

**THE SUNDAY REST BILL AND THE BATTLE TO KEEP THE CIVIL SABBATH**

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## I. INTRODUCTION

“With the Sabbath our Christianity and our country stand or fall. A republic cannot endure without morality, nor morality without religion, nor religion without the Sabbath, nor the Sabbath without law.”<sup>1</sup> Stated by prominent Christian lobbyist Wilbur Crafts in 1891, the above quote reflects the opinion of most American Christians of the late nineteenth century on the topic of Sabbath legislation.<sup>2</sup> During that century, most states had some form of Sabbath legislation—that is, legislation to ensure the observance of the Christian Sabbath on Sunday.<sup>3</sup> However, after the Civil War, many of those states did not enforce such legislation, at least not strictly, due to two factors: (1) interference by the national government and (2) willful ignorance of state officials.<sup>4</sup> The national government interfered mainly by requiring the operation of post offices on Sunday and by failing to regulate the operation of railroads on Sunday.<sup>5</sup> Even without such interference, many state officials turned a blind eye to the operation of commerce on Sunday, finding the need or desire for commerce to be stronger than that for observance of the religious day.<sup>6</sup>

This shift to non-enforcement resulted in a great battle to keep what had been termed the “Civil Sabbath”—preservation of Sunday as a day of rest for civil, rather than religious, purposes.<sup>7</sup> The battle was fought not only by Christian lobbyists, but also by “workingmen”—those who performed manual labor, usually in factories—who had become frustrated with their long hours and low wages.<sup>8</sup> Although the Christian

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<sup>1</sup> Wilbur F. Crafts, *The Manifold Worth of the Sabbath*, 8 OUR DAY 43 (Boston, 8th ed.), July 1891, at 23.

<sup>2</sup> See GAINES M. FOSTER, MORAL RECONSTRUCTION: CHRISTIAN LOBBYISTS AND THE FEDERAL LEGISLATION OF MORALITY, 1865–1920, at 93–96 (2002).

<sup>3</sup> Am. Sabbath Tract Soc’y, *Present Sunday Laws of the States and Territories of the United States*, 5 OUTLOOK & SABBATH Q. 321, 332–42 (Alfred Centre, N. Y. 1887) (on file with the Library of Congress).

<sup>4</sup> *Sunday Rest Bill: Hearing on S. 2983 Before the S. Comm. on Educ. & Labor*, 50th Cong. 19 (Dec. 13, 1888) [hereinafter Dec. 13, 1888 *Hearing*]; *Petitions Praying for the Passage of Legislation Prohibiting the Running of Mail Trains, Inter-state Trains, and the Drilling of United States Troops on Sunday, and Other Violations of the Sabbath: Hearing Before the S. Comm. on Educ. & Labor*, 50th Cong. 13 (Apr. 6, 1888) [hereinafter Apr. 6, 1888 *Hearing*]; FOSTER, *supra* note 2, at 94.

<sup>5</sup> See Apr. 6, 1888 *Hearing*, *supra* note 4, at 7–13.

<sup>6</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 19; see also FOSTER, *supra* note 2, at 134.

<sup>7</sup> FOSTER, *supra* note 2, at 95.

<sup>8</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 18 (petitioners from labor organizations totaling 900,000).

lobbyists and workingmen had vastly different purposes in the fight to keep the Civil Sabbath, they joined forces in an attempt to overcome their opponents.<sup>9</sup> Different religious groups and freethinkers (secularists) strongly opposed the efforts of Christian lobbyists, while industrial owners and managers strongly opposed the efforts of workingmen.<sup>10</sup>

The Sunday Rest Bill, like most legislation, was the product of its cultural influences. In the late 1880s, the interests of Christian lobbyists and workingmen converged to create it.<sup>11</sup> Introduced on December 13, 1888, by Senator Henry W. Blair, the bill banned almost all Sunday work, games, and amusements in the United States territories and the District of Columbia.<sup>12</sup> Among the states, the bill banned all interstate commerce, the operation of the postal system, and military parades and drills on Sunday.<sup>13</sup> Although the bill's stated purpose was civil in nature—mainly to provide a day of rest to laborers—it endured sharp criticism for its failure to separate church and state.<sup>14</sup> Ultimately, the interests of different religious groups, freethinkers, and industrial owners converged to defeat it.<sup>15</sup>

Part II of this Article discusses the historical background of the Sunday Rest Bill, explaining in more detail the influences that created it. Part III describes the Sunday Rest Bill at length, including the arguments for and against the passage of the bill. Part IV examines the bill's ultimate failure, as well as its later effects on similar legislation, and suggests the most likely reasons for both.

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<sup>9</sup> *See id.* at 18–22.

<sup>10</sup> *Id.* at 56–59, 75–77; LABOR AND CAPITAL IN THE GILDED AGE: TESTIMONY TAKEN BY THE SENATE COMMITTEE UPON THE RELATIONS BETWEEN LABOR AND CAPITAL, 1883, 130–35 (John A. Garraty, ed., 1968).

<sup>11</sup> Apr. 6, 1888 *Hearing*, *supra* note 4, at 3 (“Requirements of religion and requirements of civil law sometimes coincide.”).

<sup>12</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 1.

<sup>13</sup> *Id.* at 1–2.

<sup>14</sup> L.K. Washburn, *Protestant Menace to our Government*, INGERSOLL SECULAR SOC'Y, Jan. 27, 1889.

<sup>15</sup> 50 CONG. REC. S20,2640 (daily ed. Mar. 2, 1889) (discharging the Sunday Rest Bill from committee); *see* FOSTER, *supra* note 2, at 134 (proposing that the Sunday Rest Bill likely failed because of the objections of different religious groups and others to the assertion of religious authority by the government).

## II. SETTING THE SCENE: THE SUNDAY REST BILL'S HISTORICAL BACKGROUND

The Sunday Rest Bill was the centerpiece of the late-nineteenth-century battle to keep the Civil Sabbath. The bill would not have been created, promoted, or debated, however, if it had not been for the convergence of several nineteenth-century issues and the people who cared about them. Prominent among those issues were the advancement by Christian lobbyists of moral legislation and the struggle by workingmen for workers' rights, such as labor union representation.<sup>16</sup> Senator Henry W. Blair was chiefly concerned with both issues and ultimately, introduced the Sunday Rest Bill.<sup>17</sup> This Part discusses how Christian lobbyists, workingmen, and Senator Blair participated in the creation of the Sunday Rest Bill.

### A. Christian Lobbyists

Believing that America was founded by (mostly) Christian men and on Christian principles, Christians of the late nineteenth and early twentieth centuries felt the national government ought to reflect "Christian character."<sup>18</sup> They believed that the nation could not survive without a strong adherence to morality.<sup>19</sup>

Although Christian lobbyists had been advocating for Sabbath legislation since the early 1800s—mostly in the form of regulating the postal service—it was not until after the Civil War that the movement gained strength and influence.<sup>20</sup> In previous attempts, the national government had rejected Sabbath legislation on the ground that it did not have the power to legislate morality.<sup>21</sup> However, after the Civil War, the national government's power expanded.<sup>22</sup> Christian lobbyists revamped their efforts in hope that the government would be more willing to use its

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<sup>16</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 3–18.

<sup>17</sup> See GORDON B. MCKINNEY, HENRY W. BLAIR'S CAMPAIGN TO REFORM AMERICA: FROM THE CIVIL WAR TO THE U.S. SENATE 134–39, 141–42 (2013).

<sup>18</sup> Henry W. Blair, *The Future of the Temperance Reform*, in INTOXICATING DRINKS & DRUGS IN ALL LANDS AND TIMES: A TWENTIETH CENTURY SURVEY OF TEMPERANCE, BASED ON A SYMPOSIUM OF TESTIMONY FROM ONE HUNDRED MISSIONARIES AND TRAVELERS 197, 199 (Wilbur Fisk Crafts ed., Int'l Reform Bureau 1911); Nat'l Reform Ass'n, 15 CHRISTIAN STATESMAN 3, 11 (1881) (on file with the Library of Congress).

<sup>19</sup> FOSTER, *supra* note 2, at 93.

<sup>20</sup> See *id.* at 93–96.

<sup>21</sup> *Id.* at 11.

<sup>22</sup> *Id.* at 27.

power for moral legislation.<sup>23</sup> The drastic decrease since the Civil War in observance of the Sabbath and enforcement of state Sabbath laws motivated lobbyists.<sup>24</sup>

In the early 1880s, two major Christian lobbies—the Women’s Christian Temperance Union (“WCTU”) and the National Reform Association (“NRA”)—began to petition the government for a national Sunday law.<sup>25</sup> Lobbyists believed that a national law would prevent many Sunday “disturbances,” such as trains and mail operations, as well as encourage the enforcement of state laws.<sup>26</sup> They justified such a law under the theory of the “Civil Sabbath”—that the nation needed this law for the civil purposes of preserving the right of religious persons to rest and worship, preventing unrest between the rich and the poor by bonding them in a shared culture, and recognizing the rights of American workers.<sup>27</sup> Although the WCTU, NRA, and other Christian lobbies also believed that a national law would establish God’s authority through the government, they chose not to emphasize that reason for the law because they believed their opponents could easily attack it as a violation of the principle of separation of church and state.<sup>28</sup>

Instead, the lobbies focused on their strong civil arguments, advancing them through sermons, articles, public meetings, prayer meetings, and petitions.<sup>29</sup> By 1888, nearly forty-one states with WCTU chapters had established superintendents for “Sunday work,” and the NRA made the national Sunday law a central part of its campaign.<sup>30</sup> Because both organizations were involved with the Temperance Movement, they had a strong national presence and therefore, did not have much trouble obtaining signatures for petitions.<sup>31</sup> Additionally, Wilbur F. Crafts—a prominent traveling lobbyist—convinced the major

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 94.

<sup>25</sup> FOSTER, *supra* note 2, at 93.

<sup>26</sup> *Id.* at 94.

<sup>27</sup> *Id.* at 95, 97.

<sup>28</sup> See B.W. Williams, *The Observance of the Sabbath*, UNION SIGNAL 14, July 12, 1888, at 2 (on file with the Library of Congress).

<sup>29</sup> Nat’l Reform Ass’n, 25 CHRISTIAN STATESMAN 1, 9 (1891) (on file with the Library of Congress).

<sup>30</sup> FOSTER, *supra* note 2, at 96; Kate L. Shaw, *Work of the WCTU for Sabbath Reform*, 23 CHRISTIAN STATESMAN 4, (Oct. 10, 1889) (on file with the Library of Congress).

<sup>31</sup> See FOSTER, *supra* note 2, at 197; see also Nat’l Reform Ass’n, 15 CHRISTIAN STATESMAN 4, 6–7 (1881) (on file with the Library of Congress).

churches across the country to form a committee on Sabbath reform, officially organized as the American Sabbath Union in 1888.<sup>32</sup> Many of those churches signed the lobbyists' petitions on behalf of all of their members.<sup>33</sup> Before the Sunday Rest Bill was officially introduced in the Senate, the Christian lobbies sent to Congress 21,000 petitions, containing over 14 million signatures—roughly 25% of the American population.<sup>34</sup>

*B. The Effects of the Industrial Revolution*

While the Christian lobbies worked zealously to gather petition signatures for the national Sunday law, workingmen across the country began to grow weary of their jobs and agitated by their employers.<sup>35</sup> Although the United States' transition from an agricultural nation to an industrial one between 1850 and 1900 brought much wealth and other benefits for capitalists and manufacturers, it also created difficulties for workers in industrial complexes to be able "to bargain on an equal basis with their employers over wages and working conditions."<sup>36</sup>

When the Senate Committee on Education and Labor investigated the growing labor unrest in the nation in 1882, its representatives, including Henry Blair, found that many industrial laborers worked fourteen to eighteen hour days with very little pay.<sup>37</sup> The salaries men earned from these fourteen to eighteen hour days were not enough to support their families, and thus, wives and children were forced into such labor as well.<sup>38</sup> Further, most laborers were forced to work every day of the week, including Sunday.<sup>39</sup> In the early 1880s, one group of 450 locomotive engineers petitioned the New York Central Railway specifically for the "cessation of Sunday labor."<sup>40</sup> The engineers stated in the petition that Sunday labor "ruined [their] health and prematurely [made them] feel worn out like old men."<sup>41</sup> These engineers were also

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<sup>32</sup> FOSTER, *supra* note 2, at 98 ("Methodist Episcopal Church . . . Presbyterian Churches, the American Baptist Home Mission Society, Congregationalists, and other denominations").

<sup>33</sup> E. J. Waggoner, *The Blair Sunday Rest Bill*, SENTINEL LIBR., Feb. 15, 1889, at 40–41.

<sup>34</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 22; Apr. 6, 1888 *Hearing*, *supra* note 4, at 26.

<sup>35</sup> See generally LABOR AND CAPITAL IN THE GILDED AGE, *supra* note 10, at 21.

<sup>36</sup> *Id.* at 130–35.

<sup>37</sup> *Id.* at 14–15 (testimony of Samuel Gompers providing the example of car drivers).

<sup>38</sup> *Id.* at 14.

<sup>39</sup> *Id.*

<sup>40</sup> Apr. 6, 1888 *Hearing*, *supra* note 4, at 22.

<sup>41</sup> *Id.*

concerned about setting a bad precedent for their children in not honoring the Sabbath.<sup>42</sup>

Similarly, many workers organized strikes to demand union representation.<sup>43</sup> Soon, two large unions formed – the Knights of Labor and the Brotherhood of Locomotive Engineers.<sup>44</sup> These unions focused on problems arising from wages and working conditions, but often proved too weak to ignite any effective change.<sup>45</sup> In 1883, Senators Henry Blair and Samuel Gompers attempted to introduce union causes before the Senate, including proposals for an eight-hour workday law, weekly payment of wages, national charters for labor unions, and a national bureau of labor statistics.<sup>46</sup> Unfortunately, Congress only passed legislation for the national bureau of labor statistics the following year.<sup>47</sup>

In 1888, Wilbur Crafts traveled to different labor meetings to gain support for the national Sunday law.<sup>48</sup> Although Crafts would later argue that labor unions were already supportive of the law, it was largely due to his influence that they became a large part of the effort to pass the Sunday Rest Bill.<sup>49</sup> Before the bill was officially introduced in the Senate, labor unions sent to Congress several petitions consisting of over 900,000 signatures from workingmen.<sup>50</sup>

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<sup>42</sup> *Id.* at 22–23.

<sup>43</sup> *See* LABOR AND CAPITAL IN THE GILDED AGE, *supra* note 10, at 107–28; *see also* MCKINNEY, *supra* note 17, at 132, 140.

<sup>44</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 18.

<sup>45</sup> *See* U.S. CONGRESS, SENATE COMM. ON EDUC. & LABOR, REPORT OF THE COMMITTEE OF THE SENATE UPON THE RELATIONS BETWEEN LABOR AND CAPITAL AND TESTIMONY TAKEN BY THE COMMITTEE, 93–525 (vol. 1 1885).

<sup>46</sup> *Id.* at 93–301, 361–86.

<sup>47</sup> 48 CONG. REC. 15,4427 (daily ed. May 23, 1884) (speech in support of the bill); 48 CONG. REC. S15,4285–86 (daily ed. May 19, 1884) (speech in support of the bill); 48 CONG. REC. S15,1746–50 (daily ed. Mar. 10, 1884) (speech in support of the bill); 48 CONG. REC. S15,16 (daily ed. Dec. 4, 1883) (speech in support of the bill); MCKINNEY, *supra* note 17, at 139.

<sup>48</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 22.

<sup>49</sup> *Id.* at 18–19, 22.

<sup>50</sup> *Id.* at 17.

*C. Early Life and Career of Senator Henry W. Blair*

Senator Henry W. Blair, author and advocate of the Sunday Rest Bill, “came to symbolize the moral reformer in politics in the late 1880s.”<sup>51</sup> As a Congressman and as a Senator, Blair viewed all legislation through the lens of moral reform, particularly in regard to labor and education legislation.<sup>52</sup> At least one biographer suggests it was Blair’s upbringing in the Christian reform culture of New England that influenced his outlook.<sup>53</sup> He was raised during the Second Great Awakening – a religious revival that produced new religious practices, including greater involvement in politics.<sup>54</sup> Blair was influenced by the idea that “American society could be greatly reformed or even perfected” through religious involvement in politics.<sup>55</sup>

Similarly, Blair’s early life experiences influenced his later advocacy for labor and education reforms.<sup>56</sup> His early letters describe his mother’s and his extensive labor efforts to pull themselves out of poverty.<sup>57</sup> When Blair’s father died suddenly in a construction accident, his mother was forced to work continuously.<sup>58</sup> Even with her efforts, she could not afford to keep her children, so she had to place most of them, including Blair, in foster homes.<sup>59</sup> Although Blair’s mother died from scarlet fever seven years later, he stated that she died from “overwork,

<sup>51</sup> MCKINNEY, *supra* note 17, at 2.

<sup>52</sup> *See id.* at 2–3.

<sup>53</sup> *Id.* at 4.

<sup>54</sup> *Id.* at 8.

<sup>55</sup> *Id.* at 9.

<sup>56</sup> *See* Dec. 13, 1888 *Hearing*, *supra* note 4, at 95 (“I have been through all this that the working people go through. I have been hungry when a boy . . . I have tugged along through the week and been tired out Saturday night, and I have been where I would have been compelled to work until next Monday morning if there had been no law against it. I would not have had any chance to get the twenty-four hours rest if the Sunday law had not been given to me.”); MCKINNEY, *supra* note 17, at 4–5.

<sup>57</sup> *See* Memorandum from Henry W. Blair (Apr. 15, 1914) (on file with the Library of Congress under the Blair Papers); Letter from Henry W. Blair to Blanche L. Baker (Apr. 6, 1911) (on file with the Library of Congress under the Blair Papers); Letter from Henry W. Blair to McGregor (June 19, 1899) (in CHARLES MCGREGOR, HISTORY OF THE FIFTEENTH REGIMENT NEW HAMPSHIRE VOLUNTEERS 1862–1863, 124 (1899)); Letter from Henry W. Blair to Charles Marseilles (Apr. 28, 1878) (on file with the N. H. Historical Soc’y under the Charles Marseilles Papers).

<sup>58</sup> MCKINNEY, *supra* note 17, at 10; Letter from Henry W. Blair to Blanche L. Baker (Apr. 6, 1911) (on file with the Library of Congress under the Blair Papers).

<sup>59</sup> Letter from Henry W. Blair to Blanche L. Baker (Apr. 6, 1911).



grief, and poverty.”<sup>60</sup> Because Blair lived with a “sense of orphanage and desolation,” he worked very hard for economic security, taking on the dual role of a teacher and a farmer to pay for his education.<sup>61</sup> When Blair, as a Senator, learned of the educational difficulties and poor working conditions in the South, reforming those issues became his top priority.<sup>62</sup> He strongly advocated for recognition of American workers’ rights through the introduction of numerous pieces of legislation, including the bill that established the National Bureau of Labor Statistics.<sup>63</sup>

As a Senator, Blair developed relationships with leaders of labor unions who regarded him as a “special friend.”<sup>64</sup> He also had relationships with the “temperance Republicans” and other Christian lobbyists who often supported his campaigns by encouraging votes for him.<sup>65</sup> Therefore, when his friends from the Christian lobbies and labor unions approached Blair to author the Sunday Rest Bill, he willingly accepted.<sup>66</sup> Not only did Blair want to reciprocate support, he also strongly believed that the bill could bring about both moral reform and labor reform—protecting both the Sabbath Day and the rights of the workingmen.<sup>67</sup>

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<sup>60</sup> MCKINNEY, *supra* note 17, at 11–12; Letter from Henry W. Blair to McGregor (June 19, 1899).

<sup>61</sup> Letter from Henry W. Blair to Charles Marseilles (Apr. 28, 1878); *see* MCKINNEY, *supra* note 17, at 13; Letter from Henry W. Blair to McGregor (June 19, 1899).

<sup>62</sup> *See* MCKINNEY, *supra* note 17, at 106–113.

<sup>63</sup> 48 CONG. REC. 15,4427 (daily ed. May 23, 1884) (speech in support of Bureau of Labor Statistics); 48 CONG. REC. S15,4285–86 (daily ed. May 19, 1884) (speech in support of Bureau of Labor Statistics); 48 CONG. REC. S15,1746–50 (daily ed. Mar. 10, 1884) (speech in support of Bureau of Labor Statistics); 48 CONG. REC. S15,16 (daily ed. Dec. 4, 1883) (speech in support of Bureau of Labor Statistics); MCKINNEY, *supra* note 17, at 139.

<sup>64</sup> MCKINNEY, *supra* note 17, at 131.

<sup>65</sup> *See id.* at 74.

<sup>66</sup> Waggoner, *supra* note 33, at 14–15. *See generally* Apr. 6, 1888 *Hearing*, *supra* note 4; Dec. 13, 1888 *Hearing*, *supra* note 4.

<sup>67</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 64, 95, 101.

### III. THE SUNDAY REST BILL IN THE SENATE

Once the forces behind the Civil Sabbath movement converged, it was not long before petitions flooded Congress and Blair introduced the Sunday Rest Bill. This Part discusses the timeline of the introduction of the bill as well as the ensuing debate.

#### A. *Introduction of the Sunday Rest Bill*

After Congress received 21,000 petitions representing fourteen million signatures from Christian lobby and labor union groups advocating for a national Sunday law, Senator Blair raised the issue before the Senate committee he chaired—the Committee on Education and Labor—on April 6, 1888.<sup>68</sup> At the hearing, the WCTU asked for three specific pieces of legislation: (1) the abolition of Sunday mail operations by the United States Postal Service, (2) the abolition of Sunday interstate commerce, and (3) the abolition of Sunday parades – military or otherwise.<sup>69</sup> Wilbur Crafts asked for complete abolition of all Sunday government work and all Sunday interstate commerce for the benefit of American workers and the preservation of the American tradition.<sup>70</sup>

Crafts stated that the Christian lobbies were petitioning “[o]n behalf of a million and a quarter of our fellow countrymen who are held in the Egyptian bondage of sabbathless toil, chiefly through the influence of the Government.”<sup>71</sup> Crafts believed his requests were supported by labor reformers as the best means for improved working conditions, stating, “a man can get more rest by having one whole day in every week to be with his family than by an equal reduction of labor scattered through the seven-day round of toil.”<sup>72</sup> Although the lobbyists were adamant about the necessity of the reforms they requested, they admitted that they were willing to accept smaller reforms, such as limited post office hours on Sunday.<sup>73</sup>

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<sup>68</sup> See generally Apr. 6, 1888 *Hearing*, *supra* note 4.

<sup>69</sup> *Id.* at 2.

<sup>70</sup> *Id.* at 4.

<sup>71</sup> *Id.* at 3.

<sup>72</sup> *Id.* at 4.

<sup>73</sup> *Id.* at 8 (“We will take a quarter of a loaf, half a loaf, or a whole loaf.”).

On May 21, 1888, Senator Blair officially introduced the Sunday Rest Bill (Senate Bill 2983) to the Senate, stating that he “endeavored to draw one which [would] facilitate [the] purposes” of the petitioners.<sup>74</sup> On December 13, 1888, Blair brought the Sunday Rest Bill to discussion in a hearing before the Committee on Education and Labor.<sup>75</sup> The bill banned all Sunday work or labor “to the disturbance of others,” save that of “necessity, and mercy and humanity,” and all games and amusements that might disturb others in the United States territories, the District of Columbia, and all other jurisdictions “under the exclusive jurisdiction of the United States.”<sup>76</sup> Most commentators, then and now, believed this section of the bill only applied to the United States territories and the District of Columbia.<sup>77</sup> Most states at the time, however, had similar provisions, and whether an activity was a “disturbance” to others was determined on a case-by-case basis.<sup>78</sup> Labor of “necessity, [ ] mercy[,] and humanity” was generally considered only the work of police, doctors, nurses, restaurant keepers, hotelkeepers, and clergy, but states would also make those determinations on a case-by-case basis.<sup>79</sup>

The bill also ended all collection or carrying of mail on Sunday throughout the states and territories, except in extreme circumstances.<sup>80</sup> It further prohibited all Sunday military and naval drills and parades, as well as all Sunday interstate commerce, except interstate commerce that was necessary due to unavoidable delay or emergency.<sup>81</sup> Christian lobbyists expected that those who would be unemployed on Sunday as a result of the bill would nonetheless be paid for a full week’s worth of work even though no such requirement was written into the bill.<sup>82</sup> They also expected that there would be very few unavoidable delays or emergencies that would require interstate commerce on Sunday, although such practical issues as perishable food and livestock transportation arose

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<sup>74</sup> 50 CONG. REC. S19,4452 (daily ed. May 21, 1888) (“Bills Introduced”).

<sup>75</sup> See generally Dec. 13, 1888 *Hearing*, *supra* note 4.

<sup>76</sup> *Id.* at 1.

<sup>77</sup> *Id.* at 103–05, 116; MCKINNEY, *supra* note 17, at 142; Waggoner, *supra* note 33, at 35.

<sup>78</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 19.

<sup>79</sup> *Id.* at 17; see *id.* at 18 (debates in New England over what constitutes a “work of necessity”).

<sup>80</sup> *Id.* at 1–2.

<sup>81</sup> *Id.* at 2.

<sup>82</sup> *Id.* at 21 (“On this ground the engineers would be sustained in demanding, and if necessary, compelling the railroad companies to so readjust the pay schedule that the men would be paid as much as at present.”).

during the hearing.<sup>83</sup>

*B. Arguments and Efforts to Promote the Bill*

Well represented at the Senate committee hearing, Christian lobbyists were the strongest proponents of the Sunday Rest Bill.<sup>84</sup> As mentioned, these lobbyists were largely responsible for the creation of the bill, using several methods to draw the public's attention to the need for a Civil Sabbath.<sup>85</sup> One method was distributing articles on the subject through newspapers and periodicals.<sup>86</sup> The NRA had its own periodical, *The Christian Statesman*, specifically dedicated to advancing the NRA's goals.<sup>87</sup> In the years preceding the December Senate committee hearing, *The Christian Statesman* advanced the idea that the American Sabbath was in danger of being overcome by immigrant traditions of revelry and that such an event would threaten the liberty of the people because "when the working people spend their Sabbaths in revelry, they become the tools of factious designs."<sup>88</sup> Because the liberty of the people was at stake and the national government had a duty to secure liberty for all, the periodical argued that a national Sunday law would not infringe on the Tenth Amendment rights of the states.<sup>89</sup> Other Christian groups advanced similar arguments, believing morality to be so important to the nation's success that states' rights came second.<sup>90</sup>

When opponents attacked these arguments as promoting a policy that would violate the separation of church and state, Christian lobbyists changed their tune, arguing instead that a national Sunday law was necessary to protect the right of Christians to a day of rest and worship.<sup>91</sup> They claimed that government work and interstate commerce interfered with the Christian Sabbath and therefore, inhibited their religious

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<sup>83</sup> *Id.* at 2, 29–30.

<sup>84</sup> See FOSTER, *supra* note 2, at 96–98.

<sup>85</sup> See *id.* at 97–100; Nat'l Reform Ass'n, 25 CHRISTIAN STATESMAN 1, 9 (1891) (on file with the Library of Congress).

<sup>86</sup> Nat'l Reform Ass'n, 25 CHRISTIAN STATESMAN 1, 9 (1891) (on file with the Library of Congress).

<sup>87</sup> See generally *id.*

<sup>88</sup> Nat'l Reform Ass'n, 15 CHRISTIAN STATESMAN 3, 6 (1881) (on file with the Library of Congress).

<sup>89</sup> Nat'l Reform Ass'n, 15 CHRISTIAN STATESMAN 29, 5 (1882) (on file with the Library of Congress).

<sup>90</sup> See MCKINNEY, *supra* note 17, at 141.

<sup>91</sup> See FOSTER, *supra* note 2, at 95.

practices.<sup>92</sup> In other words, in order to protect the religious Sabbath, a Civil Sabbath was necessary.<sup>93</sup> This argument included the idea that a Civil Sabbath would bond the rich and poor as they participated in the shared culture.<sup>94</sup>

By the time the Sunday Rest Bill reached the December Senate committee hearing, the Christian lobbyist arguments had evolved even further as they mainly gave civil reasons for why the bill should pass.<sup>95</sup> Lobbyists argued that the bill presented a scenario in which religious and civil law merely coincided, rather than an attempt to establish religious law through the government.<sup>96</sup> Instead of emphasizing the need to protect the rights of Christians, they emphasized the need to protect the rights of American workingmen.<sup>97</sup> At the time of the hearing, over three million people in a workforce of approximately seventeen million worked on Sunday.<sup>98</sup> According to Wilbur Crafts' estimates, around two million of those workingmen performed "needless Sunday work," and around 600,000 of them were railroad workers and postal employees.<sup>99</sup> When referring to the concurrent labor unrest in the nation, Crafts stated, "[s]trikes would not so easily pass into riots if laborers were not so many of them demoralized by being deprived of the Sabbath's humanizing home fellowship and its culture of conscience."<sup>100</sup> Crafts compared the labor situation to slavery, stating, "[i]n a very literal sense our nation is 'laying up *wrath*' by its delay to emancipate out three millions of 'white slaves' from their Sunday slavery."<sup>101</sup> "Sunday work is unpaid toil in a deeper sense than that of the slaves of the South."<sup>102</sup> J.C. Bateham, one of the WCTU's leaders, supported these ideas, asserting that state Sabbath laws needed to be protected from the "encroachment of capital" and that the WCTU had all unprejudiced workingmen on their side.<sup>103</sup>

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<sup>92</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 22.

<sup>93</sup> *See id.*

<sup>94</sup> FOSTER, *supra* note 2, at 95.

<sup>95</sup> *See* Dec. 13, 1888 *Hearing*, *supra* note 4, at 3–24.

<sup>96</sup> Apr. 6, 1888 *Hearing*, *supra* note 4, at 3.

<sup>97</sup> *See* Dec. 13, 1888 *Hearing*, *supra* note 4, at 3–24.

<sup>98</sup> *Id.* at 16–17.

<sup>99</sup> *Id.* at 17.

<sup>100</sup> Wilbur F. Crafts, *Transcontinental Notes on Sabbath Desecration*, in 6 OUR DAY: A REC. & REV. OF CURRENT REFORM 31, 40 (Joseph Cook ed., 1890).

<sup>101</sup> Crafts, *supra* note 1, at 40.

<sup>102</sup> *Id.* at 1.

<sup>103</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 22.

Furthermore, she claimed that the only groups who opposed the Sunday Rest Bill were those who stood to make a profit from Sabbath desecration (excepting only the Seventh Day Adventists).<sup>104</sup>

Responding to arguments that the bill was a religious law disguised as a civil law, Bateham and Crafts portrayed their position as consistent with liberty, arguing that Sabbath laws were laws of national self-preservation and that anyone who threatened those laws also threatened liberty.<sup>105</sup> Sabbath laws were laws intended to prevent criminal activity, harmonize labor and capital, protect the home, and protect the nation's historic institutions.<sup>106</sup> Therefore, the real threat was not those who supported Sabbath laws, but rather those who opposed them.<sup>107</sup> Senator Blair joined in the chorus, stating that the bill was not being decided on religious grounds and could not be because of the disagreement between religious groups as to which day is the legitimate Sabbath Day.<sup>108</sup> Rather, the bill was being decided on "the ground of what is good for human beings here in this world."<sup>109</sup> Echoing the same sentiments, several other Christian lobbyists appeared at the hearing to speak to the issue, most of which had been attending the first official conference of the American Sabbath Union—an organization made up of the nation's largest churches.<sup>110</sup> The organization had formed in just weeks prior to the hearing at the encouragement of Crafts and conveniently, held its first conference in Washington, D.C. at the time of the hearing.<sup>111</sup>

Although not present at the hearing, workingmen and labor unions confirmed the lobbyists' civil arguments. As mentioned, in the early 1880s, a group of 450 locomotive engineers petitioned the New York Central Railway for the "cessation of Sunday labor."<sup>112</sup> The engineers stated in the petition that Sunday labor "ruins [their] health and prematurely makes [them] feel worn out like old men."<sup>113</sup> They believed

<sup>104</sup> *Id.* at 23–24.

<sup>105</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 125–26.

<sup>106</sup> *Id.*

<sup>107</sup> *See id.*

<sup>108</sup> *Id.* at 64.

<sup>109</sup> *Id.*

<sup>110</sup> FOSTER, *supra* note 2, at 98. *See generally* Dec. 13, 1888 *Hearing*, *supra* note 4, at 64.

<sup>111</sup> *See* MCKINNEY, *supra* note 17, at 142; *Opposed to Sunday Work*, N.Y. TIMES, Dec. 6, 1888, available at <http://query.nytimes.com/mem/archive-free/pdf?res=9901E3DB1330E633A25755C0A9649D94699FD7CF>.

<sup>112</sup> Apr. 6, 1888 *Hearing*, *supra* note 4, at 22.

<sup>113</sup> *Id.*

that working seven days was unnecessary as they could do all their work within six days if given a day to rest.<sup>114</sup> Soon many other workingmen agreed, believing that if the Sunday Rest Bill was passed, they would be able to demand the same payment because they would be able to do the same amount of work in six days.<sup>115</sup> As a result, in the immediate years preceding the introduction of the Sunday Rest Bill, labor unions such as the national Knights of Labor union traveled the country to advocate for better enforcement of state Sabbath laws.<sup>116</sup> Once the bill was introduced, the Knights of Labor and many state unions fully endorsed it.<sup>117</sup>

The Sunday Rest Bill not only had support from workingmen and labor unions, but also from some railroad managers as well.<sup>118</sup> General Divens, manager of the Erie Railway for thirty years, fully supported the bill and argued at the hearing that railways had the full capacity to do all of their work in six days, rather than seven.<sup>119</sup> However, if one railway shut down on Sunday while others operated, that railway would be at a competitive disadvantage, and therefore, a national law was needed to mandate uniformity.<sup>120</sup> Divens further asserted that the Sunday Rest Bill was preferable to the status quo because with a day of rest, the workmen would be in better condition for service and therefore, perform their work more efficiently and effectively.<sup>121</sup> A letter introduced at the hearing from H.B. Ledyard—a railroad manager at Michigan Central Company—reinforced Divens' points and added that although the railroad consumers would likely react negatively to the new law initially, they would become accustomed to it over time.<sup>122</sup>

After the hearing, Christian lobbies and labor unions traveled the country to support the bill, continuing to argue the aforementioned civil reasons for its passage.<sup>123</sup> Due to their efforts, they were able to send in several additional petitions for the committee's consideration.<sup>124</sup>

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<sup>114</sup> *Id.* at 23.

<sup>115</sup> *See* Dec. 13, 1888 *Hearing*, *supra* note 4, at 21.

<sup>116</sup> *See id.* at 19–20.

<sup>117</sup> FOSTER, *supra* note 2, at 98.

<sup>118</sup> *See* Dec. 13, 1888 *Hearing*, *supra* note 4, at 26; Apr. 6, 1888 *Hearing*, *supra* note 4, at 21–22.

<sup>119</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 26.

<sup>120</sup> *See id.*

<sup>121</sup> *Id.*

<sup>122</sup> Apr. 6, 1888 *Hearing*, *supra* note 4, at 21–22.

<sup>123</sup> FOSTER, *supra* note 2, at 100; *see* Dec. 13, 1888 *Hearing*, *supra* note 4, at 17–19.

<sup>124</sup> *See* FOSTER, *supra* note 2, at 100.

*C. Arguments and Efforts to Terminate the Bill*

While Christian lobbyists and labor unions worked diligently to promote the Sunday Rest Bill, several other groups worked just as diligently to undo their efforts. The Seventh Day Adventist Church (“SDAC”) was the primary public opponent of the bill, believing that the true Sabbath should be honored on Saturday, not Sunday.<sup>125</sup> The church, however, did not advocate for a similar bill for Saturday, but rather believed that any such legislation violated the First Amendment’s demand for separation of church and state.<sup>126</sup> They sought to expose the Christian lobbyists’ true purpose as establishing religious authority through the use of government law, rather than trying to help the workingman.<sup>127</sup> For similar reasons, the Seventh Day Baptist Church (“SDBC”) also opposed the bill, albeit less adamantly, as they were willing to support the bill if the SDBC and SDAC were exempted from its requirements.<sup>128</sup>

Both churches had been fighting this battle for some time—at least several years before the introduction of the bill—as they adamantly opposed the enforcement of state Sunday laws.<sup>129</sup> Because members of the SDAC and SDBC believed the Sabbath should be honored on Saturday, state Sunday laws forced them to give up two days of work and (sometimes) amusement.<sup>130</sup> Members of both churches believed state governments persecuted them because they often faced punishment for attempting to work on Sunday to keep up with their competitors.<sup>131</sup> The American Sabbath Tract Society, a group formed from the SDBC, advocated for the churches’ rights through the monthly publication of its periodical, *The Outlook and Sabbath Quarterly*.<sup>132</sup> In the periodical’s

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<sup>125</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 75–101; FOSTER, *supra* note 2, at 99.

<sup>126</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 76.

<sup>127</sup> See *id.* at 76–87; FOSTER, *supra* note 2, at 99.

<sup>128</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 41–43.

<sup>129</sup> See *id.* at 41; Am. Sabbath Tract Soc’y, *Present Sunday Laws of the States and Territories of the United States*, 5 OUTLOOK & SABBATH Q. 321, 332 (Alfred Centre, N. Y. 1887) (on file with the Library of Congress).

<sup>130</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 41.

<sup>131</sup> See *id.* at 98–101.

<sup>132</sup> See Am. Sabbath Tract Soc’y, 3 OUTLOOK & SABBATH Q. 1, 1 (Alfred Centre, N.Y. 1884) (“Devoted to general reform, Christian culture, a better observance of the Sabbath, and advancement of the cause of Temperance.”) (on file with the Library of Congress); Am. Sabbath Tract Soc’y, 6 OUTLOOK & SABBATH Q. 449, 450 (Alfred Centre, N.Y. 1888) (“The times demand a reconsideration of our Sunday laws. They are practically inoperative.”) (on file with the Library of Congress).



issues between 1884 and 1888, the Society argued that state Sunday laws were enforced under the notion that minority religions must suffer to appease the majority Christian religion.<sup>133</sup> They argued that one religion should not dominate the other through civil law; rather, “[i]f Sunday or any other day can be saved as a day of worship, it must be by an appeal to the individual conscience, and not to the civil law.”<sup>134</sup>

Both the SDAC and the SDBC presented these arguments in the December Senate committee hearing regarding the Sunday Rest Bill.<sup>135</sup> Alonzo T. Jones—one of the strongest opponents from the SDAC—frustrated the Christian lobbies’ position, attacking it on all grounds.<sup>136</sup> Jones first appealed to religion, stating that even Scripture teaches that religious sentiments should not be enforced through government.<sup>137</sup> Although government may regulate the relationship between men, it cannot regulate the relationship between God and man.<sup>138</sup> As stated by St. Augustine, “[i]t is indeed better that men should be brought to serve God by instruction than by fear of punishment or by pain.”<sup>139</sup> Further, Jones argued there is no actual disturbance created by not regulating the Christian Sabbath; if there was, then every other religion would likewise be disturbed by the non-regulation of their Sabbath.<sup>140</sup> Moreover, the only way a government can justify protecting one Sabbath over another is through the establishment of a theocracy.<sup>141</sup> Addressing the argument that the bill was mostly for the benefit of the workingmen, Jones proclaimed that most workingmen did not even know the bill was before the Senate.<sup>142</sup> Moreover, because most states had stopped enforcing their Sunday laws, Jones argued, such actions indicated that the majority of the American people were not in favor of a national Sunday law.<sup>143</sup>

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<sup>133</sup> Am. Sabbath Tract Soc’y, 3 OUTLOOK & SABBATH Q. 97, 114–15 (Alfred Centre, N.Y. 1885) (on file with the Library of Congress).

<sup>134</sup> Am. Sabbath Tract Soc’y, 3 OUTLOOK & SABBATH Q. 65, 74–75 (Alfred Centre, N.Y. 1885) (on file with the Library of Congress).

<sup>135</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 41–43, 75–101.

<sup>136</sup> See *id.* at 75–101.

<sup>137</sup> *Id.* at 75–76.

<sup>138</sup> *Id.* at 76.

<sup>139</sup> *Id.* at 85.

<sup>140</sup> *Id.* at 87–88.

<sup>141</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 87–88.

<sup>142</sup> *Id.* at 95.

<sup>143</sup> *Id.* at 97.

Both the SDBC and the SDAC continued to oppose the bill in the months following the hearing, particularly in regard to exposing the “frauds” under which the bill was perpetuated.<sup>144</sup> The churches were determined to show that the bill was not for the workingmen, but rather only for Christians.<sup>145</sup> They wrote numerous articles describing the history of national Sunday laws, beginning with Constantine in 321 A.D. and explaining that every Sunday law since then had a religious basis.<sup>146</sup> Therefore, they reasoned Christian lobbyists could not claim that this Sunday law was based on civil motivations, rather than on religious motivations.<sup>147</sup> Crafts himself, when speaking to the Knights of Labor in November of 1888, stated, “[a] weekly day of rest has never been secured in any land except on the basis of a religious obligation. Take the religion out and you take the rest out.”<sup>148</sup>

Further, as questioned by SDAC leader E.J. Waggoner, if the workingmen were “clamoring for” the Sunday Rest Bill, why were none of them at the hearing, and why did Crafts believe it was necessary to travel to speak with them?<sup>149</sup> Crafts’ own recording of his meeting with the Knights of Labor showed that the workingmen needed to be convinced of the benefits of the bill, at least at first, as they were worried about losing a day’s worth of pay.<sup>150</sup> A local newspaper described another such meeting with the National Council of Brotherhood of Locomotive Engineers in October of 1888, a “victory” for Crafts, as if he had convinced the workingmen of his cause, rather than the other way around.<sup>151</sup> Additionally, at least some workingmen were not convinced. A labor reform paper titled *Ideas of Reform*, which was dedicated to the interests of workingmen, advocated against the passage of the Sunday Rest Bill in January of 1889, stating that the bill was “an attempt to unite

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<sup>144</sup> See Waggoner, *supra* note 33, at 36–38.

<sup>145</sup> See *id.* at 36.

<sup>146</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 43–44; Am. Sabbath Tract Soc’y, 6 OUTLOOK & SABBATH Q. 3, 450–80 (Alfred Centre, N. Y. 1888) (on file with the Library of Congress); Am. Sabbath Tract Soc’y, 6 OUTLOOK & SABBATH Q. 481, 481–512 (Alfred Centre, N.Y. 1888) (on file with the Library of Congress); Waggoner, *supra* note 33, at 23–25.

<sup>147</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 44.

<sup>148</sup> Waggoner, *supra* note 33, at 24.

<sup>149</sup> *Id.* at 37.

<sup>150</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 20–21 (Crafts presented an abstract of the meeting in which engineers asked him if the Sunday Rest Bill would result in lower wages.).

<sup>151</sup> Waggoner, *supra* note 33, at 38; *National Council of Brotherhood of Locomotive Engineers*, DAILY UNION SIGNAL, Oct. 22, 1888 (on file with the Library of Congress).

Church and State,” and that, “14 million petitioners should not be allowed to dictate how 60 million [would] worship.”<sup>152</sup>

Besides the “workingmen fraud,” E.J. Waggoner also sought to expose the “petition fraud,” claiming that the petitions originally submitted to the Senate on behalf of a national Sunday law did not amass fourteen million signatures, but rather only an eighth of that number.<sup>153</sup> Many organizations and groups signed on behalf of their members.<sup>154</sup> For example, although only around 200 representatives from the Knights of Labor signed the petitions, their signatures were counted as 200,000, or the entire number of the members of the organization.<sup>155</sup> Additionally, Christian lobbyists confirmed that the signature of one man—Cardinal James Gibbons—was counted as 7,300,000 or the entire number of Catholics in the nation.<sup>156</sup> Thus, Waggoner argued the bill did not have as much widespread support as the Christian lobbyists claimed.<sup>157</sup>

Secularists, known as freethinkers, also strongly opposed the bill.<sup>158</sup> Before the national law’s introduction, Robert G. Ingersoll travelled the country to gather forces against the enforcement of state Sabbath laws, asking citizens to pledge not to vote for any congressman in favor of such enforcement.<sup>159</sup> Ingersoll was a freethought leader, known later as “The Great Agnostic,” who had a personal vendetta against Christianity motivated by the church’s poor treatment of his father, who had been a preacher.<sup>160</sup> Following Ingersoll’s example, L.K. Washburn, another freethought leader, encouraged the members of the Ingersoll Secular Society to oppose the Sunday Rest Bill as unconstitutional and a threat to liberty.<sup>161</sup> Speaking to the Society in January of 1889, Washburn stated:

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<sup>152</sup> Waggoner, *supra* note 33, at 38; *Sunday Rest Bill*, IDEAS OF REFORM, Jan. 1, 1889 (on file with the Library of Congress).

<sup>153</sup> Waggoner, *supra* note 33, at 40–41.

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> See Dec. 13, 1888 *Hearing*, *supra* note 4, at 56–60.

<sup>159</sup> Nat’l Reform Ass’n, 15 CHRISTIAN STATESMAN 20, 4 (1882) (on file with the Library of Congress).

<sup>160</sup> Rufus Wilson, “Bob” Ingersoll: A Sketch of America’s Most Noted Agnostic, ELMIRA TELEGRAM, Mar. 16, 1890, at 1.

<sup>161</sup> Washburn, *supra* note 14, at 4.

This Sabbath bill is an attempt on the part of Christians to take away the liberty of their neighbors. It is for the purpose of compelling the people to accept their religious opinions, to oblige them to attend church and support Christian worship. This proposed law is a blow at private rights and public blessings. It aims not only to take away the freedom of the individual, its object is to stop public benefactions.<sup>162</sup>

Washburn claimed that less than twenty-five percent of the nation's population believed Sunday to be the Sabbath, and therefore, a national Sunday law would not convince the nation of the day's holiness.<sup>163</sup> Even if it did, the law would still be unconstitutional because it would "enslave" sixty million people, the entire population of the nation at the time, to the will of only fourteen million by forcing the religion of the latter on the former.<sup>164</sup>

Other secular leagues opposed the bill for similar reasons. For example, the National Liberal League opposed all Sunday laws because the league believed that all government legislation ought to be secular in nature.<sup>165</sup> Also, both the Secular League of United States and the National Defense Association were formed to prevent "the encroachment of ecclesiastical ideas upon legislation."<sup>166</sup> Representing the latter organizations at the December Senate hearing, John B. Wolfe stated that the Sunday Rest Bill was based on the idea that "the end justifies the means," and "there never was a more dangerous basis for action, either in public legislation or private morality."<sup>167</sup> Congress could not do indirectly that which it was expressly forbidden from doing by the Establishment Clause of the First Amendment.<sup>168</sup> Further, Wolfe argued no workingman was forced to work on Sunday against his will; rather, workingmen chose their professions and elected to work on Sunday.<sup>169</sup> Because workingmen could decline to work on Sunday, they were not harmed by the lack of a national Sunday law.<sup>170</sup>

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<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> Nat'l Reform Ass'n, 15 CHRISTIAN STATESMAN 19, 2 (1881) (on file with the Library of Congress).

<sup>166</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 56.

<sup>167</sup> *Id.* at 57.

<sup>168</sup> *See* Dec. 13, 1888 *Hearing*, *supra* note 4, at 57.

<sup>169</sup> *See id.* at 59–60.

<sup>170</sup> *See id.* at 59–63.

Although weaker evidence exists, one can reasonably assume that industrial owners and managers used similar arguments against the passage of the Sunday Rest Bill. As stated by J.C. Bateham at the hearing, businessmen—particularly owners of newspapers, railroads, steamboats, and saloons—largely opposed the bill.<sup>171</sup> Even before the hearing, when Blair investigated the labor conditions in the South, many businessmen came forward to defend labor conditions, stating that interference by the government in industry was “contrary to American institutions” because the government could turn industries into political machines.<sup>172</sup> Further, those businessmen argued that if a man did not like his profession, he could always choose another through education.<sup>173</sup> When Blair asked about the idea of a shortened workweek, the businessmen claimed that a shortened week would actually harm workingmen because it would increase the demand for labor and attract foreigners to take their jobs for lower pay.<sup>174</sup>

Senators Payne, Call, and Palmer exhibited similar concerns when asking questions of the witnesses during the hearing. For example, when questioning General Diven, Senator Palmer was strongly concerned that the bill could significantly impair the transportation of cattle on railroads because cattle could not remain in train cars for longer than forty-eight hours without becoming sick or dying.<sup>175</sup> Other senators later reinforced this concern after the hearing.<sup>176</sup> Senator Call also expressed concern that the American people would not support the idea of paying postal workers for seven days when they had only worked six.<sup>177</sup> In addition, Senator Payne suggested that the bill would significantly impair commerce, particularly in the territories, due to restrictions on what could be deemed a “disturbance,” such as driving.<sup>178</sup> All three Senators seemed to fear the effects the bill could have on the nation’s growing industries, and with the exception of General Diven, there is no evidence that industrial

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<sup>171</sup> *Id.* at 23–24.

<sup>172</sup> LABOR AND CAPITAL IN THE GILDED AGE, *supra* note 10, at 130.

<sup>173</sup> *Id.* at 133–34.

<sup>174</sup> *Id.* at 135.

<sup>175</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 29–30.

<sup>176</sup> 50 CONG. REC. S20,831 (daily ed. Jan. 16, 1889) (Senator Harrison Riddleberger, a Democrat from Virginia, said that the Sunday Rest Bill would make it impossible to ship cattle from the West to eastern markets.).

<sup>177</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 48–49.

<sup>178</sup> *Id.* at 20.

owners opposed these sentiments.<sup>179</sup>

In the months following the bill's hearing, these groups of opponents—the SDAC, SDBC, freethinkers, and industrial owners—were able to strengthen their forces and sent Congress petitions from thirty-one states, amassing 230,000 signatures.<sup>180</sup> Although supporters of the bill sent in nearly nine times as many petitions as opponents, the strengthened arguments of the opponents seemingly affected the Senate committee and the bill's further proceedings.<sup>181</sup>

#### IV. THE FAILURE AND SUCCESS OF THE SUNDAY REST BILL

Blair's Sunday Rest Bill ultimately failed. Not only did the bill not pass Congress, it also never reached the Congressional floor for debate because it was never reported out of the Committee on Education and Labor.<sup>182</sup> Even though the bill did not become law, it still influenced later legislation to bring victories for both Christian lobbyists and laborers.<sup>183</sup> Therefore, although the bill failed in one sense, it succeeded in another. This Part discusses the bill's immediate failure and long-term success, as well as, the reasons for both.

##### A. *How and Why the Bill Failed to Become Law*

Following the Sunday Rest Bill's December hearing, it remained in the Senate Committee on Education and Labor for three months.<sup>184</sup> Although thousands of copies of the hearing's testimony were printed for Congress' use during that time, the bill was only occasionally mentioned on the floor of Congress, usually in connection with a petition for or against it.<sup>185</sup> The WCTU presented the majority of the petitions in favor of the bill, and such petitions outnumbered opponents' petitions almost

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<sup>179</sup> See generally *id.*; LABOR AND CAPITAL IN THE GILDED AGE, *supra* note 10.

<sup>180</sup> See 50 CONG. REC. S20,2136 (daily ed. Feb. 21, 1889).

<sup>181</sup> Exhibit A; see also 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

<sup>182</sup> 50 CONG. REC. S20,2640 (daily ed. Mar. 2, 1889); see FOSTER, *supra* note 2, at 100.

<sup>183</sup> See FOSTER, *supra* note 2, at 100–06.

<sup>184</sup> See 50 CONG. REC. 20,461–2619 (1889).

<sup>185</sup> S. REP. NO. 2499 (Jan. 30, 1889) (from the 50th Congress, Second session) (“To accompany Senate concurrent resolution to print 32,000 extra copies of Mis. Doc. No. 43, 50<sup>th</sup> Congress, 2<sup>nd</sup> Session, being the hearing before the Committee on Education and Labor on S. 2983, known as the Sunday rest bill.”) (on file with the Library of Congress); see Exhibit A; see also 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

nine to one.<sup>186</sup> Yet, the Senate committee did not vote on the bill during those three months, as Blair seemingly could not convince his fellow committee members to take action.<sup>187</sup> On March 2, 1889, the last day of the second session of the fiftieth Congress, Senator Joseph Dolph, a Republican from Oregon, moved to discharge the bill from committee and bring it to the floor for debate.<sup>188</sup> Such a parliamentary maneuver was designed to kill the bill as only one Senator needed to object to the debate to force the bill to be held over until the next Congress and reintroduced as a new bill.<sup>189</sup> Therefore, when one Senator did object, the bill died.<sup>190</sup>

On December 9, 1889, Blair introduced a second version of the Sunday Rest Bill (Senate Bill 946) with slightly modified language.<sup>191</sup> Instead of securing the enjoyment of the “Lord’s day,” the revised bill secured the “privileges of rest and of religious worship . . . on the first day of the week.”<sup>192</sup> Although the bill’s proposed purpose had been modified, its language remained largely the same.<sup>193</sup> The bill was again referred to the Committee of Education and Labor, but it was not given a hearing, and did not reach the Senate floor.<sup>194</sup> Although the WCTU increased its efforts and sent in even more petitions in support of the bill than before, the bill again failed.<sup>195</sup>

Both attempts at passing the Sunday Rest Bill failed for several reasons. The most likely reasons are: (1) its opponents advanced stronger arguments than its proponents, (2) a majority of the states did not support it, (3) neither Republicans nor Democrats fully supported it, and (4) it was inimical to America’s emerging consumer society. First, although the petitions received by Congress from the bill’s proponents greatly outnumbered those from the bill’s opponents, the persuasiveness of opponents’ arguments seemed to swing the pendulum of the debate in

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<sup>186</sup> Exhibit A; *see also* 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

<sup>187</sup> Exhibit A; *see also* 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress); FOSTER, *supra* note 2, at 100.

<sup>188</sup> 50 CONG. REC. S20,2640 (daily ed. Mar. 2, 1889).

<sup>189</sup> *See* FOSTER, *supra* note 2, at 100.

<sup>190</sup> *See* 50 CONG. REC. S20,2640 (daily ed. Mar. 2, 1889); FOSTER, *supra* note 2, at 100.

<sup>191</sup> 51 CONG. REC. S21,124 (daily ed. Dec. 9, 1889).

<sup>192</sup> *Id.*

<sup>193</sup> *See The Blair Sunday Rest Bill and Joint Resolution*, SENTINEL LIBR., Dec. 15, 1889, at 2–6.

<sup>194</sup> *See* FOSTER, *supra* note 2, at 100.

<sup>195</sup> *Id.*

their favor.<sup>196</sup> Opponents easily exposed the threatened First-Amendment violation in the bill, portraying it as hostile to individual liberty.<sup>197</sup> Because the bill's purpose was to protect the enjoyment of the "Lord's day," opponents did not struggle to convince Americans that the bill was simply an attempt to establish religious authority, rather than a means of helping workingmen.<sup>198</sup> As stated by John Wolfe at the Senate hearing, the title of the bill itself "confirms the charge that [it] is intended to be the enforcement of the Sabbath from a religious stand-point."<sup>199</sup>

Further, opponents easily argued that workingmen neither strongly favored the bill, nor stood to gain much from the bill's passage, because of the largely unanswered evidence that supported the truth of such arguments.<sup>200</sup> As suggested by E.J. Waggoner, if laborers were demanding a national Sunday law, why were they not present at the hearing?<sup>201</sup> Moreover, why did they send so few petitions, and why was Crafts seemingly attempting to recruit them to support the bill only months before the Senate hearing?<sup>202</sup> As stated by Alonzo T. Jones at the hearing, such evidence suggested that most workingmen did not even know the bill existed or what its consequences might be.<sup>203</sup> Of those who knew of it, they seemed hesitant to support it, fearing they would lose a days' wages as a result.<sup>204</sup> Other reforms seemed more promising, such as proposals for national charters for labor unions and required weekly payment of wages.<sup>205</sup> Thus, if the workingmen's demands were not the impetus behind the bill, the bill appeared unnecessary.<sup>206</sup>

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<sup>196</sup> Exhibit A; see also 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

<sup>197</sup> See also Dec. 13, 1888 *Hearing*, *supra* note 4, at 75–101; Waggoner, *supra* note 33, at 28–30. See generally Washburn, *supra* note 14.

<sup>198</sup> See also Dec. 13, 1888 *Hearing*, *supra* note 4, at 75–101; Waggoner, *supra* note 33, at 36–38. See generally Washburn, *supra* note 14, at 197.

<sup>199</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 105.

<sup>200</sup> See, e.g., Waggoner, *supra* note 33, at 36–38.

<sup>201</sup> *Id.* at 38.

<sup>202</sup> *Id.* at 37–38.

<sup>203</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 95.

<sup>204</sup> See, e.g., *id.* at 20.

<sup>205</sup> See REPORT OF THE COMMITTEE OF THE SENATE UPON THE RELATIONS BETWEEN LABOR AND CAPITAL AND TESTIMONY TAKEN BY THE COMMITTEE, *supra* note 45, at 93–101 (Aug. 6, 1883); MCKINNEY, *supra* note 17, at 134.

<sup>206</sup> See Waggoner, *supra* note 33, at 36–38.



Likely due to these persuasive arguments and other factors, a majority of the states, particularly those in the South and the West, presumably did not support the Sunday Rest Bill.<sup>207</sup> Of the 404 petitions sent to Congress from the states, practically none in favor of the bill came from southern or western states.<sup>208</sup> Rather, most of the petitions came from the Northeast and Midwest, with the top five states sending the most petitions being New York (39), Pennsylvania (36), Michigan (33), Illinois (32), and Iowa (28).<sup>209</sup> On the other hand, California sent one of the largest petitions in opposition to the bill, amassing over 31,000 signatures, and at least one petition in opposition amassed 230,000 signatures from thirty-one states across the country.<sup>210</sup> Such evidence suggests that most southern and western states did not favor the bill, or at least did not support it. Besides the influence of opponents' arguments, the southern and western states were also likely influenced by their desires to no longer enforce their state Sunday laws.<sup>211</sup> The lifestyle of the West in particular did not welcome regulation of Sabbath observance.<sup>212</sup> Further, although Blair's congressional career focused mainly on improving education and working conditions for Southerners, most Southerners viewed his efforts as intrusive rather than helpful.<sup>213</sup> Therefore, they did not desire the implementation of most of his proposed legislation, including the Sunday Rest Bill.<sup>214</sup>

Perhaps in relation to the disapproval of the majority of the states, neither Republicans nor Democrats fully supported the Sunday Rest Bill. Indeed, most Democrats opposed the bill as impractical and ineffective.<sup>215</sup> Senator Harrison Riddleberger, a Democrat from Virginia, expressed

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<sup>207</sup> Exhibit A; *see also* 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

<sup>208</sup> Exhibit A; *see also* 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

<sup>209</sup> Exhibit A; *see also* 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

<sup>210</sup> 50 CONG. REC. S20,2185 (daily ed. Feb. 21, 1889).

<sup>211</sup> *See* Dec. 13, 1888 *Hearing*, *supra* note 4, at 43 (Reverend A. H. Lewis stating that most states had disregarded their Sunday laws because of a strong change in public opinion.).

<sup>212</sup> *See* CLIFTON E. OLMSTEAD, HISTORY OF RELIGION IN THE UNITED STATES, 355 (Englewood Cliffs, N.J. 1960) (on file with the George Mason Univ. Sch. of Law Library).

<sup>213</sup> *See* Anson Phelps Stokes & Leo Pfeffer, CHURCH AND STATE IN THE UNITED STATES 10–11, 41–75 (N.Y. 1950).

<sup>214</sup> *Id.*

<sup>215</sup> *See, e.g.*, 50 CONG. REC. S20,831 (daily ed. Jan. 16, 1889); Dec. 13, 1888 *Hearing*, *supra* note 4, at 9, 20, 48–49.

concern about the bill's effect on the ability of railroads to transport cattle from the West to the East.<sup>216</sup> Because the bill would require layovers on Sunday, cattle might be kept in the train cars for much longer than intended, and could become ill and die as a result.<sup>217</sup> Further, of the five Senators on the Committee for Education and Labor, two were Democrats, and both appeared particularly hostile to the bill during the December hearing.<sup>218</sup> When Crafts argued that closing the postal service on Sunday would improve the morals of postal workers, Senator Henry Payne of Ohio responded that, although London's postal services were closed on Sunday, the city was still the "most immoral . . . in the world."<sup>219</sup> Payne expressed serious doubts that postal workers would attend church if given the opportunity on Sunday, or that any type of moral reform would take place as a result of the bill.<sup>220</sup> Similarly, Senator Wilkinson Call of Florida aggressively questioned Reverend George Elliot, a witness from the Methodist Episcopal Church, on how the lack of a Sunday law effectively "forced" citizens to violate their conscience, as alleged by the Reverend.<sup>221</sup> Call suggested that postal workers were not forced to either violate the Sabbath or quit their jobs, but rather had a third option of requesting not to work on Sunday and finding a replacement.<sup>222</sup> Call was also severely skeptical of Americans' willingness to allow the government to pay postal workers the same amount for only six days of work, and of the willingness of private companies to do the same for their workers.<sup>223</sup> Finally, Call foresaw issues with defining "work of mercy," and seemingly believed that many would try to exempt themselves from the regulations of the bill.<sup>224</sup>

Republicans expressed similar concerns to those of Democrats. Senator Thomas Palmer, a Republican from Michigan also on the Committee for Education and Labor, echoed Riddleberger's beliefs that the bill would produce transportation nightmares for cattle owners and meat producers.<sup>225</sup> Although General Diven responded that refrigerator

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<sup>216</sup> 50 CONG. REC. S20,831 (daily ed. Jan. 16, 1889).

<sup>217</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 29–30.

<sup>218</sup> *Id.* at 9, 20, 48–49.

<sup>219</sup> *Id.* at 9.

<sup>220</sup> *Id.* at 9, 47.

<sup>221</sup> *Id.* at 47.

<sup>222</sup> *Id.*

<sup>223</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 48–49.

<sup>224</sup> *Id.* at 49.

<sup>225</sup> *Id.* at 29–30.

cars would resolve the problem, Palmer shot back that such a solution would grant a monopoly of the transportation of beef to refrigerator-car makers, and that Congress did not have the authority through the interstate commerce clause to regulate the rates that makers would charge for the use of their refrigerator cars.<sup>226</sup> With Palmer joining the position of the two Democrat committee members, Blair was outnumbered in his own Republican committee, at least three to two.<sup>227</sup> Further, even though Republicans controlled the Senate at the time, none appeared to advocate for the passage of the bill during congressional proceedings.<sup>228</sup> In fact, a Republican took the initiative to kill the bill through a parliamentary maneuver.<sup>229</sup>

The concerns from Republicans and Democrats alike centered on the practical effects of the bill, particularly how it might harm commerce.<sup>230</sup> In the consumer culture that developed after the Industrial Revolution, Americans became particularly wary of government interference in industry and interstate commerce.<sup>231</sup> Although weaker evidence exists, one can reasonably assume that industrial owners and managers lobbied Congress for protection from bills that threatened their production or profits.<sup>232</sup> Even Senator Blair implied as much.<sup>233</sup> When the Republican Party did not re-nominate Senator Blair to return to the Senate for the 52<sup>nd</sup> Congress, he directly blamed the interests of railroads and other industries.<sup>234</sup> Still, if the influence from industrial lobbying was not as strong as presumed, the preferences of the states appeared to be strongly shifting in favor of consumerism over religious observance.<sup>235</sup> With both

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<sup>226</sup> *Id.*

<sup>227</sup> *Id.* at 1 (The five members on the committee were Senators Blair, Wilson, Payne, Call, and Palmer.).

<sup>228</sup> Exhibit A; *see also* 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

<sup>229</sup> 50 CONG. REC. S20,2640 (daily ed. Mar. 2, 1889).

<sup>230</sup> *See, e.g.*, Dec. 13, 1888 *Hearing, supra* note 4, at 9, 29–30, 47–49.

<sup>231</sup> *See* FOSTER, *supra* note 2, at 134 (“The emerging consumer society . . . posed a formidable challenge to the passage of Sabbath laws”); *see also* Dec. 13, 1888 *Hearing, supra* note 4, at 23–24 (Those who opposed the bill were those who wished to make a profit on Sunday.).

<sup>232</sup> Dec. 13, 1888 *Hearing, supra* note 4, at 23–24 (Those who opposed the bill were those who wished to make a profit on Sunday.).

<sup>233</sup> *See* Stokes & Pfeffer, *supra* note 213, at 18–19.

<sup>234</sup> *Id.*

<sup>235</sup> Dec. 13, 1888 *Hearing, supra* note 4, at 43 (stating that most state Sunday laws were disregarded due to a strong shift in public opinion).

such a strong shift toward consumerism, and with the influence of opponents' arguments supported by the majority of states and representatives in Congress, the Blair Sunday Rest Bill was condemned to fail.

*B. Influence of the Bill on Later Victories for Laborers and Christian Lobbyists*

Despite the bill's failure to become law, its ideas and goals affected later successful legislation.<sup>236</sup> In 1889, the WCTU and the NRA, along with several other Christian lobbies, opposed the opening of the World's Fair on Sunday.<sup>237</sup> Through numerous petitions and extensive lobbying, the groups convinced Congress to pass an amended appropriations bill, allowing appropriation for the World's Fair, only if the fair remained closed on Sunday.<sup>238</sup> Crafts claimed this achievement was the "greatest moral victory since emancipation."<sup>239</sup>

Additionally, in the 1890s and early 1900s, the National Bureau of Reforms, WCTU, and local Christian societies petitioned to close individual post offices on Sunday.<sup>240</sup> Meanwhile, postal workers began to pressure Congress for a reduction of hours.<sup>241</sup> Postal workers had been working an average of 13–16 hours per day.<sup>242</sup> In response to these complaints and others, Senator Samuel Gompers proposed a national eight-hour workday law.<sup>243</sup> As a compromise, in 1912, Congress passed legislation to prohibit the delivering or carrying of mail on Sunday by all U.S. post offices, except for those in very rural areas, which retained the option to remain open for limited hours.<sup>244</sup> Finally, the culmination of the

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<sup>236</sup> See FOSTER, *supra* note 2, at 100–06.

<sup>237</sup> *Id.* at 101.

<sup>238</sup> See *id.* at 101–05 (This legislation was largely undone, however, by the Illinois Supreme Court, which upheld the right of the Fair's stockholders to keep their operation open over the right of the Government to enforce its legislation.).

<sup>239</sup> Wilbur F. Crafts, *Editorial Notes*, OUR DAY 9, Sept. 1892, at 691.

<sup>240</sup> The Christian lobby in Washington, D.C., formed and led by Wilbur Crafts. See FOSTER, *supra* note 2, at 134.

<sup>241</sup> FOSTER, *supra* note 2, at 134.

<sup>242</sup> Dec. 13, 1888 *Hearing*, *supra* note 4, at 4.

<sup>243</sup> See REPORT OF THE COMMITTEE OF THE SENATE UPON THE RELATIONS BETWEEN LABOR AND CAPITAL AND TESTIMONY TAKEN BY THE COMMITTEE, *supra* note 45, at 93–101.

<sup>244</sup> FOSTER, *supra* note 2, at 134; Steve Olenski, *How the USPS Decision to Stop Saturday Mail Delivery Will Affect Marketers*, FORBES (Feb. 7, 2013, 10:37 AM), <http://www.forbes.com/sites/marketshare/2013/02/07/how-the-usps-decision-to-stop-saturday-mail-delivery-will-affect-marketers/> (Today, most U.S. post offices remain closed

long-fought Temperance Movement—the nineteenth-century movement to prohibit the sale of alcohol—resulted in the ratification of the 18<sup>th</sup> Amendment on January 16, 1919.<sup>245</sup> As stated by historian Gaines M. Foster, “Prohibition proved not the triumph of Christian government, but of Christians in government” because Christian lobbyists succeeded in convincing Congress to allow “the majority dictate moral behavior.”<sup>246</sup>

As evidenced by the reforms implemented by Christian lobbyists and laborers in later years, it is clear that their influence had significant effects on Congressional decisions. However, this influence was limited because, “[m]embers of Congress were willing to make a symbolic statement associating the state with God but not to imbue it with religious authority.”<sup>247</sup> Therefore, although lobbyists for the Sunday Rest Bill were able to bring Congress to a compromise in later years, they still could not convince Congress to implement a bill that lacked significant support.

## V. CONCLUSION

The battle for a Civil Sabbath ultimately ended in defeat for Christian lobbyists and workingmen. Although Christian lobbyists in particular made extensive efforts to gather support around the country, the movement lacked proper support. Even though the nation was still heavily influenced by religious sources, it was entering a new era that was also heavily influenced by consumerism and pragmatism. Religious ideals were no match for the desire to promote developing industries, or the desire to protect the Constitution from theocratic influences.

Even though it was never enacted, the Sunday Rest Bill still stands as an example of influential legislation. The bill could have been altered to reflect more neutral language and to address its pragmatic difficulties, but instead it presented rather far-fetched policy regulations. Such ideas made later policy suggestions seem more reasonable, and thus, compromises were formed. Even if not intended, the lobbyists for the Sunday Rest Bill exhibited effective strategy to bring about the reforms they desired, albeit not completely. Therefore, although the Sunday Rest Bill lost the battle over the Civil Sabbath, it may have won the war over the enactment of religiously motivated legislation.

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on Sunday. Beginning in August of 2013, the U.S. postal service will cease first-class delivery of mail also on Saturday, but only for economical reasons.)

<sup>245</sup> See U.S. CONST. amend. XVIII.

<sup>246</sup> FOSTER, *supra* note 2, at 220.

<sup>247</sup> *Id.* at 106.

**Exhibit A**<sup>248</sup>**Petitions For and Against the Sunday Rest Bill***Petitions by Date*

<b>State</b>	<b>Petitions</b>	<b>For or Against</b>	<b>Date</b>	<b>Page Number</b>
Michigan	1	For	1/9/1889	633
Iowa	2	For	1/10/1889	634
Wisconsin	1	Against	1/11/1889	688
Michigan	1	For	1/11/1889	678
Wisconsin	1	Against	1/12/1889	724
Indiana	1	For	1/14/1889	770
Michigan	1	For	1/14/1889	724
Wisconsin	1	Against	1/14/1889	770
Iowa	4	For	1/16/1889	831
Virginia	1	For	1/16/1889	831
New Hampshire	1	For	1/16/1889	831
Connecticut	1	For	1/16/1889	831
Texas	1	For	1/16/1889	831
Massachusetts	1	For	1/16/1889	831
Michigan	1	For	1/16/1889	831
New York	1	For	1/16/1889	831
Oregon	1	For	1/16/1889	831
Mississippi	1	For	1/16/1889	831
Indiana	1	For	1/16/1889	831
Delaware	1	For	1/16/1889	831
Maine	1	For	1/16/1889	831

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<sup>248</sup> Compiled and organized from 50 CONG. REC. 20,461–2727 (daily ed. Jan. 2–Mar. 2 1889) (on file with the Library of Congress).

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Wisconsin	1	For	1/16/1889	831
New Hampshire	1	For	1/16/1889	832
New Jersey	1	For	1/16/1889	832
Indiana	1	For	1/16/1889	832
Massachusetts	1	For	1/16/1889	832
Delaware	1	For	1/16/1889	832
Illinois	1	For	1/16/1889	832
Iowa	1	For	1/16/1889	832
Dakota	1	For	1/16/1889	832
Washington	1	For	1/16/1889	832
DC	1	For	1/16/1889	832
New York	1	For	1/16/1889	832
Michigan	1	For	1/16/1889	832
Pennsylvania	1	For	1/16/1889	830
Illinois	1	For	1/16/1889	830
South Carolina	1	For	1/16/1889	830
Ohio	1	For	1/16/1889	830
Missouri	1	For	1/17/1889	880
Alabama	1	For	1/17/1889	880
North Carolina	1	For	1/17/1889	880
Illinois	1	For	1/18/1889	916
Dakota	1	For	1/18/1889	916
Michigan	1	For	1/18/1889	916
New York	1	For	1/18/1889	932
Ohio	1	For	1/18/1889	932
Virginia	1	For	1/18/1889	962
Kentucky	1	For	1/19/1889	965
Virginia	1	For	1/19/1889	965
Tennessee	1	For	1/19/1889	965
Illinois	1	For	1/19/1889	1002

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Wisconsin	1	Against	1/19/1889	1016
Iowa	1	For	1/21/1889	1017
Dakota	1	For	1/21/1889	1017
Minnesota	1	Against	1/21/1889	1017
Illinois	1	For	1/21/1889	1017
Kansas	1	For	1/21/1889	1017
Minnesota	1	Against	1/21/1889	1072
Dakota	1	For	1/22/1889	1073
DC	1	For	1/22/1889	1073
Michigan	1	For	1/22/1889	1073
Massachusetts	1	For	1/22/1889	1073
New York	1	For	1/22/1889	1073
Kansas	1	For	1/22/1889	1118
West Virginia	1	For	1/23/1889	1118
Illinois	1	Against	1/23/1889	1159
Michigan	1	For	1/23/1889	1159
New Jersey	1	For	1/24/1889	1160
Michigan	1	For	1/24/1889	1160
New York	1	For	1/24/1889	1160
Pennsylvania	1	For	1/24/1889	1160
Dakota	1	For	1/25/1889	1163
Illinois	1	For	1/25/1889	1163
New York	1	For	1/25/1889	1163
Ohio	1	For	1/25/1889	1163
Massachusetts	1	For	1/25/1889	1163
Texas	1	For	1/25/1889	1164
Iowa	1	Against	1/26/1889	1215
Illinois	1	For	1/28/1889	1233
Ohio	1	For	1/28/1889	1233
Ohio	3	For	1/28/1889	1234



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Kentucky	1	For	1/28/1889	1234
DC	1	For	1/28/1889	1234
Pennsylvania	1	For	1/28/1889	1234
New York	1	For	1/28/1889	1234
Kansas	1	For	1/28/1889	1234
Iowa	1	For	1/28/1889	1273
Minnesota	1	For	1/28/1889	1273
Michigan	1	For	1/28/1889	1273
Michigan	1	For	1/28/1889	1274
Maine	1	For	1/29/1889	1274
South Carolina	1	For	1/30/1889	1324
Ohio	1	For	1/30/1889	1324
Illinois	1	For	1/30/1889	1339
Georgia	1	For	1/31/1889	1366
Massachusetts	1	For	1/31/1889	1366
New York	1	For	1/31/1889	1366
Illinois	1	For	1/31/1889	1366
Georgia	2	For	1/31/1889	1367
Missouri	5	For	1/31/1889	1367
Ohio	2	For	1/31/1889	1367
Kentucky	1	For	1/31/1889	1367
Texas	1	For	1/31/1889	1367
Minnesota	2	For	1/31/1889	1367
Vermont	2	For	1/31/1889	1367
Illinois	5	For	1/31/1889	1389
Michigan	2	For	1/31/1889	1389
Indiana	1	For	1/31/1889	1389
Wisconsin	1	For	1/31/1889	1389
North Carolina	2	For	1/31/1889	1389
South Carolina	1	For	1/31/1889	1389

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Nebraska	1	For	1/31/1889	1389
New York	2	For	1/31/1889	1389
Maryland	1	For	1/31/1889	1389
Dakota	1	For	1/31/1889	1389
West Virginia	1	For	1/31/1889	1389
Connecticut	1	For	1/31/1889	1389
Virginia	1	For	1/31/1889	1389
New Jersey	1	For	1/31/1889	1389
Massachusetts	2	For	1/31/1889	1389
New Hampshire	1	For	1/31/1889	1389
Arkansas	2	For	1/31/1889	1389
Pennsylvania	1	For	1/31/1889	1389
Tennessee	1	For	1/31/1889	1389
California	1	For	1/31/1889	1389
Massachusetts	1	For	1/31/1889	1366
Michigan	1	For	1/31/1889	1366
New York	1	For	1/31/1889	1366
Iowa	1	For	1/31/1889	1366
Illinois	1	For	1/31/1889	1366
Ohio	1	For	1/31/1889	1366
Illinois	1	For	1/31/1889	1369
Michigan	1	For	1/31/1889	1389
Iowa	1	For	2/1/1889	1390
New York	1	For	2/1/1889	1390
Massachusetts	1	For	2/1/1889	1398
New York	1	For	2/1/1889	1425
Michigan	1	For	2/1/1889	1425
Kansas	1	For	2/1/1889	1425
Wisconsin	1	For	2/1/1889	1425
Iowa	1	For	2/2/1889	1425

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Maine	1	For	2/4/1889	1453	
New Jersey	1	For	2/4/1889	1453	
Pennsylvania	1	For	2/4/1889	1454	
Texas	1	For	2/4/1889	1454	
Dakota	1	For	2/4/1889	1454	
Maryland	1	For	2/4/1889	1454	
Iowa	1	For	2/4/1889	1500	
Kansas	1	For	2/4/1889	1500	
New York	2	For	2/4/1889	1500	
Michigan	3	For	2/5/1889	1500	
Ohio	1	For	2/5/1889	1543	
Virginia	1	For	2/5/1889	1507	
Connecticut	1	For	2/5/1889	1542	
Wisconsin	1	For	2/5/1889	1543	
Iowa	1	For	2/5/1889	1500	
Indiana	2	For	2/5/1889	1543	
DC	1	For	2/5/1889	1543	
Minnesota	1	For	2/5/1889	1543	
Missouri	1	For	2/5/1889	1543	
New York	1	For	2/5/1889	1500	
Kansas	1	For	2/5/1889	1500	
Pennsylvania	1	For	2/5/1889	1543	
New York	1	For	2/5/1889	1500	
Illinois	3	For	2/6/1889	1544, 1545, 1589	
New Jersey	1	For	2/6/1889	1589	
Pennsylvania	3	For	2/6/1889	1544, 1589	
Michigan	2	For	2/6/1889	1589	
Virginia	1	For	2/6/1889	1544	
Maine	1	For	2/6/1889	1589	
New York	2	For	2/6/1889	1545	

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Dakota	1	For	2/6/1889	1589
Minnesota	1	For	2/6/1889	1589
Maryland	1	For	2/6/1889	1589
Missouri	1	For	2/6/1889	1589
Ohio	1	For	2/6/1889	1589
Iowa	2	For	2/7/1889	1590, 1638
Dakota	1	For	2/7/1889	1638
Maryland	1	For	2/7/1889	1590
South Carolina	2	For	2/7/1889	1590, 1600
New Jersey	1	For	2/7/1889	1590
Minnesota	3	For	2/7/1889	1590, 1638
Ohio	2	For	2/7/1889	1590, 1638
Pennsylvania	1	For	2/7/1889	1638
New York	1	For	2/7/1889	1638
New York	2	For	2/8/1889	1707
Missouri	2	For	2/8/1889	1648
Missouri	1	Against	2/8/1889	1648
Illinois	2	For	2/8/1889	1638, 1707
Dakota	2	For	2/8/1889	1638, 1639
DC	1	For	2/8/1889	1707
Massachusetts	2	For	2/8/1889	1648, 1707
Massachusetts	1	For	2/9/1889	1708
New York	1	For	2/9/1889	1740
Kentucky	2	For	2/11/1889	1741, 1765
Pennsylvania	1	For	2/11/1889	1741
Georgia	1	For	2/11/1889	1741
Illinois	1	For	2/11/1889	1765
Mississippi	1	For	2/11/1889	1741
New York	1	For	2/11/1889	1741
Indiana	1	For	2/11/1889	1765

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California	1	For	2/11/1889	1765	
Michigan	2	For	2/11/1889	1765, 1741	
Ohio	1	For	2/11/1889	1765	
Pennsylvania	1	For	2/11/1889	1765	
Maryland	1	For	2/11/1889	1765	
New York	3	For	2/13/1889	1815, 1879	
Iowa	1	For	2/13/1889	1879	
Pennsylvania	1	For	2/13/1889	1879	
Nebraska	2	For	2/13/1889	1815, 1880	
Iowa	1	For	2/14/1889	1880	
Georgia	1	For	2/14/1889	1880	
Mississippi	1	For	2/14/1889	1880	
Nebraska	1	For	2/14/1889	1880	
Pennsylvania	1	For	2/14/1889	1917	
Michigan	1	For	2/15/1889	1880	
Iowa	1	For	2/15/1889	1918	
New Hampshire	1	For	2/15/1889	1918	
South Carolina	1	For	2/15/1889	1918	
Pennsylvania	1	For	2/15/1889	1918	
Rhode Island	1	For	2/15/1889	1918	
Missouri	1	For	2/15/1889	1918	
Illinois	2	For	2/15/1889	1918	
West Virginia	1	For	2/15/1889	1918	
New York	1	For	2/15/1889	1918	
Michigan	1	For	2/15/1889	1955	
Pennsylvania	1	For	2/15/1889	1917	
Ohio	2	For	2/15/1889	1918, 1964	
Mississippi	1	For	2/15/1889	1918	
Arkansas	1	Against	2/16/1889	1965	
Michigan	1	For	2/16/1889	1999	

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New York	2	For	2/16/1889	1965, 1999
Florida	1	For	2/16/1889	1965
Pennsylvania	1	For	2/16/1889	1965
Ohio	1	For	2/16/1889	1999
Dakota	1	For	2/16/1889	1965
Massachusetts	1	For	2/16/1889	1965
Illinois	1	For	2/16/1889	1965
Kentucky	1	For	2/16/1889	1999
Indiana	2	For	2/16/1889	1965, 1999
Maine	1	For	2/16/1889	1999
Kansas	1	For	2/16/1889	1965
Missouri	1	For	2/16/1889	1965
Virginia	1	For	2/16/1889	1999
Pennsylvania	1	For	2/18/1889	2033
DC	1	For	2/18/1889	2033
Michigan	1	For	2/18/1889	1999
Illinois	2	For	2/18/1889	1999, 2033
Iowa	1	For	2/18/1889	2033
Connecticut	1	For	2/18/1889	2033
Pennsylvania	3	For	2/19/1889	2034, 2080
New York	1	For	2/19/1889	2080
Nebraska	1	For	2/19/1889	2080
Connecticut	1	For	2/19/1889	2034
Texas	1	For	2/20/1889	2130
Illinois	1	For	2/20/1889	2135
New York	1	For	2/20/1889	2081
New York	1	Against	2/20/1889	2081
Florida	1	For	2/20/1889	2135
Washington	1	For	2/20/1889	2135
Iowa	1	For	2/21/1889	2136

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Dakota	1	For	2/21/1889	2136	
South Carolina	1	For	2/21/1889	2136	
New York	1	For	2/21/1889	2136	
New York	1	Against	2/21/1889	2136	
California	1	Against	2/21/1889	2185	
Michigan	1	Against	2/21/1889	2185	
Ohio	1	For	2/21/1889	2136	
Alabama	1	For	2/21/1889	2136	
Missouri	1	For	2/21/1889	2136	
Michigan	1	For	2/21/1889	2185	
Pennsylvania	1	For	2/22/1889	2236	
Virginia	1	For	2/22/1889	2187	
Maine	2	Against	2/22/1889	2197, 2236	
Massachusetts	1	Against	2/22/1889	2236	
Massachusetts	1	For	2/22/1889	2187	
Oregon	1	Against	2/22/1889	2231	
New York	2	For	2/22/1889	2187, 2236	
West Virginia	1	For	2/22/1889	2236	
California	1	Against	2/22/1889	2185	
Michigan	1	Against	2/22/1889	2185	
Wisconsin	1	For	2/22/1889	2236	
Michigan	1	For	2/22/1889	2185	
Kentucky	1	For	2/23/1889	2278	
Pennsylvania	2	Against	2/25/1889	2279, 2280	
Iowa	1	For	2/25/1889	2305	
Illinois	1	For	2/25/1889	2279	
Dakota	1	For	2/25/1889	2279	
Nebraska	1	For	2/25/1889	2305	
Pennsylvania	2	For	2/25/1889	2279, 2305	
Missouri	1	For	2/25/1889	2305	

New Jersey	1	For	2/25/1889	2305
Massachusetts	1	For	2/25/1889	2305
Ohio	1	For	2/25/1889	2305
Minnesota	1	Against	2/25/1889	2279
Wisconsin	2	Against	2/25/1889	2279
Ohio	1	Against	2/25/1889	2279
Colorado	1	Against	2/25/1889	2279
Indiana	1	Against	2/25/1889	2279
Missouri	1	Against	2/25/1889	2279
Michigan	1	For	2/25/1889	2305
Iowa	3	For	2/26/1889	2369
Rhode Island	1	For	2/26/1889	2369
Pennsylvania	2	For	2/26/1889	2306, 2369
Kansas	1	For	2/26/1889	2369
Wisconsin	1	For	2/26/1889	2369
New York	1	For	2/27/1889	2425
Massachusetts	1	Against	2/27/1889	2371
Wisconsin	1	For	2/27/1889	2425
Michigan	1	For	2/27/1889	2371
Minnesota	1	Against	2/27/1889	2425
Georgia	1	For	2/27/1889	2425
Missouri	1	Against	2/27/1889	2371
Washington	1	For	2/27/1889	2425
Indiana	1	Against	2/27/1889	2371
Iowa	1	For	2/28/1889	2495
New Jersey	1	Against	2/28/1889	2426
Delaware	1	For	2/28/1889	2495
Ohio	1	Against	2/28/1889	2426
Ohio	1	For	2/28/1889	2495
Missouri	1	Against	2/28/1889	2426



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Iowa	1	Against	3/1/1889	2498	
Iowa	2	For	3/1/1889	2495, 2498	
New Mexico	1	For	3/1/1889	2498	
New Hampshire	1	For	3/1/1889	2498	
New Hampshire	1	Against	3/1/1889	2498	
Illinois	2	For	3/1/1889	2498	
Illinois	1	Against	3/1/1889	2498	
Pennsylvania	1	For	3/1/1889	2577	
Dakota	1	For	3/1/1889	2497	
New York	2	For	3/1/1889	2497, 2577	
Massachusetts	1	For	3/1/1889	2497	
Arkansas	1	For	3/1/1889	2497	
New Mexico	1	For	3/1/1889	2577	
Pennsylvania	1	For	3/1/1889	2577	
New Jersey	1	Against	3/1/1889	2497	
Delaware	1	For	3/1/1889	2495	
Kansas	1	For	3/1/1889	2577	
Wisconsin	2	For	3/1/1889	2497, 2498	
Ohio	2	For	3/1/1889	2495, 2497	
Indiana	1	For	3/1/1889	2498	
Missouri	1	Against	3/1/1889	2497	
Missouri	1	For	3/1/1889	2577	
Michigan	2	For	3/2/1889	2727	
New Hampshire	3	For	3/2/1889	2619, 2727	
Pennsylvania	2	For	3/2/1889	2639, 2727	
Pennsylvania	1	Against	3/2/1889	2639	
Massachusetts	1	For	3/2/1889	2619	
Ohio	1	For	3/2/1889	2727	
New Jersey	1	For	3/2/1889	2727	

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Illinois	1	For	3/2/1889	2727
Missouri	1	For	3/2/1889	2727
Connecticut	1	For	3/2/1889	2727
Missouri	1	For	3/2/1889	2580
Missouri	1	Against	3/2/1889	2580
Washington	1	For	3/2/1889	2727
Indiana	1	For	3/2/1889	2580

*Total Number of Petitions (Jan. 2 – March 2, 1889): 404*

*Petitions by State (excluding states not yet part of the union – Alaska, Arizona, Hawaii, Idaho, Montana, Utah, Wyoming)*

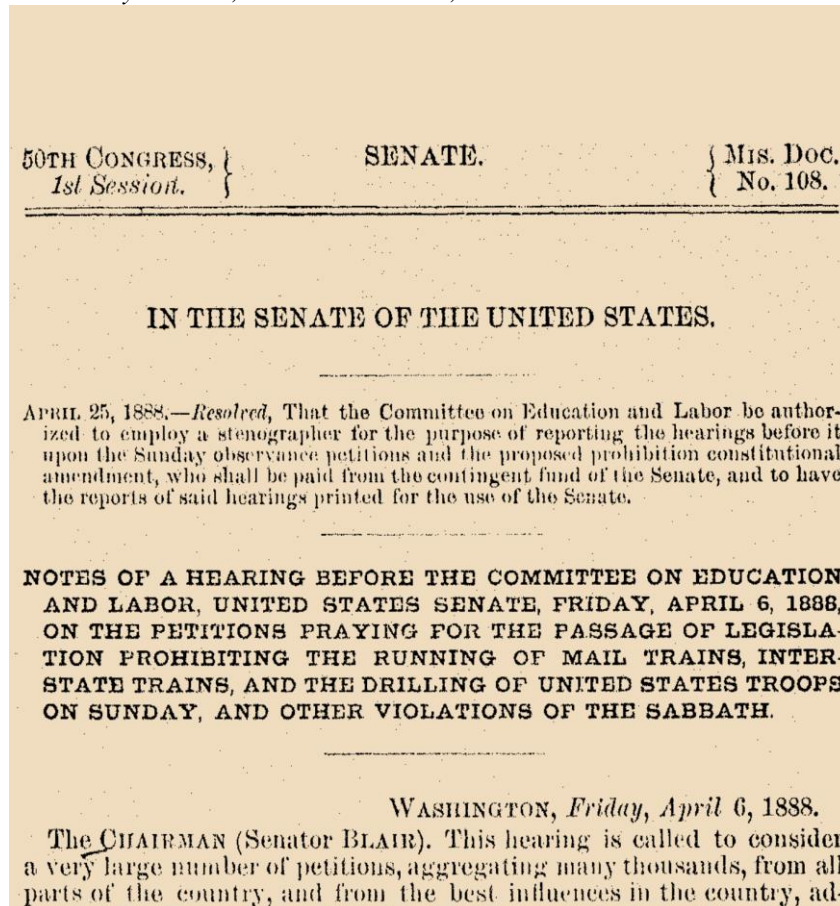
<b>State</b>	<b>For</b>	<b>Against</b>
Alabama	2	0
Arkansas	3	1
California	2	2
Colorado	0	1
Connecticut	6	0
Dakota (North and South)	15	0
Delaware	4	0
Florida	2	0
Georgia	6	0
Illinois	32	2
Indiana	10	2
Iowa	28	2
Kansas	9	0
Kentucky	7	0
Louisiana	0	0
Maine	5	2
Maryland	5	0
Massachusetts	18	2
Michigan	33	2
Minnesota	8	4
Mississippi	4	0
Missouri	18	6
Nebraska	6	0
Nevada	0	0

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New Hampshire	8	1	
New Jersey	8	2	
New Mexico	2		
New York	39	2	
North Carolina	3	0	
Oregon	1	1	
Pennsylvania	33	3	
Rhode Island	2	0	
South Carolina	7	0	
Tennessee	2	0	
Texas	5	0	
Vermont	2	0	
Virginia	10	0	
Washington	4	0	
West Virginia	4	0	
Wisconsin	10	6	
<b>Totals For and Against</b>	<b>363</b>	<b>41</b>	

**Exhibit B**<sup>249</sup>**Introduction of the Sunday Rest Bill in Congress**

*Hearing before the Senate Committee on Education and Labor, April 6, 1888, 1 (partial)*

*The Sunday Rest Bill, introduced Dec. 13, 1888*



<sup>249</sup> Apr. 6, 1888 *Hearing*, *supra* note 4.

**2****SUNDAY REST BILL.**

such letter or letters in packages separate from other mail matter and shall make regulations for the delivery thereof, the same having been received at its place of destination before the said first day of the week, during such limited portion of the day, as shall best suit the public convenience and least interfere with the due observance of the day as one of worship and rest: *And provided further*, That when there shall have been an interruption in the due and regular transmission of the mails it shall be lawful to so far examine the same when delivered as to ascertain if there be such matter therein for lawful delivery on the first day of the week.

SEC. 3. That the prosecution of commerce between the States and with the Indian tribes, the same not being work of necessity, mercy, or humanity, by the transportation of persons or property by land or water in such way as to interfere with or disturb the people in the enjoyment of the first day of the week, or any portion thereof, as a day of rest from labor, the same not being labor of necessity, mercy, or humanity, or its observance as a day of religious worship, is hereby prohibited, and any person or corporation, or the agent, servant, or employé of any person or corporation who shall willfully violate this section shall be punished by a fine of not less than ten nor more than one thousand dollars, and no service performed in the prosecution of such prohibited commerce shall be lawful, nor shall any compensation be recoverable or be paid for the same.

SEC. 4. That all military and naval drills, musters, and parades, not in time of active service or immediate preparation therefor, of soldiers, sailors, marines, or cadets of the United States on the first day of the week, except assemblies for the due and orderly observance of religious worship, are hereby prohibited, nor shall any unnecessary labor be performed or permitted in the military or naval service of the United States on the Lord's day.

SEC. 5. That it shall be unlawful to pay or to receive payment or wages in any manner for service rendered or for labor performed or for the transportation of persons or of property in violation of the provisions of this act, nor shall any action lie for the recovery thereof, and when so paid, whether in advance or otherwise, the same may be recovered back by whoever shall first sue for the same.

SEC. 6. That labor or service performed and rendered on the first day of the week in consequence of accident, disaster, or unavoidable delays in making the regular connections upon postal routes and routes of travel and transportation, the preservation of

