Winter 1990

New Jersey Catholic Records Newsletter, Vol. 9, No.1-2

New Jersey Catholic Historical Commission

NEW JERSEY Catholic Historical RECORDS COMMISSION SETON HALL UNIVERSITY

New Jersey Catholic Records Newsletter

VOLUME IX NOS. 1 and 2 WINTER/SPRING 1990

Religious freedom and reform school: a hard-fought fight

"During the last few days," wrote Bishop Michael Corrigan in his journal, "we have had a great deal of trouble about charter for Catholic Protectory. Several stormy debates in the Legislature, and sharp newspaper articles. Our bill asking charter and per capita appropriation altered and emasculated in the Legislature by our friends on both sides. Finally, the whole measure was defeated."

This brief entry by the second bishop of Newark recorded the loss of a lengthy battle in an even longer campaign to secure religious freedom and religious services for Catholics committed to state institutions in New Jersey.

Whatever arguments historians and jurists may engage in about the religious convictions of the Founding Fathers or their intent in framing the First Amendment to the federal constitution, there is no doubt that during the 19th century a vast number of Americans took it for granted, and loudly proclaimed, that the United States was a Protestant country. Not unnaturally, their elected representatives often—perhaps usually—shared this sentiment.

As the first substantial organized group of non-Protestants to flood the country, Catholics repeatedly ran into problems in trying to exercise their religious freedom within a political and social framework sufficiently non-denominational to be acceptable to most Protestants, but too Protestant to be acceptable to Catholics. The recurring incidents and debates about public schools provide one example of the difficulty. Another was provided in New Jersey by the question of supplying religious instruction and religious services to individuals in state institutions, most particularly the State Reform School at Jamesburg.

This facility was established in 1865 and began operating in 1867. By 1875, 200

Michael Augustine Corrigan as a young priest.

boys between the ages of 8 and 16, many of them Catholics, were committed there. The school sought to provide moral, intellectual and vocational instruction to the inmates. The moral instruction was in the hands of the Superintendent, a Protestant minister who conducted religious worship and religious instruction which all the boys were obliged to attend. Corrigan noted in his journal that at "stated times they [all the boys] are marched in procession to the Presbyterian church in Jamesburg."

When the Reform School opened, no Catholic parish existed in Jamesburg and the nearest Catholic priest, Father Frederick Kivilitz of Freehold, tried to provide instruction and religious services to the Catholic inmates. When he was rebuffed by the superintendent, the Catholic Union stepped in on behalf of all Catholics and petitioned the board of trustees to provide access for Father Kivilitz. The Catholic Union was a lay organization established in several dioceses in the 1870s for the purpose of defending Catholic interests. In the diocese of Newark, which then embraced the entire state of New Jersey, it took particular interest in helping the poor, especially children, in improving Catholic education, in circulating Catholic literature and, at least partly because of Corrigan's concern, in providing for the spiritual welfare of Catholics in public institutions. When the trustees of the Reform School also refused access for a Catholic priest, the Catholic Union appealed to the State Board of Control, consisting of the governor, chief justice and chancellor. This body, too, refused to change the regulations.

Letters of appeal having failed, the Catholic Union turned to the State Legislature and in February 1874 Assemblyman Alexander McDonnell introduced a measure which allowed the free practice of their faith by boys of every denomination, and forbade any child to be compelled to attend religious services of a faith not his own. Arguments that

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the Reform School practice violated the provisions of the state constitution, which specifically stated that no one could be compelled to attend a place of worship contrary to his faith and judgment, carried no weight, and McDonnell's measure was easily defeated in March 1874.

The Catholics of New Jersey had long been aware of the problem in the State Reform School and had since at least the late 1860s been considering the establishment of a comparable institution under their own control to care for and educate the Catholics who might otherwise be committed to a state institution. Already in 1873, the Sisters of the Good Shepherd had accepted Corrigan's invitation to open a home for girls in the diocese, and that project would mature with the opening of the Convent of the Good Shepherd on High Street in Newark in May 1875.

The defeat of McDonnell's bill spurred renewed efforts to provide a similar facility for boys. As early as 1869, a meeting of the clergy of the diocese had supported the establishment of such a facility, but numerous problems had slowed development. Now a flurry of activity occurred. Bishop Corrigan conferred with several people, particularly John McAnerney, president of the Hudson County Catholic Union, and after several sites had been rejected, obtained a location in Denville in August 1874. This Morris County site consisted of 211 acres and, Corrigan noted in his journal, was "well provided with barns, etc. There is a fine brick Mansion on the place, with 16 rooms, and a new frame building, two stories high. Site very healthy. It is three quarters of a mile from Railway Station. Price, $30,000."

With a facility in hand, if not yet paid for, Corrigan and his advisers turned to the task of supporting the institution and of insuring that Catholic children be sent there instead of to the state reform school. In October 1874 he visited the New York Catholic Protectory and conferred with its founders and superintendent. He was particularly interested in obtaining in New Jersey support similar to what New York State provided for its Protectory .

Corrigan early in his episcopal career.

When the Legislature convened in 1875, Assemblyman Patrick Boyle of Essex County introduced a bill to incorporate the New Jersey Catholic Protectory. It allowed the institution to receive any child under 18 committed by his parents or a judge, and to receive $125 per year per child, provided this did not exceed 75 percent of the cost of maintaining a child in a state institution. Although these provisions paralleled those already in effect in New York, opposition was soon roused, particularly by Assemblyman William H. Kirk of Essex. The Trenton *Daily State Gazette* revealed its attitude in the comment that the "genius of our liberal institutions banishes the superstitions of ignorance and the children become Americans and Protestants at the same time." Despite vigorous opposition in the Assembly and in the press, the measure passed the lower house, 36-20.

In the Senate, Boyle's bill faced even stiffer opposition. Referred to committee, it first seemed unlikely that it would emerge at all. Then the committee removed the provision for public support of children who would otherwise be public charges, and, late in March 1875 John McAnerney wrote to Corrigan that before the measure was returned to the Senate the provision for commitment by a judge would also be removed. He commented more cheerfully in the same letter that a "religious liberty" bill recently introduced would probably be passed as a kind of compensation for the evisceration of the Protectory bill.

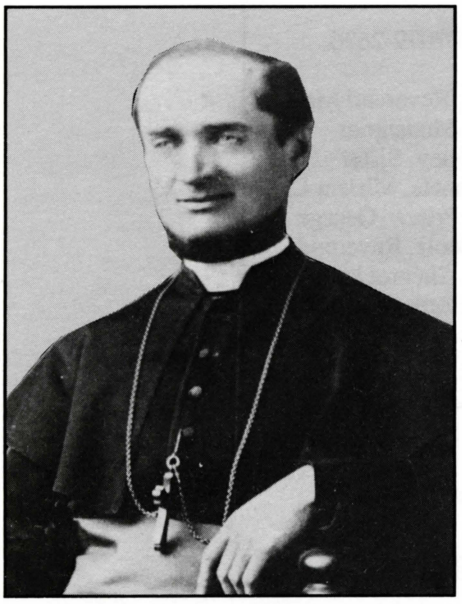
The new measure had been introduced by Senator (later Governor) Leon Abbett of Hudson County and required that recognized clergymen be admitted to state institutions to give spiritual advice and conduct services for their congregants, required administrators of state institutions to supply facilities for such services, and forbade the imposition of religious services on anyone not of the given faith. While Abbett's bill might seem merely to confirm the religious liberty guarantees of the federal and state constitutions, Senator John Taylor of Essex County found that these only applied to good citizens, and that "prisoners have forfeited many of their rights by a course of crime," including, presumably, their right to religious choice.

On April 7, 1875, McAnerney wrote Corrigan that a telegram from Abbett informed him that both bills had been killed in the Senate, the emasculated Protectory measure by a vote of 8 to 12, and Abbett's religious liberty bill by 5 to 15. "It is too bad," he added, "chiefly because it makes one think so meanly of his intelligent (?) Protestant fellow-citizens." He found some consolation, however, in the thought that the Senate had been forced to vote on the measures and had not been able to bury them.

Bishop Corrigan seems to have found little consolation in that thought. He pursued the establishment of the Catholic Protectory without state aid or approbation, and on May 1, 1875 sent a circular letter to all parishes describing both the recently acquired Denville site and the Convent of the Good Shepherd in Newark, into which the Sisters were about to move. He also required that a special collection be taken up in the diocese annually for the support of the two institutions, until they could become self-supporting.

The Protectory opened in October 1875 and within a year had 64 boys under the guidance of the Brothers of the Poor of St. Francis. Over the years the number of boys increased, but financial difficulties continually harassed the administration. In 1880, matters were greatly eased by the establishment of the Sacred Heart Union, which had great success in raising money, and began to set the Protectory

on a sound footing. But the goal of being self-sufficient remained practically impossible in the then relatively remote area of Denville. Easy facilities for training, sale of materials made and job placement were simply not available there. In March 1883, the third Bishop of Newark, Winand Wigger, wrote a letter advising the clergy that he had recently bought property along the Passaic River in Arlington, New Jersey and proposed to move the Protectory there. The Franciscan Brothers had withdrawn in 1881 and were succeeded by the Sisters of Charity, but Wigger proposed now to place a diocesan priest, Reverend James J. Curran, in charge. To him also the bishop entrusted the Sacred Heart Union, which remained the main support of the Protectory, although the job training, which nearness to Newark opened up, did bring some income to the institution and it remained a prominent feature of diocesan services, even after it was renamed "New Jersey's Boystown."



Most Reverend Winand M. Wigger, third Bishop of Newark.

As to Catholics in the State Reform School at Jamesburg, continued pressure and the growing significance of Catholics as voting citizens began to change the situation. In 1880, Corrigan appointed the Reverend Joseph Ruesing as first pastor of the newly-established parish of St. James the Less in Jamesburg and that same year Father Ruesing began to provide services at the reform school. So the earlier efforts of the Catholic Union eventually bore fruit.

Erratum

The caption under Archbishop Gerety's photograph on the first page of the Autumn, 1989 issue (Volume VIII, No. 3) erroneously lists the date as 1966. It should read 1974.

Meet the Commission

Sister Thomas Mary Salerno, S.C.

Sister Thomas Mary Salerno, S.C., was born in Newark, New Jersey and began her schooling in the Catholic grade and high schools of that city. Subsequently she obtained her baccalaureate degree at the College of St. Elizabeth, Convent, New Jersey and her master's degree from The Catholic University, Washington. She has taught in the elementary schools staffed by the Sisters of Charity and, from 1959 to 1969, taught Latin, History and English at the high school level. For 10 years thereafter she was the director of guidance at Mother Seton Regional High School in Clark, New Jersey.

In 1979 Sister Thomas Mary became associated with the chancery offices of the Archdiocese of Newark, serving first as an administrative associate in the Secretariat for Personnel in Ministry and, from 1982 to 1986, as director of that office. In this capacity she supervised the activities of those offices of the Archdiocese which looked to pastoral care, such as Campus Ministry , Ministry to People on the Move, Priest Personnel and others. Since 1986, Sister Thomas Mary has been chancellor of the Archdiocese, with responsibility for the archives and official records of the archdiocese, for coordinating pastoral care in hospitals, and for supervising the Office of Research and Planning, the Office of Delegate for Religious, and the Chancery Office staff. Sister Thomas Mary has served the Commission in several capacities, among them chairwoman of the committee to celebrate Archbishop Gerety's appointment as chairman of the Commission.

Published by the New Jersey Catholic Historical Records Commission, Seton Hall University, South Orange, New Jersey 07079-2696.

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South Orange, New Jersey 07079-2696