

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



EWING GALLOWAY, N. Y.

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TOLERATION — THEOCRACY — REFORMISM
ORDINANCE OF NORTHWEST TERRITORIES

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WASHINGTON, D. C.



Religious Liberty Association

DECLARATION OF PRINCIPLES

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

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

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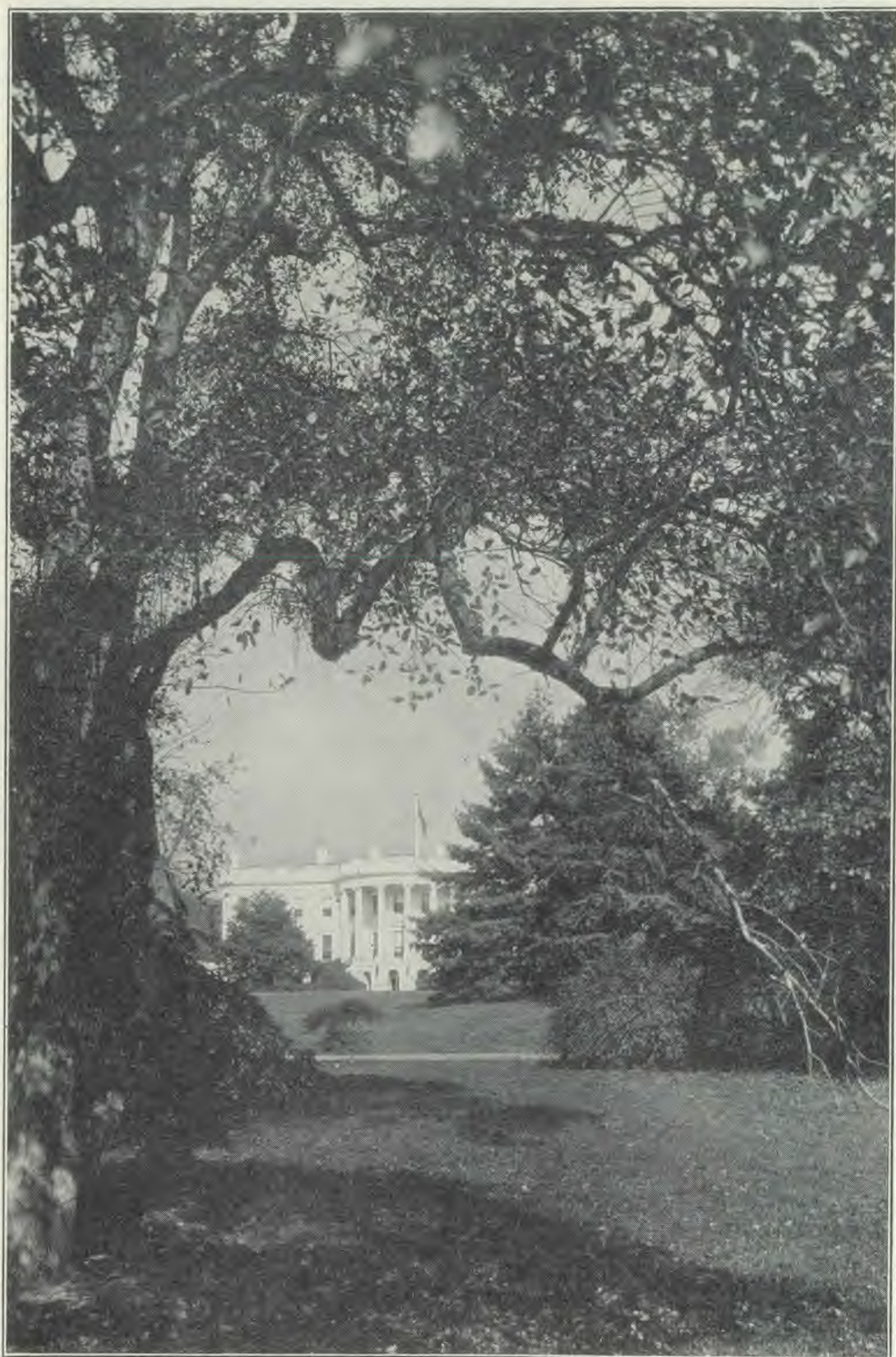
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The White House—Home of Our President



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U. S. CAPITOL



AMERICAN GOVERNMENT



and LIBERTY

By

Thomas E. Hirst

A LAND without a memory is a country without a hope. There is no hope for America today except as we shall remember the things which constitute "Americanism," and are willing to review the circumstances and experiences which have made the "American principles" the greatest development of human thought along the lines of national and secular security ever witnessed in the world.

What is Americanism? Americanism is the adherence to the principles which have made the United States of America the greatest nation in the world. And I do not mean that greatness to be in terms of money, but in the realization of principles which, as applied to the history of the United States, are of such transcendent glory, and offer to all peoples such a demonstration of opportunity and betterment of human welfare, as no other nation has ever achieved at any time in the history of the world.

Our government is the development of these principles, and up to the World War it demonstrated the constant growth of democracy in the world. The American pioneers were rich in spirit, even

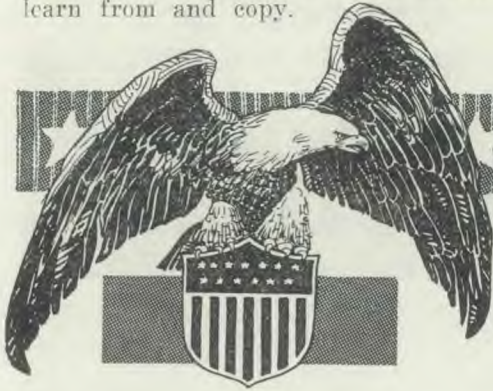
though they had log cabins and homespun shirts, and the happiness they enjoyed was such as those only who have entered into the spirit of sacrifice and creative joy can understand and appreciate.

But liberty is not the child of a day or of a generation; it is the growth of centuries and the sacrifice of ages.

Out of the struggles in Holland and in England came the inspiration to settle the newly discovered lands beyond the seas and achieve a new destiny for the children yet unborn.

Not without struggle and hindrance could this new project be launched, and it was only after much planning and many prayers and tears that there finally sailed from old Plymouth the tiny fleet of vessels, with their human cargo,

by which God would create a new order of government for mankind to learn from and copy.



In 1620 the "Mayflower" was ready to discharge her people on the shores of a virgin country, and as one writer has said, "They came to found a state without a king, and a church without a pope;" where the principles enunciated so long before on the shores of Galilee would at last find a haven and a safe resting place.

It was not the design of this little band to build from the ruins of the old. True it is that these men and women did inadvertently carry with them from the old lands of kingcraft and intolerance, some of the ideas and customs of a dying past, but in their actions and by their statements they plainly declared that "they sought a better country," and "they builded better than they knew."

As the noble forefathers of the new state sought by oft-repeated trial to develop the principles of individual freedom and just restraint, they laid the foundation for the building of the "noble ship of state" that was to be launched one hundred fifty years later.

Intolerance had its part in the efforts to formulate a program of lasting value upon which their children could continue the work so nobly begun. The greatest difficulty in the steady growth of these principles of equality for all mankind was in the misunderstanding of the difference between tolerance and recognition of inherent rights.

Lord Baltimore came to Maryland and founded a new colony, and this colony is often heralded as the first recognition of human liberty in the prin-

ciples worked out there; but that is not true, because while Lord Baltimore did do a noble work far in advance of that of many colonists in other places, the fact remains that he granted only tolerance to other religionists and none to nonreligionists; and such tolerance is not liberty, but a privilege granted by a majority or the ruling power to the weaker or minority party, and oftentimes is granted only because of the inability of the ruling party to wipe out all the opposition against the party in power.

On the other hand, Roger Williams was the first great patriot of the American people, who, in expressed action, granted the inherent right of worship or nonworship to those who sought a haven in his colony. And as the American idea slowly broke away from Old World traditions and developed into a concrete reality, men like Isaac Backus, of North Middleboro, fought ardently and whole-heartedly for the inherent rights of mankind to live out the two great principles of human life as taught so long ago by the Master Teacher. The history of the Baptists is enlightening to those who would seek to impose unjust restraints of law upon the individual and society in general, without the consent of those who believe differently.

At last the struggle for liberty was in large measure successful. The Revolution was fought and won by the "embattled farmers" who "fired the shot heard round the world." The next problem to be solved by these patriots was the establishment of an order whereby the fruits of their sacrifices would be perpetuated to their children as long as time should last.

Long and severe struggles of intellect and desire were the antecedents of the American Constitution, whereby the signers arrived at the conclusions em-



bodied in this wonderful state paper.

Long had been the night of darkness, and countless thousands of lovers of true liberty had sacrificed their lives on the altars of liberty where the fruition of their sacrifices was to be seen, but at last men could live in the individual assertion of their own understandings of worship and duty, with only the just restraints of an ordered liberty that preserved to every man the welfare of his own personality and the sanctity of his own spiritual thought. Only as the liberty of the individual transgressed the plain rights of another could the restraints of ordered law and ruling power be invoked against him.

It was this liberty that changed the thought of the world as the ships from Yankee New England sailed to the ends of the earth, and carried with them the story of a New World and of man's inherent rights and privileges that no king or despot could restrict.

Gone was the absolutism of the kingly power which claimed the "divine right of kings to rule," the collectivism of an age when every power of mankind was mustered to defend the rule of those who, in self-aggrandizement, cared nothing for the human beasts of burden who maintained them in the luxury of opulence and mass-created wealth. All these things were dissolved in the rising glory of the "rugged individualism" of American liberties and American principles.

Our country grew to greatness in the strength and power of these glories shed upon our pilgrim way, and our people lived their lives out in the knowledge that our country was blessed of God in

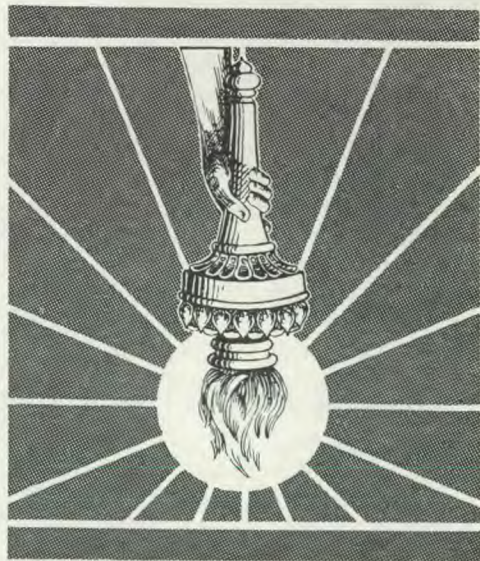
the unfolding wonder of the two greatest state papers ever penned by mortal hands, apart from the Inspired Word itself.

Nations delighted to study the Declaration of Independence and the Constitution of the United States, in order to find from this source the secret of our prosperity and our success, while our people, resting on laurels so hardly won, slowly but surely forgot these principles in practice as the development of a great country brought to them prosperity and power.

Came then the deluge of 1929. The prosperity and happiness of the great majority of the American people fled out of the windows of their homes and factories as the increasing tide of world depression sent wave after wave of new miseries across our fair land.

It was under this strain that the people of America, forgetful of the glories of other days, listened to the voices of those who would propose to destroy the ship of state, built through long years of struggle, and reintroduce the "collectivism" of a former despotic age, and regiment the American people to the lash of a "bureaucracy" greater than any ever in existence under any

(Continued on page 115)





*State Flag of Maryland,
One of the Oldest Flags
in the World at the Date
of Its Official Adoption*



Maryland's TOLERATION Today and Under the Calverts



by the Toleration Act of 1649," which reads as follows:

THE HON. SAMUEL K. DENNIS, president of the Maryland State Bar Association, in delivering an address before the annual meeting of the Bar Association held at Atlantic City, New Jersey, June 28, 1934, drew a striking comparison between the Maryland founded by the Calverts 300 years ago, and Maryland as it now is. He referred to the historic fact that Lord Calvert, the First, was endowed with a liberal spirit of toleration, and that George Calvert, the First Lord Baltimore, "was first a Protestant, then a Catholic," and as the records reveal, he died a "Protestant," and was buried in a Protestant church in London. Also "his descendant, Benedict, Fourth Lord Baltimore, became a Protestant." The Calverts changed their religion each time the kings of England changed theirs. As Judge Dennis says, the Calverts were "neither 'hot nor cold' at heart for any theological theory at a time when politics and sect were frequently interdependent," and that Lord Baltimore's "theory of toleration" "was formally declared and incorporated into statute law

"Be it enacted, by the Right Honorable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person shall hereafter, within this Province, wittingly maliciously, and advisedly, by Writing or Speaking, Blaspheme or Curse God, or deny our Saviour Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son, and Holy Ghost, or the Godhead of any of the Three Persons, or the Unity of the Godhead, or shall utter any profane Words concerning the Holy Trinity, or any of the Persons thereof, and shall be thereof convict by verdict, or confession, shall, for the first offence be bored through the Tongue, and fined Twenty Pounds Sterling to the Lord Proprietor, to be applied to the use of the County where the Offence shall be committed, to be levied on the Offender's Body, Goods and Chattels, Lands or Tenements; and in case the said Fine cannot be levied, the Offender to suffer Six Months Imprisonment without Bail or Mainprize; and that for the second Offence, the Offender being thereof convict as aforesaid, shall be stigmatized by burning in the forehead with the Letter B and fined forty pounds sterling to the Lord Proprietor, to be applied and levied as aforesaid; and in case the same cannot be levied, the Offender shall suffer twelve months imprisonment without Bail or Mainprize; and that for the Third Offence, the Offender being convict as aforesaid, shall suffer death without the benefit of the clergy."



By
the
Editor



This Flag, So Striking in Design, Was Also the Flag of the Proprietary Government of Maryland.



The second provision of this Act of Toleration provided the following penalties:

"Persons using any reproachful words or speeches concerning the Blessed Virgin Mary, Mother of Our Saviour, or the Holy Apostles or Evangelists, or any of them, for the 1st offence to forfeit £5 Sterling to the Lord Proprietary; or, in default of Payment, to be publicly whipped, and imprisoned at the Pleasure of his Lordship, or his Lieut. General. For the 2nd offence to forfeit £10 Sterling, or in default of Payment to be publicly and severely whipped and imprisoned as before directed. And for the 3d offence to forfeit lands and goods, and be forever banished out of the Province.

"(3) Persons reproaching any other within the Province by the Name or Denomination of Heretic, Schismatic, Idolater, Puritan, Independent, Presbyterian, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Round-Head, Separatist, or any other Name or Term, in a reproachful Manner, relating to matter of religion, to forfeit 10s. Sterling for each offence; one half to the person reproached, the other half to his Lordship: Or, in default of Payment, to be publicly Whipped, and suffer imprisonment without bail or mainprize, until the Offender shall satisfy the Party reproached, by asking him or her respectively forgiveness publicly for such Offence, before the chief

Officer or Magistrate of the Town or Place where the Offence shall be given.

"(4) Persons profaning the Lord's Day, . . . or by working on that day (unless in case of absolute necessity) to forfeit, for the 1st offence 2s. 6d. Sterling, for the 2d offence 5s. Sterling; and for the 3d offence, and every other offence afterwards 10s. Sterling; and in default of Payment for the 1st and 2d offence, to be imprisoned 'til he or she shall publicly, in open Court, before the chief commander, Judge, or Magistrate, of that County, Town, or Precinct, wherein such offence shall be committed, acknowledge the scandal and offence he hath in that respect given against God, and the good and civil Government of this Province; and for the 3d Offence, and every time after, to be publicly whipped."

This was religious "toleration" in Maryland under the Calverts, but it was not religious liberty. Maryland did not then, and does not now, know what religious liberty is. Maryland still has the same drastic compulsory Sunday observance laws, and requires a religious test to hold a public office or to serve as a juror. But we shall let Judge Dennis tell the story of Maryland's intolerance as he told it to the Maryland State Bar Association. We take the following from his address:

"We are no doubt a bit too cocksure withal about our record for religious toleration. Bleak facts should pierce the rosy myth that surrounds our ancestors with a halo. It is undoubtedly true that religious toleration in its complete sense never existed in the colony, and does not now exist in Maryland. . . .

"The Calvert formula was never broad enough to include orthodox Jews. Belief in the divinity of Christ was the shibboleth. Therefore, had any of Abraham's august children, the late patron of art, Otto Kahn, or that ideal citizen, the late Mendes Cohen, settled at St. Mary's, or their descendants adhering to the faith of their forefathers lived in Maryland, not one of them would have been permitted to hold any public office until 1825. The civil disabilities improvidently and unwisely imposed upon members of the Hebrew faith were then first removed.

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. . . A THEOCRACY . . .

PROPOSED FOR AMERICA

THE National Reform Association of America, and the International Reform Bureau, with headquarters in Washington, D. C., have for many years advocated a theocratic form of government, not only for the United States, but for every nation in the world, as the only means of solving the ills of the world and finally establishing the kingdom of God upon earth. The National Reform Association has been very much dissatisfied with our present form of government, and with the Constitution of the United States, because religion is not given legal recognition and the names of God and Christ are not found in our Federal Constitution. The National Reformers, through their official organ, the *Christian Statesman*, have repeatedly called our Federal Constitution "godless" and "a dangerous weapon," because God is not legally recognized as the Supreme Ruler of the nation, and because religion is divorced from the state. The object of the National Reform Association is clearly stated in Article II of its own constitution, as follows:

"The object of this Society shall be to maintain existing Christian features in the American Government; to promote needed reforms in the action of the government touching the Sabbath, . . . and to secure such an amendment to the Constitution of the United States as will declare the nation's allegiance to Jesus Christ and its acceptance of the moral laws of the



Christian religion, and so indicate that this is a Christian nation, and place all the Christian laws, institutions, and usages of our government on an undeniably legal basis in the fundamental law of the land."

Time and again they have advocated that the Christian religion should be legally recognized as "the national religion" of the United States. They have sponsored bills before Congress which aimed to compel every citizen of the United States to observe Sunday as a national rest day. The provisions of these national Sunday observance bills have been of the indigo type of Puritan New England. One of the leaders of the National Reform Association, in giving his reasons for their wanting these compulsory Sunday observance laws, said:

"Give us good Sunday laws, well enforced by men in local authority, and our churches will be full of worshipers, and our young men and women will be attracted to the divine service. A mighty combination of the churches of the United States could win from Congress, the State legislatures, and municipal councils, all legislation essential to this splendid result."—*Rev. S. V. Leech, D. D., in Homiletic Review for November, 1892.*

This statement was made at the time the National Reform Association was sponsoring a proposed national Sunday observance law then pending before Congress.

A Recent Proposal

On July 28, 1934, the Washington *Post* printed a letter from a modern National Reformer, of which we reprint the closing paragraph, which reads as follows:

"The real, behind-the-throne governing power of a nation should be the church, because the church is the vested moral power of a nation. America will take its rightful place as leader of the nations when a strong, rejuvenated church places God upon the throne of His eternal holiness, and fills the land with fountains and waves of righteousness."

If the above proposal did not have as its associate the proposition of having the strong arm of the state to make it effective, but relied solely upon the church's influence of preaching and liv-

ing Christianity or religion, steering free of all political influences, we could readily consent to such a proposal.

But the above writer in the *Post*, in writing to the editor of the *LIBERTY* magazine concerning our opposition to the establishment of a theocracy by law in the United States, and concerning our opposition to compulsory Sunday observance laws, said:

"I want you to know that I am opposed to your anti-Christian propaganda, and that I occasionally write against it to the press. . . . Your doctrine interferes with American unity, and you go against the Christian tradition of keeping Sunday as the Sabbath, or Lord's day. . . . Complete religious freedom multiplies sects and false doctrines. I regard you as a heretic."

The editor of *LIBERTY* magazine has no fears because of being branded as a "heretic" on the question of religious liberty, and for his opposition to religious legislation on the part of the civil government, so long as the "heretic" branders and hunters are not armed with civil authority to torment and execute "heretics," as they were under a union of church and state in the past. We hope that day will never come in America, and we shall do all in our power by means of education to prevent its recurrence. But if the National Reformers and their like could have their way, and a modern theocracy of their own planning were again established by legal authority, "heretics," according to their branding, would have to suffer the same fate as did the persecuted Christians in the days of the Inquisition.

The intolerant spirit and real animus back of the "reform" movement may be

(Continued on page 119)





National Reformism

versus

Civil Liberty

By C. P. Bollman

IN its 1933 session, the legislature of Pennsylvania refused to repeal the antiquated Sunday law of that State, but passed a bill, which was approved by the governor, giving the people of the various communities the power so to modify locally the State law as to permit certain amusements during specified hours on Sunday. The hours during which amusements may now be engaged in, when the people have so decided, are of course such as will not place sports directly in competition with religious services.

Notwithstanding this provision for safeguarding the Sunday collection, the ministers of the State, with a few honorable exceptions, are demanding the repeal of this home-rule provision, and the placing of the whole State again under the old State-wide law that sternly forbids all Sunday activities not strictly in keeping with the fiction of first-day sacredness.

One of the principal opposers of the liberalized Sunday law of the Keystone State is the *Christian Statesman*, official organ of so-called National Reform. When the liberalizing law was signed by the governor, the Sunday-keeping ministers entered a strong protest, demanding as with one voice the repeal of the liberalizing provision of the new law. The issue will doubtless be fought out in the legislature of 1935, as the lawmakers of that State meet in regular session in January of the odd-numbered years.

As already stated, a leader of the reactionaries in Pennsylvania is the *Christian Statesman*. Dr. R. H. Martin, editor-in-chief, has written a book in which he attempts to prove that Sunday is the Sabbath, or Lord's day, by divine authority, pleading that for this reason Sunday should be recognized in the law as sacred, and that everything should be forbidden upon that day by civil law that is forbidden by the fourth commandment. That is nothing short of a demand that, as touching the Sunday institution, the state should champion and enforce Dr. Martin's interpretation of the fourth commandment of the decalogue.

But if it were the duty of the state to enforce by civil penalties the observance of a sabbath, why not enforce by civil penalties obedience to all the commandments of the decalogue?

The American principle of civil government is to regulate by human law only the duties of men toward their fellow men, leaving the relation of every man toward God to be regulated and

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F R E E D O M O F T H E W I L L

A Divine Prerogative

•
By W. S. Ritchie

OF all the questions in the realm of religion and morals, none have been more frequently asked than, "Why did the Creator make man with freedom of his will, and so, according to the Bible statements, make possible so much sin and resultant suffering?"

The answer to this question involves the whole principle of religious liberty, for which this magazine stands.

"God is love." In His very nature He is love. All that He does is done with the object of showing that love is the greatest of all things. When He created man, He did so with the object of increasing love in the universe. He wished children formed "in His own image," that He might lavish His love upon them and be loved by them in return. They were also to love one another. Thus the kingdom of love would grow to greater exercise and extent.

But God could not create man so that he could love Him and his neighbor also without giving him freedom of will. It is obvious that love is a voluntary thing, and cannot be forced from any one. If man had been made like a machine, with no power of his own, and therefore with no possibility of doing wrong, he could not have returned to his Creator the wealth of love that God craved above all else. In order to carry out His plan for more love, God must make man with power to choose, and this power necessarily includes the power to do wrong.

The value God places upon love is shown by the price He was willing to pay to obtain it. He knew that giving freedom of will to man might result in his choosing to do wrong, even to rebel against Him. But He also knew that when He had made the most pain-

ful sacrifice of His Son, whom He loved so much, to save man from the consequences of his wrong choice, man would yet become convinced of His love, and thereafter gladly accept His ways and laws, knowing them to be designed for his highest happiness.

Not only this, but the unfallen inhabitants of other worlds and angels higher in existence than man would with him have a new conception of God's love for all His creatures, and the tide of love would flow greater and stronger than before. Death could not hold the

(Concluded on page 122)



J. SANT, ARTIST

The Soul's Awakening

Shall

PUBLIC FUNDS Be Used for RELIGION?



A Discussion of Article III of the Ordinance for the Government of the Territory of the United States Northwest of the Ohio River. This Ordinance, Enacted by the Continental Congress Sitting Under the Articles of Confederation, Has Been Superseded and Is Now Void.

DURING the controversy over the parochial school issue before the Ohio Legislature during its last session, when the Catholic Church made an attempt and failed to obtain an appropriation of \$5,000,000 for the support of its own private schools, the Catholic press asserted that the legislators were violating the provisions of the ordinance of 1787 of the Northwest Territory. The Catholic legislators as well as the Catholic press claimed that the ordinance of 1787, enacted by the Continental Congress, sitting under the Articles of Confederation, "for the government of the territory of the United States northwest of the river Ohio," was still binding upon the State of Ohio. This territory was ceded by Virginia to the United States, and embraced the present States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. The same ordinance was afterward extended to the territory now

embracing the States of Tennessee, Alabama, and Mississippi.

This ordinance provided for full religious liberty to the citizens in the Northwest Territory on the one hand, and on the other hand it provided for the support through public funds of "religion, morality, and education." The above provisions were among those which were to "forever remain unalterable."

The Catholic press therefore claimed that the Ohio Legislature, in refusing to grant this appropriation of \$5,000,000 which the Catholics were asking for, for the support of parochial schools, was setting aside, without warrant, the following provision of the ordinance of 1787, Article III, which reads:

"Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

The Catholic Church claimed that the word "religion" in this article had reference specifically to the "Christian religion," and therefore the teaching of the "Christian religion" in private schools by means of public funds. All this kind of reasoning would be to the point if this ordinance of 1787 were still binding, but the Supreme Court of the United States has declared on numerous occasions that "the ordinance of 1787 for the government of the Northwest Territory was superseded in such territory by the State constitutions which

were subsequently adopted by the people of the States comprising that territory."—*Huse vs. Glover*, 119 U. S. 543, 12 Corpus Juris 725, par. 96, Note 12 (a).

The Supreme Court of the United States stated in the above decision, in speaking of the limitations of the provisions of the ordinance of 1787, that "its provisions could not control the powers and authority of the State after her admission, that whatever the limitation of her powers as a government whilst in a territorial condition, whether from the ordinance of 1787 or the legislation of Congress, it ceased to have any operative force, except as voluntarily adopted by her after she became a State in the Union."

The Supreme Court laid down a general rule governing the admission of a

Territory into Statehood, which reads as follows:

"On the accession of a Territory to Statehood and the adoption by its people of a constitution that has received the approval of Congress, all constitutions and ordinances framed by the Federal authorities for the purpose of the territorial government are superseded and repealed except to the extent that they may be continued in force by the State constitution."

The State of Ohio has certainly placed no such provision in its constitution, but has adopted a provision which is in direct conflict with Article III of the ordinance of 1787, which thus nullifies, supersedes, and repeals that provision of the ordinance of 1787, relating to religion and religious education and its support from public funds. The supreme court of the State of Ohio, in a decision on this question, says:

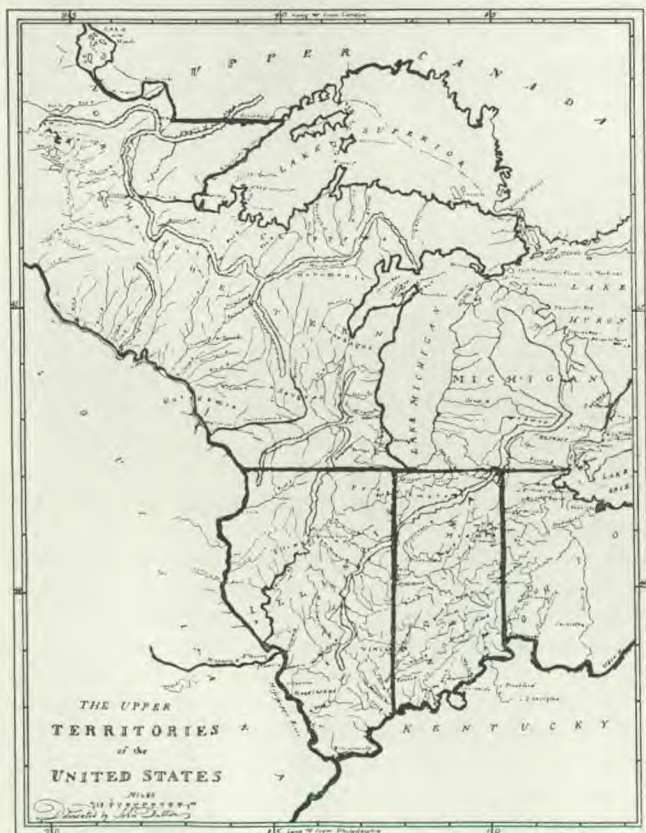
"When the Constitution of the State of Ohio was adopted and our State admitted by the Congress of the United States into the Union, the provisions of the ordinance of 1787 ceased to be operative in the territory comprised within the limits of this State."—*State vs. Edmondson*, 89 Ohio St. 93.

From Page's Annotated Ohio General Codes, page 6350, under the title, "Ordinance of 1787," we quote the following:

"The Supreme Court of the United States holds that the ordinance of 1787 is not in force in Ohio, or in any part of the Northwest Territory; for two reasons:

"The ordinance of 1787 was superseded by the adoption of the Constitution of the United States. Such of the provisions as are yet in force owe their validity to acts of Congress passed under the present Constitution, during the territorial government of the Northwest Territory, and since the constitutions and laws of the States formed in it."

(Continued on page 123)



From an Old Map of the Northwest Territories
Secured from the Map Division of the Library of Congress



CALENDAR REFORM

THE following syndicated article has appeared in many newspapers in this country:

"One of the oldest of reform movements is that of the calendar reform people. For decades they have agitated the idea that the year should be divided into thirteen equal four-week months, with a new month inserted between June and July, and the 365th or extra day used, presumably, to go call on your Aunt Minnie.

"Now the NRA has given the idea an unexpected impetus. Washington officials, collecting data on various industries, found an amazing variety of report periods, weekly, biweekly, every four weeks, monthly, and quarterly. It was highly advisable to get together on something.

"So the central statistical board asked adoption of a uniform four-week period, and now more than 700 individual firms are using this system, according to the International Fixed Calendar League.

"It is the league's belief that this foreshadows adoption of the reformed calendar for business, and later for public use. Stranger things have happened."

The International Fixed Calendar League, which sponsored the thirteen-month blank-day calendar before the League of Nations at its International Conference in 1931, is responsible for the authorship of this syndicated article. The impression is given in it that the Federal authorities sponsoring the NRA are also in favor of the thirteen-month blank-day calendar. Inquiry at the Federal NRA headquarters has revealed the fact that the thirteen-month blank-day advocates, representing the International Fixed Calendar League, appeared before certain officials of the NRA and urged this reform calendar scheme upon them, to secure not only the NRA in-

Thirteen-Month Blank-Day Scheme

dorsement, but its adoption by the NRA and its enforcement upon the rest of the country.

The NRA officials informed us that they looked upon the whole blank-day calendar scheme as fantastic and impractical, and that the above article, which appeared in the press throughout the country, was grossly misleading, so far as the NRA indorsement of the scheme was concerned.

None of the 700 individual firms are using the blank-day scheme in calendar reform as sponsored by the International Fixed Calendar League, which plans to change the unbroken weekly cycle every year and twice during leap year. These business firms have adopted the four-week month, but not the blank days in the weekly cycle. It is difficult for the reform calendar advocates to adhere to plain facts and true indorsements of their fantastic scheme.

If the blank day plan were adopted and put into practice, it would so disarrange the fixed days of the week that it would be exceedingly difficult to keep track of the original days of the week, which have been preserved in unbroken succession from time immemorial. Sacred and memorial days would lose all their original significance. Reverent and religious people who have any regard for divine institutions and commands, would experience great handicaps in adhering to the dictates of conscience. It is an attempt to glorify gold instead of God, and to crucify the conscience in religious matters.

C. S. L.

Andrew Hamilton Honored

RECENTLY the New York County Lawyers' Association unveiled a tablet in its building, 14 Vesey Street, New York City, in memory of Andrew Hamilton, designer of Independence Hall, Philadelphia. He it was who acted as voluntary counsel to obtain the release, in 1735, of John Peter Zenger, then under sentence for criminal libel. The incident is regarded as the first test case in this country, which established a legal precedent, and resulted in the enactment of a definite code for freedom of speech and of the press.

During the unveiling ceremony the Hon. Harry Weinberger, attorney, outlined the career of Andrew Hamilton, and also of Zenger, who was the publisher of the *New York Weekly Law Journal* early in the eighteenth century. We take the following excerpts from Mr. Weinberger's speech:

"It is fitting and proper in these times of stress and storm, in a shattering world of economics, and when fear walks the earth, for lawyers on an occasion like this, while honoring a great fighter for liberty, to reexamine the guideposts of liberty and look at the old and appraise the new. Almost half the world is under the domination of dictators. With

This Advocate of Freedom Is Best Remembered for His Eloquent Defense of JOHN PETER ZENGER

contending forces to the 'left' or to the 'right' in the United States, we must again determine whether liberty and democracy are chains of weakness or foundations of strength.

"Some men, forgetful of their history, are suggesting that the press be licensed, not realizing that the power to license is also the power to gag and destroy the press. Our Constitution, however, is opposed to a licensed press, or bridles on the tongue, or permits for peaceable assembly, or any limitation of the right to petition the government.

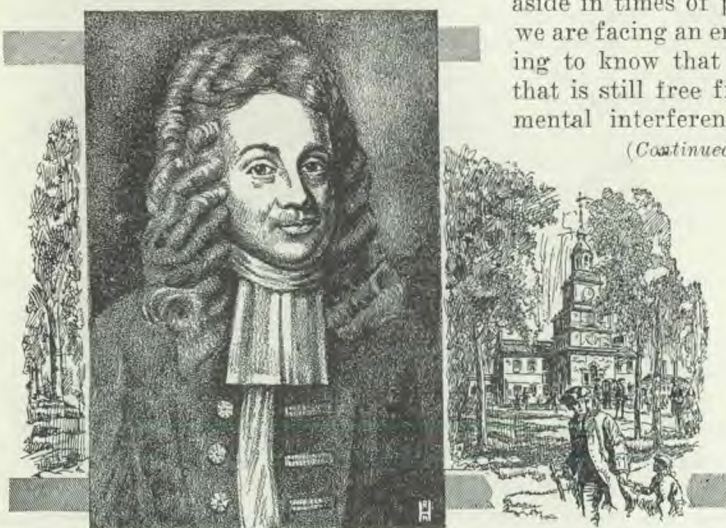
"The freedom of the press must not be hampered; freedom of speech must not be suppressed. Abuse of free speech and free press dies in a day, but its denial shackles the race."

Mr. Weinberger said no lawyer ever had a finer cause than Hamilton. "Greater battles of armed men may have been fought that changed the history of our people, but no greater battle in America for human freedom in its most lasting effect has ever been fought on any field," he declared.

In these days when all our civil rights are being placed in jeopardy and set aside in times of peace on the plea that we are facing an emergency, it is refreshing to know that there is one bulwark that is still free from arbitrary governmental interference, namely, the free-

(Continued on page 123)

Andrew Hamilton, an early American lawyer, held many positions of trust in the provincial government of Pennsylvania. He, in conjunction with his son-in-law, Allen, built the Statehouse, which subsequently became Independence Hall.



THE flood of newspapers which each morning and evening make their appearance throughout our land, heralding the news from far and near, and bearing comments on the policies, motives, and integrity or error of people and nations alike, has become so much a part of our modern involved existence that we are apt to forget the background which has made this possible. But were we to set back the clock of time a mere two hundred years, what a difference we would see!

The year 1733 reveals the city of New York, where now the busy whirl of life throbs with the diverse endeavors of close to seven million inhabitants, a straggling town with a scant peopling of 10,000, of whom 1,700 were Negro slaves. The press service of the community, which at present involves the circulation of many great dailies, consisted at that time of one small sheet which carried only a smattering of news, mostly foreign, and here and there a highly complimentary reference to the doings of William Cosby, avaricious and tyrannical English governor of the colony, for the publisher of this newspaper was also public printer, and found it profitable to say or print nothing that would endanger his position.

But New York, long a settlement of thrifty, honest, peace-loving Dutch people, was slowly but surely becoming aroused to open resistance by the unfair dealings of the governor of the colony, and the active popular political party, casting about for a way to promulgate its views, found a kindred spirit and a willing ally in one John Peter Zenger.

A solid, independent-thinking German was this man Zenger, a printer by trade. He had been born in the Fatherland in 1697. In 1710, with his mother, brother, and sister, he had landed in New York, his father having died on shipboard. He was put out to work for the city's best known printer, William Bradford, and served an eight-year apprenticeship. At the close of this time, seeing possibilities for employment in the southerly colony of Maryland, he made his way thither, and for several years plied his trade there.

A FREE PRESS For

The Story of John Peter Zenger
and the First Great Battle Won
in the New World Against Censorship of the Press

But later he returned to New York City, where for a short time he went into part-



American People

By Ruth Conard

nership with his former employer before setting up a business of his own.

The alliance of John Peter Zenger with the cause of the common people resulted in the issuance, beginning November 5, 1733, of a four-page newspaper, the *New York Weekly Journal*, unofficial organ of

Part of the cover page of a copy of John Peter Zenger's newspaper, containing one of a series of articles on the liberty of the press. From an original in the Library of Congress.



the opposition group. The publisher himself did some of the writing for this paper, but by far the larger part was probably done by a number of clear-thinking, highly educated men, who formed the nucleus and the working head of the popular party. The snappy, clearly expressed comments on the conditions of the day presented in the new publication immediately caught the attention and the interest of the people; and the veiled thrusts and cleverly phrased satires against existing governmental conditions were not lost on Governor Cosby and his adherents. They fumed and legislated against the new paper. They publicly burned several especially obnoxious numbers. And finally, on November 17, 1734, in desperation they seized Zenger and thrust him into prison.

Being refused pen, ink, and paper, and being permitted to see no one, the printer, of course, was absolutely unable to prepare the copy for his paper. Therefore, the first Monday after his incarceration, no *Journal* appeared. But when, a few days later, he made complaint, permission was granted him to communicate with his wife and servants through a hole in the prison door. And thereafter, for eight months, while Zenger himself was confined to the prison awaiting trial, his paper made its regular weekly appearance, all the material printed therein finding its way from publisher to public via that hole in the prison door.

The trial was set for August 4, 1735. Two of the ablest lawyers of the colony, James Alexander and William Smith, rallied to the aid of the imprisoned printer, only to be disbarred by the crafty Cosby. However, though blocked for the moment, the members of the popular persuasion were on the alert, and soon had the keen satisfaction of gaining the interest and help of one Andrew Hamilton, of Philadelphia, who had the reputation of being the best advocate in North America. He was an old man at this time, but his intellect was vigorous and unclouded, and because of the high esteem in which he was held, even Cosby did not dare to exclude him.

The City Hall, the finest building in the community, was the scene of the trial, and it was packed with people of all classes and stations in life long before the gavel sounded the opening of the august tribunal. The judges, in elaborate court robes and wearing the curled and powdered wigs of the period, struck a note of severe dignity. But even their auspicious bearing and pompous manner were forgotten by one and all as they listened, spellbound, to the greatest lawyer of his time as he eloquently defended a poor Dutch printer accused of printing and publishing a "false, scandalous, and seditious libel." The material which it was charged he printed, Hamilton readily admitted appeared, but—and here the members of the governor's party quaked—it is true, he positively asserted, and therefore not libel. This "is not the cause of a poor printer, nor of New York alone," he declared. "It may in its consequences affect every freeman that lives under a British government on the main of America." For weeks the trial dragged on, but the eloquence of Andrew Hamilton carried everything before it. And when at last the jury retired, they remained out only a few perfunctory minutes, and returned with a unanimous verdict of "Not guilty." The court room burst into a spontaneous round of applause, which even the ominous gavel of judicial dignity could not stay.

John Peter Zenger was given his free-

dom, and allowed to follow, unmolested, his trade until his death on July 28, 1746. The publication of the *Journal* was continued by his wife and eldest son until 1751. Andrew Hamilton was fêted and dined and honored. And New York City apparently resumed its former quiet. But conditions in America

were never quite the same. The party of the people had fought a battle for liberty, and had been victorious, and the influence of that victory was to remain, yea, it was to deepen and expand as the years rolled on. The morning star of the freedom of the press had risen, and its beams were to grow steadily brighter as the nation in the New World took shape and slowly advanced into a world power.



PAYNE'S VIEWS ON CENSORSHIP

Concerning censorship in this country, it is well to remember that the First Amendment to the Constitution guarantees freedom of the press. I sincerely believe that since the day this Amendment was declared in force, on December 15, 1791, not a single law or measure that would impair its effectiveness has been proposed or advocated by any responsible person. As a matter of fact, even at the time the Amendment was added to the Constitution, freedom of the press was an actual thing. And the press, through its freedom, did much to bring about the American Revolution and to establish a new government on this continent. Since the trial of John Peter Zenger in 1735, the freedom of the press has been a fundamental tenet of American liberty.—*Excerpt from Radio Speech, August 21, 1934, by Honorable George Henry Payne, Vice-Chairman of Telegraph Division, Federal Communications Commission.*

Is This Religious Liberty?

THE New York *Times* of July 23 published the following Associated Press news item sent out from Vatican City:

"Pope Pius today asked Catholics to rally to the support of a campaign to stamp out 'Protestant propaganda' in Italy."

If the Protestant churches of America should issue a similar campaign appeal to all Protestants to stamp out Catholic propaganda in America, would Pope Pius consider that religious liberty in America? If religious liberty is to prevail only in those countries where the Catholics are in the minority, and be denied by Catholics in those countries where they are in political and ecclesias-

tical control, it will not be long until religious liberty will be utterly banished from the earth for everybody.

True religious liberty in any country means religious liberty for all sects and for every individual, whether he is considered orthodox or heterodox. The person who favors religious liberty only for himself and his denomination and its tenets of belief, and is intolerant toward all dissenters, does not know the first principles of religious liberty or the natural rights of man. C. S. L.

American Government and Liberty

(Continued from page 101)

form of government in any age or State.

Untried and inexperienced men placed in positions of responsibility, the insidious doctrines of communistic propaganda spread everywhere by those who sought to find the cause of failure in the state papers and their principles, and the despair of the people themselves, all have contributed to the vital breakdown in thought and belief in the fundamental institutions of Americanism.

It is not our form of government which is at fault; this country, which has been for over one hundred fifty years the exponent of the ideals of the Nazarene, is not in a slough of despond because the American ideal is wrong; the individualism which made America great is not the cause of depression, and has not failed. I deny that a man's right to live and conduct a business enterprise as we have lived and conducted our business enterprises for five generations, has caused the great disasters of this present crisis.

There are a number of contributing causes: one is the actual turning away from God on the part of the masses and their indifference to things religious; but this cannot be corrected by any law-making body. Any failure here can be traced back directly to the churches and the pastoral leaders of the people who

have failed to hold to the truths revealed religion, and have turned away from the voice of the only Teacher who can guide a man or a church or a nation into things spiritual.

But the great secular failure of the American people is in their abated love for the American principles, and their failure to inculcate the American principles in the minds of those who have come to our shores from foreign lands.

We need a rebirth of the spirit of American love and a new patriotic love for the ideals given us by the framers of the Constitution that made us a free people.

It is time for us to turn away from lawlessness, and teach our children the meaning of those American liberties that cost our forefathers so much to purchase. Truly the franchise of our freedom is written in the lifeblood of a heroic race, and only as we come to renew our covenant with them by a reaffirmation of our faith and appreciation of these liberties, can we find any assurance of continuity as a people. "Eternal vigilance is the price of liberty." Let us awaken to the peril that confronts us, and let us resolve that we will not allow a recurrence of the false principles of an Old World feudalism to bring to the American people the disease of degeneracy that would forever rob us of our freedom, and replace on our necks the yoke of bondage that the peoples of some other countries are having forged around their necks.

As for me, I pledge myself to the preservation of those great ideals asserted and fought for by our fathers. I denounce as un-American any attempt on the part of officials or others to wipe out the guaranties of our inherent rights under the guise of emergency and peacetime war measures.

An ancient prophet once wrote, "Lift up thy voice like a trumpet." Americans, lovers of the American principles, it is time to sound the trumpet and reaffirm the truths of an inspired forefather who, moved by the Spirit of God,

wrote upon the priceless parchments our charter of freedom.

As I write these closing words, the streets of New York and the cities of the world are being shaken by the tread of marching feet as thousands and thousands of men and women declare their faith in the coming triumph of communistic principles, which are adverse to Americanism.

Awake, awake before it is too late! Years of regret cannot atone for indifference and carelessness now. Once our liberties are gone, we shall recover them no more.

Today the whole world is in turmoil. Dictators and minorities rule while humanity bleeds and dies. Only America stands as a bulwark of freedom, and we are called upon to hold back the dissolving tides of hate, of strife and intolerance, even as did our men of old.



Maryland's Toleration Today and Under the Calverts

(Continued from page 103)

"Liberty to worship as one pleases is of course a beautiful if incomplete measure of toleration. However, if because of one's religion persons otherwise eligible be denied civil rights, an exceedingly practical type of intolerance must result.

"Traces of such religious intolerance persist. For instance: Granted one day in seven as a day of rest is indicated upon both religious and economic grounds, nevertheless men are not permitted in Maryland to select their own day of rest or rather days of work. A Hebrew or a Seventh-day Adventist, who, according to his faith in the Old Testament teachings, rests and worships on Saturday, will be arrested should he offend the penal statute inspired by the teachings of the New Testament by painting his house, pressing pants, or doing other bodily labor on Sunday (Ch. 16, Acts 1723; *Judefind vs. State*, 78 Md., 510). Again, persons perhaps of no religion, while free to make other

contracts, are embarrassed to find that they cannot enter into a valid contract of marriage in Maryland without a religious ceremony—a performance which not infrequently degenerates into a ceremony of extreme sacrilege. Thomas Paine, philosopher of the Revolution, author of 'The Crisis,' could not have served on a grand jury in Maryland, nor held a State office, because he did not believe in the existence of God (Art. 36-37, Declaration of Rights; *State vs. Mercer*, 101 Md., 537).

"Without pausing to pass upon the necessity, sanctity, or oppression embodied in the present state of the law (because the remedy lies within the legislative and not the judicial jurisdiction), and while it is absolutely true that one may worship, or not, and as he pleases, it is not quite true so long as those laws exist that we have complete religious freedom, because the religious convictions of the majority reflected in our laws serve to restrain the secular activities of the minority. . . .

"The Maryland Declaration of Rights of 1867 establishes the line of the law to run thus:

"That it is the duty of every man to worship God in such manner as he thinks most agreeable to him; all persons are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, *unless under color of religion, he shall disturb the good order, peace, or safety of the State, or shall infringe the laws of morality or injure others in their natural, civil, or religious rights;* . . . 'nor shall any person otherwise competent be deemed incompetent as a witness or juror on account of his religious belief; *provided he believes in the existence of God*, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or in the world to come.' And without such belief no

one may hold office of profit or trust in this State because Article 37 provides that: 'No religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God. . . .' Our first Bill of Rights adopted in 1776 was narrower, and required 'a belief in the Christian Religion.'

"The latest chapter on the subject was written by the Court of Appeals of Maryland, in the case of *Pearson vs. Coale*, reported in the *Daily Record* of June 26, 1933. It appears that young Coale matriculated at the College Park Branch of the University of Maryland. All male students upon arriving at military age were required to take military training. Coale refused to take such military training, and based his refusal upon conscientious religious convictions. He was therefore suspended. He sued out a writ of mandamus to compel President Pearson and the Board of Regents to reinstate him. The Court of Appeals held that a religious, conscientious objector is not legally exempt from the compulsory course in military training. The case was carried to the Supreme Court of the United States, and that Court refused to review the decision of the Maryland Court. Hence, the doctrine announced in *Pearson vs. Coale* is not only the law in Maryland, but the law of our country.

"While young Coale could easily have picked a college which did not require military training and he was guilty of insubordination, still in a distinct sense his secular privilege, hence his religious freedom, was curtailed, and to do so was unlawful.

"To sum up: a follower of Buddha, for the purposes of illustration, would find in Maryland that he must face the magistrate should he do bodily labor on Sunday; that he cannot marry according to the rites of his religion; . . . that he cannot serve on a jury and must forgo the responsibility and profit of public office. . . .

"The religion of our ancestors, whatever the rituals or theological principles embraced, whether Puritan or Anglican, spurred them to gloomy and often incredible ends. Yet they were spiritual, reverent men according to their light, and as such we respect them. . . .

"A jury which doubted whether 'pagans (Indians) had the same standing in the court as Christians, convicted the unfortunate 'pagan,' an injustice which raised a doubt as to which race was in reality 'pagan.' . . .

"Doubtless I have said enough to prove the point that we inherit in a measure the strength of our sires; and in a like measure their problems and weaknesses live on in us. Culture, learning, and the complexities of life have grown. We have grown somewhat to merit, to stimulate, and to meet them. . . . Nevertheless, we cannot say . . . that Maryland in the quality, liberality, and freedom of her social, political, and judicial systems is in advance of the whole world. . . .

"Marylanders died heedlessly in the Revolutionary War to gain freedom from the yoke of a crazy Hanovarian king. Francis Scott Key sounded the clear note of freedom in an impromptu if deathless song. Brother fought brother in the Civil War to free an oppressed people, and Maryland was preserved to the Union by a lawyer, Governor Hicks. In the Court of Appeals building is the saddest roster exhibited for all time in Maryland, the names of young lawyers who gave their lives in a mistaken and lost cause, the World War; martyrs to the error of seeking to establish justice and freedom in an impenitent Europe. With intolerances, injustices, and oppression rampant, with new ideas seething in men's minds, with vast fundamental changes confronting the world to wreck or preserve free institutions, one can but wonder wherein the bar of Maryland now plays any major part. . . .

"John Bunyan, imprisoned in Bedford jail under the system of religious

intolerance his contemporary, Cecil Calvert, deplored, put in the mouth of his allegorical character, Mr. Valiant-for-Truth, his own simple farewell address to a world incredibly richer for his teachings. . . . It would seem that Bunyan's words should have fallen from the lips of Calvert as a fit summary of his philosophy and a mandate to us, his beneficiaries, to us, benefactors, it should be, of those who live 300 years hence:

"Though with great difficulty I am got thither, yet now I do not repent me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it."

Maryland is still fining and imprisoning its John Bunyans who follow the dictates of conscience in religious mat-

ters. Only a few years ago Seventh-day Adventists were imprisoned in Maryland jails for doing minor and innocent acts of labor on their farms and in their private dwellings on Sunday, after having rested on the Sabbath day as divinely commanded. Every effort to liberalize or repeal these antiquated Sunday blue laws of colonial times is resisted by the Lord's Day Alliance of Maryland and a certain class of Puritanical clergymen affiliated with the Alliance. A few of the counties of Maryland have thrown off in part this Puritanical yoke, but complete religious liberty can never be realized in Maryland until the church and state are completely separated in their functions, and the free exercise of the conscience is given under the civil statutes to each individual in religious matters.

Constitutional Government and the N R A

THE American Bar Association's committee on administrative law has made a report, which may become historical, on certain aspects of the New Deal that affect the rights and liberties of the average citizen. . . .

Conceding that the emergency and its necessities may justify unusual delegations of power to the Executive, the report reviews at length the extent—the dangerous extent—to which a drilled and cowed Congress has gone in merging executive, legislative, and judicial powers, in defiance of the Constitution's mandate that they should be kept separate and distinct.

This is no abstruse question. Its bearing on our lives and security is not remote, but immediate and direct.

We should not listlessly turn away from it as mere theory, or—to use a word with which the brain trusters dispose of criticism they cannot answer—as "unreal."

It is *real* in the utmost sense of the word. It represents the difference between tyranny and liberty.

As said James Madison, who with Washington, Jefferson, and Hamilton bore a great part in drafting the Constitution:

"An elective despotism is *not* the government we fought for, but one founded on free principles, in which the powers of government should be so divided and balanced that no one can transcend their legal limits without being checked and restrained by the others."

He maintained that no political truth is of greater intrinsic value or stamped with the authority of more enlightened patrons of liberty, than that the accumulation of all powers, legislative, executive, and judicial, in the same hands, may justly be pronounced the very definition of tyranny.

Their separation he regarded as a fundamental maxim of liberty.

Yet—what do we see?

Every one of the almost innumerable "recovery" agencies is daily emitting pronouncements and rulings which have the effect of law, and provide the most

startling and excessive penalties for their violation.

One of these agencies alone, the NRA, within the short space of a single year, has been responsible for more than ten thousand printed pages of such "legislation." This exceeds in extent the printed volumes of all Federal statutes.

No one, not even the most diligent lawyer, is able to ascertain the law applicable to a given state of facts, and the presumption that every one knows the law, becomes as meaningless as the attempt of the average citizen to understand his government is hopeless.

These hastily thrown together, but enveloping and far-reaching, agencies have arrogated to themselves not only legislative functions, but judicial functions as well. They make the law. They interpret and execute the law. And they impose penalties for its infraction.

Nothing could be more vicious—a more complete departure from the American theory of government.

Our courts are in effect superseded. The aggrieved citizen has little to gain by resorting to them.

His hard-won and ancient privileges, which have full legal sanction, are overborne. Long before his suit for protection or his petition for redress can reach the court, his business may be swallowed up, his rights struck down, his capital destroyed, by one of these innumerable administrative agencies, exercising nothing less than a combination of the legislative, executive, and judicial powers of government.

Aggravating this irresponsible trampling under of established rights, and rendering it even more serious, is the fact that most of the functionaries who sit upon these administrative tribunals are without any pretense to judicial training or understanding.

And yet they judge.

They proceed with no regard to the safeguards which human experience has shown to be essential to all judicial inquiries—in fact, a very part of them. Rules of evidence are ignored. The ir-

relevance and immateriality of evidence are not understood, and the competence of witnesses and testimony is not insisted upon.

Effective judicial review of the administrative decisions is practically eliminated. In fact, the judgments rendered are so far-reaching and immediately destructive that little would be gained from their review.

HERE IS INDEED MATTER FOR SOBER-MINDED AND THOUGHTFUL AMERICANS!

That the American Bar Association recognizes the gravity of this innovation upon the customary law and our familiar conduct under it, is a source of satisfaction.

Its discussion by the nation's lawyers is timely, and will be followed throughout the country with deep interest.—*From the San Francisco Examiner, July 30, 1934.*



A Theocracy Proposed for America

(Continued from page 105)

seen from the following utterances of leading National Reformers:

"Those who oppose this work now will discover, when the religious amendment is made to the Constitution, that if they do not see fit to fall in with the majority, they must abide the consequences, or seek some more congenial clime."—*Dr. David McAlister, in the National Reform Convention at Lakeside, Ohio.*

Another official of the National Reform Association, in speaking of dissenters and infidels, said:

"We might add, in all justice, If the opponents of the Bible do not like our government and its Christian features, let them go to some wild, desolate land, and in the name of the devil, and for the sake of the devil, subdue it, and set up a government of their own on infidel and atheistic ideas; and then, if they can stand it, stay there till they die."—*Rev. E. B. Graham, in the Christian Statesman.*

Another official of that Association said:

"We propose to incorporate in our national Constitution the moral and religious command,

'In it [the Sabbath] thou shalt do no work,' except the works of necessity, and by external force of sheriffs we propose to arrest and punish all violators of this law."—*Rev. M. A. Gault, in a letter dated June 3, 1889.*

This reform organization opposes every move to repeal or to liberalize our Sunday blue laws still extant on the State statute books, and favors the enactment of still more drastic laws. Like the Puritans, they want this government to establish a theocracy, and to lay its hands upon every dissenter who does not conform to the standard of religion set up. Such a danger is always imminent, and eternal vigilance now as ever remains the price of our liberty.

C. S. L.

National Reformism Versus Civil Liberty

(Continued from page 106)

judged by the law of God in the final judgment.

True, some things specifically forbidden by the law of God are likewise forbidden by civil law, but they are not punishable as sins against God, but as crimes against the state. We would search in vain all the law books of the world to find a civil law against coveting, because coveting is a thing of the mind or heart.

Only a few months ago the associate editor of the *Christian Statesman* made an attempt to sidestep some of the utterances of certain National Reformers of a half century ago, remarking that he was not interested in statements made fifty years ago, "but they had the right idea."

And what was their idea? Here it is stated by Dr. R. G. George in an address made by him in the New Castle (Pa.) National Reform convention late in December, 1894, and promptly reported in the *Christian Statesman*:

"The state should profess the true Christian religion. The church is to teach the state God's message. The sabbath mail service is an assault upon the church, because it is trampling

upon the sacred day appointed by God for His service. The state must have its moral system maintained in its legislation. It is the duty of the nations of the world to protect the church in its work among missions. The state should bestow national gifts upon the church, and thus testify the sincerity of her attachment to the gospel. The state erects jails and gallows, but gives nothing to the church."

This was the National Reform idea then, and the *Christian Statesman* only a few months ago said they had the right idea, and we cannot doubt that all genuine National Reformers have the same idea today, for they are to a man running true to form now, even as they were then. Their attitude toward any modification of the Pennsylvania Sunday law of 1794 shows this to be so.

Of course, if any one really believes that Sunday is a holy day by divine appointment, and that the fourth commandment of the decalogue enjoins the keeping of that day as the Sabbath, the man so believing ought to observe it, but it does not follow that it is his duty to compel any one else, if possible, to rest upon that day. Every person is directly responsible to God Himself in all such matters, and civil rulers have no warrant to enforce upon any one any religious obligation.

To take the position that civil government must have a religion and must enforce that religion upon its citizens, is to justify all the religious persecution the world has ever seen. If civil government is under obligation to enforce religious obligations, it must enforce such obligations as those who are at the head of the government understand them; to fail would be to commit sin. But we deny that any human government has now, or ever had, any such authority. The man who today has an idea that he as a civil ruler has any divine authority to enforce any tenet of religion, is a dangerous man and should not be intrusted with any civil authority. He is a persecutor at heart, and wants only the opportunity to become a persecutor in practice, even as were the officers of the Inquisition.

Court Declares Sunday Law Unconstitutional

ABOUT sixteen years ago the people of Oregon repudiated its Sunday laws on a popular referendum. Ever since, the Sunday law advocates have endeavored to revive these antiquated religious laws by court action and by certain subterfuges, but at each turn they have been rebuffed by the courts and by the will of the people. The courts have invariably held that the Oregon Sunday laws were unconstitutional and void, "on the ground it is religious legislation." Judge Gantenbein twice rendered decisions granting injunctions against the enforcing of the Sunday law of Oregon by the prosecuting attorneys of the State and the police of the municipalities. The supreme court of Oregon ruled as follows:

"Where criminal prosecutions under color of a void law are threatened, which act, if enforced, would deprive a party of a property right, a preliminary injunction may properly be issued to prevent the menaced injury. Equity has jurisdiction to interpose an injunction where public officers under a claim of right are proceeding illegally to injure the property of individuals or corporations."—46 *Oregon*, 327.

The Sunday law under question, which had been repudiated by a popular referendum, read as follows:

"If any person shall keep open any store, shop, grocery, ball alley, billiard room, or tipping house for the purpose of labor or traffic, or any place of amusement, on the first day of the week, commonly called Sunday, or the Lord's day, such persons upon conviction thereof shall be punished by fine of not less than \$5 or more than \$50."

The court went into the history of the Sunday observance act, passed by the State legislature of Oregon in 1854 originally and amended in 1864, and then made the following observations as to the religious aspects of the Sunday law:

"A close inspection of the act of 1854, the act of 1864, and those amendatory thereof, will disclose the true object of these enactments. Our Constitution provides that the subject of the act shall be expressed in the title, and under such a constitutional provision the

title becomes a part of the act itself, and may be consulted as an aid to the interpretation, especially with reference to the object and purpose of the act.

"The original act of 1854 was entitled: 'An Act to Prevent Sabbath Breaking.' The section in the criminal code of 1864 is designated as 'Profanation of Sunday,' in Deady's compilation of the general laws of Oregon of 1864, and also in Judge Deady's later compilation of 1872, and in Hill's annotated laws of Oregon in 1887.

"The object of the legislative assembly in passing these acts, and the amendments thereto, was therefore clearly to prevent Sabbath breaking; to prevent the profanation of Sunday. Profanation is defined as: First, the act of profaning; the abuse or dishonoring treatment of things sacred or divine; desecration. Second, abusive or improper treatment of anything that should be held in respect; also misuse; misappropriation.

"If, then, the object of the law in question is primarily a law to prevent the desecration or profanation of the Sabbath, rather than a law to secure rest and recreation for the purpose of promoting health, and therefore enacted under the police powers of the State, the enactment would clearly be in violation of the constitutional guaranty of religious freedom, and, therefore, void."

The court further declared "that inasmuch as the statute mentions the 'Lord's day,' it was religious legislation in nature, and therefore unconstitutional."

The act did not aim to protect man, but a religious day, "to prevent Sabbath breaking" and "to prevent profanation of Sunday," as well as "the proper observance of the Lord's day," as conceived by those sects which sponsored the legislation in the beginning. All these expressions in the Sunday law and the religious elements which demanded the legislation convinced the Oregon court that it was clearly religious legislation, and therefore unconstitutional and void. Evidently the great majority of the people of Oregon held a similar view of the Sunday law of the State of Oregon, as they voted to have it repealed by an overwhelming majority vote on a State-wide referendum.

The attorney for the defense described the pending case very clearly when he said:

"We admit that the legislature has the right to regulate a day of rest or certain hours of work for the benefit of the public health; but when we see an act which attempts to regulate the religious views and to prohibit Sabbath breaking, it is in violation of the Federal Constitution. Where an act says a business, which is innocent in itself, cannot be conducted for religious reasons, it is unconstitutional."

The court stated that "the only question at issue is whether the act is religious." The conclusion of the court was that the title and the wording of the act itself were "religious," and therefore the Sunday law of Oregon was unconstitutional and void.

Such court decisions are refreshing to those American citizens who believe in the great American ideals of separation of church and state and in the freedom of conscience in religious matters. Such decisions glorify our Constitution and the Bill of Human Rights embodied in practically every State constitution. It shows that there are some courts in the land that are without religious bias, but decide a question upon its merits and in harmony with the ideals of the founders of this Republic.

C. S. L.

Freedom of the Will—A Divine Prerogative

(Continued from page 107)

Son of God, for love is stronger than death. The Son was innocent, but offered Himself to extend the kingdom of love, the greatest of all objectives. And His sufferings to save man from the consequences of his wrong choice would never need to be repeated; and even when God gives them spiritual life, He still gives them the power to choose.

Thus it will be seen that interference with the free will of man in his relation to God, as in forcing upon him the forms of religion, is something that even God does not undertake. Such interference by men is a stricture on the

Creator's plan for the development of man's character, by giving him the opportunity to choose either right or wrong. Such interposition between man and his Maker misleads mankind by darkening his understanding regarding the true nature of God, making it appear that He rules arbitrarily and not by love alone, and with this conception of His character man returns no love to his Maker.

Such interference tends to shroud in mystery the object the Creator has in allowing mankind to experience in part the suffering and unhappiness that come as the natural result of departing from His law of love. While He, for a time, withholds the full measure of this natural penalty for wrong choice and doing, He seeks to convince men's minds and hearts by letting them see in part the results of sin, that they may will to return again to the law of love which is the law of life or joyous existence. But this is very far from forcing man's will.

A forced religion implies that God needs to be placated further than He already is through the death of His Son, and that He demands something that man can do besides submitting his will, to atone for his wrong doing. A forced religion therefore denies Christ as the Saviour, for it demands works as the means of salvation, whether the individual is willing or not, while Christ asks only the will. When the will is yielded to Him, He takes possession of that person, and He Himself does beautiful deeds and wonderful works through him and makes him fit for His kingdom.

In God's plan, therefore, freedom of the will in the beings He has created is a very vital principle. He allows the effects of sin to be seen and felt in the world until this principle is fully demonstrated, then He will bring them to an end. They will all be forgotten in that increased joy when the whole universe is fully convinced that the Creator rules by love alone, and renders

Him willing obedience. The pain and sorrow the experiment of sin has cost the heavenly Father will be swallowed up in the greater and more tender love of all His intelligent creatures. And the evils that mankind have suffered because of their wrong choice, will also be forgotten, and seem as nothing in comparison with the restoration of the things they lost by sin and the larger conception they will then have of the beneficent nature of God's rule and kingdom. Added to man's love to God as his Creator will be love for Him as his Redeemer from the sorrows and death of sin.

That God gives mankind the freedom of their wills explains the long-drawn-out time of sorrows and troubles that the race has experienced. If He had wished to coerce man, He could have done so in a much shorter time. But He has arranged all the circumstances of our lives so that we can come to an intelligent, untrammelled conclusion regarding whether we wish to serve Him. For this one object the world is allowed to stand and wait as it is today, until the number of His people is made up as He originally designed before sin entered the world.



Shall Public Funds Be Used for Religion

(Concluded from page 109)

"And any provisions of the ordinance which are repugnant to the constitution of Ohio, may be considered as also annulled."

And since the supreme court of the State of Ohio declared that the ordinance of 1787 has been superseded by the constitution of Ohio, and by the admission of the State into the Union, and also that Article III of the ordinance of 1787 is repugnant to the State constitution because of a conflicting provision in the constitution that provides that the State shall not support religion or religious education out of public funds, and that "neither Christianity

nor any other system of religion is a part of the law of this State," it is as evident as anything can be evident that the State legislature of Ohio did not violate the provisions of the ordinance of 1787 in refusing an appropriation of \$5,000,000 for the support of parochial schools from the State tax fund. (See *Bloom vs. Richards*, 2 Ohio State, 387.)

This ordinance is no longer binding upon any of the States that comprised the Northwest Territory, only as the States adopted such provisions in their own State constitutions. But the provision in question was not adopted in any State constitution, and consequently it is not binding in any of these States. On the contrary, the constitution of Ohio expressly forbids the use of tax money to support religion as well as religious instruction.

In addition to this constitutional barrier, the Supreme Court of Ohio said:

"If we have no right to tax him [the nonreligious citizen] to support 'worship,' we have no right to tax him to support religious instruction." Such a course, said the court, savored "of the very essence of tyranny," and was the "first step in the direction of an establishment of religion."

It is strange how some people like to dig up some obsolete and antiquated religious laws when they are seeking special favors and privileges, and entirely overlooking existing and fundamental laws when they are against their special interests.

C. S. L.



Andrew Hamilton Honored

(Continued from page 111)

dom of the press in America. When the freedom of the press is taken away, it is not the right of the press that is involved, but the rights of the people.

Thomas Jefferson went to the root of the matter when he said, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."

C. S. L.

The Carolinas Battle Over Sunday Laws

THE following news item, taken from the New York *Times* of July 15, concerns the ever-recurring struggle in the Southland between the liberal forces that stand for religious freedom and the reactionary forces that stand for religious intolerance:

"North and South Carolina are having another of the frequently recurring tussles with their Sunday blue laws.

"Asheville, North Carolina mountain resort, won recently a long fight to legalize Sunday movies and baseball, and as a result thousands of people from elsewhere in the Carolinas journey there on Sunday to enjoy these diversions. But Hendersonville, twenty miles away from Asheville, sought to do the same thing and lost in a special election. . . .

"South Carolina's blue laws, in spirit, date back to 1641 and have their genesis in England. It is under these laws that a dispute about Sunday baseball games in Columbia, the capital, recently centered. Under the same laws the sheriff of Lexington County moved recently to prohibit Sunday fishing in Lake Murray.

"Many times efforts have been made to modernize the blue laws, but without success. They stand on the books today just as they were written many years ago, and they are enforced. Sunday is ruled to be a day of rest in most of the Carolinas, and, barring tennis, golf, and swimming, it is that—except in a few instances.

"Even golf has been a storm center in one instance, and once a governor ordered that drug stores could sell nothing but medicine on Sundays, and had to keep their tobacco counters and soda fountains closed. News stands also fell under the ban."

It may be of interest to know that the present Sunday laws of South Carolina prohibit all kinds of "pastimes," "playing," "interludes or common plays, or other games, exercises, sports, or pastimes, such as hunting, shooting, chasing game, or fishing," on Sunday, and even a merchant or any person who shall "show forth, or expose to sale, any wares, merchandise, fruit, herbs, goods, or chattels whatsoever, upon the Lord's day, or any part thereof, upon pain that every person so offending shall forfeit the same goods."

It is further provided in the Sunday law, that "no tradesman, artificer, work-

man, laborer, or other person whatsoever, shall do or exercise any worldly labor, business, or work of their ordinary calling upon the Lord's day, or any part thereof (works of necessity and charity only excepted)."

These restrictions do not apply only to individuals, but the law provides that "it shall be unlawful for any railroad corporation, owning and controlling railroads operating in this State, to load or unload, or permit to be loaded or unloaded, or run or permit to be run, on Sunday, any locomotive, cars, or trains of cars, moved by steam power."

Out of self-interest, however, an exception is made to the above restrictions that trains "may run on Sunday, during the months of April, May, June, July, and August, trains laden exclusively with vegetables and fruits," and it is further, "Provided, that the railroad commissioners shall have power (upon proper application made to them for the purpose, by the officers of the church or religious denominations in charge of the place where such services are to be held) to authorize and permit the running of trains on any Sunday in the year for the transporting of passengers to and from religious services."

The penalty provided for the violation of the above provisions governing the running of trains on Sunday reads as follows:

"For a willful violation of the provisions of the three preceding sections, the railroad company so offending shall forfeit to the State five hundred dollars, to be collected in any court of competent jurisdiction."

If the above is not a religious law enacted for the benefit of a certain class of religionists, there never was a religious law placed upon the civil statute books. It is so strongly flavored with religious phrases and religious obligations that it could not possibly be classified as a civil law. The things which are forbidden to be done on Sunday are acts which would be perfectly civil, hon-

orable, and legitimate on the other days of the week. The South Carolina Sunday laws are purely religious laws, prohibiting only civil duties on Sunday and not criminal acts. It is the church enforcing its religious ideas and opinions upon the general public by means of the functioning powers of the police authority of the State. South Carolina has for all intents and purposes an established state religion which it imposes upon the public.

C. S. L.



"How Far Should Church and State Be Separated?"

UNDER the above caption, *Our Sunday Visitor* of July 1, 1934, in an editorial, answers the question this way:

"In view of the wide misunderstanding of the relationship which should exist between church and state, and particularly in view of the clamors, so widely reechoed, that church and state must never be united, it is surprising how little publicity was given to the recent utterance of President Roosevelt in his address before the Federal Council of the Churches of Christ in America on December 6, 1933. He said:

"The church and the government, while wholly separate in their functionings, can work hand in hand. Government can ask the churches to stress in their teaching the ideals of social justice, while at the same time government guarantees to the churches—Gentile and Jew—the right to worship God in their own way.

"The churches, while they remain free from even the suggestion of interference in government, can at the same time teach their millions of followers that they have the right to demand of the government of their own choosing the maintenance and furtherance of a more abundant life. *State and church are rightly united in a common aim.* With the help of God, we are on the road toward it."

"The Catholic Church, in every country where she does not count as her own the great majority of the people, would not ask for more than President Roosevelt's stand. All she wants is freedom from interference in the execution of her divine mission and freedom of worship and practice for her membership."

What we want to do in our comments is to call the reader's attention to the Roman Catholic attitude as stated above

on the question of the separation of church and state. The *Sunday Visitor*, a Roman Catholic church organ, says:

"The Catholic Church, in every country where she does not count as her own the great majority of the people, would not ask for more than President Roosevelt's stand."

This is an open and frank admission that the Roman Catholic Church does not believe in a separation of church and state in any country where she holds dominant sway by virtue of her majorities. She does not believe in separation of church and state when the union is with the Roman Catholic Church, but it is all wrong when it is with some other church. She does not believe in a separation in principle, except as a matter of expediency. She believes in religious liberty, but only for her members and her dogmas.

But that is not religious liberty. No one knows the first principles of religious liberty who is not willing to concede the same principle of fairness and justice to those who differ with him on religious questions. The organization that is not willing to accede the right of religious liberty to any but its own members and its own tenets of faith, is a perfect stranger to the golden rule as taught by Christ.

The Catholic Church may answer that there are some Protestant churches that practice the same rule in those countries where they are in the majority. In this contention the Catholic Church is absolutely correct. But two wrongs do not make a right. The *LIBERTY* magazine stands for a separation of church and state, irrespective of majority groups. Religious liberty is a fundamental right which every individual should enjoy under every government, and this inalienable, natural right should never be placed upon the unstable ground of the whims and caprices of majority religious groups which act entirely upon the principle of selfishness, and political and religious expediency.

Such an uncertain temporizing with religious liberty prerogatives can only

result in gross injustice and religious oppression of religious minorities in those countries where the civil government allows the majority religious groups to form religio-political alliances with the ruling powers. C. S. L.



Critic of Popes Declared Guilty

AN Associated Press Dispatch sent from Montreal, Canada, under date of June 15, published in leading American newspapers, says:

"An English-speaking jury in the court of King's bench today found Albert Pilon guilty of oral blasphemy in a lecture delivered by him December 13, 1933, on 'The History of the Popes.'

"In the course of his lecture, according to a stenographic transcript read by a police stenographer, the only crown witness, Pilon made references to the habits and morals of the 266 popes who reigned from 67 A. D. to the present time.

"Mr. Justice Charles A. Wilson told the jury the question was whether the statements uttered by the accused were malicious, and designed to influence the religious beliefs of others.

"After the jury had been out some time, they returned to ask whether the accused had quoted from history in his utterances or the words used were of his own invention. The judge replied any person was responsible for any utterance, whether quoted from history or not.

"After further deliberation the jury found a verdict of guilty. Pilon will be sentenced later. He asked for an English-speaking jury, and conducted his own defense."

We are not much surprised at the verdict of this British court, sitting in Montreal, where the prevailing religion is Catholic, and where the British court is bound to uphold "an established religion by law."

But what does alarm us is the fact that a law similar to that which was unanimously enacted recently in Canada, providing that "the repeated publication of a libel against any race or creed likely to expose persons belonging to such race or professing such creed to hatred, contempt, or ridicule, shall, without prejudice to any other recourse, entitle any person belonging to such race

or professing such creed to sue for damages and for an injunction to prevent the continuation and circulation of such libel or any libel of a similar character," was introduced into both the New York and the New Jersey State legislatures during the last session of each legislature, and these bills were favorably passed by the New York Senate and by the New Jersey House of Representatives.

Everybody is opposed to the circulation of a slander or a libel, whether it is done orally or in writing and print; but when an honest criticism of the misconduct of religious leaders, acknowledged and authenticated by established and indisputable facts in history, is construed as "libel" by a court, then it is high time to raise a voice of protest against such a procedure in law. When you tell the truth and relate facts, you are not guilty of libel, in American jurisprudence. If no creed is to be subjected to ridicule or criticism, and if no one making a profession of religion is to be criticized for his misdeeds, what has become of our constitutional guaranties of the freedom of speech and of the press?

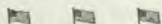
When the New York Senate and the New Jersey House of Representatives pass a bill similar to the Canadian law, which is characterized as an "Act Against Blasphemy," it shows clearly the grave danger that the freedom of the press is facing in the United States.

There are some legislators in our State legislatures who are as void of understanding of American ideals of civil government and constitutional guaranties of human rights as is the man in the moon. They readily consent to legislate upon every subject under heaven, not only governing man's relationship to man, but man's relationship to God and religion. The limitations which the Constitution has placed upon their law-making powers never enter the minds of these careless and selfish legislators. They become as intoxicated with their delegated powers as the ancient kings

did who ruled in absolute despotisms.

Unless Americans are more vigilant and determined to safeguard their constitutional liberties, they will wake up some day to find themselves, as well as their consciences, bound in fetters and shackled by tyrants as arbitrary and as powerful as any that ever sat on the throne of absolute authority.

C. S. L.



"Roosevelt Recognizes Spiritual Function of State, Says Morgenthau"

THE Lewiston (Maine) *Evening Journal*, August 16, 1934, under the above bold front-page caption, in reporting the proceedings of a "nonpartisan and non-sectarian meeting" at Ellsworth, Hancock County, Maine, in which participated as speakers such notable personages as Bishop James E. Freeman, of Washington, D. C.; Henry E. Williams and Dr. Henry Hallam Saunderson, of the *Christian Science Monitor* editorial staff; Dr. Arthur A. Hauck, president of the University of Maine; and Henry Morgenthau, former ambassador to Turkey and father of the Secretary of the Treasury of the United States, quotes Henry Morgenthau as saying that the present policies of the national government are a recognition of "the spiritual function of the state."

The *Journal* further quotes Mr. Morgenthau as saying that President Roosevelt was "wisely using his temporal powers to make his spiritual desires effective;" and "as the church before the separation of church and state, used its temporal powers to fulfill the divine command to 'do unto others,' we are witnessing a peaceful adoption by the state of the same spiritual leadership formerly exercised by the church. This is a restoration of dual authority under one head."

We do not know whether this Associated Press report printed by the newspapers is a correct statement of Mr.

Morgenthau's views, or whether Mr. Morgenthau correctly expressed the view of President Roosevelt's attitude on "the present policies of the national government" relative to "the spiritual function of the state," or "a restoration of the dual authority under one head" of the temporal leadership of the state and the spiritual leadership of the church. We are inclined toward the opinion that President Roosevelt does not entertain any such views personally, but it does not augur well for his high office to have Mr. Morgenthau, a former ambassador of our government and the father of the Secretary of the Treasury, represent that the President holds such an attitude and viewpoint.

We could hardly believe that any American citizen would ever give voice to such an un-American proposal, but since Mr. Morgenthau has not refuted nor corrected these printed reports of his statements, we must conclude that they are his personal views upon this subject.

That the state should exercise "spiritual function" and seek "a restoration of dual authority under one head," of the temporal powers of the state and the "spiritual leadership formerly exercised by the church," is so preposterous and outrageous a proposal in American jurisprudence, that we cannot let it pass without comment. This proposal is exactly in accord with what Henry VIII did when he as king of England assumed the leadership of the state church and took it from the Pope of Rome, both in temporal and in spiritual matters. It was undoubtedly a proper thing for the king of England to take the absolute leadership of the temporal affairs of the state, but it was a serious mistake for him as king to take the headship of the church. It resulted not only in religious persecution, but in the provocation of some of the bloodiest wars that England ever fought. It was for the freedom from this dual religio-political bondage that the founders of the Republic poured out their blood and treasure



Shall we have
RELIGIOUS LIBERTY
OR
RELIGIOUS
OPPRESSION
in America?

SEND for the book, "Religious Liberty in America," by C. M. Snow, which deals with the growth of the principles of religious and civil liberty from the beginning of the Christian era down to our own time. It shows how the two principles, religious liberty and religious oppression, have run side by side through the history of nations, the one building up the true kingdom of Christ and the other making martyrs of Christ's true followers. The planting of those two principles on the shores of the New World, and the struggle between them for dominance here, is pictured in interesting detail. Considerable space is devoted to the growth and work of such un-American and oppressive organizations as the National Reform Association, the Lord's Day Alliance, and the Federal Council of the Churches; how these forces propose to unite, and are uniting, for the enforcement of oppressive legislation. The author shows how this combination of forces is working directly to fulfill their desires and purposes for a virtual union of church and state in America, with men ruling in the name of God. The closing chapter, "Heaven's Answer to Earth's Great Problem," shows how God will work out the problem by the establishment of His kingdom in this sin-smitten world. Paper covers, 436 pages, fully illustrated.

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in the American Revolution; and for an American of Mr. Morgenthau's standing to assert that the policies of the present national government under the New Deal, are to restore the "dual authority under one head," of both temporal and spiritual matters in this nation, that the President of the United States "make his spiritual desires effective" in Federal legislation, is enough to stir the patriotic blood of any true-hearted, liberty-loving American.

No public official has any business in political affairs "to make his spiritual desires effective" by law. He should know no religion in law or in the exercise of his civil and official functions in state affairs. He must always assume an attitude of neutrality on the subject of religion, so every religious sect and religious dogma may enjoy complete religious liberty and equality before the civil law and the bar of justice. A public official must be content to carry out his "spiritual desires" in his own life and in his own church as a church functionary, without carrying them over into the realm of civil government.

If Mr. Morgenthau is correct in his interpretation of the New Deal and of President Roosevelt's desires (which we do not believe he is), then the American public ought to know the facts, that they may know better how to relate themselves as citizens to the future policies of the New Deal.

C. S. L.

Freedom of Conscience
Recognized

AN Associated Press dispatch from Minneapolis, under date of June 18, appeared in the *Washington Post*, June 19:

"The board of regents of the University of Minnesota, where military training has been compulsory since the institute was founded in 1869, today voted to make it optional."

This action upon the part of the board of regents of the State university of the great commonwealth of Minnesota,

is encouraging. There can be no legitimate excuse, and certainly no reason, for seeking to coerce the conscience of any of the citizens of any State. The World War showed that many a man who was averse to bearing arms was not lacking in every element of courage when it became necessary to rescue his fellow man from the danger of No Man's Land.

Any government unit does well when it recognizes that the man who is true to the dictates of his conscience can seldom be an undesirable citizen. Admitting that a few might allow fanatical ardor to carry them beyond the bounds of good judgment, the general truth still remains, that governments need citizens with tender consciences. Those who are sincerely careful not to disobey God are generally found to be obedient to the suggestions of civil authorities.

H. H. V.



Sparks From the Editor's Anvil

THE prerogative to license the press is inconsistent with the American ideal of a free press.

AN enemy that threatens to override the constitutional rights of man must be challenged boldly at the gate.

NOTHING is so dangerous as misdirected zeal empowered with civil authority in the realm of religion.

HE who would curb the freedom of the press and the expression of public opinion is enemy No. 1 to the rights of the people.

THE quickest way to spoil a good, trustworthy man is to clothe him with arbitrary power and authority over the people's prerogatives.

It is human nature to make a mountain out of a molehill when touching up the faults of our enemies, and to make a molehill out of a mountain when we tone down the faults of our special friends.

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