

# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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**AERIAL VIEW OF THE STATUE OF LIBERTY**

**President Coolidge on American Ideals — Page 80**

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WASHINGTON, D. C.

# Religious Liberty Association

## DECLARATION OF PRINCIPLES

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.
2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.
3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.
4. We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.
5. We believe it is the right, and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.
6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.
7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.
8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.
9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.
10. We also believe in temperance, and regard the liquor traffic as a curse to society.

For further information regarding the principles of this association, address the Religious Liberty Association, Takoma Park, Washington, D. C. (secretary, C. S. Longacre), or any of the affiliated organizations given below:

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# LIBERTY

"Proclaim liberty throughout all the land unto all the inhabitants thereof." Leviticus 25:10.

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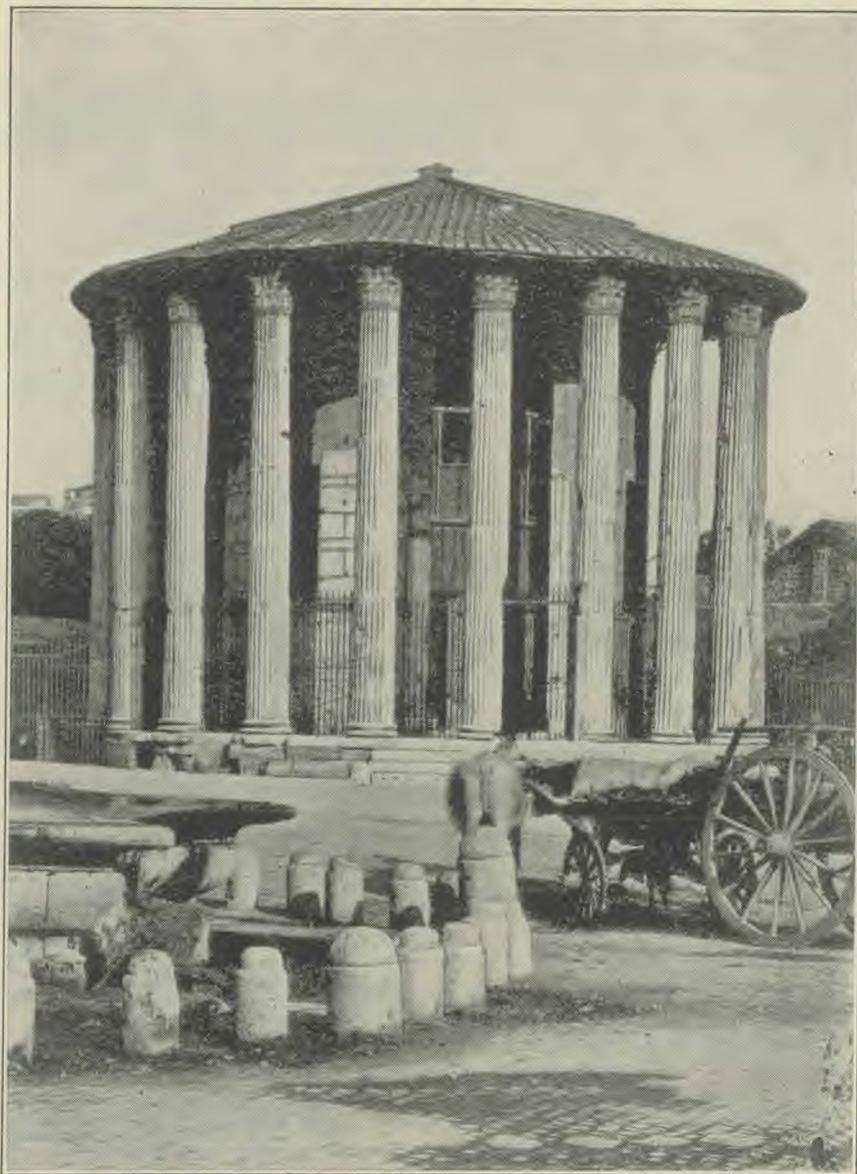
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ROMAN TEMPLE OF VESTA

*Vesta was the Roman goddess of fire, the worship of which was a prominent feature of paganism, closely akin to sun worship, a relic of which survives even today in Sunday observance. In the Temple of Vesta the sacred fire was always kept burning, presided over by four vestal virgins, its priestesses. In case the fire was permitted to go out, the negligent virgin was scourged, and the fire was rekindled by the sun god himself, his rays being brought to a focus by a concave mirror.*

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## Sunday Legislation Traced to Pagan Rome by a Prominent Lawyer

[A Historical Article]

UNDER the above caption, the *Arkansas Democrat* of April 26, 1925, contains a most illuminating historical article by Attorney Benjamin F. Allen, of Little Rock, former assistant secretary of State, a part of which we print at this time as follows:

"Next to prohibition, politics, and evolution, there is probably no issue on which the American people are more sharply divided than on the question of Sunday legislation. On one side stand arrayed those who maintain that the 'divine law' expressed in the fourth commandment should be enforced with a policeman's club; on the other side are the dissenters who believe they should be free to do as they please on Sunday, with due respect for the right of others.

"Ben F. Allen, of this city, lawyer and former assistant secretary of State, has devoted many years of study and research to the subject of Sunday observance, and has made some interesting, not to say astonishing, discoveries concerning it.

"He has found, among other things, that all Sunday legislation is the product of pagan Rome by the following sequence: The Saxon

laws were the product of Middle Age legislation of 'the Holy Roman Empire.' The English Sunday laws were an expansion of the Saxon, and the American are modified transcripts of the English.

"The first Sunday law, Mr. Allen discovered, was an edict of the Roman emperor Constantine, based on the pagan conception that Sunday was to be venerated as a religious duty owed to 'the god of the sun.' All subsequent Sunday laws, down to the present time, may be traced in direct sequence to this edict, according to Mr. Allen.

"Although a devout Baptist, Mr. Allen is opposed to all efforts in the nature of civic religion, with which he classes all forms of Sunday legislation.

"Civil restraint in religious matters is apostasy,' he said. 'It is full of martyr's blood, but Protestants have never gotten entirely free from it. Being in the majority is too much for them. Now they are ceasing to "protest." They are casting longing eyes toward the civil power, and history threatens to repeat itself.

"The fourth commandment says: "Remember the Sabbath day, to keep it holy." To keep it holy is the essence of the command. That is the sole object sought.

"The civil law may force us to "remember



Constantine  
Author of the First Sunday Law

the Sabbath day," even against our will, but how can force sanctify it to God and keep it holy?"

"Sunday observance has been a hotly debated issue in this country ever since the Pilgrim Fathers set foot on Plymouth Rock, Mr. Allen has found. Roger Williams was the first dissenter. He boldly declared the doctrine that the state had no right to punish a breach of the Sabbath, nor any other religious offense, these being purely matters of faith and conscience in which civil authority had no right to interfere. He was banished from the colony of Massachusetts for his heretical views, whereupon he founded a new and more liberal-minded colony—Rhode Island.

"Since Roger Williams' time the question has been debated in the halls of Congress, in every State legislature, and in courts throughout the land, including the United States Supreme Court. The most eloquent and distinguished figures in American history have declared themselves for or against, and still the controversy rages unabated.

"While the demoniacal intolerance of the early colonial Sunday laws, which made church attendance compulsory on penalty of 'boring of the tongue with a red-hot iron' and even death, has been modified and curbed by legislative enactment, there has been a great increase in the number of restrictive Sunday laws in the last half century, a fact that has been interpreted as indicating that the country is gradually 'drifting back to the old order of things.'

"'Every additional law of this kind,' said William Addison Blakely, Ph. D., former lecturer on political science and history in the University of Chicago, 'only strengthens the bonds uniting church and state, . . . and pre-figures the time when the rights of conscience will no longer be respected in this boasted land of freedom.'

"All of the States, with the exception of Arizona and California,\* have on their statute books laws that curtail personal liberty on Sun-

\* Oregon is also without a compulsory Sunday law, and has been so now for five or six years.—*EDITOR.*

day, prescribing fine, jail sentences, and in one instance—Pennsylvania—confinement in the good old-fashioned stocks of Puritan days, for violation of the Sunday statutes.

#### "Compulsory Church Attendance

"In the days when religious intolerance was rampant, the purpose

of Sunday laws was plainly and frankly stated in them. Their avowed object was to make church attendance compulsory, compel all citizens to support ministers of the gospel, and enforce a stern code of conduct on the 'Lord's day,' which forbade all forms of 'worldly' enjoyment, and frowned upon all acts seeming to conflict with a mood of doleful piety. This was the 'pious' attitude the early colonists brought to this country with them, and it soon became crystallized into law.

"The first Sunday law in America was enacted by the colony of Virginia in 1610. It was based upon the Sunday law promulgated by King Charles II of England, and was extremely drastic. It prescribed that:

'Every man and woman shall repair in the morning to divine service and sermons preached upon the Sabbath day, and in the afternoon to divine service, and catechizing, upon pain for the first fault to lose their provision and the allowance for the whole week following [this was at the time that the Virginia plantation held all things in common; and if the Sabbath was not observed according to the requirements of the government, all supplies were cut off]; for the second, to lose said allowance and also be whipped; and for the third, to suffer death.'

"Several acts of the Virginia Assembly made it penal for parents to refuse to have their children baptized; prohibited the assembling of Quakers; made it penal for any shipmaster to bring a Quaker into the State; ordered all Quakers already there and those that might come thereafter to be imprisoned until they should agree to leave the country, providing a milder penalty for the first and second return, but death for the third.

"In the same year, 1610, a law was enacted in Virginia against blasphemy, the offender, for the first offense, to suffer 'severe punishment;'



*Roger Williams, the First Prominent American Dissenter*

for the second, 'to have a bodkin thrust through his tongue,' and for the third to 'be brought before a martial court, and there receive censure of death.' Similar laws, both as regards Sunday observance and blasphemy, were enacted by Massachusetts in 1698, by Connecticut about the same time, and by Maryland in 1723.

"For some reason that history fails to explain, the Virginia Legislature underwent a radical change of heart between 1610 and 1623, when the law was so modified that a penalty for absenting oneself from divine services on Sunday was reduced from death to forfeiture of one pound of tobacco for the first offense and fifty pounds of the 'noxious weed' for those who absented themselves for four consecutive Sundays — a radical change, indeed.

"This law was further modified in 1705, when the Virginia Sunday observance law was made to read: 'If any person of full age shall absent from divine service at his or her parish church or chapel, the space of one month (except such Protestant dissenters as are exempted by the act of Parliament made in the first year of King William and Queen Mary), and shall not, when there, in a decent and orderly manner continue till the service be ended; and if any person shall on the Lord's day be present at any disorderly meeting, gaming, or tippling, or travel upon the road, except to and from church (cases of necessity and charity excepted), or be found working in their corn, tobacco, or other labor of their ordinary calling, other than is necessary

for the sustenance of man or beast; every such person being lawfully convicted of any such default or offense, by confession or otherwise, . . . shall forfeit and pay five shillings, or fifty pounds of tobacco, for every such default or offense; and on refusal to make present payment, . . . shall . . . receive on the bare back ten lashes, well laid on.'

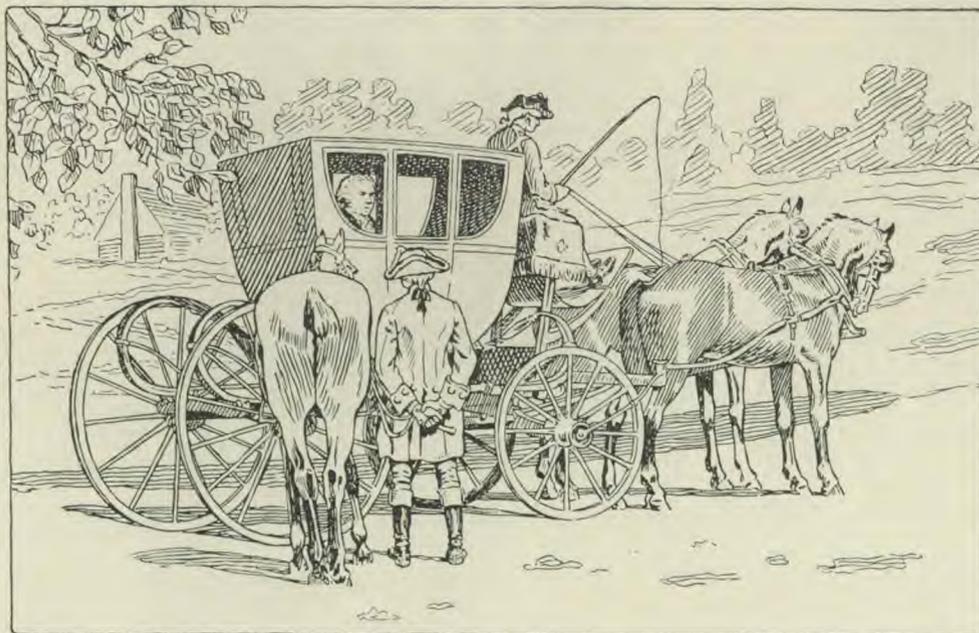
#### "Labor on Sunday

"Labor on Sunday, under this same enactment, was forbidden under penalty of a fine of \$1.67, with every 'apprentice, servant, or slave' so employed constituting a separate offense.

"But although the tone of the law was changed, it is apparent that the object of the subsequent enactments, and, in fact, of all Sunday observance law now in force, was indirectly to compel church attendance and the religious observance of the day.

"Strangely, the first colony to enact Sunday laws was also the first to disestablish religion, largely through the influence of Thomas Jefferson and James Madison. In 1785, Jefferson, the 'grand old heretic,' framed a law entitled, 'An Act of Religious Freedom,' which passed the General Assembly of Virginia as follows:

"'WHEREAS, Almighty God hath created the mind free; that all attempts to influence it by temporal punishment or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our re-



*The First American President, Detained and Warned by a Tithing Man While Traveling on Sunday*

ligion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, have established and maintained false religions over the greatest part of the world, and through all time; . . .

"Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

"This law went unchallenged for more than one hundred years, but in 1908 the monument of religious liberty was overturned, and the legislature threw a special guard about Sunday and its observance, putting the ban on Sunday labor, prohibiting rail transportation, with certain exceptions, outlawing the loading or unloading of ship cargoes, forbidding the carrying of dangerous weapons to places of worship, and prohibiting fishing on Sunday. No mention was made of any sport besides fishing, for some reason.

"The early Sunday observance laws of Massachusetts were quite as harsh as those of Virginia. In 1650 the Massachusetts Legislature thus put the ban on Sunday labor: 'Further bee it enacted that whosoever shall prophane the Lord's day by doing any servill worke or any such like abuses, shall forfeite for every such default tenn shillings or be whipte.' This was the first and only Sunday law enacted in the Bay State until

1671, when 'presumptuous Sunday desecration' was made punishable by death. The language of the law was as follows: 'Whosoever shall profane the Lord's day, by doing unnecessary servile work, by unnecessary travailing, or by sports and recreations, he or they that so transgress, shall forfeit for every such default forty shillings, or be publicly whipt; but if it clearly appear that the sin was proudly, presumptuously, and with a high hand committed, against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord, shall be put to death or grievously punished at the judgement of the court.'

"At the same time the legislature deemed it necessary, for the glory of God, to lend an urge to church attendance, by imposing this legislative enactment upon the people: 'And whosoever shall frequently neglect the public worship of God on the Lord's day, that is approved by this government, shall forfeit for every such default convicted of, ten shillings, especially where it appears to arise for negligence, idleness, or prophane-ness of spirit.'

#### "Traveling on Sunday"

"To prevent any unnecessary traveling on the 'Lord's day,' it was enacted that a 'fit man' be appointed in each town to inquire into the occasion of travel observed by him on Sunday, and issue passes for traveling to those doing so by reason of 'danger or death' or 'other such necessitous occasion.' This worthy official was known as the 'tithing man.'

"The tithing man also watched to see that 'no young people walked abroad on the eve of Sabbath after sundown. He also marked and reported all those "who lie at home," and others who "prophanely behaved,"

"lingered without doors at meeting time on the Lord's day," and all the "sons of Belial" strutting about, sitting on fences, and otherwise desecrating the day.' The tithing man could arrest any who walked or rode too fast a pace  
(Concluded on page 92)



E. J. HALL

*Under some colonial laws it was unlawful to travel on the road on Sunday, except to and from church.*



PAINTED BY C. S. PEARCE

*Study. A Mural Painting in the Library of Congress*

## Argument Before United States Supreme Court on the Oregon School Law

**W**E take pleasure in submitting some of the leading arguments made by Hon. William D. Guthrie, dean of the Law Department of Columbia University of New York, before the Supreme Court of the United States, on the much-agitated question of the Oregon School Law, which was framed to close up and destroy all private and religious primary schools. Mr. Guthrie is conceded to be one of the ablest Constitutional lawyers in America, and he delivered the principal argument before the Supreme Court in defense of the private and religious schools.

Mr. Guthrie stated in opening his argument that he considered this issue and the case before the court, "to be the

most important case of this generation." He contended that —

"The right to conduct a private school is a right partaking of both liberty and property, and as such, this corporation, the appellee society, is entitled to protection under the Fourteenth Amendment against enactments which practically deny it either right.

"There is an argument in the brief of the Governor that corporations have no liberties and can assert no such claim. We think that claim untenable, and not decided in the cases cited. . . . This court is constantly granting corporations such relief.

"We then argue that the conceded power of the State to regulate private schools, and to prescribe the qualifications of teachers therein, and their being licensed, does not extend to the power of prohibition or destruction, which is necessarily involved in a law requiring all children between eight and sixteen years of age to be sent to the public schools.

"We shall urge that the right of parents to send their children to private schools of their own choice is a fundamental, natural, and sacred right, which is part of the liberty guaranteed to us all, and protected by the Fourteenth Amendment against undue denial by the State.

"And likewise we shall urge that the right of teachers in the primary grades of private schools to pursue their time-honored and universally esteemed, and, as Mr. Justice McReynolds said in the German Language cases, useful calling, partakes of the nature of both liberty and property, and cannot be arbitrarily denied by a State.

"And, finally, we shall contend that if the true and real motive and intent of this measure, as deliberately disclosed and confessed in the brief filed in this Court on behalf of the Governor of the State, and as deliberately disclosed and confessed likewise in the brief filed on behalf of the Attorney-General of the State,—that if the true and real intent and motive, as well as the practical effect, of the enactment in question, constitute an attempt to deny religious liberty or freedom of conscience to those parents who desire to send their children to schools of their selection, where the doctrines of their own faith—be it Catholic, Protestant, or Jewish—can be taught them, the enactment would likewise constitute a violation of religious liberty, which is also guaranteed by the Fourteenth Amendment against undue denial by a State; but this point has not yet been expressly decided by this Court, although within the principle and spirit of Mr. Justice McReynolds' opinions in the German Language cases.

"If Your Honors please, it is important for you to note at the outset that no question is involved as to the power of a State to enact a compulsory education law, and to require that children shall attend some school, and correlatively as to the power and duty of a State to provide at public expense schools where free tuition of children may be obtained.

"Compulsory education laws, as Mr. Justice Sanford has just pointed out to the learned Assistant Attorney-General, are fundamentally different from compulsory public school laws compelling all parents under severe penalties to send their children to a public school. Compulsory education laws are in effect in every State of the Union, as well as in the District

of Columbia, and have been in force in Oregon for more than thirty years.

"The present enactment, however, is not a compulsory education law, such as is in force in every other State, requiring children to be educated and to attend some school. But it is a compulsory public school law, requiring children to attend a public school, under penalties of fine and imprisonment against the parents, and, in practical effect, as indeed was intended and as the learned Assistant Attorney-General practically so conceded in his argument, it would suppress and destroy all private schools.

"In fact, the Attorney-General says in his brief (at p. 72) that 'the people of the State of Oregon, under their initiative powers, have enacted a law requiring that all children shall be educated exclusively'—*exclusively* is his very word—in the public schools.'

"Religious schools have been in existence and operation in this country nearly three centuries without interference by any legislature until this Oregon law.

"Last month Congress passed an act applicable to the District of Columbia, printed in our Appendix I, in which it expressly provided that education in a private or parochial school should be accepted as a substitute for education in a public school provided only that the Board of Education deemed that the instruction given in such private or parochial school, or privately, was equivalent to the instruction given in the public schools.

"All of our States except Oregon distinctly recognize private or parochial schools as proper substitutes, either *eo nomine* or under terms that clearly include them.

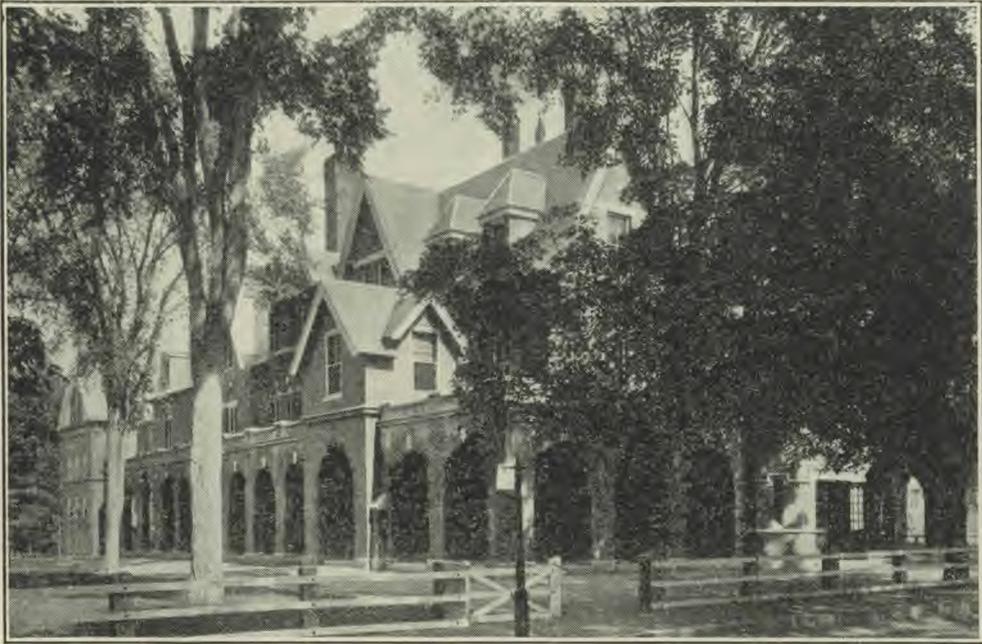
"Twenty-four of the States expressly provide in their statutes that attendance at a parochial school shall be accepted; and as I have just stated, the remaining States, although in differing language, recognize that education at a private school or at a denominational

school shall be acceptable so long as the children of the State are educated.

"In a word, Oregon alone prohibits parents from sending their children to private or religious schools, striking at Catholic and Protestant alike. There are many religious schools in Oregon, as the record shows,—Catholic, Episcopalian, Lutheran, Adventist, and other denominations,—and there have been from the beginning, and long before any public school



An Episcopal Primary School Home at Groton, Mass.



© KIMBALL

*The Study, St. Paul's School, Concord, N. H.*

system was established in Oregon or any compulsory education law passed in Oregon.

"Oregon alone has attempted to suppress private and religious schools. If I may quote Milton's famous phrase, in the second book of "Paradise Lost," Oregon alone has 'that bad eminence' of intolerance and antipathy for freedom of education.

"All other States have recognized the philosophy of this subject, and that is that the end and the goal of the State, the legitimate end and the legitimate goal of the State, should be and really is education, and not the particular form in which the education shall be imparted.

"This was admirably put or expressed by the supreme court of Massachusetts, when Mr. Justice Holmes was on that bench, in the case of *Commonwealth vs. Roberts* (159 Mass., 372), and I shall read a sentence from that opinion, which Your Honors will find quoted in Mr. Veatch's brief in the case of the Hill Military Academy, No. 584, namely:

"The great object of these provisions of the statute [that is, the Massachusetts Compulsory Education Law] has been that all children shall be educated, not that they shall be educated in any particular way. To this end public schools are established, so that all children may be sent to them unless other sufficient means of education are provided for them.'

"And all through the history of Massachusetts (which was rather prominent in intolerance in the seventeenth century), from the very first

law which they passed in regard to education, they recognized the right of the parent to have children educated otherwise than in the public schools established by the Puritans.

"I shall not argue the obvious: that the effect as well as the intent of this statute was to prohibit and destroy religious and other private schools. They were to be suppressed, no matter how superior their instruction; no matter how well conducted; no matter how desirable and necessary for certain children who needed particular discipline or particular instruction. The good and the inferior alike were to be suppressed, without any complaint or any investigation, without any expert report or commission, without the slightest ground being assigned, except that its promoters desired that all children should be compelled to be educated exclusively along the same lines of uniformity of instruction established by bureaucratic and political school-teachers, whether competent or not.

"I desire to affirm as emphatically as I can that, if held Constitutional by this Court, the decision in these cases would necessarily recognize a legislative power in the several States to suppress every private, every denominational, every parochial, and every religious private school in the country. It would recognize the power to close those great Episcopal schools of Massachusetts, Groton and St. Marks, St. Paul's in New Hampshire, Kent and Pomphret and St. Margaret's in Connecticut, and throughout the country, as the admirable and eloquent brief

filed by the counsel of the Protestant Episcopal Church as *amici curiæ* conclusively shows; and it further shows that they have one hundred such religious schools where children of the Episcopal faith are being taught their religion. And as the brief on behalf of the Jews by Mr. Louis Marshall as *amicus curiæ* equally shows as to his ancient faith.

"Furthermore, it needs no argument, for it is indeed manifest, that if the power of a State to suppress primary schools be unlimited, as the Attorney-General literally asserts in the opening part of his brief, and as the advocates of this measure and counsel for the State of Oregon have argued in their briefs, and perhaps will argue orally, if such power be unlimited, where can it be stopped? The State surely need not then stop at the age of sixteen or with primary education; it can at will similarly legislate as to secondary and preparatory schools and colleges, and suppress all the private educational institutions throughout the country, on the plea, as stated in the brief filed on behalf of the Governor of Oregon, that they may possibly teach prejudicial, unpatriotic, or subversive doctrines to the future men and women of our country; that they may become 'red,' and teach subversive and revolutionary doctrines. . . . You are further asked in argument to assume, without proof of any kind, that the private and parochial schools of Oregon may possibly be inferior to the public schools maintained in that State, and that the measure was passed in good faith to secure a better education for the children of Oregon now attending private and parochial schools.

"But I cannot, unfortunately, for want of time, argue any further upon that question, or show you how, in the Federal census of 1920, for example, the fact was shown that 2,280 of the public schools in the State of Oregon were one-room schools, where all grades and both sexes were intermingled, and that 1,633 of the school-teachers, fully 21 per cent, had not even had a training equal to a normal school or its equivalent. The National Education Association published these facts to the country,

showing conditions, not alone in Oregon, but elsewhere, that ought to be remedied, if the beneficent system of public schools was to do the work which it ought to do, and which the taxpayers of the United States are now paying over one billion dollars a year to enable it to do.

"The enactment now before the Court for consideration in its Constitutional aspect affects and involves the Constitutional rights of four classes of persons; that is, parents, children, teachers in primary grades, and owners of primary schools — and all the rights partake of the nature of the right of liberty and of the right of property; all are interdependent, and all, I submit, are protected by the Fourteenth Amendment from denial by a State.

"First and foremost, the law involves the sacred rights of parents in the discharge of their duty to educate their children, a truly sacred right and duty, which Blackstone declared 150 years ago and Pufendorf long before him, was the greatest of all the rights and duties of parents.

"First and foremost, the law involves the sacred rights of parents in the discharge of their duty to educate their children, a truly sacred right and duty, which Blackstone declared 150 years ago and Pufendorf long before him, was the greatest of all the rights and duties of parents.

"It next involves the right of children, for they often, as all parents well know, instinctively have decided preferences, to which frequently parents and guardians wisely conform. What parent has ever dealt with the education of a child between eight and sixteen, but what that element has entered into his fair and just consideration? . . . And yet it is said in one of the briefs filed on behalf of the State of Oregon that it is perfectly absurd to argue that children have any constitutional rights or that they can be allowed to exercise any selection or preference as to the school they shall attend."

"It next involves the right of children, for they often, as all parents well know, instinctively have decided preferences, to which frequently parents and guardians wisely conform. What parent has ever dealt with the education of a child between eight and sixteen, but what that element has entered into his fair and just consideration? Is not the number of parents innumerable who have conceded something to the preference of their children as to the school they shall attend? And yet it is said in one of the briefs filed on behalf of the State of Oregon that it is perfectly absurd to argue that children have any Constitutional rights or that they can be allowed to exercise any selection or preference as to the school they shall attend.

"This enactment also involves the rights of teachers, men and women, who devote their lives to the noblest of all callings, the education of children. . . .

"And finally, it involves the rights of the owners and managers of schools who have devoted their property and their services to main-

(Continued on page 90)



JENSEN STUDIO

State Capitol Building, Austin, Texas

## Blue Law Makers Busy This Year

By

C. S. Longacre

**F**ORTY-FOUR State legislatures and our Federal Congress af-

forded our Sunday advocates an opportunity to bring their ancient blue law measures up for consideration during the 1925 legislative sessions. As the United Press report stated, "the day of the blue law craze in America has not yet passed. Restrictive legislation dealing with subjects ranging from evolution to the speed with which a donkey may be driven past a cemetery on Sunday, has held its own in the 1925 session of the State legislatures."

The Ohio Legislature actually did consider a bill whether a donkey ought to be driven past a cemetery faster than six miles an hour on Sunday, and this same legislature actually did pass a law forbidding Sunday dancing at which more than five couples are in attendance. What wisdom and religious acumen these legislators did possess, when they decided that it was both religiously and

civily legal for five couples to dance together on Sunday, but absolutely criminal

and irreligious for six couples to do the same thing!

The Pennsylvania Legislature decided it was still a crime to go fishing on Sunday in certain streams, while in other streams it was legal.

The Texas Legislature repealed a law against the sale of gasoline and oil in certain cities on Sunday, but it is still prohibited in others.

Massachusetts, in addition to refusing to repeal a law limiting the length of hat pins, also refused to permit Sunday baseball, and denied jury duty to women.

The two Indiana compulsory Sunday observance measures failed, both being defeated after a heated discussion in both houses; and in addition two educational measures were rejected, one making the reading of the Bible compulsory in the public schools, defeated by vote, and the other excusing the chil-

dren part time from public school so their pastors could give them religious instruction, being vetoed by the governor.

Representative Gill of the Indiana Legislature said, during the discussion of the Kissinger blue Sunday bill, that he was "opposed to any legislation which sought to compel Sunday observance. Nowhere in the New Testament is there a single word which compels a person to observe any day. Men should be persuaded, not compelled, to observe Sunday." One hundred ten thousand citizens of Indiana protested against the enactment of these two Sunday measures, by petitions.

Michigan rejected a measure which aimed to close all stores on Sunday.

Alabama, South Carolina, North Carolina, Tennessee, New York, Vermont, New Hampshire, Minnesota, Arizona, California, Illinois, North Dakota, Florida, and Utah all had from one to four drastic compulsory Sunday observance measures pending, all of which were defeated after heated discussions. Altogether twenty State legislatures had Sunday observance measures before them this year.

Two very drastic Sunday measures for the District of Columbia, were introduced into Congress at the instance of the Lord's Day Alliance, but both failed to pass.

Nearly a score of compulsory Bible reading bills were introduced into as many State legislatures. Likewise about a half dozen bills were introduced in as many State legislatures requiring religious instruction to be given to the public school children on part school time by pastors or State certificated instructors. The children were to be excused from school for this purpose.

Oregon, Idaho, Arizona, California, and Indiana rejected these measures after a bitter religious controversy. Both houses in Indiana passed it, but the governor vetoed the bill, as noted elsewhere.

The above record of efforts to secure religious legislation is a sad commentary upon the backward tendency of our times, away from the ideals of true Americanism as conceived by the founding fathers of the American Republic and embodied in the Constitution. A voice is needed that will sound an alarm in trumpet tones, warning the American people of dangers that are threatening their most cherished blood-bought liberties. The American people have become so engrossed

in money making and pleasure seeking that they seldom reflect upon the lessons of past history and the catastrophes which befell other nations when they became careless concerning the dangers that threatened their liberties.

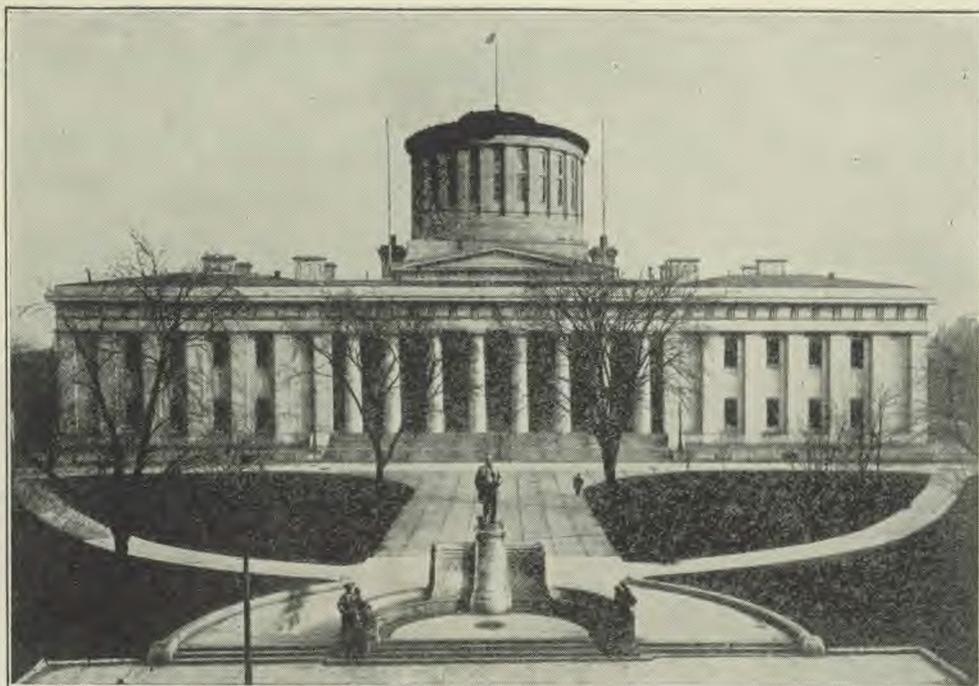
(Concluded on page 92)



PAINTED BY MORGAN

#### *A Father's Welcome*

*Does not even nature teach that parents have rights  
in the love and loyalty of their children that  
the state cannot rightfully invade?*



INTERNATIONAL

State Capitol Building, Columbus, Ohio

## Bible Bill Vetoed in Ohio

By

C. P. Bollman

**A**PRIL 30 the Buchanan Bible bill, making mandatory the daily reading of at least ten verses from the Bible in all the public schools of Ohio, was vetoed by Governor Donahey.

The editors of *LIBERTY* are not only Bible readers, but Bible students. They believe that the Bible is the best book in the world, and feel that all should not only read its pages, but obey its instruction.

We do not, however, believe that any good would be accomplished by its compulsory reading in the public schools, or anywhere else, for that matter.

Every effort ever made to enforce religious observances, outside of the theocracy of Israel, was a denial of religious liberty, and Governor Donahey, who is a Methodist, has done well to treat the

question of compulsory Bible reading from that standpoint. As reported in the

public press, the governor gave the reasons for his veto, in part, as follows:

"Let us remember that it was the hope and desire for religious freedom that inspired the settling and founding of the United States of America.

"The founders of our country, having in mind their own sacrifices in obtaining liberty of religious thought, and seeking to hand down to their children this hard-earned freedom unimpaired for all time, were careful to write the doctrine of separation of church and state into the Federal Constitution.

"The makers of the constitution of Ohio did likewise, and their action was ratified by the people. All the States of the Union are in accord on this vital principle. . . . Ohio is not ready as yet to secede, and it is to be hoped it never will, from the principles of civil and religious liberty which have made our government the model for the world."

The governor then cited a bill passed

by the legislature two years ago over his veto, accepting as State property the John Bryan farm on terms prohibiting forever any form of religious public worship thereon.

"In the one instance the general assembly forbade religious worship in a portion of our State. In the other the assembly seeks to compel the State to teach religion to all the school children of Ohio, without regard to the teachings received at their mother's knee. It is my belief that religious teaching in our homes, Sunday schools, and churches by the good mothers, fathers, and ministers of Ohio, is far preferable to compulsory teaching of religion by the State."

Doubtless the author of the Ohio Bible bill acted conscientiously, feeling that in introducing the measure and engineering it through the lower house, he was doing God service; but we think he was mistaken. The governor is right. The school children of the State would not have been benefited, and much sectarian discord would have been aroused.

Spiritual things must be spiritually discerned, and profitable religious instruction can be imparted only by spiritually minded men and women. Doubtless many of the public school teachers of Ohio are not qualified in this respect to give religious instruction, and clearly the State has no right to demand that they possess such qualification, nor has it any way of determining the possession of such spiritual fitness.

Not only as a question of Constitutional law, but on the basis of good morals and the eternal fitness of things, Governor Donahey is absolutely right in his veto message, and it is safe to say that the people of the State stand with

him on that issue. It is not a question of political parties nor of sectarianism, but of absolute right under our American system of free public schools.

#### An Ohio Paper on the Veto

The following editorial appeared in the Columbus *Evening Dispatch* of May 1, relative to Governor Donahey's veto of the compulsory Bible reading bill:

"It is well that the Buchanan-Clark Bible reading bill should perish before reaching the statute books at all, rather than that it should have reached the point of actual attempt at enforcement, only to prolong dissension and ill feeling, to fail utterly of the good which some imagined it could bring about, and to meet its end at an early date through repeal by a succeeding legislature.

"It is generally known that the bill did not accord with the judgment of the majority in at least one of the two houses of the legislature, but was supported by certain members only as a means of securing the passage of other measures in which they were interested. The chief blame for its passage lies rather on the members who voted for it from this indefensible motive, than

on those who favored it from the start because of a sincere belief that it would have a good moral effect.

"While believing the bill a mistake, we have had no sympathy whatever with the few who, in the name of religious freedom, have jumped at the chance to make it the vehicle of an attack on the Bible itself. But for a natural reaction against this line of attack, it may be doubted whether the measure would have secured a majority in either house.

"The ground on which Governor Donahey based his veto of the bill is logically and morally unassailable. About the only field of legislation which our Constitutional forefathers left open in religious matters, either to Congress or to the State legislatures, was that of securing absolute religious liberty, and it does not require much legislation to do this. The Government is not an agency, as the governor clearly sees, to which the teaching of

(Concluded on page 94)



COLUMBUS DISPATCH

Thank You, Governor

# Governor of Indiana Vetoes Religious Education Bill

**B**OTH houses of the Indiana Legislature passed the religious education bill, which act provided for the religious education of the children in the public schools within the compulsory school attendance age, under certain conditions and for certain purposes specified in the act.

The governor of Indiana asked the opinion of the Attorney-General as to the Constitutionality of this bill. The Attorney-General held the act to be unconstitutional. The bill provided —

“That children within the compulsory age may be excused two hours per week on certain petitions of parents or guardians from such attendance, for the purpose of attending classes in religious instruction conducted and maintained by some church or association of churches, or by some association organized for religious instruction, and incorporated under the laws of this State. It is also provided that such schools for religious instruction shall maintain records of attendance which shall at all times be open to inspection of the public school attendance officers, and that attendance at such school for religious instruction shall be given the same credit as attendance at the public school.”

The Attorney-General, in declaring this act unconstitutional, said:

“It is plain from an analysis of this act that the subject legislated on is religious instruction of children, and that the main purpose of the act is to encourage and promote instruction of children in religion as the same is taught by ‘some church or association of churches, or by some association organized for religious instruction and incorporated under the laws of this State.’

“Article I of the constitution of Indiana, which is the bill of rights, provides as follows:



INTERNATIONAL  
Governor Jackson, of Indiana

“Section 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

“Sec. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

“Sec. 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent.

“Sec. 5. No religious test shall be required as a qualification for any office of trust or profit.

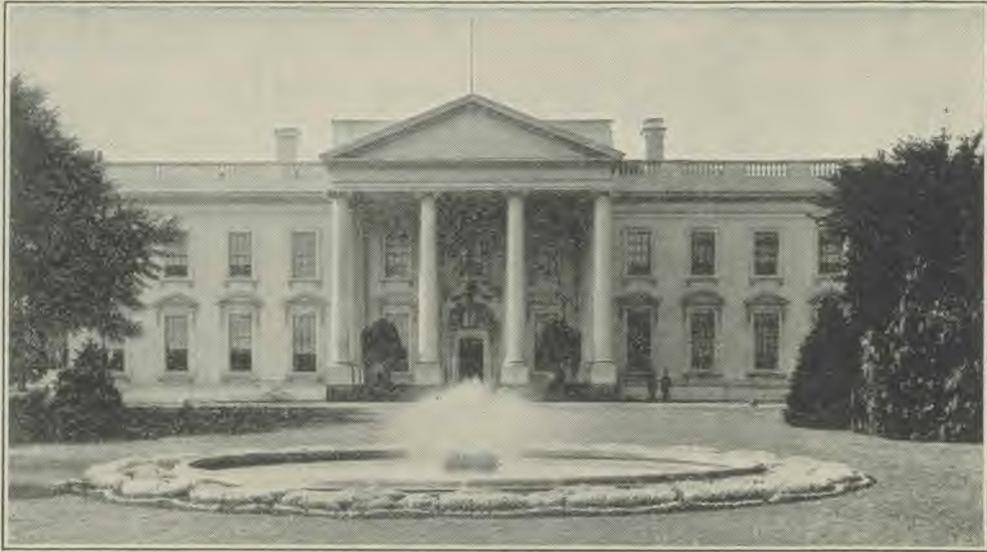
“Sec. 6. No money shall be drawn from the treasury for the benefit of any religious or theological institution.”

“It is plain that the intention of the people, as expressed

in their bill of rights, was that there should be no State control over matters purely religious. The right of religious freedom thus secured is not limited to individuals outside the compulsory attendance age as defined by the act of 1921, but it extends to children of that age as well as to all others. Neither is the right of religious freedom limited to the Christian or other religions, but extends to any conception or opinion of religion. There is an express inhibition (Sec. 4, supra) against the giving of preference by law to any creed or religious society.

“The act in question does prefer religious instruction conducted by some church or association of churches, or by some association organized for religious instruction, and incorporated under the laws of Indiana, over religious instruction which a parent or guardian or a child itself might choose, conducted by an individual or by some organization incorporated under the laws of another State, or by some means other than as designated in the act. Indeed, all right to be excused for religious instruction is denied except as it is taken under the limitations fixed in the act. Thus, an attempt is made by law to prefer such creeds as may be taught by certain organizations

(Continued on page 92)



*White House—Front View*

**I**T is with a great deal of satisfaction that we present to our readers a few of the very important statements made by President Coolidge in his Inaugural Address upon the subject of American ideals of human rights and fundamental principles of government, as follows:

"Because of what America is and what America has done, a firmer courage, a higher hope, inspires the heart of all humanity.

"These results have not occurred by mere chance. They have been secured by a constant and enlightened effort marked by many sacrifices and extending over many generations. We cannot continue these brilliant successes in the future, unless we continue to learn from the past. It is necessary to keep the former experiences of our country, both at home and abroad, continually before us, if we are to have any science of government. If we wish to erect new structures, we must have a definite knowledge of the old foundations. We must realize that human nature is about the most constant thing in the universe, and the essentials of human relationship do not change. We must frequently take our bearings from these fixed stars of our political firmament if we expect to hold a true course. If we examine carefully what we have done, we can determine the more accurately what we can do.

"We stand at the opening of the one hundred and fiftieth year since our national consciousness first asserted itself by unmistakable action with an array of force. The old sentiment of detached and

dependent colonies disappeared in the new sentiment of a united and independent nation. Men began to discard the narrow confines of a local charter for the broader opportunities of a national constitution.

A little less than fifty years later that freedom and independence were reasserted in the face of all the world, and guarded, supported, and secured by the Monroe Doctrine. The narrow

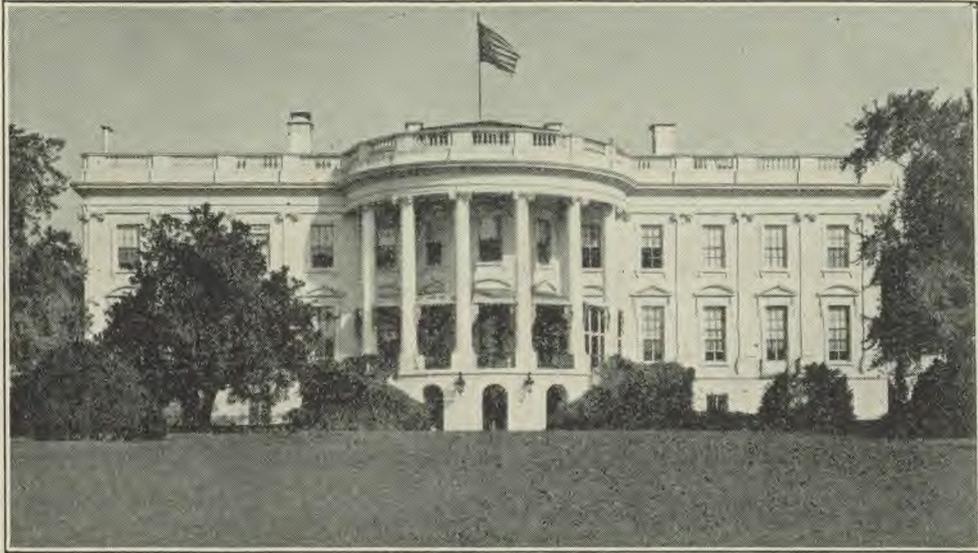
fringe of States along the Atlantic seaboard advanced its frontier across the hills and plains to an intervening continent until it passed down the golden slope to the Pacific. We made freedom our birthright. We extended our domain over distant islands in order to safeguard our own interests, and accepted the consequent obligation to bestow justice and liberty upon less favored peoples. In the defense of our own ideals and in the general cause of liberty we entered the Great War. When victory had been fully secured, we withdrew to our own shores uncompensated save in the consciousness of duty done.

"Throughout all these experiences we have enlarged our freedom, we have strengthened our independence. We have been, and propose to be, more and more American. We believe that we can best serve our own country and most successfully di-

**Preside**

**Ameri**

**Fund**



White House — Back View

# Coolidge

## Ideals

### Principals

charge our obligations to humanity by continuing to be openly and candidly, intensely and scrupulously, American. If we have any heritage, it has been that. If we have any destiny, we have found it in that direction.

"This nation believes thoroughly in an honorable peace under which the rights of its citizens are to be everywhere protected.

"In conformity with the principle that a display of reason rather than a threat of force should be the determining factor in the intercourse among nations, we have long advocated the peaceful settlement of disputes by methods of arbitration, and have negotiated many treaties to secure that result.

"The weight of our enormous influence must be cast upon the side of a reign not of force but of law and trial, not by battle but by reason.

"Some of the best thought of mankind has long been seeking for a formula for permanent peace.

"Conditions must be provided under which people can make a living and work out of their difficulties.

"But there is another element, more important than all, without which there cannot be the slightest hope of a permanent peace. That element lies in the heart of humanity. Unless the desire for peace be cherished there, unless this fundamental and only

natural source of brotherly love be cultivated to its highest degree, all artificial efforts will be in vain. Peace will come when there is realization that only under a reign of law, based on righteousness and supported by the religious conviction of the brotherhood of man, can there be any hope of a complete and satisfying life. Parchment will fail, the sword will fail; it is only the spiritual nature of man that can be triumphant.

"It seems altogether probable that we can contribute most to these important objects by maintaining our position of political detachment and independence. We are not identified with any Old World interests. This position should be made more and more clear in our relations with all foreign countries. We are at peace with all of them. Our program is never to oppress, but always to assist. But while we do justice to others, we must require that justice be done to us. With us a treaty of peace means peace, and a treaty of amity means amity.

"We need not concern ourselves much about the rights of property if we will faithfully observe the rights of persons. Under our institutions their rights are supreme. It is not property, but the right to hold property, both great and small, which our Constitution guarantees.

"We are not without our problems, but our most important problem is not to secure new advantages, but to maintain those which we already possess. Our system of government made up of three separate and independent departments, our divided sovereignty composed of nation and state, the matchless wisdom that is enshrined in our Constitution,—all

these need constant effort and tireless vigilance for their protection and support.

"In a republic the first rule for the guidance of the citizen is obedience to law. Under a despotism the law may be imposed upon the subject. He has no voice in its making, no influence in its administration, it does not represent him. Under a free government the citizen makes his own laws, chooses his own administrators, who do represent him. Those who want their rights respected under the Constitution and the law, ought to set the example themselves of observing the Constitution and the law. While there may be those of high intelligence who violate the law at times, the barbarian and the defective always violate it. Those who disregard the rules of society are not exhibiting a superior intelligence, are not promoting freedom and independence, are not following the path of civilization, but are displaying the traits of ignorance, of servitude, of savagery, and treading the way that leads back to the jungle.

"These are some of the principles which America represents. We have not by any means put them fully into practice, but we have strongly signified our belief in them. The encouraging feature of our country is not that it has reached its destination, but that it has overwhelmingly expressed its determination to proceed in the right direction. It is true that we could, with profit, be less sectional and more national in our thought. It would be well if we could replace much that is only a false and ignorant prejudice with a true and enlightened pride of race. But the last election showed that appeals to class and nationality had little effect. We were all found loyal to a common citizenship. The fundamental precept of liberty is toleration. We cannot permit any inquisition either within or without the law, or apply any religious test to the holding of office. The mind of America must be forever free.

"Here stands our country, an example of tranquillity at home, a patron of tranquillity abroad. Here stands its Government, aware of its might but obedient to its conscience.

"America seeks no earthly empire built on blood and force. No ambition, no temptation, lures her to thought of foreign dominions. The legions which she sends forth are armed, not with the sword, but with the cross. The higher state to which she seeks the allegiance of all mankind is not of human, but of divine origin. She cherishes no purpose save to merit the favor of Almighty God."

In his speech of acceptance, President Coolidge made the following significant statements on freedom, justice, and equality:

"No sound and enduring government or prosperity can rest upon anything but the sure founda-

tion of equal opportunity and justice for all." "We believe in the brotherhood of man, because we believe in the fatherhood of God. That is our justification for freedom and equality." "As a plain matter of right, law is law and justice is justice for everybody." "The Government of the United States . . . wants everybody treated fairly, and expects every one to do his duty. It must be impartial, but it ought to be humane. It wants to establish justice, equity, and mercy. . . . The people know the difference between pretense and reality. They want to be told the truth. They want to be trusted. They want a chance to work out their own material and spiritual salvation. The people want a government of common sense."

These statements are sound, and are expressions of truly American ideals. We are glad that our President has such a clear vision of what American Constitutional liberty, justice, and equality stand for. The inalienable, Constitutional, and God-given rights of man are safe as long as the conscience and heart of America uphold and preserve them in actual practice. They mean little in law and on parchment alone.

The spirit of our Constitution must be preserved in the heart of humanity, in order to be preserved permanently. Human nature is the same in all ages and under similar conditions, unless it is changed by the grace of God. Neither law, nor parchment, nor force can change innate nature. The spirit of all good things is promoted and preserved by the higher spiritual law of divine grace, as our President has so clearly stated, and not by carnal means or by civil law and authority. C. S. L.



OUR country is to be congratulated on having at its head a Christian man with such breadth of view as enables him to see that it does not belong to the state to enforce religion. Our forefathers saw this, and seeing it, they wrote into our Constitution words which they fondly hoped would forever prevent any such attempt. For this they are reproached today as enemies of Christianity. But they were its true friends.

## Sunday and Monday Movies Civilly Alike

THE Chicago *Daily Tribune* of April 2, 1925, discussed the Sunday movie contest in Evanston, a suburb of Chicago, in an editorial, from a secular viewpoint, which is the only viewpoint our civil officials ought to recognize. This editorial deals with some fundamental American principles which are too often ignored when religious questions are considered for general legislation. The editorial is as follows:

"If the movies are in themselves not bad on Monday, we cannot see how they can be bad on Sunday, except from the strictest Sabbatarian viewpoint. The question of whether or not they should be prohibited on the Sabbath to those citizens and their families who do not find attendance at a moving picture offensive to their conscience, ought to be determined on a fair consideration of the social facts, even if the individual's liberty of conscience is ignored.

"As to the facts, we doubt that, if the movies are opened, a single individual who does not attend church will not be found in a pew because of a theater to go to. The church is not and ought not to be a substitute for the movie, and those who want to go to the movies now can and will find other pastime if the movies remain closed. Will they be the better, or will the community be the better, for that? We think not. Sunday afternoon is the one time on which parents can go to the movies with their children, except in the evening. We think that is worth considering. We think it also worth considering that since the movies offer a desirable pastime, there is nothing to be gained by depriving people who seek secular pastime on Sundays of this particular form.

"Those who propose to keep the movies closed on Sunday, do not wish them closed because they are morally injured by Sunday movies. They are not compelled to attend them. But they hold that it is wrong to go, and that therefore others must not be permitted to go.

"If Sunday movies created riots or other public ill effects which reached those who demand their prohibition, the case for closing would be clear. But to utilize the force of public law to impose the code of morals or religious convictions or customs of one class of citizens upon others who do not share it, seems to us one of the most offensive and demoralizing perversions of popular government. It has been done. It is done. But it is inconsistent with the most precious ideal of American liberty, freedom of conscience; and no real infringe-

ment of that principle ever produces anything but discord and even reaction against justifiable restraints."

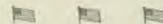
We are strict Sabbatarians, and do not patronize the movies on any day of the week. But our personal views upon this subject are no justification for our depriving others of following their personal convictions when they chance to be divergent from our own. Freedom of conscience in matters of religious concern is too sacred a right to be trampled upon, even though 999,999,999 people out of every billion hold a contrary religious view.

The right to dissent in matters where religious convictions should be the controlling factor, ought to be most sacredly protected in civil law. This is a fundamental American ideal of civil jurisprudence.

L.



THE California Legislature rejected a bill which required the teaching of "honesty, kindness, justice, moral courage, and humane education" in the public schools. Senator Harris, of Fresno, presumably voiced the sentiment of the senate which turned the bill down, when he stated that if a teacher does not inculcate these ideals and principles into the students "by precept and example," the passing of a statute would not bring it about; and that people should be allowed to do some good things without being compelled by law under civil penalties to do them. Goodness cannot be legislated into being. When virtue is forced, it ceases to be a virtue.



It is good American doctrine that that government is best which preserves order and promotes prosperity with few and simple laws. It is true that the complexities of modern life make necessary more laws than were required a century ago, but, that is no reason why it should be sought to cure all the ills, not only of society, but of individuals, by legislative enactments. It never has been done; it never can be done.

# Judicial Decisions on Sunday Laws — A Warning

By S. B. Horton

[In submitting this contribution to the never-ending controversy over Sunday law enforcement and the dilemma created by the impossible uniformity of judicial decisions on the subject, this magazine wages no hypercritical campaign against the judiciary of our country, our object being an endeavor to point out some significant facts in connection with judicial decisions on the subject of Sunday laws.]

**A**T the October term (1924) of the Michigan Supreme Court a decision was handed down affecting the Constitutionality of a Sunday ordinance of the city council of Lansing, in the case of *The People of Michigan vs. Sam De Rose*, the ordinance declaring,

"Section 1. That it shall be unlawful for any person, firm, or corporation to sell or offer for sale any groceries or meats or to keep any grocery store, meat market, or any other place in which groceries or meats are sold or kept for sale, on the first day of the week, commonly called Sunday: Provided, however, that nothing in this ordinance shall apply to persons who conscientiously believe the seventh day of the week should be observed as the Sabbath and who actually refrain from secular business on that day."

The fine for violation is from \$10 to \$25, or an imprisonment for not over ninety days, or both fine and imprisonment.

The appellant, Sam De Rose, violated the ordinance, and was fined by the lower court, from which decision he appealed. Submitting sixteen writs of error, his attorneys citing many decisions in support of his appeal. He contended that the State law on Sunday observance was all that was necessary, and that the ordinance in effect was an arrogant intrusion upon the prerogatives of the State legislature.

The State held that the ordinance was in keeping with the rights of cities under the provisions of the Home Rule Act, which granted to cities the right to provide "for the enforcement of all

such local, police, sanitary, and other regulations as are not in conflict with the general laws," the charter of Lansing granting authority to the city council so to legislate.

It will be of interest to note here that it was shown in the record, "a local association of grocers and meat men, who are business competitors of this defendant, . . . secured the passage of the said ordinance, and are the ones who are causing the present attempt to have it enforced." It was also shown in the record that Lansing had no ordinances with reference to the "closing of any other places of business on Sunday other than grocery stores and meat markets or places selling or offering for sale any groceries and meats." On these points De Rose maintained that the ordinance (No. 106) was unreasonable in that "it discriminates between members of the same class," that it "creates an unwarranted discrimination between the business of selling groceries and meats on Sunday and the business of selling of all other goods, wares, and merchandise on Sunday."

De Rose also held that Ordinance No. 106 "is contrary to the Constitution of the United States and of the State of Michigan." Further, that the ordinance "makes that a criminal offense which the legislature of the State of Michigan has determined to be but unlawful, and provides for punishment for breach by criminal prosecution where the legislature of the State of Michigan has provided for punishment through civil process."

In support of these and the other assignments of error, counsel for appellant cited numerous decisions of Michigan as well as of other State courts. Lack of space prevents referring to but a few of these citations:

"By our system of State government the right of local self-government is, and always has been, a part of the system, but under the constitution the legislative power of the State, and all of it, is reposed in the legislature, save only as reserved by referendum and initiative." — *City of Kalamazoo vs. Titus*, 208 Michigan, 252.

Additional citations on this point: *Clements vs. McCabe*, 210 Mich., 207; *Traverse City vs. Railroad Comm.*, 202 Mich., 575; *Chaddock vs. Day*, 75 Mich., 527; *People vs. Hanrahan*, 75 Mich., 611; *People vs. Armstrong*, 73 Mich., 290.

In the first additional citation referred to, it was held by the court regarding delegated powers to cities under the Home Rule Act:

"Section 3 is but a recognition of those unquestioned police powers essential to the purposes for which municipal corporations are created."

De Rose maintained from this ruling,

(a) "Authority to pass ordinances with reference to the observance of the Sabbath day or with reference to the closing of places of business on the Sabbath day, is not one of the unquestioned police powers essential to the purpose for which municipal corporations are created."

This position is sustained by a decision of the supreme court of Colorado in a case very similar to the one under consideration. On the relation of Sunday laws as belonging to the police powers pertaining to municipalities, the court held,

"It does not appear that the section, as framed, will promote the peace, welfare, health, or other ends for the promotion of which the police power of the city may be exercised. Upon the authority of *Denver vs. Bach*, 26 Colorado, 230, and for the reasons therein given, the section of the Municipal Code under which the plaintiff in error was convicted, is invalid."

To this may be added very much more to show by judicial decisions of courts heretofore, and very likely at the present time, that the discriminatory character of Sunday laws as held by the De Rose appeal was well taken. A recent decision from Minnesota is to the point. According to the *St. Paul Pioneer Press* of January 2, the supreme court of that State declared the Sunday law passed

in 1923 unconstitutional and void, in that it "violates the equality provisions of both State and Federal Constitutions by providing that employees shall be given one day of rest in each week in certain specific employments, but excludes certain other specific employments from the operations of the act."

Of course, courts and lawyers disagree as do doctors, and this may seem a little dry; but our purpose in referring to the Michigan case and quoting from decisions of courts holding another doctrine in respect of Sunday law enforcement by the State, is to raise a very serious question. Perhaps we should now quote the Michigan Supreme Court decision on the De Rose case to show the contrast between judicial minds regarding the character of Sunday law enforcement, and thus help in pointing out the very serious question.

Declaring that the ordinance under which De Rose was prosecuted was not class legislation, the Michigan Supreme Court held,

"We do not think the ordinance is open to this objection. It was made to operate alike on all members of a particular class who kept their places of business open on Sunday. Why it was not made to apply to other classes in like manner offending, we have no means of knowing."

Citing the case, *People vs. Bellett*, 99 Mich., 151, it was held the view of the former court,

"The better reason for maintaining the police power to prohibit citizens from engaging in secular pursuits on Sunday, is the necessity for such regulation as a sanitary measure."

We would like to raise this very serious question, Are not some judges likely to be charged with being more theologically or ecclesiastically inclined than judicially? The following from a brilliant member of the Baltimore bar, now deceased, on the subject of Sunday legislation and decisions, is very apropos:

"Nevertheless, as was said, this noise has its effect; and part of its effect on the minds of our judges is to produce the impression that an overwhelming majority of the people want the Sunday law sustained at any price. And our

judges, being human, are thus biased in advance on this question, and caused to hunt up reasons whereby the Sunday law may be sustained, instead of examining its position under the Constitution without any bias toward one conclusion rather than another. But they forget that for them the will of the people is not to be

gotten from Brownist pulpits nor Brownist newspapers, but from the Constitution alone. And they are, therefore, in a nonjudicial frame of mind."

This will be amplified in a future article.

## Shall the State Prohibit the Commercialism of Religion and Recreation?

THE editor of the LIBERTY magazine recently received a letter from the pastor of the Methodist Episcopal Church South, of Madisonville, Tenn., in which he stated, among many things, that "all recreation should be as free of commercialism as religion." We take pleasure in printing his letter and our reply, as follows:

"DEAR EDITOR:

"It is not strange to me that you are seeking to destroy the most American institution in this country—the Sunday holiday, a day on which all people can lay aside for the time being all material cares, and devote themselves to mental and spiritual recreation; and all recreation should be as free of commercialism as religion.

"You think Christianity is making war on the Constitution, when we ask the Government to help us preserve the 'American Sunday,' the Sunday our American Constitutional fathers loved so well; but we are doing no such thing, any more than it is 'unconstitutional' for the Government to prohibit murder, robbery, adultery, or any other act the Bible teaches is wrong. You use the words 'drastic' and 'compulsory' to prejudice the mind of the unlearned. The law in question does not 'compel' any person to be 'religious,' but it guarantees to him the Constitutional rights to be if he so desires; but you desire to throw all possible obstructions in his way, and thus keep him away from Christian influences. You do this by 'compelling' him to labor seven days in the week. This is pleasing to the Jews, Catholics, and Seventh-day Adventists; for their religions are purely 'legal;' they are not the subjects of sound argument, reason, persuasion, and appeal of the preacher, a man whose soul is on fire for the moral, spiritual, and intellectual salvation of men.

"Let this 'American institution' alone, and use your abilities for the abolition of those

immoral practices that are damning the young life of this generation, and thus help us preachers to save the souls of men.

"Sincerely,

"\_\_\_\_\_."

Treating this as an open letter, we make this reply:

MY DEAR REVEREND —

I am glad you wrote me the way you have, and had the courage to sign your name to your letter. I sometimes get letters like this that are anonymous, and so I have no opportunity to reply to the parties, and correct their misunderstandings as to our position on the question of religious liberty and true Americanism.

I see that you, together with many others, entertain a wrong idea altogether of what we believe and advocate. You say that the religion of the Seventh-day Adventists is purely a "legal" religion, that it is not sound in argument, reason, persuasion, or appeal. I wish to inform you that Seventh-day Adventists are most emphatically opposed to a legal religion. While holding and teaching, as do Methodists, that "no Christian whatsoever is free from the obedience of the commandments which are called moral," Adventists do not believe that salvation can in any measure or to any degree whatsoever be attained by obedience to the law. We are justified by faith in Christ, and by faith only. But justification does not mean license to continue in sin. "What the law could not do, in that it was weak through the

flesh, God sending His own Son in the likeness of sinful flesh, and for sin, condemned sin in the flesh: that the righteousness of the law might be fulfilled in us, who walk not after the flesh, but after the Spirit." Rom. 8:3, 4.

So far as your printed standards and our published works are concerned, Methodists and Seventh-day Adventists are in perfect agreement on this question thus far. But here it seems that we must part company, for while Methodists equally with Adventists are "legalists" in the sense of holding and teaching the perpetuity of the moral law, you are legalists also in the sense of holding that it is right and proper for civil government, so far as possible, to enforce that law as such by civil pains and penalties. This we neither believe nor teach.

We believe that Christianity and the Christian religion should be promulgated only by argument, reason, persuasion, and appeal. That is the platform upon which we stand absolutely. But the Sunday law advocate has forsaken that platform, and makes his appeal to the state for authority, and calls upon the civil magistrate to use force to compel people to observe a religious institution. Therefore the Sunday law advocate has forsaken the platform of free choice, and has adopted that of legalism.

You state that we favor compelling a man to labor seven days in the week. This is also a misstatement of our position. We have never advocated any law to compel a man to work seven days a week. In fact, we cheerfully consented to a bill in the California Legislature,—which bill was passed a number of years ago in lieu of a Sunday law,—securing to all employees one day's rest in seven, without specifying the day upon which they should rest. This is the present California rest day law. It is purely a civil law, and it protects the laboring man from being required to work seven days in the week; but such a provision as this is opposed by the Sunday law advocates, which

fact shows that they are not really trying to protect the laboring man, but are trying to protect a day.

You fail to draw a distinction between the duties a man owes to God and the duties he owes to his fellow men. You state that Sunday laws are no more unconstitutional than is a law against murder, robbery, adultery, or any other act the Bible teaches is wrong.

We stand with Roger Williams on the platform which drew a sharp line of distinction between the first table and the second table of the decalogue. The first four commandments of the decalogue relate to the duty which a man owes exclusively to God and religion. The last six relate to man's proper relationship with his fellow man, or his duty toward his neighbor. Roger Williams took the position that the civil magistrate had no right to enforce the first four commandments of the decalogue, prescribing man's duty toward God and religion, that the civil magistrate or the state could only regulate man's relationship to his fellow man as set forth in the second table of the decalogue, or the last six commandments. This is the platform principle upon which our government was founded—absolute noninterference between man and his God.

The founding fathers of the American Republic adopted that very platform of Roger Williams, and that platform constitutes true Americanism,—the total separation of the church from the state.

You say that all recreation should be as free of commercialism as is religion. Do you mean to tell me that religion is free from commercialism, when a popular evangelist holds a six weeks' revival effort, and then "pulls off" from fifty to one hundred thousand dollars, as he frequently does, as clear gain? Do you mean to say that preachers who get from ten to twenty-five thousand dollars a year are free from commercialism? We have no law in this country prohibiting religion from being commercialized. Why should there be a law

to prohibit recreation from being commercialized? All recreation is commercialized on six days of the week, and is counted perfectly legitimate, so far as the civil government is concerned. On what basis can recreation be prohibited from being commercialized on Sunday, other than on the basis of religion? But can you make religion the basis of a civil law? Not in America! When it is done, it is done in violation of the spirit of our free Republican institutions and the Constitution of the United States.

Sunday observance is a religious obligation, and is a matter that pertains entirely to the conscience of the individual. There are many sincere Christians who adhere strictly to the Bible, and take the Bible for what it says, and not as men interpret it. They do not believe that Sunday is a holy day from a Bible standpoint, nor that it was ever divinely commanded any more than was Wednesday. Should not these people have a right to worship on some other day than Sunday in harmony with what their conscience dictates to them regarding the teachings of the Bible, without being compelled by the civil law to observe also a day that has never been divinely set apart, but is enjoined only in church rituals and Catholic catechisms?

If Sunday were made a holiday only, there would not be so much objection to it, because the civil government has a right to set aside any day as a holiday; but do we prohibit people from working or doing business on civil holidays? Do we prohibit recreation on civil holidays? Emphatically no! On July 4, which is a national holiday, the baseball teams put on double-headers. Recreation is commercialized. The same is true on Memorial Day, which is also a national holiday. No one is molested or prosecuted for working or doing business or engaging in innocent amusements on any of our national holidays.

The very fact that religious organizations are trying to prohibit all these

things on Sunday is positive proof that they are not trying to make Sunday a national holiday, but a holy day. You call Sunday an "American institution," and you call upon me to let this American institution alone. Sunday is far from being an American institution.

Sunday observance originated in the fourth century this side of Christ, when the Council of Nice for the first time decided that Easter should be celebrated every year on Sunday instead of its anniversary day. Soon after the council had passed this church ordinance, the observance of Sunday began to gain favor and strength in the church circles among the hierarchy, but it was not until one hundred years later that it became a matter of universal application, enforced by civil law in a direct union of church and state. In fact, the first religious law that was ever passed under the church and state régime was a Sunday law, and it established a legal precedent for all subsequent religious legislation. It was therefore far from being an American institution. It is a Roman institution, which certain religionists in America have adopted.

You certainly cannot put up any sound argument in favor of legal Sunday observance based upon the Bible. An American Sunday, based on true Americanism, would allow every citizen of the United States to do exactly what he desired to do on Sunday, the same as he would on any other day of the week, without state interference so long as he conducted himself as a good citizen. The employment of force relative to religious obligations is entirely out of harmony with the spirit of the American Constitution and its Bill of Rights.

I would suggest to you to follow the admonition that you gave me in your closing sentence: Let the legal Sunday proposition alone, and "use your abilities for the abolition of those immoral practices that are damning the young life of this generation, and thus help us preachers to save the souls of men."

I myself am a preacher, and I believe that we as preachers should preach the gospel that saves men from their sins, and not make an appeal to the state for the employment of force to drive men into the kingdom. Law and force will never save anybody from sin. We must preach the virtuous life, and make our appeal to the conscience, otherwise we are not helping the individual, we are not lifting the world up to higher ground. Our purpose and ideal in life

is to do this very thing without resorting to the employment of civil force, and we heartily invite you to forsake your platform of a legal religion, and come over onto our platform of the advocacy of the principles of virtue and right living based on the preaching of the Word of God under the power and conviction of the Holy Spirit. That is our platform, and we invite you to adopt it.

Very sincerely yours,  
C. S. LONGACRE.

## Church Puts On Dancing on Sundays

**W**HILE some of the churches are seeking legislation to stop dancing among the worldlings on Sunday, here is a church that puts up a dancing program in the church itself on Sunday, according to the following editorial item in the *Millen (Ga.) News* of March 19, 1925:

“ATLANTA, March 14.—Modern dances will be graphically illustrated and contrasted with the old square dances at the Baptist Tabernacle here Sunday afternoon.

“Rev. H. L. Stephens, evangelist, and Elmer Slider, superintendent of the Sunday school, will dance together on the platform, giving first the old-fashioned square dances, and following with the modern fox trots and fancy steps.

“Reverend Stephens weighs about 265 pounds, and Mr. Slider about 200. The platform has been specifically braced for the occasion.

“The evangelist also has invited Atlanta card players to bring their deck of cards with them to the meeting. He will discuss the movie, card playing, and dancing “in his shirt sleeves.””

### “A Burlesque on Religion

“Even those who are not religious must experience a sense of aversion at the flippant irreverence contained in the above press notice. It matters little what the motive may be for staging such a performance in a house dedicated to the worship of God,—whether it be to illustrate the immorality of the modern dance, or

to attract a large audience, which is more likely true. In either event it is nothing less than the making of a mockery of the most sacred rites known to the world. If this be a form of ‘modernism,’ is it any wonder that men of reverential minds are contending for the ‘fundamentals’ of Christianity, for the preservation of the ‘faith of the fathers,’ of pure and undefiled religion? The ministers who have to resort to such tactics to get an audience, had better quit the ministry and master the terpsichorean art—delivering their pseudo-lectures between dances. Others, and perhaps better than we are, may defend such a religious service and announcement, but to us it is the essence of blasphemy.”

We join with the *Millen News* in condemning such a religious burlesque in a Christian church, whether on Sunday or on any other day of the week. All decent Christians should condemn such irreverence, even if it is for advertising purposes. But even as bad ethics and as blasphemous as this conduct appears to those of us who entertain higher ideals and conceptions of the Christian religion, yet such conduct does not justify the rest of us in going to the State legislature and demanding a Sunday law to prohibit churches from staging a dancing program, a movie show, or a card party, if they so elect. Let us use persuasion, and not the civil law, to abate

such moral nuisances. This is the only means that churches ought to employ to correct the evils affecting the church.

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## Argument Before United States Supreme Court on Oregon School Law

*(Continued from page 74)*

taining private schools, which have existed from time immemorial, and for three centuries have furnished the means by which the élite of the American colonists and of the American Republic since 1776, have so largely been educated and trained in the duties and responsibilities of life and citizenship. It would truly be no exaggeration to say that practically every member of the Constitutional Convention of 1787 had been educated in a private school, and mostly in a religious school, and that every signer, or almost every signer, of the Declaration of Independence had been similarly educated.

"It is consequently no exaggeration for us to urge that no more far-reaching and momentous question, or one more closely affecting American institutions and the inherited rights or liberties and the freedom of conscience and religion of our people, or a greater number of the people of the United States, or one more deeply reaching to the very roots and springs of American Constitutional liberty, and of all those sacred rights which free men cherish and free governments are established to secure and protect, has ever been submitted to this Court for decision. And if ever these rights are denied, if that day shall ever come, our governments will not be worth while striving to maintain, for we shall no longer be free men or worthy to enjoy liberty.

"I would, furthermore, like to analyze briefly the service rendered in the United States to education generally by private schools, and the universal recognition of valuable service by all American educators, by the officials of our national Government in charge of the United States Bureau of Education, by the leaders of the National Education Association. They all with one concordant voice recognize, not only that the experimental work that has been and is being done in private schools is of immense value to the community, but the fact that it is the work done there and the standards established in those schools that have lifted the standards of the public schools; and that if these private schools were abolished, as one writer says, there would inevitably follow the degradation of the whole public school system.

"Your Honors, I want to point out for your reflection that Oregon was not choosing between two competing liberties which cannot coexist. These liberties in education have existed practically for all time in this country and in other countries. The liberty to conduct a private school does not abridge or interfere with the liberty of the district or community to maintain a public school. As private schools generally charge tuition fees and equally promote education, and the public schools are free, there is no interference or competition with the resources of the public schools. In fact, the more who attend private schools, and there obtain a satisfactory education, at least equal to the public school of the neighborhood, the less must be the public burden and tax levy.

"The liberty of parents to send their children to private schools does not abridge or interfere in the slightest or remotest degree with the liberty of other parents to send their children to public schools.

"The learned Attorney-General contends, that, in order to sustain this law, it is your duty to indulge in the presumption, as a matter of fact, that there did exist in Oregon exceptional circumstances. But I submit that no such question can affect the fundamental question of power to suppress all private and parochial schools, however well and completely conducted, and that no such argument was submitted to the court below, where there was not the slightest suggestion or pretense, either in argument or brief, that the private or parochial schools were in any way inferior to the public schools, or that they were teaching detrimental doctrines.

"If your Honors please, I now want to refer briefly to another aspect.

"Among other things, in the argument in support of this law by the promoters responsible for this law, promoters who, in one of the statements contained in this official pamphlet, are called 'outside agitators,' it was stated by them as follows:

"Our children must not under any pretext, be it based upon money, creed, or social status, be divided into antagonistic groups, there to absorb the narrow views of life as they are taught."

"Against this proposal, which meant undoubtedly, if it had any sense or purpose, that the promoters of this measure wanted all the children of the State to be of one creed and of one religion dictated by them — against such a proposal the religious organizations of the State protested in this official pamphlet.

"You will find the Evangelical Lutheran Synod protesting; you will find twenty-five Presbyterian ministers protesting; you will find the Episcopal bishop protesting; you will find the Episcopal bishop protesting; you will find the Episcopal bishop protesting; you will find citizens of all faiths protesting; you will find

the principals of four nonsectarian schools protesting; you will find the Seventh-day Adventists protesting; and you will find the Catholic Civil Rights Association protesting. The arguments in the official pamphlet should have and deserve the most careful study.

"Yet it was argued yesterday to Your Honors, by the learned Assistant Attorney-General that there was no religious issue involved.

"In discussing the question of religious liberty, which has been thrust into the case for the first time by the briefs filed on behalf of the Attorney-General and the Governor of the State, I shall not fail, of course, to appreciate that this Court sits in impartial judgment upon all religions — upon all faiths and creeds.

"The Attorney-General's brief concludes with the concession, on page 72, . . . that parents were sending their children of public school age to private schools (and I am now quoting his language) 'in order that it may therein give sectarian religious instruction, which is prohibited in the public schools.'

"And hence his idea and logic seem to be that liberty of religious teaching should not be upheld or permitted, because, as he continues (I am still quoting his language), 'The right demanded by appellee is denied to all whose children attend the public schools.'

"This is followed by the statement (p. 78) that 'it does appear that the liberty claimed to be denied by such a law is liberty to give sectarian religious instruction in connection with common school training,—a thing which no one would have the temerity to demand as part of the course of instruction in the public schools.'

"In other words, the argument of the Attorney-General is that, because religious instruction cannot be given in the public schools under the constitution and laws of Oregon, the State may forbid its being given anywhere else.

"Could there be a plainer confession of the truth than we find in the Attorney-General's candid brief, that the underlying motive and the immediate intent and purpose of this measure were antireligious, and to prevent religious instruction to children — as much so as any atheistic or sovietic measure ever adopted in Russia?

"And yet it was solemnly asserted yesterday to Your Honors that there was in truth no religious issue at all.

"The Governor's counsel then proceeded to proclaim in their brief the extravagant and preposterous assertion that, if this law be not held Constitutional by Your Honors, 'there is no legal principle on which any existing public school law in the United States can be upheld.' And thereupon the Governor's counsel warn Your Honors that if this question be held by Your Honors to be within the field of Federal protection of Constitutional rights, such a decision 'can only mean the spread of this bitter

question all over the United States in the conflict over another proposed amendment to the Constitution.' And what is 'the bitter question' in counsel's mind who wrote and printed that statement, if it be not the religious question?

"In conclusion, the counsel for the Governor of the State of Oregon venture to state to Your Honors in their brief (and I am quoting their very words) that 'the Court might almost take judicial notice of the certainty of the introduction of such an amendment in case the Oregon law is declared unconstitutional.'

"I shall refrain from comment upon this threat, which I doubt that counsel will venture to repeat in the oral argument.

"This case, if Your Honors please, has lifted counsel, and I profoundly believe, the Court likewise, into the highest plane and realm of Constitutional jurisprudence. In underlying and vitalizing principle, it involves infinitely more than all the wealth of the United States. It involves religious liberty, freedom of conscience, freedom of education, and the right of parents to bring up their children in the faith of their fathers.

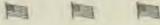
"I have not time to say a word, although I should like to do it, upon this cant of Americanization on the part of the promoters of this un-American measure. Imagine destroying the most valuable right that we Americans have inherited from the inspired generation that established this Government — imagine destroying the right to religious liberty and freedom of education in the name, in the cant, on the pretense of Americanization, with the wickedly false cry that they who seek to close all private and religious elementary schools are the only true Americans. . . .

"In his immortal Farewell Message, from which we have quoted in our brief, Washington told us for all time that the principal pillar of government was religion, and admonished us to maintain it. And only a few days ago, his latest successor, President Coolidge, in lofty and noble words at his inaugural, told us that the fundamental precept of liberty is toleration; that we cannot permit any inquisition either within or without the law, or apply any religious test to the holding of office; that the mind of America must be forever free; that its Government will continue to stand desiring the advancement of religion, and that she cherishes no purpose save to merit the favor of Almighty God.

"If I do not magnify, I profoundly believe that a decision upholding this law as valid would be the knell of freedom of conscience, of freedom of education, and of religious liberty in the United States.

"Blessed are they who hear the word of the Constitution, and keep it.

"On behalf of the private and religious schools throughout the country, I submit this great cause, destined in its decision to do incalculable good or harm in maintaining or subverting religious liberty and the freedom of education for centuries to come, with faith in the Constitution unflinching and 'triumphant o'er our fears.'"



### Sunday Legislation Traced to Pagan Rome by a Prominent Lawyer

(Concluded from page 70)

to and from meeting, and he could arrest any who 'walked or rode unnecessarily on the Sabbath.' That great and small were under his control is attested by the fact that no less a personage than the 'Father of his Country' was arrested in Massachusetts by a tithing man.

"The President was returning to New York in December, 1789, from a tour through Connecticut, and having missed his way on Saturday, was obliged to ride a few miles on Sunday morning in order to gain the town at which he had proposed to have attended divine service. Before he arrived, however, he was met by a tithing man, who commanded him to stop, demanded the occasion of his riding; and it was not until the President had informed him of every circumstance and promised to go no further than the town intended, that the tithing man would permit him to continue on his journey."

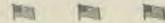
This is only half of this interesting article on the past history of Sunday legislation. The other half will be printed in the next issue of LIBERTY, bringing its historical antecedents down to the present time, showing unmistakable evidence that Sunday laws did not only originate with pagan Rome, but that for more than fifteen hundred years they have been regarded by the civil government and the courts as strictly religious laws, and not as civil statutes.

It is about time that America separated religion and the state in fact, and not in theory only. These religious laws on our local statute books exist in defiance of our Federal Constitution and its boasted bill of Human Rights and Religious Freedom.

### Blue Law Makers Busy This Year

(Concluded from page 76)

The extensive religious combinations formed to bring pressure to bear upon our legislative bodies for selfish ends are dangerous innovations upon the letter and spirit of our Constitution, and upon the religious and inalienable rights of the citizens of the United States. Unless this tendency to encroach upon the rights of conscience is checked, and the church is kept out of politics, it will not be long before an ecclesiastical machine of tremendous proportions will become the religious and political dictator of all human affairs in America, and our Constitutional guaranties of human rights will expire in a convulsion, as Thomas Jefferson predicted more than a century ago.



### Governor of Indiana Vetoes Religious Education Bill

(Continued from page 79)

over such creeds as might be taught by individuals or other organizations, and credit is to be given to the school child only for attendance at religious schools conducted by the organizations named in the act, while the right to receive instruction under creeds not so represented and to receive credit therefor is entirely denied to others during the periods provided for. This, in my opinion, is violative of Section 4 of Article I of the constitution.

"The act also undertakes to regulate schools conducted for the sole and pure purpose of instructing in religion by requiring them to keep an attendance record. If this power exists in the State as to such instruction in week days, then it exists to require such records of schools conducted on Sundays. The act also provides that the records of such religious schools shall be at all times open to inspection by the State's school attendance officers. If this is a valid requirement, then records of Sunday schools may be likewise subjected to such inspection.

"If it is competent for the legislature to regulate purely religious schools on week days so that instruction there received by a child of school age may be adopted by the public school authorities and credited to such child, then it would be competent for the State to regulate Sunday schools in like manner, so the State

might adopt instruction there given to children of school age as a part of their instruction at the common schools. If power is conceded to exist in the legislature to make requirements of purely religious schools and subject their records to the inspection of a State officer, as the act provides, then what is the limitation on such power?

"The preservation of the right to complete religious freedom requires that all power be denied the legislature to regulate or control directly or indirectly any instruction which is purely religious in character. It is significant that in Section 1 of Article VIII of the constitution, which requires the legislature to provide by law for free common school education, the duty imposed was limited to encouraging 'moral, intellectual, scientific, and agricultural improvements.' Religion was not mentioned in this section. When reference is had to the sections quoted herein from the bill of rights, it becomes plain that the encouragement of religious improvement was left to agencies outside of State government, and care was taken to unequivocally guarantee complete freedom of religion from State interference.

"In this act a limited attempt is made to encourage and indirectly to control by law and by State authorities the religious instruction of children of school age, and to give credit for such instruction to pupils of the common schools. The effect is to substitute, to the extent provided for, certain religious instruction for instruction in the subjects contemplated by Section 1 of Article VIII of the constitution. It is sought to accomplish indirectly what cannot be accomplished directly. For the reasons herein given, I am impelled to the conclusion that the act is wholly void, because it conflicts with the constitutional provisions referred to.

"I am cognizant of the benefits and good effects which flow from religious instruction, but these cannot serve as a guide in an inquiry of whether power exists in the State, and particularly in the legislature, to make the provisions in form and substance as embodied in House enrolled act No. 450. The importance of safeguarding the complete freedom of religion is of infinitely greater moment than is the importance of fostering religious instruction by the State. The provisions in the bill of rights herein referred to are based on this fact. The highest purposes of legislators cannot prevail against the limitations placed on their power in the constitution as a result of the wisdom of the people themselves born from bitter experience.

"I have arrived at my conclusions with reluctance, but I am entirely convinced that they are right. Respectfully,

"ARTHUR L. GILLIOM,  
"Attorney-General."

Governor Jackson, upon receiving this opinion from the Attorney-General, vetoed this act of the legislature on the ground of its unconstitutionality. We believe that similar laws which have been enacted in other States would fare a similar fate if tested out before the highest courts on Constitutional grounds. Most of our States have guaranties of religious freedom and separation of church and state vouchsafed to the citizens in each of the State constitutions, similar to those of Indiana.

Laws of this character are dangerous, not because of their immediate, but of their remote effect. They establish a legal precedent that may ultimately destroy the very fabric of our government, by opening the floodgates that will deluge our land with the pending religious legislation that is continually threatening to break in upon us. We are glad that there are some governors who have the moral courage to stand by the Constitution instead of the popular demand of a religious sentiment that is so prone to go astray. If religion is not sufficiently virile to stand by its own virtues and maintain its own cause without the aid and support of the State, certainly no pressure that the State may bring to bear upon the cause of religion is going to help the church. The grave consequences that are destined to arise out of the slightest connection between the church and the state are fraught with far greater evils than the possible benefit that could accrue from such an unholy alliance. As President U. S. Grant wisely said: "Leave the matter of religion to the family altar, the church, and the private school supported entirely by private contribution. Keep church and state forever separate."



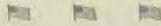
UNION of church and state is not of Christian, but of pagan origin. True, they had such a union in Israel. But union of church and state now means, not theocracy, but a man-made counterfeit of such a government.

## Bible Bill Vetoed in Ohio

(Concluded from page 78)

religious truth can be safely committed. We find ourselves in complete agreement with him when he says: 'It is my belief that religious teaching in our homes, Sunday schools, and churches, by the good mothers, fathers, and ministers of Ohio, is far preferable to compulsory teaching of religion by the State.'

We are unwilling to take second place relative to our belief in the Bible and our reverence for its precepts, yet as highly as we regard the Bible, we believe that its very teaching and principles are definitely opposed to the use of force in its propagation. Only divinely ordained men were at first set apart to teach its precepts, and none were to be ordained by men to do this work except those who met certain well-defined spiritual qualifications. We do not believe that God ever intended that His Word should be either chained and forbidden to the people, or forced upon them. C. P. B.



## Compulsory Church Attendance Demanded

**A** CLERGYMAN in California recently demanded that a law be enacted that would compel people to go to church on Sunday. "You can take a gun in your hip pocket — one in each hip pocket," he said, "and go to church any Sunday morning, shoot at random, and hit no one but the minister in the pulpit and maybe the janitor in the pew. But you can go out to the golf links, and you dare not shoot in any direction for fear of hitting a deacon or two or an elder of the church."

If what this clergyman says is true of his church, he certainly has a lamentable situation with which to deal, and we wish he had somebody else besides the janitor to preach to on Sundays. If his deacons and elders go out to play golf on Sunday while he is preaching, they certainly need something more than a policeman's

baton to bring them back to the church pew. The pastor needs a different vision than a Sunday law as a proper remedy to cure this evil. He needs a vision of a spiritual appeal that grips the hearts of men, and compels them to cry out, "What must I do to be saved?"

The reason why so many church pews are empty on Sunday, is because so many sermons have lost their spiritual appeal. The preacher has turned into a political reformer instead of a spiritual leader. He is substituting the policeman's club for the cross of Calvary as the means of bringing about a reform. He is substituting the law of force for the power of love as the creed of the church. Is it any wonder that even the deacons and elders go golfing on Sundays while he delivers his political harangue in lieu of the gospel of grace?

The difficulty is not so much with the members in the pew as with the pastor in the pulpit. "Like priest, like people," runs the familiar proverb. When the preacher gets the correct vision of things behind the pulpit, the people will see things in the right light in front of the pulpit. But when the preacher loses his message and hunts in the newspapers for a political topic on social reform, he ought not to blame his church members and officers if they likewise go to broken cisterns for water.

We were going to suggest that this church needed an election of new officers and a revival of church discipline. But that remedy would be hopeless in this case, as all the members absent on Sunday would outvote the pastor and the janitor. What such a church needs is a spiritual revival, and not a civic reformation. It needs a preacher that is better acquainted with God than with the policeman, and who sends his petitions for aid to the throne of divine grace rather than to legislative halls. A preacher who waits for power from beneath instead of from above can expect nothing else but empty pews when he preaches. The sheep follow the true shepherd who leads them daily to ever-

flowing fountains, but they will not follow a stranger to a dry cistern.

Christians are won by the power of divine love, and not driven into the kingdom by the power of carnal means. When the love that radiates from Calvary for sinners fails, then all has failed, and it is useless to resort to civil force and carnal measures to convert the hopelessly impenitent. Never should the church make an appeal to the civil law and carnal weapons to propagate the Christian religion and its peculiar tenets of faith. God needs no help from Cæsar, and His own ministers shame their profession when they tarry in the ante-chamber of Cæsar to form an alliance with him.

C. S. L.



### Stars and Stripes Not Hauled Down

THE Sacramento *Bee* contains the following interesting editorial news item:

"Speaking before an Ohio legislative committee in behalf of a bill compelling Bible reading in the public schools, Dr. James S. McGraw, general secretary of the National Reform Association, said:

"The day you banish the Bible from the public schools, that day you haul down the Stars and Stripes."

"But so far as observation goes, the flag has not been hauled down in California, even although Bible reading is not allowed in the schools here."

The same can be said of more than half of the States of the Union where compulsory Bible reading is not permitted by civil law.

The Stars and Stripes do not come down so easily. The Bible should not be forced upon people, nor should it be denied to them by civil law. The Stars and Stripes stand for tolerance, and not intolerance.



INASMUCH as evolution is not a science but a religion, should not its devotees maintain their own schools for its promulgation? If not, why not?

### A Two-edged Sword

THE insistence in certain quarters that the state must control the education of the child, is a sword that may cut both ways.

According to the newspaper press, it is now insisted in Russia that the state must "stamp out" all religious ideas, especially from the minds of the children, because "religion teaches that children should obey their parents," rather than the state.

Now let the principle once be established that not the parent, but the state, has the right to direct the training of the child and to control the child, who cannot see that such training and control become the football of political parties and of governmental systems?

A century and a quarter ago, France went wild, and officially outlawed the Christian religion. More recently Russia has done practically the same thing. Who knows what nation may next follow their example? Both France and Russia were officially intensely religious, yet in a very short time they became intensely antireligious, and the same authority formerly used to enforce religion was used to crush it out.

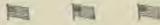
God never ordained any such power in the hands of civil rulers. The Creator Himself is the great moral governor, and to Him, and to Him alone, every man is directly answerable in the domain of religious obligation.

If this truth were accepted as it should be, if it were firmly implanted in the minds of old and young, of high and low, of rich and poor, of ruler and subject, such conditions as prevailed in France in the eighteenth century, and that seem to be dominating Russia in our own day, could not possibly obtain.

Every man ought to read the Bible and teach his children to read it; every man ought to worship God, and train his children in habits of reverence and obedience to the Supreme Being; but no one should be compelled to do these

things. "Who art thou that judgest another man's servant? To his own master he standeth or falleth."

C. P. B.



### Bigotry Always Cruel

**O**NE of the associate editors of the *United Presbyterian*, Pittsburgh, delivered himself, April 16, of the following:

"The Seventh-day Adventists at their General Conference in Washington, D. C., last month [March], began a fight against proposed Sabbath-closing laws, which are being sought by the Lord's Day Alliance. They declare that if these are enacted, they would 'turn back the wheels of the progress of civilization toward the thumb screws, the racks, the gibbets, and the fires of the Dark Ages.' There are a good many people outside insane asylums who should be inside."

Of course everybody, except the said associate editor, will recognize the fact that there is a vast difference between a "slam" or an epithet and an argument. We have shown many times in *LIBERTY* that the Lord's Day Alliance people are demanding a law with teeth in it, and they demand such a law for the purpose of making things most uncomfortable for as many as will not bow to their behests. They and their partners in intolerance, the National Reformers, have more than once hinted very broadly at disfranchisement and even death as a penalty for violation of Sunday, a violation which they style treason, both to God and to the government. Simply give these mild-mannered and soft-toned gentlemen the power, and it will be speedily seen to what lengths of cruelty their mistaken sense of duty will drive them.

There is nothing more cruel than religious bigotry. Given the power, the bigot will not only burn a man's body to save his soul, but will burn or otherwise destroy some men, not only to save the souls of such as might otherwise follow their example, but even to save their own errors from being exposed, and their influence and power from being destroyed.

Inasmuch as a favorite rôle of both the National Reformers and the Lord's

Day Alliance is to pose as friends and champions of the rights of labor, let us drop this word of caution: Beware of these "Greeks" when they come bearing gifts. They may be as wise as serpents, but no one who demands that his religion be given the support of civil law, can by any possibility be as harmless as a dove. The harmless man does not carry a club.

C. P. B.



### The Oregon School Law Voided

**M**ONDAY, June 1, the United States Supreme Court, by a unanimous opinion, declared unconstitutional the Oregon School Law, requiring all children of that State between the ages of eight and sixteen to attend the public schools.

This decision is a great victory for religious liberty. We have not seen the full text of the decision, but it seems to be a complete vindication of the rights of parents to see to it, not only that their children receive an education in the common branches, popularly styled the three R's, but that they may also add a fourth, and at the same time educate them in religion.

Commenting upon the decision the next morning after it was handed down, a writer for the *Washington Post* said:

"The foundation of every State is the education of its youth,' but the Supreme Court nevertheless tells the State of Oregon just where it gets off — corner of Family Boulevard and Constitution Avenue."

The same day Arthur Brisbane said in the *Washington Herald*:

"Fathers and mothers should have something to say about their own children, the mothers especially. And the 'something' should include children's schooling, the right to include in it as much religion, and any kind of religion, as they choose."

It is understood that an effort will now be made to reverse this decision by amending our national Constitution, but that such an amendment would be adopted seems improbable.

B.

## Memorial of Gratitude to President Calvin Coolidge

HIS EXCELLENCY:

We, the members of the Religious Liberty Association, assembled at Washington, D. C., April 10, 1925, beg leave to address our President of these United States, as faithful and devoted citizens, expressing our appreciation and hearty approbation of the noble and courageous way in which Your Excellency has upheld and magnified the Constitutional guaranties of civil and religious liberty, and the great ideals of true Americanism as conceived by the founding fathers of the American Republic. We take opportunity of testifying that nothing has inspired us with greater confidence in your leadership than your devotion to religion without the sanctions of civil law, thus maintaining the American principle of the total separation of church and state, at the same time rendering to Cæsar the things that are Cæsar's, and to God the things that are God's. We entertain high hopes for the stability of our Government and the preservation of the purity of the Christian religion so long as our President upholds our free Republican institutions, maintains equal justice and liberty under the Constitution for all men, and secures for each individual the right and privilege to worship God or not worship God, in harmony with the dictates of his own conscience, while respecting the equal rights of his fellow men.

We admire your splendid declarations that religion and Christian virtues "cannot be legislated into being," and that "we cannot depend upon the government to do the work of religion." We trust and pray that the civil government in America will ever adhere to these principles of religious freedom, and will never employ the policeman's club to intermeddle with religion, by forcing the conscience in the duties we owe to our Creator. The church has no business in politics, and the state no right to interfere with the minutest details of religious obligation. It is gratifying to know that our Chief Executive believes that the Christian religion and all religion should be propagated on its own merits and by its own fruits, and that the civil government should seek to regulate only civil affairs pertaining to man's proper relationship with his fellow man and with nations for their mutual welfare, peace, and prosperity.

We beg leave to assure you that however earnestly we may engage in the conflict to keep the church out of politics and the state from placing shackles upon the conscience in matters of religious concern, we are nevertheless zealously disposed to support the government of our country, and to maintain a due submission and loyalty to the lawful exercise of its authority in human affairs, praying always that the Supreme Ruler of the universe will continue to uphold you and strengthen you for the arduous duties and responsibilities of the highest office the American people can bestow as a gift upon a fellow citizen who ranks first in their affections and esteem.

C. S. LONGACRE,

*General Secretary Religious Liberty Association.*



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