

# KNOW-NOTHINGS, THE WINCHESTER SCHOOL COMMITTEE, & FREEDOM OF RELIGION

By Ellen Knight<sup>1</sup>

From the time Winchester was incorporated in 1850, many challenges have faced the School Committee and the community. Following the initial challenge of creating a whole new school system, just four years later it was faced with an emotionally charged issue which had swept over the country and involved nothing less than First Amendment rights.

## AN HISTORIC STAND IN 1854

Today there is a separation of church and state which prohibits religious teaching, including Bible reading and prayer, in the public schools. Yet for most of America's history this was not so. In 1854 in Winchester, Bible reading was part of the school day, and no one objected to that. But a problem arose when several Catholic students at the Washington Elementary School were suspended for refusing to read the King James (Protestant) Bible.

The School Committee then had its first experience dealing with the rights of minorities. Since there was no practice established for Bible reading, in April of 1854 it ruled that henceforth teachers alone read the Bible in class. The Committee did not censure the teacher for having enforced obedience but did restore the students.

And what a fuss and furor that caused. Although there was no Winchester newspaper in those days, the story was carried in the *Middlesex Journal*, beginning on May 6 when it was reported that the change "is making no little talk among the Protestants of Winchester. It seems that, because a few Irish families objected to their children reading the Bible, our indulgent committee have concluded to allow no children the privilege, but that this exercise may be performed by the teacher."

A public meeting was held at which the Committee made the new rule publicly known. About 400 people were there, "and what was remarkable, almost all were of one opinion" – opposition to the School Committee. A committee consisting of Sumner Richardson, Aaron D. Weld, and Rev. Reuben T. Robinson was appointed to prepare resolutions expressive of the sense of the town.

On May 16, citizens crowded Lyceum Hall to hear the resolutions committee's report. It resolved (among other things) that the Bible had been in the schools from the settlement of New England



*John A. Bolles, a member  
of the School Committee in  
1854, along with Charles  
Kimball, Oliver R. Clark,  
Charles P. Curtis and  
William Ingalls*



*A.D. Weld,  
member of the  
Resolution  
Committee*

until the present, that “there is no book more suitable to be placed in the hands of the young as a means of educational and moral improvement,” that by responding to a few individuals the School Committee acted contrary to the best interests of the school and the wishes of the majority, that any attempt to interfere with scholars reading the Bible in class “should be viewed with alarm” as “affirming the Romish doctrine that the Bible is fit for the priests and teachers only,” and finally that the School Committee reconsider its decision and require all scholars to read the “commonly received version” or be considered in a breach of the rules of the school.

The resolution was moved to a vote which was almost unanimous. A prominent fear was said to be “the establishment of a precedent that would be pernicious in its effects – not confined alone to the town of Winchester, but which would be felt far and wide throughout our whole Common School System.”

Indeed, news of the Winchester vote traveled outside town. It was distorted and reported in a New York City newspaper, *The True American*. Although the historical collections in Winchester do not have a copy of this paper, material from it was reprinted in a Maine newspaper, the *Ellsworth Herald*, where it was found, copied, and sent to Winchester by New Jersey resident Joseph McCaffrey in 1978.



*Rev. R. T. Robinson,  
member of the  
Resolution Committee*

“The Bible Banished from School!” the headline cried out before presenting a garbled and erroneous version of the incident. “It seems that the Irish Roman Catholic parents of eight children demanded that the Bible should be taken from the public schools. The school committee of the town held a meeting and granted their request, and the reading of the Bible has been dispensed with.... The affair should be circulated throughout America, that here in New England, within a few miles of the very spot on which the pilgrim wanderers landed, in a little town overlooked by Bunker Hill, and nearly joining the town where the first sacred blood was spilt for liberty, has been accomplished more than the Romanist themselves might have hope for, for years to come.”

*The True American* was an organ of the American Protestant Party, a.k.a. American Party or Know-Nothing Order and was “devoted to the American people and their interests.”

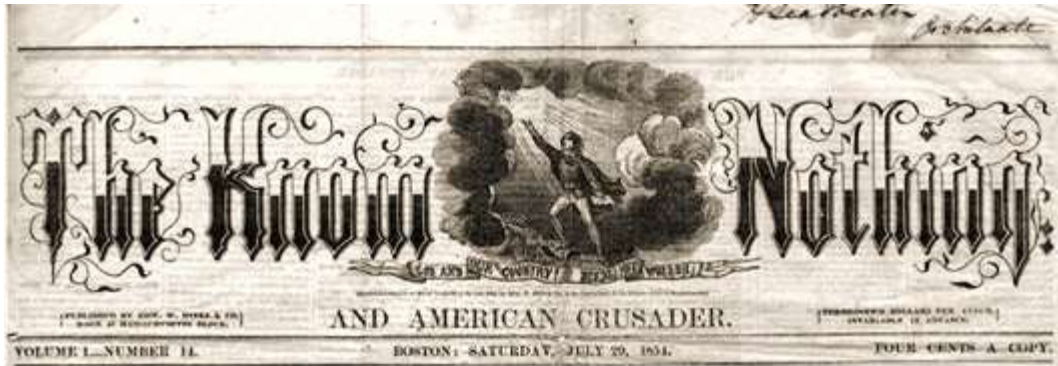
What was the American Party and what had it to do with Winchester?

### **KNOW-NOTHINGS**

Since colonization, America had been primarily Protestant. During the 1840s, the influx of Catholic immigrants alarmed Protestants that the country would be overwhelmed by Catholics

controlled by the Pope who would interfere with American liberties.

In response, a nativist American political movement, the Know-Nothing Order, grew up. It was so named because any member asked about party activities was supposed to reply, "I know nothing." Organized in 1843, the party was strong for a while. In 1854, it swept the elections in Massachusetts.



*Banner of a No-Nothing Newspaper printed in Boston*

Principles enumerated in the constitution of the Massachusetts party called for (among other things) mandating a wait of 21 years before an immigrant could vote (to learn the language and laws), inclusion of the Bible as a text-book in the schools, recognition of the Bible as the basis of all popular education, and the Bible to be open to and in the hands of every man, woman, and child.

It is no wonder that a story of a community banning the Bible from the schools would be decried by adherents of the American Party – only it was not true.

How did the story get to New York? It can only be supposed that there were local Know-Nothings and that one of them passed the news on to fellow party members. That July, an anonymous column in the *Middlesex Journal* asked the question, "Have we a Know Nothing among us?" Then, week after week through September, someone signing himself only as "W" contributed lengthy Winchester columns promoting American Party principles. Were such columns printed today, their jingoistic xenophobia and anonymity would not be tolerated. However, in 1854 they were printed without response.

And what was the result of all this rucus over Bible reading? Did the School Committee back down? No. In fact, it wrote and published an 11-page justification in its Annual Report of 1854-1855 from which the following has been excerpted.

### **COMMITTEE DEFENSE**

"We were anxious to insure the scholars the full enjoyment of their rights and to protect the town from all risk of suit."

“The equality of all citizens and of all denominations or sects in religion, and the sanctity of conscience, whether in school or out of school, are not to be violated or invaded. ...The fact that Roman Catholics are the majority or the minority does not affect their rights.”

“Any individual is a bigot or a tyrant who will impose upon another man’s conscience any doctrine, decree, policy, or measure to which he would not himself patiently submit or conform. And if this be true of an individual, it is more emphatically true of a community.”

“We were not excluding the Bible from our public schools, nor placing it beyond the use and reach of the public school children... nor were we affirming that the Bible is fit for priests and teachers only.” The Catholic parents reportedly had no objection to children hearing the King James version read. The committee decided that teachers could give the most reverential readings and accomplish the purpose without offense to anyone.

“To endeavor now to enforce Protestant religious instruction in our schools upon reluctant Roman Catholic pupils is unconstitutional and illegal. And were it both legal and constitutional, it would be the height of political and social folly and wrong,” since it would drive minorities out of the system “instead of bringing together the children of every sect, race and class in society, to be moulded by a common and wholesome system of education into one common American character.”

Public education, the committee held, is not the institution of a sect but an institution of the people.

## **OUTCOME**

In subsequent annual reports, the issue of Bible reading did not arise. The Know-Nothing Party became divided on the issue of slavery and soon disappeared. In 1862, the statute law was modified so that, although Bible reading was still required, any pupil was exempt from taking part if his parent or guardian wished.

In retrospect, the Winchester School Committee can be seen to have made a forward decision for its time. It was not the final word, and over a century later Bible reading in public schools was still being debated.

As part of that debate, reference to the Winchester decision was made in 1863 by a family in Woburn whose own case went to the Supreme Judicial Court and defined Massachusetts’ stand on the Bible in its schools for about a century.

## **APPEAL MADE TO WINCHESTER DECISION IN LANDMARK WOBURN CASE**

Nine years after some Winchester students were suspended from school for refusing to read the Bible in class (1854), siblings in a Woburn family were suspended for refusing to bow their heads during school prayer.

The Winchester School Committee decided that the students did not have to read the Bible and restored them to their school. The father of the Woburn children pointed to the Winchester decision as a just response, but the Woburn School Committee upheld the suspension. The case went to the Supreme Court of Massachusetts.

The children's father, William T. Spiller, was a cabinet maker and a Massachusetts native and may have been a believer in Spiritualism, but his religion was not mentioned in the case documents.

Spiller explained his position in a privately printed booklet, 14 pages in length, three of them comprised of excerpts from the Winchester decision. He stated that his son George, 8, and daughter Mary, 6, were expelled from the Green Street School because they did not bow their heads during the teacher's prayer nor repeat the words. He said he did not want them to, that he sent them to school for education not worship. He reported visiting the teacher who replied, "The rule must be obeyed."

On inquiry to members of the Woburn School Committee, Spiller was told that the teacher did not require his children to repeat the words but that reclining the head on the desk was a school rule and the children were being punished for disobedience. Spiller demanded that his children be allowed to go to school and was told they could only do so if they obeyed the rule. He reported being told the statutes not only permit it but demand it.

The schools presented the issue as one of disobedience. Spiller saw "the unreasonable and tyrannical conduct of the Committee" as a violation of his family's civil rights by coercing the children into a religious observance. He obtained a legal opinion to that effect.

"If children in our public schools can lawfully be required to join in prayer, by bowing their heads, they may lawfully be required to join in prayer, by ... bending their knees, repeating prayers audibly, responding amen, ... and, in fact, by performing any manner of religious ceremony which the school committee may choose to prescribe."

"It is one of the essentials of religious liberty, and a clear principle of the Bill of Rights of Massachusetts, that no person can be required, by law, to perform any religious observance or ceremony whatever. All that can be required of any one is that he shall not disturb others in their religious worship."

"... reclining the head is manifestly joining in the prayer, and can have no other significance; ... not reclining the head is not an act that can by possibility disturb others in their devotions."

The School Committee did go so far as to say any student could be excused from bowing the head whose parent requested it. Spiller declined to do so, because "The committee had no right to say that the parent should ask as a favor what they had no right to require."

As the teacher continued to refuse the children admittance to the school, Spiller's eldest daughter,<sup>13</sup> became the plaintiff in *Ella R. Spiller versus Inhabitants of Woburn*, Jan. term 1866

Supreme Judicial Court of Massachusetts. J. P. Converse represented the defendants, and Attorney A. F. L. Norris the plaintiff.

Norris argued that Miss Spiller was unjustly excluded from school on account of her religious opinions since the order of the School Committee enjoined upon her the necessity of uniting with the teacher, in form and substance, in the prayer.

Judgment was for the defendants. The court opinion was that "The school committee of a town may lawfully pass an order that the schools thereof shall be opened each morning with reading from the Bible and prayer, and that during the prayer each scholar shall bow the head, unless his parents request that he shall be excused from doing so; and may lawfully exclude from the school a scholar who refuses to comply with such order, and whose parents refuse to request that he shall be excused from doing so."

The court acknowledged that it would not be competent for a school committee to pass a regulation requiring pupils to conform to or to go through any religious rite or observance inconsistent with or contrary to their religious convictions or conscientious scruples.

But in this case, "It went no further than to require the observance of quiet and decorum during the religious service with which the school was opened. It did not compel a pupil to join in the prayer, but only to assume an attitude which was calculated to prevent interruption by avoiding all communication with others during the service. In the next place, the regulation did not require a pupil to comply with that part of it prescribing the position of the head during prayer, if the parent requested a child to be excused from it."

The case was subsequently cited, in courtrooms and in texts, as judicial precedent with regard to school prayer. For example, the *American Encyclopaedia of Law* of 1900 stated: "The practice of opening school exercises by reading from the Scriptures has been attacked as sectarianism. Generally, however, the constitutionality of the practice has been upheld.... In Massachusetts it was decided in *Spiller vs. Woburn*, 12 Allen 127, that the committee might require the schools to be opened each morning with reading from the Bible and with prayer."

Not until the U.S. Supreme Court made different decisions in the mid-20<sup>th</sup> century did *Spiller vs. Woburn* no longer rule.



What was the outcome for the Spiller family? After the 1866 court decision, William and Elizabeth Spiller moved their family to Stoneham. The 1870 census records that their three school-aged children were "at school" there. Ella was married six years after her case was lost (by a Congregational minister) and died of consumption at age 31, followed six months later by her sister Mary. Brother George became a carpenter like his father, married twice, but had no children. There were apparently no Spiller descendants to enjoy any belated vindication.

*Ella Spiller Merrill's headstone in Stoneham*

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<sup>1</sup> This article © 2018 is a revision of earlier articles by the author, Ellen Knight, published in the *Daily Times Chronicle* on Oct. 22 and Oct. 25, 2010. This article supersedes all previous articles.