

# DAILY PEOPLE

VOL. 10, NO. 260.

NEW YORK, THURSDAY, MARCH 17, 1910.

ONE CENT.

EDITORIAL

## THE MASSACHUSETTS CONFESSIONAL BILL.

By DANIEL DE LEON

**R**EADERS of *The People* will remember the article "The Case of Father Travassos," *Daily People*, October 19, 1909; *Weekly People*, October 30. It was the case of a New Bedford Roman Catholic prelate who was sued in damages by a husband, whose young wife the prelate, through false representations made in the confessional and denying the binding force of a marriage celebrated by the civil authorities, had caused to desert her husband. Subsequently, ascertaining that the prelate had misinformed her, the wife returned to her husband and revealed to him the reasons for her conduct. The husband then sued the prelate. At the trial, the attorney for the defendant objected to the plaintiff's wife testifying as to what the prelate had said to her, on the principle that the words were spoken in the confessional, and that such conversations are "privileged." The trial judge overruled the objection on the ground that, while the priest could not be forced to reveal the conversations of the confessional, the penitent was free to do so; and judgment was entered against the defendant, Father Travassos.

Commenting at the time on the case of Father Travassos *The People* argued that Father Travassos and his hierarchy had a right to believe that only they had authority to solemnize marriage; that they had a right to believe that a man and woman, not married by them, lived in concubinage; that they had a right to believe that their expressions concerning concubinage were not slanderous and libelous towards those not married by them, and their children, and that they had a right to believe that such expressions should not lay them open to prosecution for slander or libel; finally, that they had a right to believe that they should have the power to annul all marriages otherwise contracted, and thereby exercise the functions of a divorce court as Father Travassos had sought to do. *The People* argued further that,

seeing their views upon these matters were at war with the existing institutions of the land, and with the principles upon which these institutions were raised, Father Travassos and his hierarchy had the right to agitate, to educate and to organize with the view to bring about the state of things in which such beliefs were organic law. To hold such views and to resort to such methods *The People* placed itself on record as holding that Father Travassos and his hierarchy have an unquestionable right—just the same as Socialists have and insist upon the unabridged exercise of the right to agitate, educate and organize with a view to bringing about as radical a political revolution in the existing organic institutions of the land, in one direction, as the changes, which the procedure and posture of Father Travassos and his hierarchy give an inkling of, imply a radical political revolution in another and opposite direction. Finally, planted upon these views, together with the facts in the Travassos case, *The People* pointed out that the method pursued by Father Travassos, and seconded by his hierarchy, in pursuit of their goal was, however, a method so utterly subversive of elemental principles of social order that it transcended even Anarchy. Civilized man will insist upon the right to agitate, educate and organize to the end of enthroning his views, and only, that achieved, will he put his views in practice; the uncivilized man will attempt to put his views in practice before they are enthroned—as Father Travassos did. “Imperium in imperio” (a supremacy within a supremacy) is an onslaught upon elemental principles of Social Life.

Reasserting this unshakable position, and ever ready to welcome the ways that make Social Life possible, *The People* now takes pleasure to applaud the method now adopted in Massachusetts by Father Travassos’s hierarchy in view of that prelate’s condemnation in New Bedford. A bill was introduced this year in the Massachusetts Legislature whereby the utterances of a priest in the confessional are to be excluded from the witness stand, and are to be treated as inviolably secret. However human intelligence may revolt against a political system under which “the cloth” raises a man above the law, the method of first seeking to enact such a principle into law before presuming to enforce it is the orderly one. Father Travassos’s hierarchy deserve credit for falling into line with the ways of orderly procedure, and to drop the false pretence of religion be frankly striking a political

course in pursuit of their object.

The bill has been killed in this Legislature. It is referred to the next. Its chances are next to none. We have the theocratic system of political rule too far behind us to need to apprehend its return. All the same, those who like that sort of thing have a right to promote it—along the path of order. A country's destiny ever must be in the country's hands. The cause of Progress demands vigilance. If Progress falls asleep it deserves no better than to be "caught napping." If the cause of Progress is vigilant, as it has shown itself in Massachusetts in this instance, Retrogression has no chance.

Transcribed and edited by Robert Bills for the official website of the Socialist Labor Party of America.  
Uploaded March 2011

[slpns@slp.org](mailto:slpns@slp.org)