign that read, "Germans: speak the language of a civilized nation. The Hun language will be barred even in Hell." By the summer of 1918 some of the most conservative Mennonites of the Great Plains states decided that their status within the United States had become intolerable, and well over fifteen hundred persons resettled in the Canadian prairie provinces of Alberta, Saskatchewan, and Manitoba. The largest numbers came from Oklahoma and South Dakota, although others fled from Kansas, Nebraska, and Minnesota.²⁸ Many Hutterites from South Dakota also emigrated, starting in 1918. Within a few years all but one of their agricultural colonies in the state had been abandoned.

Most of the restrictions placed upon the usage of foreign languages during the war were extralegal. Even though the council of defense pronouncements were widely heeded, they were not legally binding. They were supported by the force of public opinion and by the threat of mob action. Some local governments passed city ordinances against speaking German in public places. Though unenforceable, such local measures were not often challenged. The attorney general of Nebraska gave it as his opinion that a proposed ordinance to forbid the speaking of a foreign language on the streets of Campbell, Nebraska would be invalid because the legislature had never granted villages of the state such authority. He also implied that the ordinance would be unnecessary since "prudence and public policy" would soon prompt immigrants to desist from the use of the native tongue.²⁹ Had state legislatures generally been in session in 1918, many restrictive laws would have been passed. As it was, the governors of several states called special sessions to consider such legislation.

The most extreme of the wartime measures was enacted by the Louisiana legislature, which made it unlawful for any teacher or professor in any public or private institution at any level to teach the German language to any pupil or class.³⁰ A more moderate restriction was enacted in South Dakota. In this case the legislature forbade instruction by means of any foreign language in the

public elementary schools of the state; it applied the same restrictions to public secondary schools and colleges, except for foreign languages as subjects; and finally, in the private schools and colleges of the state, the restrictions also applied, "except for foreign and ancient languages and religious subjects." In other words, South Dakota legislators, in contrast to the state's council of defense, made an explicit accommodation to its ethnoreligious minorities.³¹

In Nebraska the governor called a special session of the legislature to enact a sedition law and to repeal the Mockett language law of 1913, which he now denounced as "vicious, undemocratic, and un-American." By its repeal, the legislature removed the provision that school districts had to offer foreign-language instruction upon the request of the parents of fifty pupils. The legislature then approved the request by the Nebraska State Council of Defense that no foreign languages be taught in the elementary grades.³² It also enacted a sedition law that enhanced the power of the state council of defense by requiring publishers of all materials in any foreign language to file copies with the council, along with English translations, as required by the federal Espionage Act. More significantly, enemy aliens were forbidden from acting "as lecturer, priest, preacher, minister, teacher, editor, publisher, or educator" without first filing an application and obtaining a permit from the Nebraska State Council of Defense. One senator courageously but ineffectively denounced the act as "an insidious attack on the right of free speech and religious liberty." He was outraged by the provision that, as he said, made "our lawful and constitutional authorities subservient and subordinate to the council of defense, whose members are not elected, nor answerable to the people."³³

The signing of the armistice on 11 November 1918 ended the war against Germany, but the war against German language and culture in the United States continued with scarcely any diminution. Just days before the fighting ceased, the voters elected new legislatures, which went into session in January 1919. Many of the new lawmakers were more determined than ever to impose linguistic uniformity upon the American people. Certain journalists and politicians continued to exploit popular fears. Gustavus Ohlinger, for example, continued to attack German-language instruction in American schools as he had during the war. In his view it was the keystone of subversion, just as the German-language press was the archenemy of Americanization. Before long twenty-one states enacted new laws relating to foreign languages in the elementary schools. Among them were the Great Plains states of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and South Dakota. All enactments specified English as the medium of instruction, and all except the New Mexico measure applied to all schools, public, private, and parochial.³⁴

The passage of these new restrictive laws of 1919 was also due in part to proposed federal legislation known as the Smith-Towner bill, introduced in Congress in October 1918. One section of this bill specified that no state was to

share in the apportionment of federal funds unless it “shall have enacted and enforced laws requiring that the basic language of instruction in the common-school branches in all schools, public and private, shall be the English language only.” Yet many legislatures went beyond the requirement of the still-pending Smith-Towner bill and prohibited entirely the teaching of foreign language up to and including the eighth grade.³⁵

The Kansas measure was forthright and unyielding: “All elementary schools in this state, whether public, private or parochial, shall use the English language exclusively as the medium of instruction.” Oklahoma’s law was nearly as blunt. South Dakota enacted a new law that listed the subjects that had to be taught in English; religion was not listed and therefore could be taught in German in parochial schools. Colorado used a similarly devious method to make English the language of instruction without touching religious education. New Mexico managed to specify English as the language of instruction in its public elementary schools, but made Spanish reading a mandatory subject for Spanish-speaking pupils.³⁶

It was Nebraska’s language law, however, that gained broader significance because it was ultimately declared unconstitutional by the United States Supreme Court in 1923. Sponsored by Senator Harry Siman, it was one of several bills introduced early in the 1919 session to restrict the use of foreign languages in the state. Sentiment in favor of restriction was especially strong because of publicity given the recommendations of Nebraska’s Americanization Committee, which had been appointed by Governor Keith Neville to take the language issue out of the hands of the Nebraska State Council of Defense. Neville, in his address to the legislature as outgoing governor, had also called for a ban on foreign-language instruction in order, as he put it, to guarantee that Nebraska would be American in language, thought, and ideals. But Neville also favored a provision that would have specifically exempted religious instruction from the ban.³⁷

By 1919 the ethnic churches, principally the body known today as the Lutheran Church—Missouri Synod, no longer objected to legislation requiring English in their schools, so long as the directive did not apply to religious instruction. Their acquiescence was partly an acceptance of political reality, but it was also a matter-of-fact recognition that in most parochial schools English was commonly used except in religion classes. The language laws of several neighboring states, including Iowa, South Dakota, and Colorado, explicitly applied to secular subjects only. Several lawmakers with Lutheran and Catholic connections tried in committee to amend the Siman bill similarly, but Siman and the majority were adamant despite editorials in leading state newspapers urging moderation.³⁸ One lawmaker’s response distills the intolerance of the time:

If these people are Americans, let them speak our language. If they don’t know it,

let them learn it. If they don't like it, let them move. It is a good thing to learn. I would be ashamed to face my boy, when he returns from France, if I voted for this amendment [to authorize specifically the use of foreign languages for religious instruction in parochial schools] and had to tell him that I had done nothing to crush Kaiserism in this country.³⁹

Other supporters of the Siman bill favored the closing of all parochial schools in the state. Some were motivated by a deeply rooted religious prejudice. For them the language bill was a ready and popular preliminary step toward the diminution of Catholic power in the United States. That the Siman bill would also work contrary to the interests of the German Lutheran synods was merely an unfortunate but unavoidable consequence of their commitment to parochial schools.⁴⁰

Governor Samuel McKelvie signed the Siman bill into law on 9 April 1919. Overwhelmingly approved in both houses of the legislature, the measure made it a misdemeanor "to teach any subject to any person in any language other than the English language . . . in any private, denominational, parochial or public school." The restriction applied only to the first eight grades.⁴¹

Shortly after the passage of the Siman law, officials of the Nebraska District of the Lutheran Church—Missouri Synod sought an injunction against the enforcement of the act on the ground that it was an unconstitutional infringement upon religious liberty. This action was guided by Arthur Mullen, a prominent Irish Catholic lawyer of Omaha, who arranged to have a Polish Catholic parish of South Omaha join the Lutherans as petitioner. The district court judge issued the injunction, but the attorney general immediately appealed to the Nebraska State Supreme Court.⁴²

After much controversy and public debate, the Nebraska Supreme Court on 26 December 1919 denied the injunction and upheld the Siman Act. This tribunal understood the measure, not as an unconstitutional interference with religious liberty, but as an effort within the police power of the state to treat the language problem that had developed in the country because of the World War. Fearful perhaps of constitutional objections, the court added that the law did not prevent instruction of or in foreign languages outside regular school hours.⁴³

This ruling by no means settled the matter. Some parochial schools, acting on the cue from the judiciary, arranged their daily schedules so that courses taught in foreign languages, chiefly religion, were offered before or after regular school hours.⁴⁴ Inevitably such steps were perceived as evasions of the law by the superpatriotic advocates of language uniformity and champions of public-school education; during the next two years they continued to push hard for new restrictive laws.

It was not until 1921 that state legislatures were again in session and able to respond to the continued agitation for language restriction. Five states, including South Dakota and Nebraska, thereupon enacted new laws. In Nebraska the

Siman Act was replaced by the even more stringent Reed-Norval Act, signed into law on 14 April 1921. This measure forbade all instruction in foreign languages in public and private schools at all times, thereby closing the loophole noted earlier by the Nebraska Supreme Court. Ironically, the bill was originally introduced by Senator Richard Norval of Seward to weaken the restrictions of the Siman Act. But in committee other senators, acting under strong pressure from the American Legion, wrote additional restrictions into the bill, leaving Norval no alternative but to disavow the legislation that bore his name.⁴⁵

Shortly after the passage of the Reed-Norval Act, officials of the Lutheran Church—Missouri Synod sought an injunction against its enforcement just as they had in the case of the Siman Act. This suit was quickly appealed to the Nebraska Supreme Court, which on 19 April 1922 again upheld the constitutionality of the law forbidding the use of foreign languages in elementary schools.⁴⁶

Meanwhile the famous *Meyer v. Nebraska* case was on its way to the United States Supreme Court. This litigation involved the teacher of a one-room parochial school maintained by Zion Lutheran Church of rural Hampton, in Hamilton County, the pastor of which was Carl F. Brommer, the president of the Nebraska District of the Lutheran Church—Missouri Synod. In January 1920, shortly after the Nebraska Supreme Court had observed in its decision of 26 December 1919 that the Siman Act did not prohibit foreign-language instruction outside regular school hours, Zion congregation declared its official schools hours to be from 9:00 to 12:00 in the morning and from 1:30 to 4:00 in the afternoon. It further directed the teacher, Robert Meyer, to conduct a class in religion in the German language from 1:00 to 1:30 P.M. each afternoon. Attendance was technically voluntary. On 25 May 1920 the county attorney appeared at the school while Raymond Parpart, a youngster in the fourth grade, was reading aloud in German the Old Testament story of Jacob's Ladder. Several days later Meyer was charged in the Hamilton County Court with having violated the Siman language law.⁴⁷

Meyer's trial was conducted on 13 December 1920. The transcript reveals that the county attorney tried to blur the distinction between religious instruction in the German language and language instruction in which pedagogical materials happened to be religious. Meyer unquestionably was engaged in the former, but the jury was more likely to convict if the latter were the case. Further, the prosecution succeeded in convincing the jury that the announced starting time of 1:30 P.M., rather than 1:00 P.M. was a subterfuge to circumvent the law. Meyer was thereupon convicted and fined twenty-five dollars. With the support of church officials, he refused to pay and began his appeal.⁴⁸

The Nebraska Supreme Court heard the case more than a year later, in

February 1922. In the meantime the legislature had replaced the Siman Act with the Reed-Norval Act, although this did not alter the judicial proceedings. By a four-to-two vote the court decided against Meyer and upheld the constitutionality of the language law. Writing for the majority, Justice Leonard Flansburg asserted that permitting resident foreigners to educate their children in the language of their native land was inimical to the safety of the state. Justice Charles B. Letton, in a dissenting opinion, called the Siman Act a product of crowd psychology. He declared that foreign-language instruction was not harmful to the state and that the Siman Act was an arbitrary exercise of police power that interfered with the fundamental right of parents to control the education of their children.⁴⁹

Another year passed before the United States Supreme Court heard the Meyer case. The Lutheran Church—Missouri Synod had decided to couple its suit (*Evangelical Lutheran Synod v. McKelvie*) with Meyer's and to place them both in the hands of Arthur Mullen. Meanwhile other litigation over Iowa and Ohio language laws (*Iowa v. Bartels* and *Pohl v. Ohio*), each of which involved teachers in Lutheran parochial schools, had been appealed to the Supreme Court and were heard during the fall session of 1922.⁵⁰

Mullen's reading of legal precedent convinced him that to base his case on the First Amendment would be fruitless, since it applied to the federal government, but not to state governments. He decided instead to argue that the Fourteenth Amendment embraces religious liberty also when it prohibits state government from abridging privileges of United States citizens or depriving them of life, liberty, or property without due process of law. Mullen submitted a brief to the court in October 1922 and presented oral arguments in February 1923.⁵¹

The United States Supreme Court delivered its decision on 4 June 1923. The majority opinion, written by Justice James McReynolds, declared the Siman Act to be unconstitutional interference with Meyer's right "to teach and the right of parents to engage him so to instruct their children." Moreover, the court observed that no emergency had "arisen which renders knowledge by a child of some language other than English so clearly harmful as to justify its inhibition with the consequent infringement of rights long freely enjoyed." The Iowa and Ohio rulings were, of course, also reversed.⁵²

Although the Meyer decision ended restrictive language laws among the states, the related issue of private and parochial school education continued until 1925, when the United States Supreme Court struck down an Oregon law requiring all children between the ages of eight and sixteen to attend public school. This act, championed by an alliance of the Ku Klux Klan and several Masonic bodies, was overturned in the *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary* decision. Both the suit and the judicial ruling drew upon the precedents of the Meyer case.⁵³

Thus the Supreme Court of the United States brought the movement to impose legal restrictions on the use of foreign languages to an end. Although the trend had originated in the prewar period, it had been strengthened greatly by war-born fears of German subversion in America and anxiety over the nation's capacity to absorb its millions of foreign-born citizens. The climax of the movement came in 1919 during the six months following the armistice. Drawing support from diverse elements in the population—superpatriots, xenophobes, champions of public-school education, and later such organizations as the American Legion and Masonic orders—the advocates of language restriction were especially strong in the states of the Great Plains. Every legislature in this region enacted some sort of restriction on foreign languages from 1918 to 1921. Ethnic churches, whose interests were most directly and most adversely affected by the movement, immediately turned to the courts for redress. Although state tribunals were unresponsive to their constitutional arguments, the federal judiciary ruled in their favor and thereby clarified and enlarged American freedom.

NOTES

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1. Heinz Kloss, "German-American Language Maintenance Efforts," in *Language Loyalty in the United States: The Maintenance and Perpetuation of Non-English Mother Tongues by American Ethnic and Religious Groups*, ed. Joshua A. Fishman, Vladimir C. Nahirny, John E. Hoffman, and Robert G. Hayden, *Janua Linguarum*, series maior, no. 21 (The Hague: Mouton, 1966), pp. 233–35.

2. *Ibid.*; Cleata B. Thorpe, "Education in South Dakota, 1861–1961," *South Dakota Historical Collections* 34 (1972): 224; Paul Kleppner, *The Cross of Culture* (New York: Free Press, 1970), p. 158; Richard Jensen, *The Winning of the Midwest* (Chicago: University of Chicago Press, 1971), pp. 123, 134, 219; J. C. Ruppenthal, "The Legal Status of the English Language in the American School System," *School and Society* 10 (6 December 1919): 658–60.

3. Ruppenthal, "Legal Status of the English Language," pp. 659–60.

4. I. N. Edwards, "The Legal Status of Foreign Languages in the Schools," *Elementary School Journal* 24 (8 December 1923): 270; U.S., Bureau of the Census, *Thirteenth Census of the United States: 1910*, 1:1266–67; Edward G. Hartmann, *The Movement to Americanize the Immigrant* (New York: Columbia University Press, 1948).

5. Walter H. Beck, *Lutheran Elementary Schools in the United States*, 2d ed. (Saint Louis, Mo.: Concordia Publishing House, 1965), pp. 318–19.

6. Ruppenthal, "Legal Status of the English Language," p. 660; Frederick C.

Luebke, "The German-American Alliance in Nebraska, 1910-1917," *Nebraska History* 49 (Summer 1968): 165-85.

7. This and following several paragraphs are summarized from my book *Bonds of Loyalty: German Americans and World War I* (De Kalb: Northern Illinois University Press, 1974).

8. Quoted in Wallace Henry Moore, "The Conflict Concerning the German Language and German Propaganda in the Public Secondary Schools of the United States" (Ph.D. diss., Stanford University, 1937), pp. 33-34.

9. Robert N. Manley, "The Nebraska State Council of Defense: Loyalty Programs and Policies during World War I" (Master's thesis, University of Nebraska, 1959), pp. 125-27; Luebke, "German-American Alliance," p. 183.

10. "German Language," *School Review* 25 (October 1917): 598-600.

11. L. D. Coffman, "Competent Teachers for American Children," *National Education Association: Proceedings and Addresses* (1918), p. 63. Coffman further charged that the National German-American Alliance was "responsible for the existence of 491 evangelical schools in this country, some of which were supported by state funds, in which German was the only language taught." In fact, the alliance did not favor parochial schools, and none of them was supported by state funds. Moreover, German was usually not the sole language of instruction in them by the time of World War I.

12. H. Miles Gordy, "German Language in Our Schools," *Educational Review* 56 (October 1918): 257-63.

13. Caspar F. Goodrich, "Shall We Teach German in Our Public Schools," *Outlook* 119 (29 May 1918): 192.

14. *Journal of Education* 87 (9 May 1918): 514.

15. "Foreign Languages in the Elementary School," *School and Society* 6 (17 November 1917): 583-84; *New York Times*, 3 February 1918.

16. "American Students Boycotting German," *Literary Digest* 56 (30 March 1918): 29-31, 44-74; *New Republic* 14 (2 March 1918): 146; *School and Society* 7 (30 March 1918); *New York Times*, 20 March 1918.

17. Frank W. Blackmar, ed., *History of the Kansas State Council of Defense* (Topeka, Kans.: State Printer, 1921), pp. 31, 68-74; *Report of South Dakota State Council of Defense* (n.p., n.d.), pp. 43, 51-52, 74, 110; "Record of Proceedings of the State Council of Defense," manuscript, Nebraska State Historical Society, Lincoln.

18. Robert N. Manley, "Language, Loyalty and Liberty: The Nebraska State Council of Defense and the Lutheran Churches, 1917-1918," *Concordia Historical Institute Quarterly* 37 (April 1964): 12-13.

19. Unidentified newspaper clipping, scrapbook, Werkmeister Collection, Nebraska State Historical Society, Lincoln; *Lutheran Witness* 37 (28 May 1918): 185; Jack W. Rodgers, "The Foreign Language Issue in Nebraska, 1918-1923," *Nebraska History* 39 (March 1958): 7.

20. John Gerike to Nebraska State Council of Defense, Crete, Nebraska, 12 March 1918, Papers of the Nebraska State Council of Defense, Nebraska State Historical Society.

21. *Proceedings of the Thirteenth Convention of the Montana District of the Lutheran Church—Missouri Synod* (Glendive, Mont., 24-26 August 1964), p. 69;

Lutheran Witness 37 (28 May 1918): 164, and (11 June 1918): 187. See also *School Review* 26 (June 1918): 458–59; *Report of the South Dakota Council of Defense*, p. 71; *New York Times*, 23 February 1918.

22. Blackmar, *Kansas State Council of Defense*, pp. 70–71.

23. Alan N. Graebner, “The Acculturation of an Immigrant Lutheran Church: The Lutheran Church—Missouri Synod, 1917–1929” (Ph.D. diss., Columbia University, 1965), p. 27; Edda Bilger, “The ‘Oklahoma Vorwärts’: The Voice of German-Americans in Oklahoma during World War I,” *Chronicles of Oklahoma* 54 (Summer 1976): 255; *Lutheran Witness* 37 (28 May 1918): 164; unidentified newspaper clipping, Werkmeister Scrapbook, Nebraska State Historical Society.

24. Graebner, “Acculturation of an Immigrant Church,” p. 29.

25. Luebke, *Bonds of Loyalty*, pp. 1–24, 244–59; Luebke, “Superpatriotism in World War I: The Experience of a Lutheran Pastor,” *Concordia Historical Institute Quarterly* 41 (February 1968): 3–11; unidentified newspaper clippings, Werkmeister Scrapbook, Nebraska State Historical Society.

26. *Lutheran Witness* 37 (10 December 1918): 393; *Delmont (S.D.) Record*, reprinted in *ibid.*, p. 392; Manley, “Language, Loyalty and Liberty,” p. 7; Clifford L. Nelson, *German-American Political Behavior in Nebraska and Wisconsin, 1916–1920*, University of Nebraska—Lincoln Publication no. 217 (Lincoln, 1972), p. 31.

27. *Sioux Falls Argus Leader*, 9 May 1918; *Hooper (Nebr.) Sentinel*, 18 July 1918; Lyle W. Dorsett, “The Ordeal of Colorado’s Germans during World War I,” *Colorado Magazine* 51 (Fall 1974): 287; *Wichita Eagle*, 6 September 1918.

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29. *Report of the Attorney General of Nebraska, 1918*, pp. 220–21.

30. *Compilation of War Laws of the Various States and Insular Possessions* (Washington, D.C.: Government Printing Office 1919), p. 47.

31. *South Dakota Session Laws, 1918*, chs. 41, 42, pp. 47–48.

32. *Senate and House Journals, Special Session, 1918*, pp. 38, 91, 180.

33. *Laws and Resolutions Passed by the [Nebraska] Legislature at the 36th (Extraordinary) Session, 1918*, ch. 9, pp. 50–51; unidentified newspaper clipping, Werkmeister Scrapbook, Nebraska State Historical Society.

34. Gustavus Ohlinger, *The German Conspiracy in American Education* (New York: Doran, 1919); Edwards, “Legal Status of Foreign Languages,” p. 272.

35. Moore, “Conflict Concerning the German Language,” p. 91.

36. *Kansas Session Laws, 1919*, ch. 257, p. 352; *Oklahoma Session Laws, 1919*, ch. 141, p. 201; *South Dakota Session Laws, 1919*, ch. 168; *Colorado Session Laws, 1919*, ch. 179, p. 599; *New Mexico Session Laws, 1919*, ch. 146, p. 300.

37. Unidentified newspaper clipping, Werkmeister Scrapbook, Nebraska State Historical Society.

38. *Lutheran Witness* 38 (4 February 1919): 35; Edwards, "Legal Status of Foreign Languages," p. 274; *Senate Journal* (37th session) 1919: p. 1046; *House Journal* (37th session) 1919: pp. 1007–8; unidentified newspaper clipping, Werkmeister Scrapbook, Nebraska State Historical Society.

39. *Omaha World Herald*, 25 February 1919, quoted in Rodgers, "Foreign Language Issue," p. 13.

40. William H. Werkmeister, "Der Kampf um den Deutschunterricht in den öffentlichen Schulen Nebraskas," manuscript, Werkmeister Collection, Nebraska State Historical Society; Arthur Mullen, *Western Democrat* (New York: Wilfred Funk, 1940), pp. 208, 212.

41. *Nebraska Session Laws, 1919*, ch. 249, p. 1019.

42. Werkmeister, "Der Kampf um den Deutschunterricht;" Mullen, *Western Democrat*, p. 215.

43. *Nebraska District of Evangelical Lutheran Synod v. McKelvie, Reports of Cases in the Nebraska Supreme Court* 104 (1919): 93.

44. Beck, *Lutheran Elementary Schools*, p. 331.

45. Edwards, "Legal Status of Foreign Languages," p. 272; *Nebraska Session Laws, 1921*, ch. 21, pp. 244–45; Beck, *Lutheran Elementary Schools*, p. 332; Werkmeister, "Der Kampf um den Deutschunterricht;" Mullen, *Western Democrat*, p. 219.

46. Mullen, *Western Democrat*, p. 219.

47. *State of Nebraska v. Robert T. Meyer*, Transcript of Testimony, District Court, Hamilton County, Nebraska, copy in the possession of the author. In his testimony Parpart incorrectly identified the Bible story as "Joseph's Ladder."

48. *Ibid.*

49. *Meyer v. Nebraska, Reports of Cases in the Nebraska Supreme Court* 107 (1922): 657.

50. Beck, *Lutheran Elementary schools*, p. 333.

51. Mullen, *Western Democrat*, pp. 220–26. Some account of Mullen's thinking is summarized in Thomas Hanley, "A Western Democrat's Quarrel with the Language Laws," *Nebraska History* 50 (Summer 1969): 151–71.

52. *Meyer v. Nebraska, U.S. Supreme Court Reports* 262 (1923): 390.

53. The *Society of Sisters* case is conveniently introduced in Lloyd P. Jorgenson, "The Oregon School of Law of 1922: Passage and Sequel," *Catholic Historical Review* 54 (October 1968): 455–66.