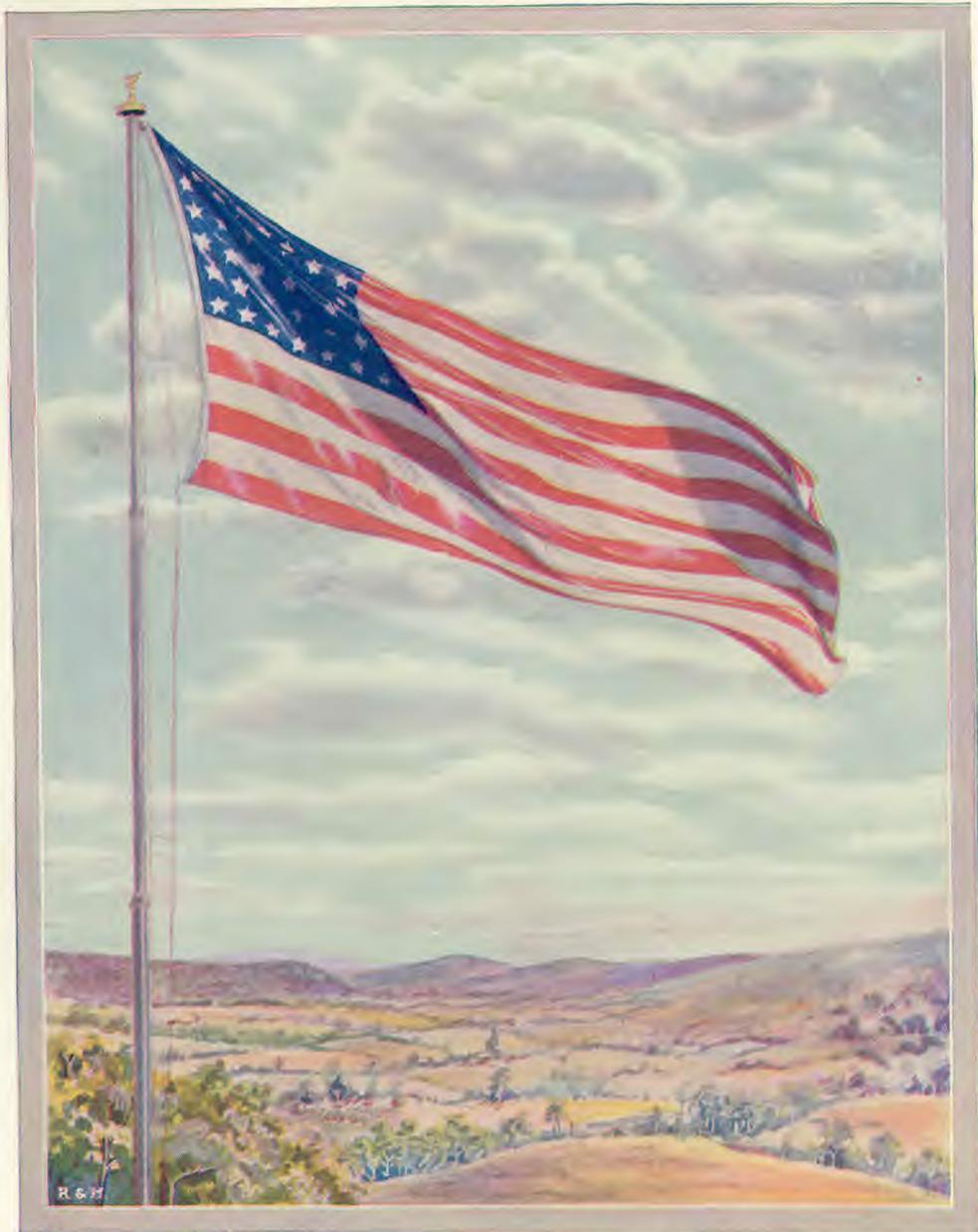


LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



OUR COUNTRY'S FLAG

PROTESTANT CHURCH SEEKS TEMPORAL POWER — Page 73

TWENTY CENTS A COPY

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:

AFFILIATED ORGANIZATIONS

Atlantic Religious Liberty Association (affiliated organizations in Maine, Vermont, Massachusetts, New Hampshire, New York, Connecticut, and Rhode Island): Office, South Lancaster, Mass.; secretary, E. K. Slade.

Eastern Canadian Religious Liberty Association (affiliated organizations in New Brunswick, Nova Scotia, Quebec, Ontario, and Newfoundland): Office, Oshawa, Ontario; secretary, C. F. McVagh.

Central States Religious Liberty Association (affiliated organizations in Kansas, Nebraska, Missouri, Colorado, and Wyoming): Office, 303 W. Seventh St., College View, Nebr.; secretary, S. E. Wight.

Columbia Religious Liberty Association (affiliated organizations in Pennsylvania, Ohio, New Jersey, Virginia, West Virginia, Delaware, and Maryland): Office, 507 Flower Ave., Takoma Park, D. C.; secretary, B. G. Wilkinson.

Northern Religious Liberty Association (affiliated organizations in Minnesota, Iowa, North Dakota, and South Dakota): Office, 2718 Third Ave., South, Minneapolis, Minn.; secretary, Charles Thompson.

North Pacific Religious Liberty Association (affiliated organizations in Oregon, Washington, Idaho, Montana, and Alaska): Secretary, H. G. Thurston, Box 598, Walla Walla, Wash.

Pacific Religious Liberty Association (affiliated organizations in California, Nevada, Utah, and Arizona): Secretary,

Southeastern Religious Liberty Association (affiliated organizations in Florida, Georgia, North Carolina, and South Carolina): Office, 202-216 First National Bank Bldg., Chattanooga, Tenn.; secretary, W. H. Heckman.

Southern Religious Liberty Association (affiliated organizations in Alabama, Kentucky, Tennessee, Louisiana, Mississippi): Office, 2001 24th Ave. N., Nashville, Tenn.; secretary, O. F. Frank.

Southwestern Religious Liberty Association (affiliated organizations in Arkansas, Oklahoma, Texas, and New Mexico): Office, 518-519 Terminal Bldg., Oklahoma City, Okla.; secretary, M. B. Van Kirk.

Western Canadian Religious Liberty Association (affiliated organizations in Alberta, British Columbia, Manitoba, and Saskatchewan): Office, Lacombe, Alberta; secretary, S. A. Ruskjer.

LIBERTY

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

Published quarterly by the
REVIEW AND HERALD PUBLISHING ASSN., TAKOMA PARK, WASHINGTON, D. C.

VOL. XXII

THIRD QUARTER, 1927

NO. 3

CHARLES S. LONGACRE, Editor

CALVIN P. BOLLMAN, Managing Editor

HEBER H. VOTAW and WILLIAM F. MARTIN, Associate Editors

CONTENTS

BLUE LAWS, OLD AND NEW	67
A CROWN OF THORNS	70
STATE ORDAINED TO PROTECT INALIENABLE RIGHTS	72
THE PROTESTANT CHURCH SEEKS TEMPORAL POWER	73
LIBERTY—A PRICELESS GEM	75
RELIGIOUS FREEDOM AND THE CONSTITUTION	76
BISHOP FREEMAN RAPS RELIGIOUS LOBBIES	78
LEGISLATING ON MORALS AND RELIGION	79
SOUTH CAROLINA PRESS SHOWS GOOD SENSE	80
DISAPPROVAL PLACED ON BLUE SUNDAY LAWS	81
"OPEN SUNDAYS HELD CRIME PREVENTIVE"	83
THE GOSPEL MINISTER IN POLITICS	84
TWO GREAT CONSTITUTIONS	85
LUTHERAN PASTORS REBUKE PENNSYLVANIA SABBATH ASSOCIATION	86
THE SOUTH CAROLINA FIASCO	87
MAYOR AND GOVERNOR IN CONFLICT OVER SUNDAY ISSUE	88
ARCHBISHOP FAVORS SUNDAY TENNIS	95
IMPRISONED FOR SELLING GRAVESTONE ON SUNDAY	95
SUNDAY LAW VOTED DOWN	96

Entered as second-class matter May 1, 1906, at the Post Office at Washington, D. C., under the Act of Congress of March 3, 1879.

Acceptance for mailing at special rate of postage provided for in Sec. 1103, Act of Oct. 3, 1917, authorized on June 22, 1918.

SUBSCRIPTION RATES.—One year, 35 cents; three years (or 3 subscriptions, 1 year), \$1.00; five or more copies, mailed by publishers to five addresses or to one address, postpaid, each 9 cents. No subscriptions for less than one year received. Remit by Post Office Money Order (payable at Washington, D. C., post office), Express Order or Draft on New York. Cash should be sent in Registered Letter. When a change of address is desired, both old and new addresses must be given. No extra charge to foreign countries.



U. & U., WASH., D. C.

*LOOKING TOWARD THE UNITED STATES CAPITOL THROUGH AN ARCH
OF PALMS IN THE U. S. BOTANIC GARDENS, WASHINGTON, D. C.*

*Will Congress Turn Beautiful, Free America Back to the Laws and Penalties of Colonial New
England by an Attempt to Establish Christianity by Statute?*

LIBERTY

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

VOL. XXII

THIRD QUARTER, 1927

NO. 3

BLUE LAWS

Old and New



ILLUS. LOND. NEWS

A Girl in the Stocks for "Running and Playing on Ye Sabbath" in Puritan Days in America.

"It was unlawful to travel on Sunday, cook food, make beds, sweep house, cut hair or shave, or for a woman to kiss her child."

AN illuminating address was delivered on the above topic before the Legal Club of Lynchburg, Va., recently by Leon Goodman, a member of the Lynchburg bar, and was later published in the March issue of the *Virginia Law Register*, a portion of which we reproduce for the edification of our many readers:

"'Blue laws' are generally understood to mean laws of extreme rigor and undue severity, enacted by the colonies of New England. In the more accurate sense, they are laws enacted in the early days of the New Haven Colony. This colony comprised New Haven and a few small adjoining towns, and in 1662 became a part of Connecticut. These 'blue laws' were regarded by many as pure inventions, and forgeries by the Rev. Samuel Peters, a clergyman supposed to be antagonistic to the New Englanders. Though they were in a large measure taken from Neal's 'History of New England,' Peters has been denounced

for many years by patriotic and zealous souls, who deemed these laws, by reason of their severity and rigor, to reflect upon the tolerance and wisdom of the Pilgrim Fathers. But to-day, while Peters' version is not regarded as entirely accurate, yet by those who have impartially considered the sources, these statutes recorded by Peters are regarded as substantially accurate.

"The form of government of New England was largely theocratic. The ministers swayed the politics of the time, and the church, by reason of the fact that no one not a member could be a member of the lawmaking body, controlled the lawmaking power.

"Until the Revolution the domination of the ministers and the church was almost absolute. Then the reaction came. In 1777, Virginia provided in its constitution that no minister should sit in the legislature or privy council. North Carolina acted likewise in 1776, and Georgia did the same in 1778. Mary-



PAINTED BY B. WAPPERS

The Pilgrims Embarking for America

The Pilgrims not only dissented, but separated, from the Established Church in England. They came to America in 1620 in order to secure for themselves freedom to worship God in their own way.

land and South Carolina had similar provisions excluding clergymen from holding public office, and 1792 Delaware adopted a like law. But it was not until 1833 that the final vestiges of the tithe system were abolished in New England.

“For these laws, sanction was found in the Bible and in religion, for those who sought their enactment were ignorant of innumerable similar attempts in the past history of the world, and the conviction was strong that by law human ways could be changed and mankind molded in the form desired by the governing body.

“History represents the Pilgrim Fathers as coming to this continent to establish religious freedom. And so they did, but for themselves only and nobody else. [It was the Puritans, and not the Pilgrims, who established the theocracy and enacted many religious laws which resulted in religious persecution. The Pilgrims did stand for a separation of

church and state, and for the religious liberty of every man.—Ed.]

“In the earlier years, Quakers and dissenters seem to have been permitted to reside in Massachusetts. The law read: ‘No Quaker or dissenter from the established worship shall be allowed to give a vote for the election of magistrates or any other office.’

“Possibly the dissenters and the Quakers began making converts, for later in 1658 these acts were adopted in Massachusetts and in New Haven:

“If any person turn Quaker, he shall be banished, and not suffered to return on pain of death.’

“Those who ‘entertained’ Quakers ‘and other heretics’ were subject to a penalty of 20s. for each hour of entertainment.

“Long before this, in 1631, Roger Williams, a pastor of the established church, was driven away for opposing the right of magistrates to inflict punishment for

Sabbath breaking, and Ann Hutchinson, in 1634, was banished for having heretical opinions.

"In 1647, Massachusetts declared that 'any Jesuit or priest found in the colony should be banished, not to return upon pain of death.' He could be seized without warrant.

"It may surprise you to know that in 1624 the General Assembly of Virginia passed a law that any one absent from church without allowable excuse should be fined one pound of tobacco. If absent one month, 50 pounds of tobacco was the penalty. Later, the law was amended and military commanders were ordered to see that the people attended church. Human nature, as it always will, asserted itself, and means were sought and found for the defeat of this law. The stubborn attended, under compulsion, and then either went to sleep or pretended to slumber. It is said this caused much trouble to the beadles.

"In 1624, the General Assembly passed an act prohibiting the defamation of ministers. There must have been good cause for criticism, for in 1632 the Gen-

eral Assembly passed an act which recited 'that ministers shall not give themselves to excess in drinking or riot, spending their time idly by day or night, playing at dice or other unlawful game.' In 1646 the church wardens were given the powers of a grand jury, being authorized to make a presentment of any one 'profaning God's name and His holy Sabbath.' The army regulations of 1676 provided that one who blasphemed the name of God 'should run the gauntlet through 100 men, and if he persisted, to be bored through the tongue with a hot iron.'

"The stock, pillory, whipping post, and ducking stool came later in Virginia than in New England, but the Virginia sumptuary laws were never so numerous, nor the penalties so harsh and stern, as those of her Northern neighbors.*

"On March 4, 1634, the General Court of Massachusetts Colony passed a law

* This, however, is not claiming much, for in Virginia blasphemy was punishable by death. "For Sabbath breaking, the first offense brought the stoppage of allowance; the second, whipping; the third, death."

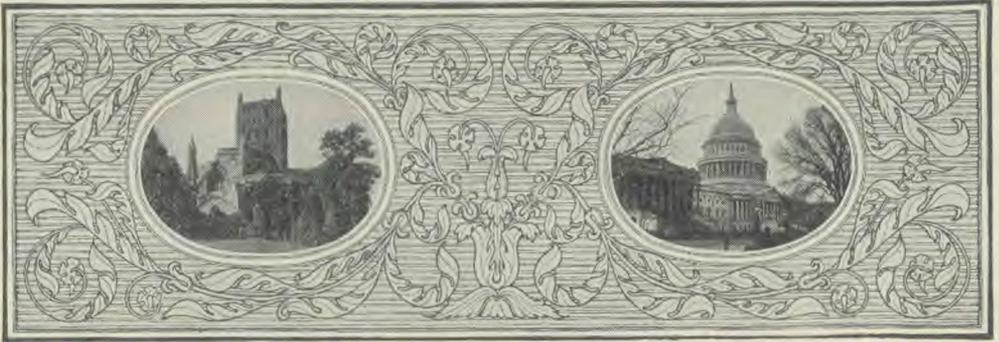
(Continued on page 88)



PAINTED BY G. H. BOUGHTON

Puritans on Their Way to Church

The Puritans dissented from the Established Church of England, but not from state religion. Coming to Massachusetts in 1630, they soon enacted laws restricting liberty of conscience by making their religion compulsory.



Keep Church and State Forever Separate.—U. S. Grant

A Crown of Thorns

A SUNDAY law is an oppressive measure when fastened upon liberty-loving Americans; and now that Congressman Lankford is circularizing the country with religious propaganda in behalf of a Sunday bill which he proposes to introduce into Congress next December, it is the proper time for all true Americans to speak, or forever hold their peace.

In the formation of the civil state, each sovereign citizen contributes power, and pledges his support to the formation of a government which is designed to accomplish certain ends. These ends must be clearly stated and well understood at the beginning. When the people understand and agree to this compact, it is said to be the consent of the governed. In the case of the United States the consent of the governed was secured through the ratification of the Federal Constitution by the several States.

The powers thus delegated and the ends to be gained are specified in that instrument. It is also stated that all powers not delegated to the Government by this Constitution are reserved to the people. These are the inalienable rights of the Declaration of Independence, and the purpose of forming a government among men is to secure its citizens in

Our Inalienable Rights Imperiled

By

H. E. Giddings

the enjoyment of these rights without danger of invasion or menace. These rights were not to be impaired, but perpetually defended against infringement. These rights cannot be made

the property of the state, or pooled at the caprice of majorities. They are the private possession of each individual, aside from, and independent of, the desires of the populace. They are enumerated in the Declaration under the terms, "life, liberty, and the pursuit of happiness." These are generalizations which it is well to analyze:

Life consists of three elements,—consciousness, time, and liberty. Consciousness is the awareness that one is alive. Time is the duration of that awareness. Liberty is the untrammelled freedom to employ one's time in the conscious pursuit of happiness in all legitimate ways of one's own choosing.

These rights are neither governmental nor social property, but constitute a personal legacy to which every American falls heir at the time of his birth or naturalization. There is no legitimate power in the state to take any of these rights from a citizen, except as a punishment for crime of which he has been duly convicted.

Life is measured by time, which is the

chief element in life. Without time to pursue consciously the ends of happiness, life would be but a meteoric spark. Whatever touches man's time, touches his life. Take away half of one's time, and you deprive him of half his life. Axiomatically, if a man has a right to life, he must be given a clear title to his time. It is misleading and deceptive to say that a man has a right to life, and then make a law to restrict him in the use of his time.

Moreover, the Sunday law is not made in the interests of the state, but it is class legislation in the interests of certain combinations or groups desiring to limit the freedom of their fellows. This is a diversion of the functions of government to base and corrupt ends.

But you may say that the majority has a right to rule in America. True, in all matters delegated to the realm of the state, but majorities have no just powers over the personal private exercise of any of the reserved rights which never passed into the jurisdiction of the state. Allow that specious plea, and you have entirely destroyed the American idea of the scope of the state, and adopted the autocratic conception. The ends of government are to secure the citizen in the full enjoyment of all his natural rights, and that is the purpose of the consent of the governed.

The consent of the governed embraced a pledge to support such a state with

such ends in view and such protection insured. They pledged their life, their fortunes, and their sacred honor to establish, secure, and defend these rights.

Of all the private, reserved rights of the individual, with which the state has no authority to meddle, the religious right is the most sacred and inviolable. This right includes the freedom of every citizen to choose the forms of faith and practice in religion which appeal to his conscientious conviction, or just as freely to reject all forms of religious exercise and the times for celebrating them which have been appointed by others. The

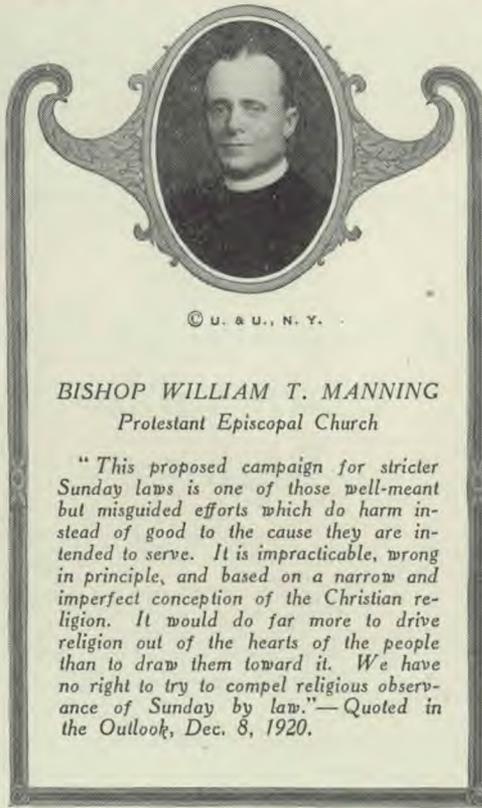
state has no voice in these matters whatsoever.

The state was created for the regulation of civil matters, and when she essays to enforce religious measures, she dons the sacerdotal robes of the priesthood, with which she has never been invested. She then becomes guilty of an unwarranted invasion of things spiritual.

It may be pleaded that the Sunday law is not imposed as a religious measure, but only as a civil regulation. This opens a wide field and dares a fatal step. If the state

has the right to deprive its citizens of the free use of one of the civil days each week in deference to the demands of a certain group, then, as all of the time is civil and stands on the same basis, another group may at any time demand the restriction of another day on equally

(Continued on page 90)



© U. & U., N. Y.

BISHOP WILLIAM T. MANNING
Protestant Episcopal Church

"This proposed campaign for stricter Sunday laws is one of those well-meant but misguided efforts which do harm instead of good to the cause they are intended to serve. It is impracticable, wrong in principle, and based on a narrow and imperfect conception of the Christian religion. It would do far more to drive religion out of the hearts of the people than to draw them toward it. We have no right to try to compel religious observance of Sunday by law."—Quoted in the *Outlook*, Dec. 8, 1920.



PAINTED BY M. LELOIR

Instead of Receiving Protection From the State, These Protestant Fugitives of the Old World, Because the State Was United With the Church, Were Persecuted When They Chose to Worship God According to the Dictates of Their Own Consciences

State Ordained to Protect Inalienable Rights

By

Louis K. Dickson

SYMPATHY for those who stand for religious liberty, who, because of their loyalty, are willing to suffer for conscience' sake, has never been refused by the great heart of the American people as a whole. There has always been, however, in America a minority, significantly composed largely of churchmen, who have desired to check that sympathy for the individual conscience, and to shackle the religious freedom so dearly bought by the blood of our American forefathers which stained the frigid snow paths of Valley Forge.

Against the insistent efforts on the part of such organizations as the National Reform Association and the Lord's Day Alliance, to destroy and obliterate from our great country these glorious principles which have made this nation

a haven of rest for the oppressed of earth, every unadulterated American, and much more every sincere follower of Christ, should therefore feel an obligation to speak boldly and publicly, and by every proper means seek to check these disturbing elements in both church and state.

Yet another and still stronger motive should urge every Christian thus to speak. It is a realization that the present conflict is part of a great war against the liberty which took on a new phase nineteen centuries ago, when our Saviour died on the cruel cross that men might be truly free.

These efforts to place upon the statute books of our Federal Government religious laws, which can result in nothing good, but only in bedimming a true conception of freedom in religion, come

from an attempt at nothing less than the destruction of that which the Master of the church established. All such efforts, then, are anti-Christian, and tend to reduce the church of Christ to the status of a state-controlled religious body, without the right to form, train, and educate her people on the very fundamental teachings of the gospel. These teachings include the right and duty of every individual to understand and follow the convictions of his own conscience before God and in harmony with

A METHODIST EPISCOPAL CHURCH paper has the following to say concerning the Christian churches of the Protestant persuasion seeking temporal power:

"The Christian church should take more interest in politics and civil matters. For some reason the Christian church in America has failed to see the advantage of acquiring temporal power. God is everything and controls everything; therefore the church should function in temporal as well as spiritual affairs. The church must reach the point where civil magistrates and politicians reckon with it as an organized power. Organization must become the slogan for the American church, and power must be its ultimate goal. It is not advisable that we seek temporal power to the point that the Mexican religionists have reached. Let us borrow an atom of the temporal power that the churches in Mexico have acquired."

This is a strange doctrine for a Protestant church to advocate in the face of what is happening to the Mexican churches as the result of seeking temporal power and dabbling in politics. Even "an atom of the temporal power" in possession of the Christian churches is a dangerous weapon and a threatening

His word; for this Christian liberty bears witness to the absolute and most just dominion of God over man, and to the chief and supreme duty of man toward God.

These great principles were clearly understood and made prominent by the great founders of this Republic, whose hearts beat as one with the early honored statesman who proclaimed, "Give me liberty, or give me death!" This, indeed, is the force of the Declaration of Independence.

(Continued on page 91)

The Protestant Church Seeks Temporal Power

By
C. S. Longacre

menace. It is like a leak in the dikes that dam the ocean out of Holland. Unless the leak is stopped, Holland is doomed. Unless every semblance of temporal power is taken from the Christian church, she is doomed.

Temporal power is alien to the Christian religion as exemplified in the life and teachings of Christ. Political

power craved and exercised by the Christian church can lead only to her corruption and ultimate humiliation.

If there is one lesson above every other that the history of the past teaches with infallible accuracy, it is that no church of any faith can exercise both spiritual and temporal power without placing herself in the same category as the political parties, and subjecting herself to the same criticisms, opposition, political defeats, and political spoils. Every state religion clothed with temporal power has suffered a serious loss in spiritual power.

Why any church should want to try this dangerous experiment over again, when not a single instance can be cited



AFTER FACE IN "THE SUNDAY SCHOOL TIMES"

in which the plan has proved an ultimate benefit either to the church or to the state, is beyond our comprehension. The lust for power, of course, is natural and human. But are the Christian churches of America going to operate on this low level, and subject themselves to all the vagaries of lust, human nature, and carnal desires? Is the lust and abuse of temporal power to be the goal of Protestantism?

The Christian religion had no such origin. Its Author stimulated and inspired it with far higher and loftier ideals. Protestantism was conceived on a higher scale and promoted in the beginnings by nobler standards. This craving after temporal power on the part of certain Protestant churches is a bad omen. It is a sign of spiritual apostasy. Suppose other branches of the Christian church should seek temporal power, which one would control the government? Undoubtedly the one which commanded the greatest numerical strength. The competitive outlook would not be encouraging for the future welfare of the civil government, with rival

Even an atom of temporal power in possession of the Christian churches is a dangerous weapon and a threatening menace. It is as destructive as a leak in a dike.

religious organizations contending for temporal power as their ultimate goal.

There is no true spiritual future for any church that makes temporal power its ultimate goal, instead of the winning of souls. Whenever a church is more anxious to compel the civil magistrate and the politician to "reckon with it as an organized power," than to court the favor of heaven, that church has lost its spiritual vision and mission, and has degraded itself to the status of a mere political machine.

We regret to speak thus of any church, but when a church departs from her divinely ordained mission in this world and begins to meddle in politics and crave temporal power, so that she may trample upon the conscience of the dissenter and crush the opposition of the minority, it is high time that some one raised his voice against such encroachments upon the natural rights of all men in a country where the church and state are supposed to function in separate and distinct fields.

It is high time that the people take alarm at these threatened encroachments upon the civil powers by ecclesiastical organizations. If the church does not know her proper place, she must learn it through sad experience. If the church does not recede from temporal power and retreat from the field of politics, she is bound to lose her influence and prestige with the people. Separation, not co-operation, should be the American slogan for the American church and the American state. They function in different fields by different means and methods, which are as alien to each other as the flesh is to the spirit. A connection between the two will prove the undoing of both.

Liberty --- a Priceless Gem

By Albert C. Anderson

LIBERTY, thou priceless gem of truth! Thou art a jewel, a principle, around which clusters all true happiness. Liberty! thou art written on every stripe and in every star upon our banner, which we unfurl as an emblem to all the world. Liberty! for thee millions of martyrs have suffered and died a cruel, ignominious death. Liberty! created and born in every man and woman; and rather than deprive man of that principle, the Creator Himself suffered and died for the human race, even the death of the cross.

"Give me liberty, or give me death," is the birthright and birth cry of every man and woman born into this world, and even the dust of old mother earth itself is crying out for help, for "them that were slain for the word of God, and for the testimony which they held."

Any nation that fails to recognize liberty of conscience, will at last pass into oblivion, as far as being a leading nation is concerned. Civil matters belong to the state, and should be under the control of civil government, for it is so ordained of God. We read, "He is the minister of God, a revenger to execute wrath upon him that doeth evil."

In the first place, "the Most High divided to the nations their inheritance," and when Nebuchadnezzar stepped out of his jurisdiction to domineer over the conscience of men, God said, "Nebuchadnezzar, you are out of place; step down,

'until thou know that the Most High ruleth in the kingdom of men, and giveth it to whomsoever He will.' You can go out with the beasts who have no conscience for a while; you are better fitted to rule over them with goad and whip." This was "written for our learning."

When Nebuchadnezzar's "reason returned" to him again, he said that God "doeth according to His will in the army of heaven, and among the inhabitants of the earth: and none can stay His hand, or say unto Him, What doest Thou?"

God has just as much to do with the establishing of kingdoms as with the church: one is a civil rule, the other a religious rule. One rules by force, the other by love.

The minister in the church should be a shepherd to lead men to God, *not by*

(Concluded on page 93)



The king of Babylon failed to recognize liberty of conscience when he commanded all his subjects to fall down and worship the great image he had set up.



The Library of Congress in Washington, D. C. The Engrossed Copy of the Constitution of the United States Is Now Permanently Housed in This Building.

Religious Freedom and the Constitution

By

W. F. Martin

UNTIL recent years, no other part of the Federal Constitution received such general attention as did the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Even now, since the enactment of the Eighteenth Amendment and the consequent agitation attending its enforcement, or attempted enforcement, this same First Amendment is often referred to, and in fact holds a unique place in the hearts and annals of the nation.

It is the first national enactment of its kind. Before this, certain statutes in certain nations had somewhat grudgingly granted a limited degree of liberty to their citizens. No great nation, however, had ever incorporated a declaration of freedom into its fundamental law.

The early settlers of this nation had been victims of a church and state

régime. Their love of freedom had sent them to Western shores. Still these same people did not have a clear vision of real freedom. To them it was confined to liberty for themselves. It did not extend to the other party. The early history of America testifies to the outworking of such ideas. Men and women were put into stocks, confined in jail, and whipped when they refused to accede to the demands of a state-enforced religious establishment.

While all this was going on, earnest men and women were thinking. It began to dawn upon them that so long as religious establishments were enforced by law, good, conscientious people would be called upon to suffer.

At various times, champions of religious liberty arose and appealed for a recognition of the rights of conscience. In 1785, Thomas Jefferson used his influence to have the following statute enacted in Virginia:

"Well aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments 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 religion, 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; . . .

"Be it therefore 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."—*Code of Virginia, 1904," Vol. 1, p. 770.*

Then came the world-renowned convention of 1787. Experience had taught this body of men wisdom. Article VI of the Constitution was made to say: "No religious test shall ever be required as a qualification to any office or public trust under the United States."

Thomas Jefferson was not a member of the Constitutional Convention, being in France at that time. Later, in correspondence with James Madison, he said concerning the Constitution:

"I do not like, first, the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies. . . . A bill of rights is what the people are entitled to against every government on earth."—*The Jeffersonian Cyclopaedia, p. 88.*

When the first Congress convened, Mr. Madison brought to that session ten amendments to the original draft of the Constitution. The first of these in the original read:

"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner or on any pretext infringed."—*Annals of Congress," Vol. 1, col. 434.*

Some very interesting things were said during the debates that followed the introduction of this amendment. Referring again to the Annals of Congress, we read:

"Mr. Sherman thought the amendment altogether unnecessary, inasmuch as Congress had no authority whatever delegated to them by the Constitution to make religious establishments." Mr. Carroll said that "as the rights of conscience are in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand, . . . he was much in favor of adopting the words."

Farther on, we find this:

"Madison said he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience."—*Ibid.*

Again:

"He [Madison] believed that the people feared one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform."—*Id., col. 731.*

The fine words of these statesmen set out clearly the purpose of the First Amendment to the national Constitution.

Again, no one has ever put it more beautifully and plainly than Jefferson when he said:

"Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and state."

A true application of this Amendment bars Congress from enacting a Sunday law for the District of Columbia, and for such a law to be enacted anywhere within the territory of the United States is to violate the spirit of the Constitution. This wall of separation should remain intact, as it is the great bulwark of liberty.



A CENTURY ago it was universally conceded that Sunday legislation by Congress was forbidden by the Constitution. Has that fundamental law changed?

Bishop Freeman Raps Religious Lobbies

THE Rt. Rev. James E. Freeman, bishop of Washington, in his annual message to the Episcopal diocese of Washington, declared that the attack on Christian institutions and Christian ideals and principles is growing in force and violence. He said:

"There are conspicuous signs here in free America that the virus of this anti-Christian propaganda is touching with deadening power institutions that we cherish and hold sacred. The high moral and ethical standards that we believe are indispensable to our domestic, social, and industrial life are ruthlessly set aside, and no adequate substitute is furnished to take their place."

"The Christian pulpit must not be converted into a rostrum for the discussion of political themes," the bishop asserted, and he further declared that the Christian church "stultifies itself where it attempts, through an organized lobby, to influence the course of legislative action."

The bishop has touched the real cause which is responsible more than any other, for the present flood of anti-Christian propaganda. The churches, especially the religious leaders of certain churches, have forsaken the preaching of the gospel, saving and reforming individuals by gospel means, and are re-



U. & U., WASH., D. C.

Rt. Rev. James E. Freeman

sorting to legislative measures as substitutes. They appear before legislative committees with a legislative program in behalf of certain religious tenets and customs they want enacted into civil law and enforced by the penal codes.

Strong religious lobbies besiege Congress and our State legislatures every session to secure action on some pet hobby of religious reform. These men deride the Constitution for the liberties it guarantees to the individual, and

they want to amend it so as to circumvent these guaranties of human rights and religious freedom. This invasion of the political realm by churchmen is resented by the laymen, and we are beginning to reap the natural fruitage from this reaction.

L.



APPROVING of the above sentiment of Bishop Freeman, the *Washington Post* says:

"What is needed from the Christian church is the daily exposition by precept and example of the old-fashioned religion, and a setting of high moral standards, not only for the young, but for all the people. That is a gigantic task in itself, enough to occupy all the time and energy of all the churches."

Legislating on Morals and Religion

ATTEMPTS to close the theaters and movies in the State of Utah have failed. The three cities of Provo, Logan, and Nephi passed Sunday closing ordinances after the State legislature had repealed the Sunday closing clauses in the State statutes, but the district courts ruled in each case that a city could not pass a Sunday closing ordinance for theaters and movies after the State legislature repealed the Sunday closing clause in the State statutes. In other

words, no city could defeat the intent of the State legislature, when the legislature repealed a specific law. For the cities to re-enact such a law was to fly in the face of the State legislature. The intent of the legislature in repealing this particular law was to permit the theaters and motion pictures to operate on Sundays without civil handicaps. The intent of the legislature is as much expressed in the repeal of a law as in its enactment, and both intents should be equally respected by the local municipalities.

The Salt Lake *Telegram*, in its issue of March 11, expressed itself in an able editorial on the futility of "legislating upon morals and religion," as follows:



D. & R. G. W. R. R.

State Capitol, Salt Lake City, Utah

"Sunday blue laws are losing in Utah. Attempts to close theaters on Sunday, in Provo, Logan, and Nephi have failed in legal battles before district courts. The State legislature has discarded the bills that came before it on the subject. All this is a splendid indication that narrowness and fanaticism may be on the wane in the State.

"The Utah Supreme Court is faced with an appeal case on the question of whether or not cities may forbid shows on Sunday. So as a legal issue, the point is not definitely decided.

"As a question of common sense and broadmindedness, Utah should avoid legislating in the realm of morals as far as possible.

"Who is harmed if a man chooses to go to a Sunday movie? Certainly not the fanatic who would deprive others of all Sabbath day amusement. Why is it fundamentally wrong for a man to attend a show on Sunday and all right for him to see the same show on Monday?

"Every one does needless things on Sunday—motor trips, golfing, big dinners, picnics. Our most intensely religious persons indulge in activities of this sort. A dinner for many relatives and the entertainment afterward entails much more work than attendance at a theater.

"Sin in this realm is a matter of the individual. What seems wrong to one is not to others. Therein lies the injustice of compulsory Sunday observance laws. One class attempts to decide what's right and wrong for all. The individual should be given a wide freedom of choice, and only a harm to society

(Continued on page 93)

South Carolina Press Shows Good Sense

THE *Evening Post* of Charleston, S. C., uses some real sound logic and shows good sense in printing an editorial from the Savannah *Morning News*, on the futile effort of the governor of South Carolina to stop golf playing and the sale of gasoline and oil to automobilists on Sunday, as a partial enforcement of the antiquated Sunday laws of South Carolina, which were enacted in 1712, when there existed a perfect union between the church and the state. The following excerpts are taken from this article:

"Respect for law must flow from the fact that law deserves respect because of what it is and what it says. Legislators everywhere should bear this very big fact in mind in making laws. To set out a 'Thou shalt not,' without taking into account American traditions, . . . is to write into the law something that is fundamentally itself disrespectful of law, because it will be impossible to enforce it. . . . South Carolina's 'blue Sunday' laws, which have been on the statute books for generations and which have rarely been observed or enforced, are a fair sample of a bad law. The efforts of the new governor to enforce them does not change that fact; indeed, the very fact that he does not enforce them literally is a pretty good sign that he does not approve of them. He has selected portions of them to follow, which is bad for law and for him, because if he is going to enforce the laws of the State, he has not the right to pick and choose among their provisions; he should enforce them all. . . .

"The South Carolina blue laws, if thoroughly enforced for a while, will lose their friends, even among those who have applauded the governor for rescuing them from the oblivion into which they had been allowed to sink.

"If people are not to be allowed to play golf Sunday afternoons, if they wish to, then other persons should not be permitted to go riding in automobiles on Sunday afternoon, and the bathing beaches in the summertime should not be permitted to have Sunday visitors. The modern Sunday is not a long-face day, and it will not be. A State or a community that tries to make it so is just deceiving itself when it thinks it is successful. Blue laws will not help the churches; people are not going to church nowadays because they have no place else to go; they are going because they want to go, and for no other reason. It is gratifying that many ministers recognize this fact, and are not in favor of shutting up every place except the church on Sunday. They understand human nature, and know that the way to increase their attendance and the effect of their services is certainly not to have the secular law build a high wall around the public on Sunday, with



SARGEANT PHOTO

A View of the State

no gate in it except the church. "The church is a private thing; the interference of the law with churches be limited to preventing anybody from disturbing public worship, and anybody preventing anybody else from worshipping, he pleases, or not worshipping if that pleases him."

The Charleston *Evening Post* quoted in the Washington *Evening Star*, feelingly protests the governor's actions:

"Instead of a day of rest, Sunday in Carolina has become a day of wrath. A disturber of the peace and quiet and serenity which should and formerly did characterize the day, the governor has accomplished a formidable score. If the world, the flesh, or the devil offered a prize for Sabbath breaking, it would go without challenge to the governor of Carolina at the grand review of the fall of 1927."

"The Columbia *Record* believes the people of South Carolina are a 'liberty-loving people' and that they will not 'be content to surrender their inalienable rights without a struggle' and they have not yet attained to the

Disapproval Placed on Blue Sunday Laws



Columbia, South Carolina

state of grace that motivated the citizen
Canbury who was caught—

'A-hanging of his cat on Monday
For catching of a rat on Sunday.'

In the opinion of the *Roanoke World-*
News, 'the spectacular methods of Governor
Richards have as yet accomplished little,'
and the situation prompts the *Norfolk*
Star-Dispatch to make the query: 'Is it
not a pity that, with the many worth-while
efforts to occupy the attention of law-enforce-
ment agencies of the country, the whole busi-
ness should be made ridiculous by antics such
as those in which the head of the Palmetto
State is the chief performer? Genuinely de-
voted to doing good Governor Richards may
not be able to stop but the effect of his crusade cannot but
be most harmful.'

As the *Roanoke Times* sees it, 'South
Carolina just now is furnishing the country
with a striking example of the kind of pub-
licity that doesn't do any good.'

The *New York Times* speaks of 'a curious,
conservative, seventeenth-century Sabbatarian-
ism' in South Carolina, and adds, 'However
one may agree with it in principle and practice,
it is an interesting survival.'

(Concluded on page 94)

THE press of the country has given consider-
able attention to the past history of Sun-
day blue laws since Governor Richards, of
South Carolina, has sought to institute their re-
vival by employing the State police to enforce an
antiquated Sunday law enacted originally in 1691,
when South Carolina as a colony was under a
church and state régime.

The *Pathfinder* of April 2, 1927, contains a very
interesting article on the "Blue Laws," showing
how they operated in the past, and showing by
some sound logic why these religious laws should
no longer prevail under our system of govern-
ment. The following excerpts are taken from
this article in the *Pathfinder*:

"Social movements usually go in waves. There is now
such a wave of 'blue laws,' or Sunday observance laws
and regulations, as to make the judicious—religious or
not—pause to consider.

"Recently Kansas tried to loosen up her blue laws of
1868 so as to permit movies on Sunday, as well as other
activities, but the effort failed. In other parts of the
country clergymen themselves use movies in their churches
on Sundays. An effort was made in the House of Repre-
sentatives in the last Congress to close up all amusements
at Washington on Sundays. Five bills were offered. Some
preachers came to urge such a law; others came to oppose.

"But the most striking movement of the sort has been
going on in South Carolina, where the governor decided
to begin enforcing the blue laws of 1691 against 'bull
baiting, bear baiting, interludes,' and such pastimes. He
made it apply especially to golf playing, and to filling
stations selling gas to motorists on Sunday. He seems
very anxious to apply the ancient laws and stop recreational
activity on Sunday, but the juries trying the men arrested
for playing golf made quick work of turning them loose.
Public sentiment did not seem to be with him. . . .

"If these Sunday laws are for the purpose of compelling
all citizens to observe and honor the tenets or teachings of
some particular church or religious establishment, then
there should be a spontaneous protest from every lover of
religious or political liberty.

"One of the most glorious accomplishments of our won-
derful forefathers was the separation of church and state.
It stopped that stupid and tyrannical system of the gov-
ernment dictating the sort of religion each man must
have. In the old days it was a crime for a man to profess
a belief different from that of the king. The last clause
in the Constitution specifies that 'no religious test

shall ever be required as a qualification to any office or public trust under the United States.' And the First Amendment in the ten constituting the 'Bill of Rights' declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'

"This was a logical and sensible reaction to the history of Europe. There in the early days, government tortured people for belonging to the Christian church. Later it tortured them for not belonging. The same persecuting attitude had been shown in early America. At Quebec those Jesuit missionaries who braved every peril and hardship to save the Indians, many of them sacrificing their lives, had a stake driven before their church to which was attached an iron collar and a chain for use in improving the memory of those who forgot to go to mass. At Jamestown, about the same time, Governor Argall, Episcopalian, enforced Sunday observance with a real vigor. For the first absence from church the colonist was imprisoned for a night and reduced to slavery for a week; for the second offense, enslaved a month; and for the third, a year.

"There is no use denying it, there is a sort of instinctive urge in man to compel others to embrace his religion or to observe its forms. And the tendency to force others to observe its forms is far greater and more general than the tendency on his own part to observe the spirit. Governor Argall, Parkman the historian goes on to inform us, enriched himself by extortion and wholesale speculation, while those priests at Quebec were later accused of even instigating war to maintain their ascendancy in religion, government, and fur trade among the Indians.

"In the past, at least, it was not always the most righteous men who insisted most strongly on Sunday observance. Many thought that by serving God on Sunday they were free to serve the devil the other six days of the week.

"One of the greatest contributions America has made to the world, according to some great European statesmen, was real religious liberty. Theoretically, at least, any man may believe and practice here any creed in the world, so long as his actions do not conflict with our civil laws. At the same time he is supposed to be free from obligations to practice anybody else's creed, or any creed at all.

"It should be remembered that Sunday is not the only 'Sabbath,' or religious holy day. For Jews and Seventh-day Adventists it is Saturday. For the Mohammedans it is Friday; for the Greek Church it is Monday. Other national religions have had the other days.

"Sunday is the Sabbath of the Christians in general. But if Christians, who are in the majority in America, feel justified in compelling all others to observe their Sunday, they must

admit that if they were in the minority it would be just as fair for them to be compelled to observe Saturday, or any other day the majority decided on. . . .

"St. Paul evidently saw and understood this human weakness in the early days. In his epistle to the Romans (14th chapter) he said: 'One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind.'

"Church governors should apply church laws to church bodies only, just as Masons, Knights of Columbus, clubs, fraternities, and others legislate for their own organizations. If churches seek civil laws to make their religious observances and beliefs apply to all citizens, members and nonmembers, they are interfering with our political liberty. They are taking a serious backward step toward the old vicious union of church and state.

"What is the motive of the advocates of 'blue laws' or Sunday observance laws? Many of them are Christian ministers. . . . If it is to make all citizens observe as a holy day the day so held in their creed, and because it is so held in their creed, or belief, then they are seeking to act, perhaps unconsciously, the part of tyrants and oppressors.

"Let these 'blue law' advocates examine their consciences and be honest with themselves. Would they willingly submit if a majority wished and passed Friday observance laws? There are more Mohammedans in the world than there are Christians, so if it should come to a question of 'majority rule,' Friday would be ordained as our holy day. In Mohammedan countries even now Christians must respect that day or be persecuted.

"In different periods and places it has been made a crime to do any work at all on Sunday. But times and customs change, and it would be impossible to enforce such a law now anywhere. The Creator doesn't stop the bees from working on Sunday, or the hens or the cows; and we are all glad enough to eat their products. It is perfectly legitimate to do honest work on Sunday, or to engage in wholesome recreation which fits us for doing better work the rest of the week. . . . What is 'rest' for one individual may be work for another, and we are none of us authorized to lay down the law for our neighbor."

We fully accord with the sentiment set forth in these excerpts from the *Pathfinder*. In advocating these fundamental American principles of separation of church and state and of civil and religious liberty, that magazine is rendering a great service to the American people and is blazing the way as a true pathfinder. We wish our worthy and

esteemed neighbor more strength to his arm and to his pen as editor of this unique periodical, and may it lead the American people "back to the old paths,"

— the paths our forefathers trod when they founded the American Republic and dedicated it to the cause of religious freedom.
L.

"Open Sundays Held Crime Preventive"

THE Philadelphia *Inquirer* of April 24, under the above caption, prints the following interesting news item:

"Lawlessness shows a decline in the majority of cities where motion pictures and wholesome sports are permitted on Sunday, according to a comprehensive survey now being made by the Anti-Blue Law Association of Pennsylvania.

"The survey was begun by Francis J. Walsh, president of the association, after having received a letter from Bishop J. F. Berry, of the Methodist Episcopal Church, denouncing the purpose of the association, and declaring that in Cincinnati, Detroit, and other cities where movies and sports are allowed, 'Sunday is a time of boisterous revelry, and that police courts on Monday morning are filled with those accused of various crimes!

"Mr. Walsh sent a questionnaire to the chiefs of police of all cities where movies and sports are legal on Sunday in an effort to discover actual conditions. With the questionnaire was inclosed a copy of Bishop Berry's letter, which charges that crime is rampant in these communities on Sunday. Chiefs of police of nine cities, including Cincinnati, declare that Sunday movies and sports are an influence in cutting down arrests and keeping young people away from objectionable resorts on Sunday.

"Cites Boisterous Revelry

"Bishop Berry's letter to Mr. Walsh follows in part:

"I have lived in San Francisco, Los Angeles, Chicago, Detroit, Cincinnati, and other communities where the Sunday laws have been broken down. Sunday in these communities is a time of boisterous revelry and amusement.

"The police courts on Monday are filled with those accused of various crimes. I should greatly deprecate the coming of such a state of things to the cities of Pennsylvania.

"If you succeed in doing what you are aiming at, you will simply repeat in Philadelphia and Pittsburgh the awful experiences in the cities I have named. You are flatly opposed to the introduction of the Continental Sunday in Pennsylvania, but a Continental Sunday you

will have in spite of yourself, if you can succeed."

"The questionnaire sent to the chiefs of police contained queries whether or not moving pictures and Sunday sports were detrimental to public morals; whether lawlessness increased or decreased in different communities on Sunday, and whether wholesome Sunday indulgences endangered the normal healthy outlook of boys and girls.

"Cities Refute Charges

"The chief of police of Cincinnati reported that movies and sports had a 'tendency to abate' lawlessness in his community, and that arrests on Sunday are 'lesser by far' than on any other day of the week.

"A similar report was submitted by Chief of Police Jacob Grand, of Cleveland. Chief of Police George H. Hill, of Worcester, Mass., reported that Worcester is much more peaceful and law-abiding on Sunday since the inauguration of movies and sports.

"Chief of Police William J. Quilty, of Springfield, Mass., announced that movies and sports have brought a quieter and better Sunday to Springfield. Arrests have been cut to the minimum, he said, while amusements have a tendency to keep young folks away from objectionable resorts on Sunday. Arrests are few in Albany, N. Y., on Sunday, according to Chief of Police David Smirl, who approves of healthy recreation on Sunday as a help to law and order."

Since the Philadelphia *Inquirer* printed the foregoing, the police chiefs of Boston and Chicago have refuted the charges of Bishop Berry, of Philadelphia, that crime is rampant in cities where movies and sports are permitted on Sunday. Altogether the police chiefs of eleven large cities where movies and sports are permitted on Sunday, state that lawlessness and crime have greatly decreased from the record when Sunday was closed tight to innocent amusements and sports. Michael H. Crowley, super-

intendent of the Boston police department, says:

"Wholesome recreations do have the effect on Sunday of giving boys and girls a normal, healthy outlook. And, too, they afford the fathers and other working members of families an opportunity to accompany the younger folks, and at the same time share in the healthful recreations. In the city of Boston arrests are much less on Sunday than on week days."

Michael Hughes, superintendent of the Chicago police department, reported the movies and sports have greatly abated lawlessness in his city on Sunday. He wrote:

"Sunday movies and sports have a tendency to keep people away from unlawful dives and other resorts. Arrests in Chicago on Sunday are much less than on week days."

California has a wide-open Sunday throughout the entire State, and so has Oregon, and these States stand near the top of the list among all the States in the Union in having the most law-abiding people. The writer has spent considerable time in California, and he has seen Sunday better observed in that State than in some of the States where the most drastic Sunday laws are on the State statute books.

In his book, "The Sabbath for Man," page 95, edition of 1885, the late Dr. W. F. Crafts, telling of answers to the question, "Where have you seen the best Sabbath observance?" quotes a San Franciscan pastor as saying, "Among the Christian people of California. The characteristics of their Sabbath observance are: Sweetness and light; reverence tempered with love; joyousness and rare fidelity in Christian service."

Far more arrests are made on Sunday in South Carolina cities, where the most drastic Sunday laws are in force, than on week days. The Sunday laws make criminals out of otherwise good and respectable citizens.

Even the most ardent advocates of these un-American laws violate the letter of the Sunday laws nearly every Sunday. What a man should or should not do on God's Sabbath day is an obligation which a man owes to God, and not to the State. We favor Sabbath observance

the same as we do all other religious obligations, but never under duress of civil authority. Civil and religious obligations should be kept separate. L.



The Gospel Minister in Politics

THE *Chattanooga Times*, in a timely editorial, says that there are certain Protestant organizations which have organized strong religious lobbies at Washington, "composed of clergymen and high functionaries," who "are daily seeking to direct the policies of the two great parties, black-listing leading Democrats and Republicans, and prejudicing the minds of the people against some of the most brilliant and patriotic leaders of the nation."

The *Times* further states that "the newspaper has a right to complain and point out that politics is not the function of the religious preacher; and that when one such preacher appears in public, it is a sure sign that he is abandoning his Maker and dragging his sacred functions in the mire of political contention."

"On the other hand," says the *Times*, "those Protestant ministers who are seeking to hold the public mind to the beautiful doctrines of their religion, deserve to be helped, encouraged, and sustained, for they are working under a terrible handicap imposed by some of their fanatical colleagues. The political parson is driving men and women away from the altar, and the sooner the churches realize this fact, the sooner will we have a better order in society."

This is good sound advice, given in a friendly spirit. The church has a divine mission, and the Author of Christianity has set an example in His life and teachings for the shepherds of the flock to follow. But He has set up no standard for the political parson. The means and methods which the church is to employ, are not political, but spiritual. The church finds her authority in the gospel, and not in the statute books of the state. She receives her power from above, and

not from beneath. Her petitions for aid should go to the throne of God, and not to the throne of Cæsar. Church dominance in politics is the greatest menace that threatens the overthrow of

free republican institutions in America to-day.

The press of the country owes it a duty to point out the dangers of threatening evil.

Two Great Constitutions

Their Makers and Their Tinkers

BY W. F. MARTIN

THE Constitution of the United States is a great document because of the matchless perception of its founders as to what are the proper limits of civil government in the conservation of freedom and the avoidance of its abridgment. On the most delicate question of all,—the relation between church and state, of religion and the state,—it says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Mark you, no "establishment" of any religion, nor "prohibition" of any religion. That is certainly ideal, common sense, and Christian. A neutral attitude is just the proper one for the state to assume toward religion. It leaves the individual severely alone in his devotion to a Supreme Being. It re-enforces that neutrality by offers of protection to the individual, from the oppression of another who has a different religion and would be intolerant.

Such an ideal state has no subsidies for religion, nor hostility toward it. No wonder Gladstone said:

"The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

And Bancroft said:

"The new nation,—the least defiled with the barren scoffings of the eighteenth century, the most sincere believer in Christianity of any people of that age, the chief heir of the Reformation in its purest forms,—when it came to establish a government for the United States, refused to treat faith as a matter to be regulated by a corporate body, or having a headship in a monarch or a state. Vindicating the right of individuality even in religion, and in religion above all, the new nation dared to

set the example of accepting in its relations to God the principle first divinely ordained in Judea. It left the management of temporal things to the temporal power; but the American Constitution, in harmony with the people of the several States, withheld from the Federal Government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite Spirit of eternal truth might move in its freedom and purity and power."—*History of the United States, Vol. VI, book 5, chap. 1.*

All honor to the heroes who drew up such a matchless piece of statecraft! Who is not proud that he lives under such a Constitution?

There is another great Constitution which takes precedence over even the American Constitution, so far as man's relation to God and conscience is concerned. That is the decalogue, which was given its first reading among mankind amid the quakings of Mt. Sinai, accompanied by deafening crashes of thunder and blinding sheets of lightning that caused the beholders to crouch in fear of being consumed.

Such were the tokens by which the Governor of the universe sought to impress upon His people the dignity of His law. It was the ringing of His liberty bell when He made His declaration of independence from the tyranny of sin and Satan. Its first four pronouncements define the relations between man and his God. These the state should not attempt to enforce. Some have tried to tinker with this code, and make changes which they thought would improve it. But the Son of God, the great spokesman for His Father at Sinai,

when He appeared on earth in His incarnate form, said in the sermon on the mount that any changes were unthinkable, and declared that heaven and earth would pass away before any such innovation might be looked for.

David said of this law of Jehovah: "I have seen an end of all perfection: but Thy commandment is exceeding broad." The venerable James says: "So speak ye, and so do, as they that shall be judged by the law of liberty." Will there be any likelihood of a repeal of any of its precepts? Never, since it is perfect.

The American Constitution may not be perfect, but let those who would rise

up in haste to repeal any of its provisions, halt and ask themselves the question, Wherein does it contravene any of the principles of the infinite law of Jehovah? The carnal mind is not subject to the law of God, neither will the bigot ever be satisfied with the American Constitution.

We fervently hope that the present generation will prize its precious guaranties of religious freedom so much that they will stand solidly against every specious movement that seeks to change or nullify its benevolent character. No religious tests for public office! no establishment of religion! and no law prohibiting the free exercise thereof!

Lutheran Pastors Rebuke Pennsylvania Sabbath Association

AT a three-day convention of the Pittsburgh Pastoral Conference of the Lutheran Church, a resolution was passed condemning the Pennsylvania Sabbath Association of Pittsburgh and the Pittsburgh Ministerial Association, for their attempt to enforce the blue Sunday laws of Pennsylvania, and to "foist their religious convictions in matters pertaining purely to city and State government" upon others who hold a divergent religious opinion. The Pennsylvania Sabbath Association and the Ministerial Association of Pittsburgh have made strenuous attempts to prevent the Pittsburgh Symphony concerts on Sunday. They had the players arrested, after the city officials had given them the privilege to conduct their concerts on Sunday.

These blue law advocates have gone to almost unheard-of lengths, even attempting to block a Sunday benefit designed to aid the Mississippi flood sufferers. When the Sunday blue laws carry religious fanaticism to such length, it is about time that their power be curbed and that the legislature repeal such dangerous laws.

It is refreshing, however, to know that not all the Protestant ministers of Pittsburgh share these extreme views, and we take pleasure in publishing the splendid resolution and protest of the Lutheran Pastoral Conference of Pittsburgh, the text of which is as follows:

"WHEREAS, The Sabbath Association of the Pittsburgh Area, together with the Ministerial Association of the Pittsburgh Area, has especially in the last few weeks, given a false impression of the attitude of the Protestant church at large in purely political matters of the day:

"1. By presuming the right to speak for all Protestants; and,

"2. By endeavoring to foist upon others their religious convictions in matters pertaining purely to city and State government, for example, in regard to the so-called 'Sabbath Observance;' and,

"3. By importuning Protestant pastors and congregations to aid them in their endeavors; and,

"WHEREAS, We, the Pittsburgh Circuit Conference of the Eastern district of the Evangelical Lutheran Synod of Missouri, Ohio, and other States, are in no way affiliated with either of the above-named associations, we feel in duty bound toward our fellow citizens to give them a clear and unqualified statement of our position in such matters.

"Be it therefore resolved, That we resent such presumption of the aforementioned associa-

tions, and herewith disclaim any responsibility for any utterances or actions by them.

"Furthermore, be it resolved, That it is our sincere conviction that the church has no right nor command from its Founder to use the police powers of the city or State to foist its religious convictions upon citizens who differ with it, and this especially in matters pertaining purely to city or State government.

"Be it furthermore resolved, That in using the State or city police authorities for such purposes, the church enters upon provinces not its own, and militates against the Scriptural and American principle of the separation of church and state.

"Be it furthermore resolved, That the city or State should at all times guard itself against the intrusion of the church into its affairs, just as much as the church should at all times guard itself against the intrusion of the State into purely spiritual matters."

The following Lutheran ministers voted for this resolution:

"The Rev. William Broecker, president of the eastern district of the Lutheran synod of Missouri; the Rev. Theodore Andree, the Rev. Hugh Fiekenseher, the Rev. Carl W. Roeper, the Rev. D. Goerss, the Rev. W. W. Sander, the Rev. H. G. Oermann, the Rev. C. A. Hinney, the Rev. J. K. E. Horst, the Rev. R. C. Franke, the Rev. J. Rabold, the Rev. J. George Bornmann, the Rev. C. Merkel, the Rev. E. W. Duessel, the Rev. W. Walker, the Rev. H. Bielenberg, the Rev. E. E. Roeck, the Rev. A. W. Gode, the Rev. G. A. Mueller, the Rev. J. H. Gockel, the Rev. W. J. Hofius, the Rev. J. H. Albohm, the Rev. A. Hemann, and the Rev. Ernst F. Brand."

We commend these ministers for their courage to speak their convictions, and for the clear vision they have of the proper relation of the church and the state, both functioning in separate fields. "Sabbath observance" and "Sunday observance" embody religious convictions of divergent views and faiths, with which the civil government by right should not intermeddle. The Lutherans of the Missouri Synod have always stood for a total separation of church and state and for the protection of the conscience in religious matters. They have truly said that the Sabbath Association and the Ministerial Association of the Pittsburgh Area have grossly erred when they assumed the right to speak for all Protestants.

There are other loyal Protestants besides the Lutherans, who deny the right of these associations to speak for them. In fact, these Sunday blue law advocates are grossly in the minority, not only among Protestant believers, but among the public in general. They are a remnant hold-over of an obsolete and antiquated Puritanism. They have yet to learn that religious liberty is guaranteed to individual citizens in America under our Constitution.



The South Carolina Fiasco

THE Atlanta (Ga.) *Tri-Weekly Constitution*, of April 2, has the following to say about Governor Richards' attempt to clamp the Sunday closing lid down tight upon the good State of South Carolina:

"Governor Richards, of South Carolina, who recently vetoed any modification of the ancient blue laws in that State, which he had dug up from the archives of the old colonial days and ordered enforced, has now concluded to 'suspend' their enforcement pending court decisions on various injunctions pending.

"Thus, seeing the utter inability to enforce laws that are discriminatory, unfair, contradictory, and discriminatory, he has 'ceased interference.'

"South Carolina will return to her normal civilized Sunday, and the morals of the people and the morale of the commonwealth will be materially strengthened.

"It is the same old story that applies to every attempt to rule by intolerance and bigotry. The people will not stand for it, and the cause, however seemingly altruistic, that is sought to be thus strengthened, suffers. Finally the end comes, just as it has come in South Carolina.

"There must be sound reasons for all things, and especially for laws under which people are governed.

"The general infraction of one unreasonable law that is sought to be enforced weakens the whole, and the machinery of government is thereby menaced.

"The South Carolina fiasco ought to serve as a wholesome lesson in teaching tolerance and the obedience of law through the fairness and justice of law."

We agree with the Atlanta *Constitution*, and we hope that this sound advice will reach one of its own Congressmen

from the State of Georgia who never fails to introduce his blue Sunday measure into Congress in an attempt to inflict a similar ready-made-to-order church program upon the voteless people of the District of Columbia. Like the Pharisees of old, these overzealous legalists love to "sit in Moses' seat," and "bind heavy burdens and grievous to be borne, and lay them on men's shoulders; but they themselves" love to do what they please on Sundays without being judged by their brethren. It seems that some people can be happy only as they succeed in making others miserable.



Mayor and Governor in Conflict Over Sunday Issue

THE following paragraph is taken from the *Sunday Record*, of Columbia, S. C., and shows the tense feeling developed within the State before Governor Richards withdrew his Sunday observance enforcement order:

"CHARLESTON, S. C., March 26.—The vigorous protest of Mayor Thomas D. Stoney to Gov. John G. Richards against the invasion of Charleston by a force of constables reported to be between twelve and fifteen in number under the leadership of Carlos A. Rector, former sheriff of Greenville County, and the issuing of an order by Judge William H. Grimbald, allowing automobile service stations to sell gasoline and motor oils without interference on the part of State or other officers, were two developments to-day in the local 'blue law' situation. Judge Grimbald's order was served on Sheriff J. M. Poulnot and Constable Rector by John P. Deveaux, Jr., deputy coroner, County Coroner John G. Mansfield being ill, so that motorists will be able to be accommodated without legal interference and the indigo-blue Sunday will be a shade lighter."

Mayor Stoney, in his protest to Governor Richards, said that he was "telegraphing to know whether this information that you are proposing to have an armed force from outside this city and county operate by force of arms against the peaceful citizens of this community on the Sabbath day, is correct. As mayor of Charleston and as a member of the police commission of this city,"

he said, "I wish to protest as vehemently as I know how against any such procedure."

Mayor Stoney termed the visit of the officers a high-handed and unwarranted procedure, adding,

"We shall not quietly, of course, permit a peaceful community like Charleston to be overriden on the Sabbath by armed forces from outside the city as a regular program. We have been very submissive in this whole fanatical crusade, in the earnest effort to avoid making Charleston an issue which the governor might use to the injury of the city. There are limits, however, beyond which patience ceases to be a virtue, and as mayor of Charleston I promise to use every remedy to protect the citizens of Charleston against a tyranny from Columbia which is passing all bounds. The thing that I am urging now is that no citizen involve himself in difficulties by trying to protect himself. I am trying to emphasize that the problem is one for the community to solve. It can solve it. It will solve it."

This is good advice to the individual.

Blue Laws, Old and New

(Continued from page 69)

making nonattendance at church service a misdemeanor, the preamble being as follows: "WHEREAS, Complaint hath been made to this court that divers persons within this jurisdiction do usually absent themselves from church meetings on the Lord's day."

"Myers, in his book, 'Ye Olden Blue Laws,' says:

"'For twelve years the law of 1634 was depended upon to insure church attendance. It turned out to be woefully insufficient. Puritan stamina in the case of many was not equal to the terrific ordeal to which it was subjected. The morning sermon often occupied two hours or more, and was filled with indigestible theological subtleties. After a few hours came the evening sermon, which, although shorter, was altogether too long for anything but the most stalwart spiritual endurance. The result was that some of the people either went to church infrequently or stayed away entirely.'

"The laws were made, as time went on, increasingly stricter, but in 1654 the General Court must have had a fellow feeling for the offenders, for it was suggested by the court that 'the reverend elders of the several congregations, according to their wisdom, will so order the time of their public exercise, that none shall be ordinarily occasioned to break off from the congregation before the full conclusion of the public exercise.' A most decided intimation that shorter sermons might prove effectual in holding the flock! Finally, this particular problem was solved by locking the church doors during the service.

"On June 1, 1675, John Archer and two companions, all bachelors, were tried upon the charge of not attending public worship and (creating a new offense) 'living lonely and in a heathenish way.'

"Laws looking to these same ends were enacted by the other colonies, the Connecticut General Court repeatedly passing laws making church attendance compulsory.

"Having been herded like a flock to divine worship, having been barred and bolted in, and having been compelled to listen to one of the 'elect' for hours, how could one disbelieve? Yet there must have been some such, otherwise why have a law covering this offense?

"In November, 1646, the law in Massachusetts made death the punishment for any adult Christian who denied the Holy Scriptures to be the word of God. Possibly the punishment was too severe, for in May, 1652, the statute was changed, so that on a first offense the delinquent was to be committed to prison without bail. After conviction he was to be fined not over £50 or suffer 40 strokes. 'If after recantation he persisted in maintaining his wicked opinion, he was to be either banished or put to death.'

"Finally the powers thought that the movement to get all the people to church on the Lord's day, would necessarily receive quite an impetus if acts were passed and matters so arranged that the people would have nowhere else to go or any-

thing else to do. So Massachusetts and Connecticut, or rather the ministers, got busy, and they evolved this:

"'No one shall run on the Sabbath day or walk in his garden or elsewhere, except reverently to and from meeting.' Abraham Peirse slept late on the Sabbath day. He was soundly lectured by the court, warned, and let go. Lieut. James Wyatt wrote a note on Sunday. He was arraigned and sharply reprov-
ed.

"We come now to what is probably the first case in this country of unlawful parking. In 1670, in New London, a man and woman were prosecuted for 'sitting together on the Lord's day under an apple tree in Goodman Chapman's orchard.' Probably some remote ancestor of our county constables made the arrest!

"It was unlawful to travel on Sunday, cook food, make beds, sweep house, cut hair, or shave, or for a woman to kiss her child.

"And please remember that the Puritan Sabbath began virtually at three o'clock on Saturday, and the laws relating to the observance of the Sabbath were made applicable to fast days and Thanksgiving. The kingdom of heaven on earth was the goal of these misguided folks.

"Innumerable other instances could be given of harsh and oppressive and sumptuary laws—gag laws, laws against courting without permission of the parents, walking the streets on Sunday, prohibition of social parties on certain days, etc. In brief, the laws attempted to cover every act which could give pleasure to the doer.

"The human race ever flatters itself that the successive generations display an increasing degree of intelligence, therefore, we of this age are disposed to deride these blue laws as something alien to our modern spirit of thought and freedom.

"It is submitted that not only have we in these States the same types of mind that gave rise to these somber-hued laws, but that these minds are highly organ-

ized to secure the adoption of laws but little less blue than the laws of the Puritans.

"Evoking the deadly parallel, put on one side the laws of the colonies relating to Sunday observance and the laws being striven for by certain organizations. The program of these organizations is as follows: No Sunday sports, concerts or entertainments, newspapers, travel, or motion pictures. No store of any kind open, no gasoline or oil to be sold, and so on. A program which will meet with favor from many, probably the majority of the people, but those who know the ways of the 'reformer,' well know that, these objectives gained, the demand will then be for a still stricter observance of the Sabbath, with increased penalties.

"There will never be an end of it. Just as long as zealous folks abound and as long as paid uplifters and reformers at so much per reform continue on this giddy globe, laws tending to repress the natural and harmless tendencies of man and woman will be fostered and encouraged.

"We know as lawyers, just as Buckle did, that 'all that is done by law is to afford the opportunities for progress; the progress itself must depend on other matters.' We know, too, that it is not the legitimate province of the legislature to concern itself with matters affecting conscience and religion or the details of personal conduct, and personally I feel that as lawyers we should always oppose the enactment of such laws, even though they may be valid under the police power.

"We suffer from too many laws. We cannot be made good by making it a crime to be bad, any more than we can be made well by making it illegal to be sick.

"It is true to-day, as it has always been, 'He who is governed least is governed best.'"

This epitome of the Sunday blue laws by a prominent Virginia lawyer, who has drawn his facts from existing legal records and authenticated history, ought

to silence those who deny the existence of "blue laws." Of course, nothing is blue to the man who wants a thing to look white. All he needs to do is to shut his eyes as well as his mind, to the facts, and nothing will appear blue to him. No one has yet found a tyrant who was willing to admit he was a tyrant.



A Crown of Thorns

(Continued from page 71)

plausible grounds, and where is the end? If the state takes away one day from the people in each week, by that act she assumes the authority over all the time of her citizens.

Under such conditions no citizen could say that he has a right to life, since he has no right to time, which is the prime element in life. He has no time except as it is doled out to him at the behest of the state. This is suicidal. Banish this conception forever.

The religious right is not only reserved by implication through its omission from the list of delegated powers of government, but it is confirmed by its exclusion from the qualification for public office in the article on the oath of office, Article VI of the Constitution.

Every official of the government, both State and national, is required to take oath to support this Constitution. Then it is stated that no religious test shall ever be required as qualification for any office or public trust under the United States. This forever clears the Constitution of any religious complexion or essence.

If all officials can fully discharge all their duties as such without any religious qualifications, then there can be no religious matters to be considered by legislators, courts, or executives, either in the Constitution or any laws made pursuant thereto, which constitute the supreme law of the land. To render this more secure against any unadvised presumption that might arise, the First Amendment put the matter to rest for-

ever: "Congress shall make no law respecting [pertaining to or regarding] an establishment of religion, or prohibiting the free exercise thereof."

This forbids the state to establish any religious idea by law or to prohibit the free exercise of any religious right. No law can be made which will either promote religious bigotry or restrain religious freedom.

When the state makes a law defining the proper use of Sunday in conformity with the wishes of certain churches which have chosen that day for worship, it both promotes the religious claims of the day and prohibits the freedom of others in the exercise of their religious right of dissent.

In view of the wise provisions thus made to safeguard the rights of citizens, I protest the enactment of a Sunday law by the Congress of the United States of America, on the ground that it invades the private rights of the individual citizen, and destroys the constitutional guaranties of liberty. You must not press that crown of thorns down upon the brow of the sacred reserved rights of the individual citizen. You shall not crucify constitutional liberty upon the cross of a local statute.



State Ordained to Protect Inalienable Rights

(Continued from page 73)

ence, a document rightly regarded by all Americans as the corner stone of this government. With those courageous signers we concur and hold certain truths "to be self-evident." We agree that "all men," religious and irreligious alike, "are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men." Plainly, then, these rights are held by every man, not by the tolerance, grant, or exemption of any state, but by the immutable decree of Almighty God. It

is not within the authority of any government to destroy or to hamper them. On the contrary, it is the solemn duty of the government "to secure" them; and those who attack them must be repudiated by all right-minded men. Unjust statutes cannot be rightly called law, but rather a species of violence.

While it may be difficult to enumerate all the rights which are comprehended under the primal right "to life, liberty, and the pursuit of happiness," it is inevitably true that among them is the right to worship God according to the dictates of conscience. It should be stated here that the consistent and invariant interpretation of the Federal Constitution by our courts bears out the fundamental and vital fact that the government exists to protect the citizen in the exercise of his natural and inalienable rights, and in so far as the State enacts laws which destroy these rights, it is clearly usurping authority which it has never held.

This conception of government must be constantly upheld, under whatever form it may be exercised. Unlimited power over the liberty of the citizen is not Christian teaching. Neither is it American, as manifested by the fathers of the Republic. To enact laws which make impossible man's enjoyment of his natural heritage of liberty, is not within the legitimate power of any civil government, and especially that of these United States. For this heritage descends to him by the natural law which is "coeval with mankind," and since it is "dictated by God Himself," as Blackstone writes in his celebrated "Commentaries" (Intro., Sec. 2), it "is of course superior in obligation to any other. . . . No human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority, mediately or immediately, from this original."

Laws enacted contrary to the dictates of this law cannot prescribe a course which is reasonable, or which is profitable to the community; and since such

acts in no way reflect the wisdom of the natural law, which is the wisdom of the eternal and original Lawgiver, they are outside the legitimate sphere of law, and must be opposed by those who regard God's authority supreme. Indeed, they merit the respect of no just man, and least of all Americans, whose theory of government they outrage. As one writer states it:

"The end for which the State exists, and for which authority is given it, determines the limit of its powers. It must respect and protect the divinely established rights of the individual and the family. It must safeguard the liberty of all, so that none shall encroach upon the rights of another, and it may not rightfully hinder the citizen in the discharge of his conscientious obligations, much less in the performance of duties he owes to God."

These words are in accord with the spirit of the founders of this Republic, who, to give practical effect to them, formed the First Amendment to the Constitution, forbidding Congress to prohibit the free exercise of religion. By degrees they inserted a similar prohibition into the constitutions or bills of rights of the several States. These guaranties are more than part of the Federal Constitution and of the constitutions of the respective States. They are part of the Constitution of the rights of free men, and must be perpetuated and upheld at all cost if this great nation, with its glorious principles of liberty, is to be preserved for posterity.

It may be contended by those who have their own selfish ends to gain and who are unscrupulous and ruthless about the rights of their fellow men, that modern progress has antiquated or set aside this truth of the divine source of all authority. But this is impossible, for it is neither within man's power to destroy that which is true, nor within his power to change that which is unchangeable. Truth is fixed and immutable, and stands unchanged and unsullied by the onward march of progress. It is possible to discover new beauty in truth so that it shines brighter to the eyes of man, but its light cannot be extinguished. Light, even though it be new light, does not

fight light, but dissolves into it according to the universal law of its essential unity.

Others may take the position that under exceptional circumstances, a nation may acquire or take the right to set aside the principles upon which just government is builded, and thus interfere with the fundamental rights of conscience for the supposed good of the state. This, too, must be denied. The state cannot benefit by wrong, and rights given by God are beyond the legitimate power of man to suspend or to cancel.

It cannot be rightfully assumed by the state, then, that the individual citizen resigns to society all the rights that he possesses as a free man, as some misguided political preachers would have it appear, receiving back only a portion of them as a gift from the state, while nominally retaining in himself a sovereignty that actually is exercised by those who rule in his name.

This doctrine was well known to the signers of the Declaration of Independence, but nevertheless positively rejected by them. No doctrine could be more certain than that to sweep out of existence the sturdy foundations of this great government, sowing discord and oppression within and God's enmity from without.

The power of the state, coming from God, may be bestowed by the people, but when thus bestowed, it does not and can not include what is not within the competency of the state to accept. Had God ordained the rule of the state over the soul and conscience, He would have given the state the means to direct conscience and control the operations of the soul, since He gives means to every end. The sanctuary of the soul and of the conscience the state cannot invade. It is precisely this, however, which has been so vigorously urged upon Congress by the Sunday blue law advocates, who then seek to justify their efforts before a people whose national ideals are altogether in direct contradiction to this evil spirit of despotism and tyranny that actuates these so-called ministers of civic righteousness.

Liberty — a Priceless Gem

(Concluded from page 75)

force, but by love. In civil affairs the governor "is the minister of God, a revenger to execute wrath upon him that doeth evil."

The true observer can see that God had just as much to do with the establishment of our glorious land of freedom, as He did with the ancient theocracy of Israel. At that time every lover of liberty was called upon to leave the thralldom and oppression of Egypt, and go to a land that flowed with milk and honey.

About one hundred fifty years ago this nation, under the Stars and Stripes, became the cradle of liberty, and from the day that the birth cry for liberty was heard until now, it has been the asylum of the poor and oppressed of all nations, and may it always be "the land of the free and the home of the brave."

Here every man, woman, and child has liberty to think, preach, and teach what he or she believes, within his or her own little circle, be it church, lodge, or home circle. No mob law is allowed to prowl around at night, and drag or force the conscience before high priest and rulers, and say, "Crucify him!" No pope, priest, or prelate has aught to say in religion, in regard to what man is to teach or believe or not believe.

In this respect our government is in accordance with the Scriptures, for the Great Teacher said, "Render therefore unto Cæsar the things which are Cæsar's; and unto God the things that are God's."

There are true children of God in every church, and the Good Shepherd has said, "My sheep hear My voice, and I know them, and they follow Me."

It is the business of every true citizen to pay his taxes and all rightful dues to the government, but God says, "Hands off," to every religious intrigue. Why should church or state judge in religious matters, when Christ Himself said, "If any man hear My words, and believe not, I judge him not: for I came not

to judge the world, but to save the world"?

The Old and New Testaments agree on this subject: in the Old we read, "Choose you this day whom ye will serve," and in the New, "Whosoever will let him take the water of life freely." There is no coercion used in true Bible religion. Our Constitution is a sacred document, and is in perfect agreement with the Bible, for it declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press." This is religion undefiled, and every true American should oppose any misdirected attempt to infringe upon our Constitution, that freedom may be preserved.

May the love of Christ constrain us, one and all, to be Christians; but if the love of Christ cannot change man's views, may we never coerce.



Legislating on Morals and Religion

(Continued from page 79)

should cause legislation that dips into the category of morals. Enforcing religion by law — or, rather, vainly attempting it — is against the American principle of separation of church and state. It is useless, un-American, narrow, and invades the citizen's sacred rights."

The *Telegram* is right when it says that "sin in this realm is a matter of the individual." What morality and religion forbid as sin is not a matter for the State to regulate. Sin is a wrong against God and against conscience, and only God and conscience are the proper judges in matters of this kind. Some people have an idea that the State can still legislate upon every subject under heaven; that there are no limits placed upon our lawmaking bodies.

In America, the State is supposed to deal only with civil matters and criminal acts, while the church in its own sphere deals only with religion and sin. The remedy for sin is found in religion, and the remedy for crime in the civil law.

A failure to draw this distinction between sin and crime, between the duties we owe to God and the obligations we owe to the State, in the separate fields of religion and civic affairs, has been the primary cause of all the religious persecutions which have afflicted the world in the past. The more distinctly and clearly we draw this separating line between divine and human governments, the more firm and unadulterated will remain the pillars and purity of the Christian religion and the principles and ideals of our free republican institutions.



South Carolina Press Shows Good Sense

(Concluded from page 81)

"Seeing futility in the resurrection of the old laws, the Columbus *Ohio State Journal* says: 'A law enacted to govern the details of personal conduct under one set of social conditions cannot be wisely applied, the chances are, to persons living under wholly changed conditions.'

"Picturing Governor Richards as the 'overzealous Carolina executive who seeks to impose an obsolete Puritanism on our twentieth-century customs,' the Muncie *Morning Star* predicts that 'his program scarcely will continue more than a brief interval, during which it will accomplish little more than to advertise his own foolishness.'

"'Compulsion certainly adds no honor to any day,' declares the San Diego *Union*. It evokes no spirit of worship, no emotions of reverence. The only really genuine response which it does provoke it an attitude of rebellion or evasion. It is hard to believe that the Deity is honored by an arrangement which adds nothing worthy to any human's enjoyment of the day of rest, and which incites a large minority at least to regard the day with apprehension and bitterness.'

"The Duluth *Herald* also finds that 'the so-called Sunday laws have gone out of fashion.'

"Giving attention to the effect on tourists, the Asheville *Times* holds that 'South Carolina is receiving plenty of publicity, and some of it is the most expensive kind that a State can buy.'

"'If the governor really means business, and has any success,' comments the New Orleans *Item* hopefully, 'a good many thousands of respectable people who go to South Carolina to play golf and otherwise to enjoy themselves

innocently, will come to the Gulf Coast and other places; the home folks will rise in dudgeon, and the governor's medievalism will be set aside.'

The Washington *Star* sympathetically says that the "South Carolinians, especially the golfers, have the sympathy of the press in their burden of Sunday blue laws revived by Governor Richards," and that the governor's chief business seems to be "enforcing ancient statutes" instead of modern laws.

One bright feature about this compulsory Sunday observance business is that the press of the country seems to have a clearer vision of what the separation of church and state means in America than those clergymen do who are spurring the governor of South Carolina on in his futile efforts to shut up everything tight on Sundays so "the people may drift back to church."

The only laws that should be different on Sunday than on other days of the week are such as regulate the freedom of worship without undue disturbance; but such laws should be equally applicable on every day of the week; for no one has a right to disturb a religious meeting any more on Wednesday than on Sunday.

Any law that aims to set aside a day as holy time is a religious law. Religious observances and customs are matters of conscience and voluntary acceptance, and the civil magistrate should not be called upon to enforce the observance of any religious obligation or custom. The churches have no more right to close up the theaters on Sunday than the theaters have to close up the churches on week days. If the church is incapable of defending her own religious services against competition without state aid, she is not worthy of being called a church. Christianity needs no help from Cæsar. Christianity thrives better under opposition from the state and the world than it does under its favor. Christianity perishes whenever it lays its hand on the civil sword. Let us keep church and state forever separate in America.

Archbishops Favor Sunday Tennis

THE *Morning Star* of Vancouver, British Columbia, states that two archbishops, one an Anglican and the other a Roman Catholic, and also a leading minister of one of the evangelical churches, have joined a number of prominent citizens in petitioning the Parks Board to allow tennis to be played on the public courts on Sunday. These clergymen and citizens hold that "Sunday tennis is a question for private judgment, and that people who decide that they may rightly play on Sunday should not be debarred because other people think Sunday tennis wrong."

This is sound reasoning and the spirit of tolerance displayed is admirable. Because we regard something as wrong, and properly so from a religious viewpoint, is not a justifiable reason why we should require the civil government to commit itself to our standard. Every man has a right to differ from every other man on religious questions. The Saviour differed from the opinions of the religious leaders of His day as to the manner of Sabbath observance. He brushed aside the human interpretations and legal restrictions which they had heaped upon the Sabbath day of the fourth commandment, and restored the Sabbath to its original glory as it was given to man in the beginning.

If Sunday tennis is a question "for private judgment," why not Sunday cricket or baseball? why not Sunday cinemas and theaters? why not Sunday swimming and golf?

But, asks the *Morning Star*, would this broad permission result in "reducing Sunday to the level of a secular holiday"? Our answer is, It is not the business of the State to protect Sunday as a holy day, nor to enforce its observance as holy time. That is entering the field of religion, and religious obligations are matters of conscience, not of coercion. For this reason Sunday laws are as improper upon the statute books of the State as are compulsory church attendance laws. One is simply the

auxiliary or complement of the other. Religion should not be subsidized by the State.



Imprisoned for Selling Grave-stone on Sunday

CALIFORNIA has no State Sunday law upon its statute books, and yet men are imprisoned in California for violating Sunday ordinances enacted by city and town municipalities. Nello Bocci, a monument maker in Lawndale, the cemetery district, nine miles south of San Francisco, was held in the San Mateo County jail from March 20 till April 6 of this year, for selling a grave headstone on Sunday. He was arrested under a Sunday law ordinance prohibiting monument sales on Sunday. He would still be languishing in prison, awaiting his trial, if the district court of appeals had not granted a writ of habeas corpus, making the writ returnable a month later.

What we would like to know is upon what civil basis can a man be imprisoned for selling a grave headstone to a man who wishes to honor his dead in this commendable way? Is such an act immoral? Is it dishonorable? Is it indecent? Does it disturb the public peace? Is it sacrilegious? Does it endanger the public health? Does it affect the public safety? Evidently none of these things are even remotely related to the selling of a gravestone. How, then, can it legitimately fall within the police power of the State?

Well, says one, you must not ask such pointed questions when it comes to a religious matter like Sunday observance under police regulations. But that is just the reason why a religious question should never be made a subject for civil interpretation and legislation. No one is wise enough, good enough, or great enough to sit in judgment upon another man's conscience and decide religious questions for him.

Why is it any more a crime to place a headstone at a grave in honor of the

dead than to conduct a funeral and lower the coffin into the grave on Sunday, and pay the undertaker for his services and the liveryman for the hacks? Yet the latter is done in practically every State in the Union, even where the most drastic Sunday laws are upon the statute books.

Theological hairsplitting over what is permissible and what is forbidden on the Sabbath day, is just as prevalent to-day among legalists as it was in the days of the Pharisees who spied upon and accused Christ. The Lord gave but one commandment governing the Sabbath day. The Pharisees added more than four hundred fifty extra laws and restrictions to the fourth commandment of the decalogue. Christ swept these aside, and restored the original glory of the Sabbath day by saying it was lawful to do well on the Sabbath day, and that the Sabbath was made for man, and not man for the Sabbath. Christ never appeared in Cæsar's legislative halls asking for Sabbath laws. God's law as He wrote it, without a jot or tittle altered or removed, was good enough for Him. That law needs no civil supports in its religious aspects. L.

legislature is to allow municipalities to decide the Sunday amusement question for themselves. Representative Rudolph Johnson introduced a measure to repeal the Sunday amusement law that has long been defied by Denver. It should be considered and passed if possible, before the legislature adjourns."

The questions whether a motion picture should be shown on Monday and not on Sunday, is not a question for the police power of the State to decide. The only question the police power of the State is supposed to decide is whether the motion picture is of such a nature that it should be shown on either day. If the picture is morally unfit to be shown, it should be prohibited on every day of the week. To distinguish between days, setting up one day as holy and another as secular, and making this the basis for prohibiting motion pictures, is an abuse of the police power of the State. The setting apart of a day is a church prerogative, and the observance of the day as holy time is purely a matter of conscience, with which the police power of the State has of right absolutely nothing to do. The *Boulder News-Herald* is right in its contention that such laws ought to be repealed. L.

Sunday Law Voted Down

THE voters of Colorado Springs, Colo., recently voted in favor of Sunday movies. Denver has never voted upon the proposition, but it has Sunday movies, in spite of the State Sunday law which forbids them. The *Boulder News-Herald*, in commenting upon this situation, says that since Colorado Springs and Denver both have decided to operate Sunday movies, "the Colorado Legislature should repeal the State law which prohibits the opening on Sunday of any theater where an admission fee is charged." It continues:

"It is plain that a State law involving the sovereign police power should either be enforced or taken off the statute books. The clear policy of wisdom and justice for the State

To "Liberty" Boosters

WE wish to extend our gratitude to the LIBERTY boosters for the splendid support they are giving in building up the circulation of the LIBERTY magazine. The last issue reached above 93,000 in its circulation. A little more boosting will send its subscription list over the 100,000 mark. If each subscriber would interest another friend in LIBERTY, it would double the subscription list. We thank our friends for the 13,000 increase in last quarter's circulation. The stirring issues before the country demand that we enlighten the public mind by giving the people the facts concerning the influences that are laboring to restrict freedom of conscience in this fair land.

The Church in Politics

A NEW BOOK

JUST OFF THE PRESS

THIS book should be in every American home. It deals with a vital question that threatens the overthrow of American ideals of civil government. It is filled with irresistible logic and irrefutable facts.



IT deals with fundamental principles, historical data, soul-gripping incidents, and a timely warning of the dangers which threaten our free American institutions, which should not go unheeded.

WE PREDICT a tremendous sale of this new book, because of its timely message to every lover of orderly liberty. It presents a powerful plea in behalf of the Constitutional guaranties of civil and religious freedom.

CHAPTER HEADINGS

A Burning Issue
Aims of the Lord's Day Alliance
Origin, History, and Object of Sunday Laws
Compulsory Church Attendance on Sunday
Why Sunday Laws Are Wrong
Religious Persecution Under Sunday Laws
Aims of the Founding Fathers
Government and Religion

EVERY reader of *Liberty* magazine will want this new book, whose author is the editor of *Liberty* magazine.

128 pages, beautifully illustrated
Price, only 25 cents

REVIEW AND HERALD PUBLISHING ASSOCIATION
TAKOMA PARK, WASHINGTON, D. C.



KREH PHOTO

Francis Scott Key Monument, Frederick, Md.