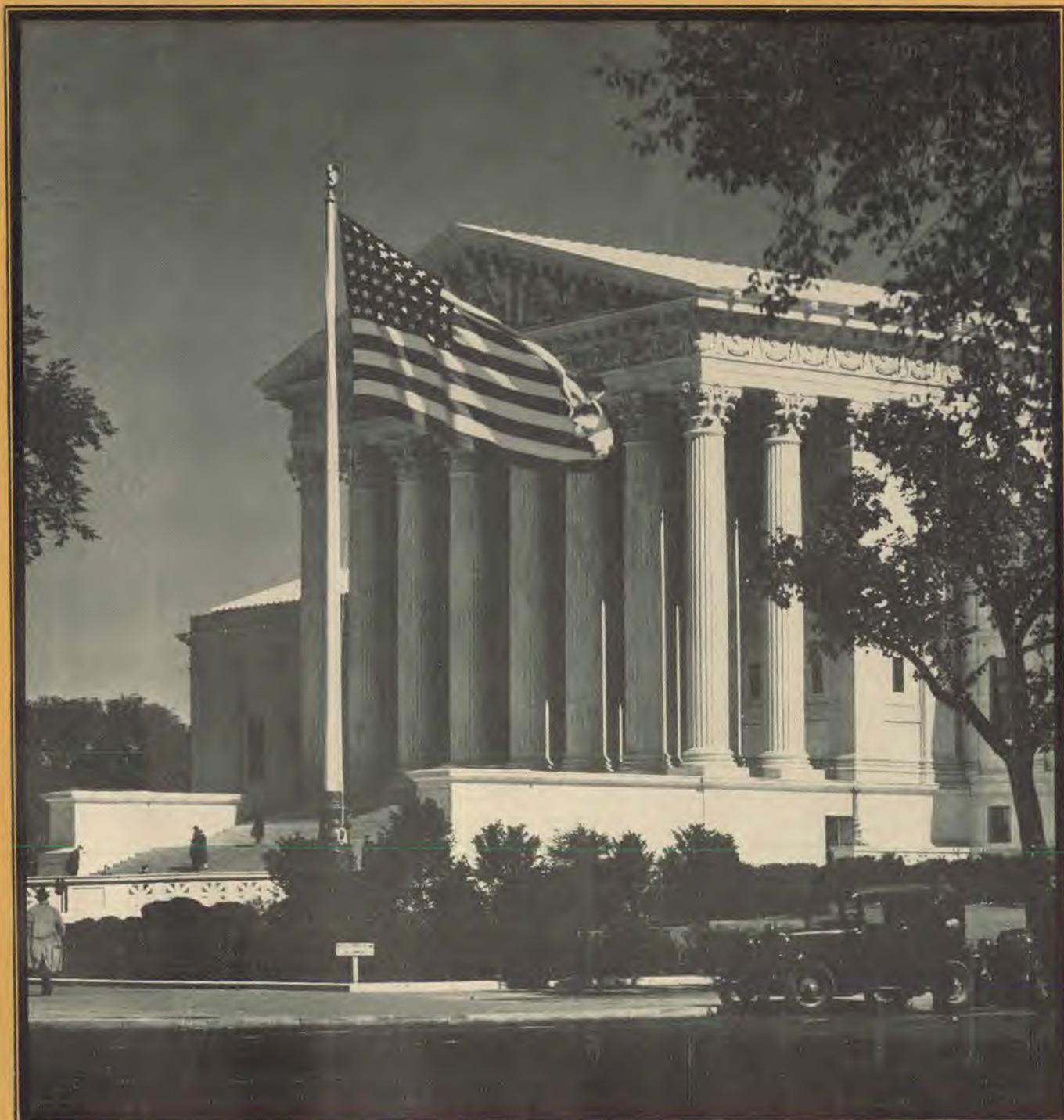




# LIBERTY

Founded 1886

A MAGAZINE OF RELIGIOUS FREEDOM



HORYOCZAK

THE UNITED STATES SUPREME COURT BUILDING

**Constitution and Religious Liberty, Labor and Capital, Religious Schools,  
15 CENTS A COPY and the Judiciary WASHINGTON, D.C.**

# DECLARATION OF PRINCIPLES

## OF THE

### Religious Liberty Association

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; associate, H. H. Votaw), or any of the affiliated organizations below:

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# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

EDITOR, Charles S. Longacre

MANAGING EDITOR, Thomas M. French

ASSOCIATE EDITOR, Heber H. Votaw

ASSOCIATE EDITOR, Calvin P. Bollman

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FOURTH QUARTER, 1937



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ORIGINAL DRAWING BY A. ROBERTSON IN 1789

Federal Hall at Wall and Nassau Streets, Near Trinity Church in New York, Was Originally Built in 1700 as the City Hall. It Was Remodeled in 1788-89 for the Inauguration of George Washington as President, April 30, 1789. In This Building, Now Destroyed, the First Congress of the United States Was Convened, September 25, 1789.

The First Ten Amendments to the Constitution of the United States, Known to Americans as the Bill of Rights, Were Passed by the First Congress Early in Its Session and Submitted to the States for Ratification.

The First Words of the First Amendment Deal With the Precious Matter of Religious Liberty.

Ratification Was Completed, and These Amendments Became a Part of the Constitution December 15, 1791.

That Date May Therefore Be Said to Mark the Birth of Religious Freedom as an Effective Principle of National Government.

# The Constitution and Religious Liberty

by **HON. SAMUEL B. PETTENGILL**

*Member of Congress*

**C**OMplete religious liberty exists nowhere in the world except in the United States of America. Nor did it exist in this country prior to the adoption of the Constitution and its Bill of Rights. To achieve complete separation of church and state and freedom to the individual to worship God in the light of his conscience, was required a bloody struggle of 6,000 years. That struggle has been crowned with success only in this country, and in this country for only 146 years.

At first thought these statements are astonishing, but they are true. Take a survey of the world beyond our borders. Look at Mexico, Japan, Spain, Germany, Italy, Russia,—where is freedom of worship among their millions of people? France is forbidden territory to certain religious orders and has passed laws to nationalize—in other words, to confiscate—the property of the churches. In England, the recent coronation ceremonial and the king's oath prove the unity, rather than the separation, of the state and the Established Church.

In some of these countries there is, thank God, a great deal of religious tolerance; in others, very little; in some, practically none. Nevertheless, nowhere on the globe does a people live today where each and every one of its citizens enjoys, and to the same degree that we do, that priceless blessing which we call religious liberty.

There are reasons for all this. There are reasons why we have religious liberty in this country. They are, first, the fact that our fathers had suffered its denial for many centuries; second, the guaranty of free worship set forth in our fundamental law; and, third, the fact that we have courts to safeguard those guaranties, courts which we have so far maintained free from legislative domination or executive coercion.

There are reasons, also, why the struggle of 6,000 years has in other lands yielded so little fruit. In the first place, it is, and has been throughout the centuries, a human frailty for many men to believe that they can, and should, impose their religious ideas on other men, against their will or desire, and so they attempt to use the power of the state to coerce their fellows to their own beliefs.

That comes from the religious side of man's nature.

The other reason comes from the political side—and is probably the stronger.

Man loves power. During the age-long struggle for political, religious, and economic liberty, rulers have sought to gain control of the agencies of religion as a means to greater power. Thus they attempt to seize the human conscience and use it to augment and magnify the state. That is going on in Europe at the present time. . . .

Sometimes the state and the church have made common cause. Ambitious clerics and ambitious politicians have joined hands and made logrolling agreements for the greater glory of each.

But whatever the cause, or causes, religious liberty has been won only after the greatest sacrifice, and when won, is under constant and terrific pressure to whittle it away. Eternal vigilance is the price of religious, as well as political, liberty.

When the Constitutional Convention, which met in Philadelphia 150 years ago, submitted its final draft to the people for ratification, objection was made that the Constitution did not contain a sufficient guaranty that these rights of the individual should not be infringed upon by the new government which it was proposed to establish.

## The Bill of Rights

With respect to certain matters, our fathers insisted upon a "no man's land" upon which no government official should ever be permitted to trespass, no matter how large a majority he may have won in any election. It was therefore agreed that a bill of rights be added to the Constitution at the earliest opportunity. Except for this assurance the Constitution would not have been ratified.

It became the business of the first Congress, therefore, to put in writing these guaranties and submit them to the people for adoption. This was done in the form of ten separate amendments known to all succeeding Americans as the Bill of Rights. They became a part of the Constitution on December 15, 1791.

That date may therefore be said to mark the birth of religious freedom as an effective principle of [national] government, for the first time, and prac-

tically, for the only time anywhere in the history of the world. Although much of our Constitution has been adopted by other countries, nevertheless, in the century and more which has elapsed, not a single other nation has achieved complete separation of church and state. Ours was, in fact, a new order of the ages.

It is significant that although our fathers desired to protect many hard-won liberties, the first article of the Bill of Rights and the first words of that article deal with this precious matter of religious liberty.

When it is remembered that it is the tendency of all legislative bodies to extend their power, it is worthy of note that the first Congress to convene under the Constitution, adopted limitations or restrictions upon the power of themselves and all future Congresses. The words are, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Elsewhere it was provided that "no religious test shall ever be required as a qualification to any office or public trust under the United States."

### Admit of No Qualification

These prohibitions upon governmental power are absolute. They admit of no qualification. "Congress shall make no law." "No religious test shall ever be required." As long as these prohibitions stand, it is plain that our fathers intended to place the rights so



guarded beyond the power of any party, however powerful; any majority, however great; any mandate, however impressive; any Congress, however strong; any President, however popular; any ecclesiastic, however intolerant; any politician, however ambitious.

Stronger language could not be used. By no jot or tittle were those rights to be whittled away. They were written by men who had a profound acquaintance with, and a distrust of, the weaknesses and the greed and ambition of men.

The thought that prompted them has never been better expressed than it was expressed by Thomas Jefferson when he said:

"It would be a dangerous delusion if our confidence in the men of our choice should silence our fears for the safety of our rights. Confidence is everywhere the parent of despotism. Free government is founded on jealousy, not in confidence. It is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power. Our Constitution has accordingly fixed the limits to which (and no further) our confidence will go. In question of power, then, let no more be heard of confidence in men, but bind them down from mischief by the chains of the Constitution."

Upon the tomb of Jefferson are engraved the words, "Author of the Statute of Religious Freedom." It is a sad but true commentary on human nature that the fears expressed by him were justified at the time and by subsequent events. Men need to be "bound down by the chains of the Constitution."

That is the deep significance of Constitutional as against personal government. Under it the people rule and are the source of all power. But they rule, as it were, on second thought, not on the impulse of the moment. The Constitution represents the needs of the decade or the century, not the exigencies of the hour. It is the deliberate sober second thought of mankind, designed to check the snap judgments of mass emotion. It is the "stop, look, and listen" signpost erected by the past to prevent disaster to the present and the future.

But suppose Congress does make a law denying religious liberty. Suppose some State does require a religious test as a qualification for public office. But why suppose? These things have actually happened here in America, despite the words of the Constitution. What then? Will the words save our liberties? No. What will? Only a court which will pronounce null and void any such law or any such test which the Constitution forbids, even though such law or test represents the temporary majority sentiment of the people, the will of their legislative agents, or the purpose of their executive.

The Fact That He Was the Author of the Statute of Religious Freedom Is Engraved Upon the Tomb of Thomas Jefferson at Monticello, Virginia

But there is still needed something more. And that is a people who will not countenance under any pretext, under any supposed temporary advantage, any attempt to deprive their courts of the freedom to exercise their own honest judgment when Constitutions clash with statutes. If that freedom can be infringed upon to obtain certain judgments on economic or political questions, it can by the same token be infringed upon to obtain certain judgments on religious questions.

### Free to Act Rightly

The real question is not whether our courts have always been right, but whether they shall always be free to act rightly. Or putting it in other words, the question is not whether they have done a perfect job, but whether any other agency of government, also composed of human beings, can do a better job. The question is whether the rights of minorities are safer in the hands of the majority, or in the hands of independent courts. And we are all members of some minority.

Volumes of lawbooks prove that religious liberties are not safe unless our courts are free. In the absence of such courts they vanish like the mist of the morning.

A few years ago the State of Oregon passed a law requiring all children between eight and sixteen years of age to attend only the public schools. The effect of this was to close all private and parochial schools and to deprive all fathers and mothers of the right to send their children to schools where they might receive religious instruction. The act applied only to children sixteen or under. But if this were a valid "legislative policy" with respect to sixteen or under, it would have been equally valid with respect to sixteen or over. If valid, therefore, such legislation in Oregon or any and all other States or the national Congress could close every denominational school or college in the country, whether Protestant, Jew, or Catholic, including such institutions as Notre Dame University, in my congressional district.

This case of *Pierce vs. the Society of Sisters of Jesus and Mary* was therefore of the greatest importance, and was defended, not only by the schools directly concerned, but by the American Jewish Committee, the Seventh-day Adventists, and the Protestant Episcopal Church of the United States.

The Supreme Court, speaking through Justice McReynolds, held unanimously that the act was invalid, and in words of simple eloquence said that "the child is not the creature of the State." Because it was a free Court and not a political Court, it overrode the people of Oregon on a legislative policy which conflicted with the supreme law of the land. Because it did so, it guaranteed that every father

FOURTH QUARTER



HORYDCZAK

Eternal Vigilance Is the Price of Religious as Well as Political Liberty

and mother in America, now or in the future, who may wish to send their boys and girls to schools or colleges where they will receive religious as well as secular education, may do so if they choose. Among the denominations which conduct private or parochial elementary and high schools in the United States are the Baptist, Congregational, Episcopal, Quaker, Latter-day Saints, Methodist, Presbyterian, Lutheran, Catholic, Seventh-day Adventist, and others.

If in any other State or in the national Capital there should someday be those who hold similar views of legislative policy to those in Oregon, and if the Supreme Court of the United States might be controlled in its decision by creating additional judges who would overrule the case of *Pierce* against *Society of Sisters*, what would the rights of religious minorities then amount to? They would be gone with the wind. . . .

In America the state is the servant of man, not his master. Here it is recognized by our fundamental law that man, because he is a child of God, has certain rights and dignities as a human soul that are beyond the power of princes or the might of majorities. Democracy is the political, as Christianity is the religious, recognition of the sovereignty of the soul and not of the state.

My friends, constitutional government is now under fire all over the world. Its first and perhaps its final refuge is here in America and in the hearts of Americans. It is ours today to have and to hold. It is not ours to give away. We hold it only as life tenants in trust. It is a precious legacy from our fathers to hand down to our children. If we breach that trust, we are traitors to all the past. If we are faithful to it, our children and our children's children will rise up and bless us, as we bless our fathers who went before.



A Totalitarian Form of Government Exercises Absolute and Supreme Powers Over Its Subjects in Both Civil and Religious Matters

## Which Is Preferable--

### A Republican or a Totalitarian Form of Government ?

by CHARLES S. LONGACRE

**A** REPUBLIC is a government ordained by the people for the people, ruled by representatives exercising only delegated powers, under a constitution which is the supreme law of the land. A totalitarian form of government exercises absolute and supreme power in both civil and religious matters under the rule of dictators. In a republic the right of sovereignty is vested in the people; but in a totalitarian form of government the right of sovereignty is denied the people, and supreme authority is vested in a dictator, who rules in things both temporal and spiritual. In a republic the people reserve certain rights to themselves, which the government cannot abridge or invade without violating constitutional prohibitions. In a totalitarian form of government the state is supreme in all things. The people are subject to the government, but the government is not subject to the people.

The ancient kings all established totalitarian forms of government. They believed that they ruled by divine right in all things. Nebuchadnezzar of Babylonian fame built a fiery furnace into which he cast all dissenters from his decrees, whether the dissension pertained to civil or religious matters. Darius the Mede cast dissenters into the den of lions when they disobeyed the laws of the Medes and Persians, which the government held could not be altered. The Greeks made Socrates drink the poisonous hemlock because he questioned the false claims of the Greek gods. Pagan Rome burned the Christians at the stake because they refused to recognize the Roman gods and the totalitarian theory of government.

When political Christianity gained control of the Roman government and its political subdivisions, it

not only exercised all the authority of a totalitarian state in both temporal and spiritual matters; it exceeded the tyranny of pagan rulers. A ruler in possession of a totalitarian state or a totalitarian church brooks no rivals and tolerates no opposition. Totalitarian rulers make the state government and the state religion supreme in all things. If the dictator is a civil ruler, he makes the state supreme and subordinates the state religion and all other religions to the dictates of the state. If the ecclesiastical ruler is supreme, the state governments are subordinated to the supremacy of the church.

A totalitarian state will tolerate the church, if at all, only as a servant, never as an equal; and a totalitarian church will never recognize the state as a superior. Totalitarian systems of government aspire to control all phases of the life of man, in his relationship both to man and to God, to the state and to the church. Conformity and uniformity are the inexorable requirements of the totalitarian church-and-state regime. It always has been thus, and in the very nature of things it always will be. Totalitarian means the whole, or all,—that is, ruling in all things. It is an absolute government, supreme in all things. So long as the rulers of a totalitarian government entertain such views, and the people tolerate such a regime, inalienable rights and religious freedom will be overridden, and no person can call his soul his own. The rulers will remain supreme and the people will be abject slaves.

Whenever a free people surrender their right of sovereignty and their cherished constitutional liberties and prefer to be well-fed slaves under the rule of

dictators, rather than freemen under the rule of democracy, they can expect nothing else than that the Philistines will capture the ark of the covenant—the constitution—and the ruler will do what seems right in his own sight. History repeats itself in cycles because the people fail to profit by the lessons and mistakes of the past.

For centuries the people were oppressed by the arbitrary rule of the ancient kings, who imposed a totalitarian regime of government upon them. When the oppression became unbearable, the people threw off the kingly yoke of oppression and intolerance, and converted the torture chambers into museums filled with the instruments of torture as relics of a dead past.

### Revolt Against Kingly Authority

The founders of the American Republic led the vanguard of this revolt against kingly authority and the totalitarian church-and-state regime. They were the first in the founding of the government of the people, by the people, and for the people, to recognize the inalienable rights of the individual as paramount to the exercise of governmental authority. The United States was the first nation in the world to recognize the supremacy of the conscience of the individual in religious matters, so long as the individual recognized the same rights in his fellow man. The founding fathers aimed to make these natural, God-given rights of the individual secure for all posterity by fortifying and safeguarding them within the bosom of the fundamental law of the land, our matchless Constitution.

Our forefathers renounced the totalitarian scheme of government,—ruling all men in all things,—and placed limitations upon the highest lawmaking body in the land, upon the powers of the Chief Executive, and upon the jurisdiction of the highest judicial tribunal. All three branches of the Federal Government, as well as of the State governments, were made subject to the Constitution and to the sovereignty of the people of the United States. Religious liberty, the equality of all religions before the law, freedom of speech, freedom of assembly, freedom of petition, the equal protection of the laws, and an equal opportunity to obtain property rights, were a few of the fundamentals among human rights which were guaranteed to every individual under the Constitution. The government was instituted to protect the rights of every man and not to deprive him of any of his natural rights.

In the course of time, the United States grew and prospered with such rapidity under these ideals and principles of constitutional government that the American Republic became the envy of the nations of the world.

These Jeffersonian ideals and principles of govern-

ment took root in many countries, and the World War was fought to make democracy safe in the world. The spirit of liberalism and breaking away from kingly and autocratic governments took possession of the new-found democracies of Europe immediately following the Great War.

But the World War, as have all wars in the past, brought its inescapable penalties, perplexities, distresses, hates, distrusts, and fears. The arbitrary authority exercised by government officials during the war was not so easily laid aside. The acts of espionage and martial law, enacted for the duration of the war, were not repealed; and when emergencies arose in different countries following the war, as a natural consequence of it, these drastic military regulations were retained, and government officials broke down the constitutional barriers which were placed against the exercise of arbitrary authority. Today the constitutions of European democracies which have accepted the totalitarian theory of government are empty and meaningless parchments, from which the spirit of liberty and human rights has taken its flight. Radical changes have taken place, and the old craving



Under a Republic or Democracy the People Are Supreme. Their Rulers Are Representatives Exercising Only Delegated Powers

for authority and enlarged powers in government has become the obsession of the dictators, who have supplanted the rulers of the European democracies.

The rejection of democratic principles of government in some European countries has led not only to the deprivation of individual rights and to the introduction of governmental regimentation, but to thousands of petty restrictions and vexatious regulations due to suspicion and fear from within and from without, so that all Europe has become, through self-imposed distrust, the greatest armed camp the world has yet known. The totalitarian governments realize that they can only maintain their arbitrary system of government by the rule of sheer force. Thus the youth, from the kindergarten to the university, from infancy to old age, both male and female, are daily trained for the battlefield. The dove of peace is in constant flight and finds no place to alight. These arbitrary governments are a real threat not only to the progress of civilization and enlightenment, but to all free democratic governments and institutions. It is a reversion to the old pagan and barbaric type of jungle government by tooth and claw. Every activity of life and every relationship of man to man and of man to God and religion are regimented and supervised by government.

### **Government Recognizing Sovereignty of the People**

Those who drafted the fundamental law of the American Republic conceived a government vested in the sovereignty of the people and dedicated it to liberty and justice. The Constitution and the Declaration of Independence declare that the liberties of the individual are not derivative from government, that all men are by right free and capable of self-government, that every person possesses natural and inalienable rights derived from God and nature, which no government has a right to abridge. A totalitarian government asserts its supremacy over all men, and controls and regulates all their actions and undertakings in both civil and religious matters. It denies that the individual has any rights which the government may not invade or take away at its discretion. Under a totalitarian regime, the individual exists solely for the benefit of the state and is subject to the decrees of its officials. The people are the pawns and slaves of dictators, instead of sovereigns in their own right.

The founders of the American Republic revolted against the old order of things, and in a written Constitution, ratified by all the people, they aimed to erect insurmountable constitutional barriers against any recurrence of a totalitarian government upon American soil. Under the NRA, our government virtually returned for a time to the old order of a

totalitarian government. To a large extent industry, commercial activities, and the relationship of man to man in all undertakings, were placed under the control of one man—the Chief Executive of the nation. No one could buy or sell, or labor, unless he bought, sold, or labored according to the rules and restrictions placed upon him by the Chief Executive. The Chief Executive largely delegated his legislative, executive, and judicial powers to make and administer the codes to governmental bureaus which exercised all three functions of government. It constituted in principle a complete setup in America of a totalitarian government of the same brand as those established by some of the dictators in Europe.

### **An Independent Supreme Court**

Fortunately, the United States was still in possession of an independent Supreme Court with power to declare acts of Congress and of the Chief Executive which were in violation of the Constitution, unconstitutional. The American people were still more fortunate in having an untrammelled free press and freedom of speech to voice their dissent against governmental acts which contravened their rights under the Constitution. By virtue of the fact that we still had a Supreme Court that could function independently without being subservient to Congress or the Chief Executive, but only to the Constitution, we saved not only our Constitution, but our liberties, by voiding a dictatorship under the NRA. A courageous and an independent Senate, devoted to the Constitution, saved the Chief Executive from overriding the Constitution, when it virtually defeated the President's court-packing bill by a vote of 70 to 20.

If Congress had granted the request of the Chief Executive to pack the Supreme Court in order to make it subservient to his wishes and policies, he with the help of Congress could have reenacted the NRA, and the people would have had no appeal to an independent Supreme Court to have such an act declared unconstitutional by a majority decision, much less by a unanimous decision as formerly. Our government would have been from thenceforth in the control of the manipulating hands of a dictator as truly as any totalitarian government. If the Chief Executive should be empowered to change the Supreme Court by increasing its present membership so as to deprive it of its present independence to declare the acts of the President and of Congress unconstitutional when such acts are clearly in violation of the Constitution, then what is to halt the Chief Executive from violating other provisions of the Constitution? We have confidence that the present White House occupant would not attempt further constitutional aggressions. But what assurance would the people have that some future President, thus empowered, would not set

aside the religious as well as the civil rights of the people as guaranteed under the Constitution? Dictators in other countries have done it and are doing it today. The unlimited power of dictators is not only contagious and infectious, but it is prolific in any soil. What is happening in other lands is likely to happen

in America when once the people surrender their right of sovereignty to dictators. Let us cherish and preserve the independence of our Supreme Court as the guardian of the Constitution, so that we can flee to it for impartial protection when our natural and God-given rights are assailed.

# The American Concept of Liberty

## Does Democracy Offer a Better Way of Living?

by **RUSSELL QUINN**

**L**IBERTY," said Matthew Arnold, "is a good horse, but a horse to ride somewhere."

Never were truer words spoken. Liberty as a beautiful abstraction to be admired as one might admire art for its own sake, is not what caused Washington and his tattered Continental Army to spend a bleak winter on the hills of Valley Forge, or the French people to rise in bloody revolution against their king, or the American Yankee to turn against his brother in civil war, or the Russian workers to discard their czar.

It was not because liberty was an end in itself that these and countless other reactions against tyranny occurred, but because liberty was a means to an end, and that end a better way of living. It was not the horse that the martyrs admired. It was the direction in which it traveled that caused them to die for it. It was because that direction led to richer vistas of living, to a life fuller, happier, and more abundant for all humanity, that liberty was able to weather the countless attacks made upon it. Liberty as an abstract philosophical principle, no matter how beautiful, would have remained dustbound on the library shelves had it not been able to fill a fundamental human need,—the need for a better way of living.

Today, with numerous new attacks being made on liberty, it is pertinent to apply again the pragmatic test to it, and if it fails,—if it does not offer a better way of living,—then let it retreat to the library shelves. But if it does offer a better way of living than any of its rivals, then inquire as to how it might be preserved.

The liberal horse has many legs,—freedom of speech, freedom of press, freedom of assembly, freedom of election, freedom of labor to organize, freedom of religion. And as these fundamentals are immediately withdrawn in the totalitarian states, one may look at them from both the positive and the negative sides.

### Freedom of Speech

During the last Presidential campaign, the communistic candidate went from one end of the United States to the other advocating an overthrow of American institutions. For doing this, he spent one night in a Terre Haute jail. This was contrary to his American right of free speech, and he was released the next morning to go about his speechmaking against the government. His detention was regretted by all good Americans. A few years ago, one of the men without whom there would have been no communistic government in Russia, differed with the ruler of that country on a matter of policy—not on the basic economic system, mind you, but merely on the matter of policy by which it was to be achieved. He had to flee into exile and watch his followers be periodically shot and imprisoned. Leon Trotsky, with his brilliant mind, could not get over the democratic habit of thinking, and thinking out loud. Thus he had no place in the totalitarian state he helped to found. These two incidents reveal the attitudes of the two forms of government regarding freedom of speech.

But you may say, What have Earl Browder and Leon Trotsky to do with me? I still have to go on earning my living no matter what happens to Earl Browder, and the Russian peasant has to earn his living no matter what happens to Leon Trotsky.

The answer is simply this: The American people (and that includes you) did not allow Earl Browder to preach his un-American doctrine because they liked either him or his doctrine. The results at the polls proved that they liked neither. They allowed him freedom of speech to protect themselves,—to protect themselves, if you please, against what he was preaching, for one thing. For unless every one is allowed freedom of speech, no one is sure of it. Either we are all free or we are all slaves. And because you wanted

freedom of speech for yourself so that when you had a grievance you might voice it, you allowed Earl Browder to voice, in the name of the Communist party, their grievances. And when he spent a night in the Midwestern jail, a shadow fell (temporarily, fortunately) over your right to freedom of speech. For what can happen to Browder today can happen to you tomorrow. That's what he means to you.

And for Leon Trotsky and the Russian peasant—because Leon Trotsky cannot have freedom of speech in Russia, thousands of peasants have had to starve to death in silence. Because of a bungling of the economic policy by the rulers of Russia, thousands, if not millions, of peasants died in the Ukraine in 1933. They died in silence because no one questioned the government's policy. And, it is important to add, they died because no one was *allowed* to question the government's policy. In that same year, in the United States, by virtue of a protest against a depression administration, the Democratic party came into power, and Franklin Roosevelt took office on a platform pledged to help the "forgotten man." Yet in all the heat and bitterness of the election campaign, it was not charged against the then incumbent Administration that it had let any one starve, while in Russia thousands were starving to death who were not allowed even to voice a protest. That is what

freedom of speech means, not as a philosophic ideal, but as a way of living.

### Freedom of Religion

This means, obviously, freedom in the practice and profession of religion. The state is powerless, of course, to make a man abandon his secret belief in religion. The charge against religion by those states that would abolish it, is usually based on three counts: (1) That public moneys are spent in the support of the church which should be used in the support of the poor. (2) That religion keeps the people in ignorance, or as the Russians put it, "Religion is the opiate of the people." (3) A charge which is not often admitted, but which is probably the main objection, is that the religionist places his God above his dictator.

The first charge is valid to the extent that tax moneys are used in support of the church. Freedom of religion means freedom for the atheist in the practice and profession of his belief, and he can well object to the use of money collected from him as taxes, to further some one else's private belief, as can those of the various religious faiths. American democracy has answered this charge by separating the church from the state. No tax moneys support an established church in America. An objection might be made to the practice of allowing church property to remain tax free, but at least all churches are given this privilege, not just one.

The second charge is also partially valid. When a strong state-supported church stifles all opposing beliefs, both religious and nonreligious, it is open to the charge of keeping the people in ignorance. But it is not valid when all manner of beliefs and non-beliefs are allowed the fullest expression. Under a system that ensures freedom of religion, every man is allowed to examine all claims and accept what appears to him to be truth. Here religion becomes educational and enlightening. An overbearing state-supported atheism is just as much an opiate as an overbearing state-supported religion. Under a democracy religion is not an opiate.

And what can be said of the third objection? It must be disconcerting to those humans who would set themselves up as gods to find that there is a God over them, or at least that some of their subjects think so. How can they command the desired subservience when there might be another God to countermand their orders. This is one of the knottiest problems of the dictators. Democracies are content to let God be God and the state be the state.

No one need be told at this late date, that the liberal ideal of freedom of religion is not merely a philosophical principle, but is a very practical and worthwhile thing, the lack of which causes unwarranted



HORYDCZAK

May Freedom-Loving Americans Seek and Find by Democratic Methods the Solutions for All Their Problems, and Not Barter Liberty for False Security

suffering and a dearth of progress of the mind and of the spirit.

### The Task

Democracy is now on the defensive. It is no longer the latest system of government. Two other systems have challenged it. Two other systems, with countries and peoples to experiment upon, are trying to solve problems of human existence that have heretofore remained unsolved. The elimination of poverty and unemployment, the raising of the standard of living for all, insurance against want and fear in old age, better working conditions, higher health standards, etc.,—these are the fields in which democracy is being challenged. The collectivist state claims that these cannot be sufficiently accomplished in a liberal democracy. And while it may be pertinent to show that these things have been accomplished in a liberal democracy to a greater extent than in the collectivist states, yet the proof of democracy's superiority in a modern world will be possible only so long as it attacks offensively the problems of poverty, unemployment, old age, health, etc.

These have not been satisfactorily solved in America or in any of the other democracies. Unless



It Was For the Cause of Liberty That Washington and His Tattered Continental Army Spent a Bleak Winter on the Hills of Valley Forge

America and these other democracies can progressively seek and find better solutions by democratic methods, their solution will be attempted by undemocratic methods. It is a cold fact that the majority of people will barter liberty for security. The liberal who would enjoy the blessings of freedom, and who believes that all that is worth while in civilization has come because of freedom, must make it his business to promote the principles of liberty and security so that the issue of their incompatibility need never be raised.

## Inalienable Rights Come From God

by C. L. WOODWARD

*Justice of the Peace*

**W**E HOLD THESE TRUTHS to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men."

The principles voiced in the above quotation constitute the rock on which the American Republic is founded. A government dedicated to the principle that all men are created equal and are in possession of certain inherent rights, and that the government exists for the sole purpose of safeguarding these rights, was an entirely new idea as a basis for civil government. It meant equal and exact justice for every man under its jurisdiction, where these principles were allowed to control. The only possible way an individual could lose these inherent rights would be to forfeit them by committing crime against his fellows. The individual who endangers the life and

property of his fellow men, forfeits his liberty; and the one who slays another forfeits his own life. This is justice, pure and simple. It being the avowed purpose of the American government to safeguard the divinely given rights of the individual, it is self-evident that both the government and the majorities are limited in their control of the individual, lest they rob the individual of the inherent rights the government was organized to protect.

A government organized to protect individual, inherent human rights, should recognize and respect these rights, and all laws should be framed and passed with the sole object of causing the rights of the individual to be recognized and respected. The public being composed of individuals, to protect the public, the rights of each individual must be safeguarded. This is true Americanism. If all men would voluntarily recognize and respect the God-given rights of their fellow men, how different would be the condi-

tion of mankind. As many people trample underfoot the rights of their fellows, the government must step in and force a recognition of these rights. And so we have laws against robbery, stealing, murder, arson, adultery, the liquor traffic, etc. If these laws are properly enforced, justice is maintained; otherwise it is not.

We believe that the government of the United States is founded on principles that are eternal in their nature—principles that parallel the divine government, in that the individual has been given rights which the Creator has bestowed, and which He recognizes and respects. Get out the Old Book and turn to the story in Genesis and read about the tree of knowledge of good and evil. Man was given dominion over the whole earth with everything on it, with the ex-

ception of one tree, which the Creator commanded him not to eat of or even touch, lest he die. Had Adam, the first man, the head of the human race, learned to recognize and sacredly respect the rights of his Maker in the ownership of that tree and its fruits, he would have had cultivated in him, and would have transmitted to his descendants, the principle of recognizing and respecting the rights of others. The failure on that point at that time opened the flood-gates of trouble and sorrow in this world.

The failure of mankind to recognize and respect the rights of his fellow men, and his Maker, is the root of all the injustice, sorrow, misery, trouble, strife, and the ills the human race suffers. Therefore right human law and the divine law alike safeguard the rights of the individual.

# Labor and Capital

## Shall the Rights of Each Be Respected ?

by JUDGE CYRUS SIMMONS



**G**O TO NOW, ye rich men, weep and howl for your miseries that shall come upon you." "Ye have heaped treasure together for the last days. Behold, the hire of the laborers who have reaped down your fields, which is of you kept back by fraud, crieth: and the cries of them which have reaped are entered into the ears of the Lord of sabaoth." James 5:1, 3, 4.

The indifferent disregard by the rich, of the miseries and wants of the poor has given birth to the organization of labor unions and to strikes. The lesson taught by the rich to the poor has ultimated in a boomerang, and has returned to plague the inventor.

An educational and sympathetic understanding between the classes and the masses will have to be restored for the preservation of the state and society. Confidence and order can be brought about only by the cultivation and growth of a neighborly and brotherly love between man and man. This cannot be accomplished by law, or strikes, or force. As "God is love," we acquire that divine spirit by getting in touch with the Divinity.

Money and property rights must be respected and protected the same as the rights of the laboring man. It is a sad commentary on Christian civilization and intelligent distribution for so much want and misery to exist in our land of plenty.

The love and confidence and respect for the rights of the rich and poor can be restored by following the example of the lowly Nazarene.

Concentrated wealth and extreme poverty of our

day is paralleled by the condition of Dives and Lazarus in the time of Christ.

The remedy for hatred, and strife, and strikes, and the destruction of property and lives, is for our people to have a moral and spiritual awakening. The churches have a great revival work before them. They must perform it, or chaos will come again.

The Constitution is a great friend of the laboring man. By it, he is clothed with the same rights and surrounded by the same protection as the rich. There should be no extremity that would justify him to deliberately disregard it. When he destroys or takes property without due process of law, he is violating one of its most sacred provisions.

### The Wagner Act

The Wagner Act recently upheld by the Supreme Court, giving the laboring man the right to bargain collectively, places great power at his command. His time and labor are property rights just the same as the tangible plant and equipment of capital. Capital cannot compel labor to work, any more than labor can legally compel capital to remain idle. "The due process of law," written in the Constitution, stands as a guard protecting the rights of both.

Civilization traveled a long way before "due process of law" was placed above the authority of autocrats or the tyranny of tyrants as a fundamental principle of government. At Runnymede, on June 15, 1215, when the Magna Charta was written by the

English lords and bore the enforced signature of King John, liberty began to raise her lighted torch above the enslaved and struggling masses of humanity.

The people demanded a state ruled by law and not by men. As the idea grew, it became more and more popular and dominant. Rulers would not surrender. The temper of royalty was reflected in the expression coined by Louis XIV, "The state, it is I." Louis XVI followed his example. The Revolution broke out in a whirlwind of violence that centered on the hated Bastille, the enemy of liberty, which the people, with engines of destruction, razed to the ground, setting the prisoners free, on July 14, 1789, remembered ever after as the Independence Day of France, when the people were elevated from slavery to citizenship.

In the midst of the rough jibes and angry threats of the taunting tumult, the king was riding in the tumbrel to the guillotine. When the people petitioned, he would not listen. Now, when he tried to speak, they would not hear. In a terrific struggle, his long hair was tucked under the black cap, and the head of a king was thrown at the feet of tyrants.

About this time the birth of America afforded a place of refuge for liberty. About this time, the words of Partick Henry were resounding through the land, "Give me liberty, or give me death." About this time our Constitution and Bill of Rights were written by our founding fathers, in characters of blood, in which before the law of the land all men are declared equal, and the rights of all are equally protected by the "due process of law," paraphrased from the Magna Charta.

### Liberty Stands at the Crossroads

We have enjoyed the greatest civil and religious liberty of any nation on earth. Now, Old Glory is on trial. Now, liberty stands at the crossroads. Shall we, in the heat of passion, destroy the beautiful governmental structure that civilization has been years in building?

Capital and labor must work hand in hand, or an unfavorable reaction is sure to come. If labor can get along without capital, why not organize so as to create its own industrial units? If labor cannot get along without capital, why destroy it? A "house divided against itself shall not stand." Now, in the midst of its battle, when labor should be united, its unions are at cross-purposes. Even if labor would unite one hundred per cent and make demands on capital that capital could not fulfill, would not the results be suicidal?

Considering both sides of the dilemma, labor and capital must meet on a common, reasonable, dispassionate, man-to-man basis if an understanding is to be effected. Labor cannot afford for the sake of

revenge to pull from under our governmental building the constitutional pillars that support it, for it will meet the fate of Samson.

One of two calamities may come about. Either the state may take the strike situation in hand, and, for its preservation, enact such drastic laws against labor as to destroy the privileges labor now enjoys; or labor, in its illegal and frantic attempt to master capital, may make room for a dictator or a tyrant whose mandates will be imperative. The citizen will then be stripped of his rights, and relegated to the humiliating condition of a subject or a slave, and the clock of civilization will be turned back.

Witness the price of internal strife. Did not Jerusalem fall when its own people were divided and devouring each other?

In this great national crisis that is shedding the blood of our good people and destroying property, should we not, like Franklin at the convention, like Washington at Valley Forge, like Lincoln in the midst of civil war, pray?

Let us pray to be delivered from the vials of wrath that are being poured out on our people; for an understanding and Christian heart that we may respect the liberties and rights of others. Let us pray that Old Glory may continue to wave over the land of the free and the home of the brave, and that our nation will not be crucified on the cross of mass hatred and mob violence.



HARLAN PHOTO

The Constitution Surrounds the Laboring Man With the Same Protection and Privileges That Are Accorded the Rich

# The Constitution

by **HON. SOL BLOOM**

*Member of Congress and Director General of the United States  
Constitution Sesquicentennial Commission*

**O**NE HUNDRED AND FIFTY YEARS AGO, the governor of Virginia stood among a group of earnest and excited men meeting in the Statehouse at Philadelphia. He cried: "When the salvation of the Republic is at stake, it would be treason to our trust, not to propose what we find necessary. . . . There are certainly seasons of a peculiar nature where the ordinary cautions must be dispensed with; and this is certainly one of them. I would not, as far as depends on me, leave anything that seems necessary, undone. The present moment is favorable, and is probably the last that will offer."

The day was June 16, 1787. The occasion was a convention of deputies from the States; called to revise the Articles of Confederation. The speaker, Governor Edmund Randolph, was defending a revolutionary course of action,—to discard the Articles of Confederation, to write a new Constitution for the United States, and to submit it directly to the people for ratification. Randolph did not lack vigorous and bitter opposition. He was partially answering an attack by John Lansing, of New York, who said that Randolph's plan destroyed the sovereignty of the respective States—that the Convention had no power to discuss and propose it—and that the States would never ratify such a scheme.

## Shall the People Be Sovereign?

For twenty-three days, the Convention had been considering the startling resolutions proposed by Randolph, the chief author of which was James Madison, and which came to be known as the Virginia Plan. To offset it, William Paterson, of New Jersey, had introduced another, totally opposed to it. By June 16, 1787, the convention had reached a critical point. The basic question was, Shall the people of the United States be sovereign, and shall they have a national government directly responsible to them?

That question was at last answered by the deputies in the Constitution they wrote, and by the people of the United States in their ratification of the Constitution. But there was a long and heartbreaking struggle, although at the end, even such men as Paterson, who had so violently opposed a national government, signed the Constitution.

The signing of the Constitution was on September 17, 1787, and for that reason, the celebration of the 150th anniversary of the formation of the Constitu-

tion begins on that date this year. It continues through April 30, 1939, which is the one hundred fiftieth anniversary of the inauguration of George Washington as first President of the United States.

The league embodied in the Articles of Confederation was made by the States. The Constitution was made by the people.

## "We the People"

The first three words of the Constitution, "We the people," declare by what authority the United States of America is ruled.

Having won their liberty and independence by force of arms, and having experienced distress and danger because of an imperfect union, the people finally succeeded in forming the more perfect union which is ordained and established by the Constitution.

The Constitution is a direct emanation from the people. It not only prescribes the kind of government which shall hold the States and the people together, but it limits and defines the powers of the government itself. Neither the United States Government nor the States can modify, enlarge, or restrict their own powers. They depend for their existence upon the people, who reserve the right as set forth in the Declaration of Independence, to alter or abolish their government.

Until the people decide otherwise, the United States is, in the noble phrase of Chief Justice Chase, "an indissoluble union of indestructible States." It is made indissoluble by the Constitution, which also provides for the indestructibility of the States by guaranteeing to each State a republican form of government and equal suffrage in the Senate.

The people have ordained in the Constitution that the national government shall depend for its existence upon the perpetuity of the States.

The people who ordained the Constitution were passionately attached to their State and local governments. They knew that they were masters of their States, but they feared that a national government would become a tyranny like the tyranny they had just thrown off. The States and the people enjoy immense powers that are denied to the United States. It is this dual system of government that distinguishes the United States from other countries.

England has no written constitution. Its con-



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Every American Citizen Should Know the Constitution and Its History

HOWARD CHANDLER CHRISTY, ARTIST

stitution or fundamental law is whatever Parliament says it is. Therefore the judges of England enforce the laws of Parliament without any question as to their constitutionality. But under a written constitution creating a government with limited powers, a nation must have some means of determining whether laws are in accord with the basic principles set forth by the constitution.

The liberties enjoyed by Englishmen were wrested from the crown. The American colonists claimed these liberties as their inheritance, and won, by force of arms, the final right to them and to further liberties

which had been fostered by the conditions of the colonial governments. The government of the United States is not a concession to the people from some one higher up. It is the creation and the creature of the people themselves, as absolute sovereigns.

### A Duty Toward the Constitution

And because this is true,—because “We the People” are the sovereigns of our nation, because the Constitution belongs to us as individuals,—every American citizen should know the Constitution and its history. It is not only a duty, but a privilege and

a glorious opportunity, for by knowing the Constitution we become more worthy, more capable of guiding our lives and the life of our nation successfully. The Constitution influences, directly or indirectly, nearly every action we take, even in our private life. Not to know it is to limit ourselves foolishly and needlessly.

You don't have to be a judge, or lawyer, or professor, or historian, or be otherwise trained in a knowledge of the Constitution in order to understand it. That knowledge is open to every one—to every child as well as to every adult.

Whatever else an American conceives it his duty to do, he should not neglect the primal duty to know the Constitution. The heart and soul of that document are the heart and soul of America. You may ask, where in the Constitution is there any language that throbs with a human heartbeat? Where is the soul of the Constitution? My answer is, In every

paragraph, in every word, in every syllable. All its parts are mighty links that bind the people in an unbreakable chain of union—a chain so beautifully wrought that it reminds you of the mystical golden chain that the poet saw binding earth to God's footstool.

That this nation is established upon the rock of God's favor and protection is proved, we devoutly believe, by its indestructibility. Time does not wear down or eat away the eternal truths of the Constitution. War cannot overturn the temple of our liberty so long as American sons are worthy of their forefathers. Instead of fading with age, the glory of the Constitution takes on new splendor with the passing of the centuries. The faith of the forefathers gave them strength to plan for the ages. May we, with equal faith, guard our birthright and hand it down to our posterity as their most precious heirloom—liberty, "The immediate jewel of the soul."

## **State Funds Proposed to Provide Bibles for School Children A Fundamental Principle Involved**

*by* **HEBER H. VOTAW**

**T**HE GREAT STATE OF GEORGIA is much agitated over the attempt of the governor to furnish a copy of the King James Version of the Bible to every school child. The State board of education has approved the governor's proposal and has asked and received bids from various publishers for furnishing the 800,000 copies needed for such a project.

It seems strange that after a hundred and fifty years of government under the American Constitution, there are so many good men who have not yet grasped the fundamental principles on which this nation was founded and who still retain the idea that the civil government must, in some wise, recognize the Christian religion as the state religion and acknowledge that it owes some of the tax money of the public treasury to the support of religion.

Upholding such a view, Dr. William Childs Robinson of the Columbia Theological Seminary of Decatur, Georgia, stated in the *Atlanta Constitution* of Saturday, July 31:

"God is, and of right ought to be, recognized as the head of the state as of the church. God the Father, the Creator and upholder of the universe and the governor of nations, is the true head of the state; as God the Son, the divine-human Redeemer, is the head of the church. Governments

rule by the grace of God. Hence, in this day when there is so much infidelity taught our teachers in the great universities, and it is to be feared much of it is brought back to our schoolrooms, it is a proper act for the State of Georgia to indicate her recognition of God by distributing His word, in the commonly accepted form which, indeed, is the translation made and authorized by the civil government as its name, the King James Version indicates, to the children in the schools."

We think the good doctor's admission in the quotation just cited indicates his honesty, but the argument he chooses to use ought to defeat itself in the minds of all Americans. If he can approve the union of church and state of King James' day, he is at least three hundred years out of date. Who would thus turn the clock of time back? We deny absolutely that God can rightfully be recognized as the head of any earthly government as He is the head of the church. The teachings of the founders of our nation and the experience of our whole history, clearly establish that both church and state do best when separated one from the other. Our sentiments are expressed by another thus:

"Religion is not in the purview of human government. Religion is essentially distinct from civil government and



U. S. G. N. -

Ulysses S. Grant

**"LEAVE THE MATTER OF RELIGION TO THE FAMILY ALTAR, THE CHURCH, AND THE PRIVATE SCHOOL, SUPPORTED ENTIRELY BY PRIVATE CONTRIBUTION. KEEP THE CHURCH AND STATE FOREVER SEPARATE."**

—U. S. Grant.

exempt from its cognizance. A connection between them is injurious to both."—*James Madison.*

The position to which the LIBERTY magazine and its editors can give unqualified support has been stated by Dr. John D. Mell, president of the board of education in Athens, Georgia, who has served both as president of the Georgia Baptist Convention and as vice-president of the Southern Baptist Convention. Said Doctor Mell:

"This action of the Governor and the board is a direct blow to the great principle of separation of church and state, and if carried to its inevitable conclusion will destroy the inalienable right of religious freedom.

"That it is all wrong is demonstrated by the following facts:

"It is a plain violation of the law.

"The Constitution of Georgia says: 'No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution.' It says again: 'The county board of education shall not be permitted to introduce into the schools, any text or miscellaneous books of a sectarian character.'

"The supreme court, in the case of Bennett vs. the City of LaGrange, has ruled in conformity to the constitution.

"To take more than one half of a million of dollars of the

tax money of the State to buy Bibles for the children, when they are not to be a part of the course of study in the schools, and when the teachers are not to be allowed to teach them, but they are to be made a free gift, with no obligation whatever attached, is a plain violation of the law. The State, under the law, can only furnish free books to the children on the subjects that are to be taught in the schools.

"It is a plain violation of the law, because it, in effect, decides by law what is the real Bible. It is an attempt to say by law that the King James Version of the Bible is the only true version, and that all other versions are spurious. The act of the governor and the board says it must be the King James Version, and no other one, that is distributed by the State. It is saying in effect to the Jewish and Catholic children, and all others whose parents believe in another version of the Bible, that their parents are all wrong, and have been teaching them a false doctrine.

"Upon what authority . . . can the governor and the board of education legally decide what version of the Bible is the true one, and buy that one with the taxes paid by the Jews and Catholics, and all others who honestly believe in another version?

"Since the beginning of time there has never been a law passed by any government that was more destructive to religious liberty than this law will be, if it is carried to its legitimate conclusion.

"It is not only legally wrong, but it is morally wrong. Who can justify, on any moral ground, taking tax money paid by hundreds of thousands of citizens who do not believe in the King James Version of the Bible, and diverting it unlawfully to teach their children that their parents are wrong in their religious beliefs?

"Personally, I believe in the King James Version with all my heart and mind. It is the one my dear father and mother loved and made the rule of faith and practice for their lives, and I have done so myself, all my life. My father preached from it all his life, and I have humbly preached from it all my life. I would die to keep it for my Bible. I would not stand for any governor or board to tell me it is wrong. Have not all the people who do not agree with me the same right that I have?

"The action is unwise, and will not accomplish the thing intended. When you furnish a young, ignorant child with several free books, and require him to diligently study and learn what is in them, and then, you at the same time, give him another book, but tell him you will not teach him that one, that the law forbids you to, that he has no obligation whatever as to that one, and you will not, in any sense, require him to study it, wouldn't that be equivalent to telling him that this book is not of as much importance as the others are, and will he not think that about it?

"The Bible should be given to a child in the home. The father and mother should teach it to him to the limit of their ability, and should carry him to the . . . church for further study. *It is the business of the home and the church to teach the Bible, and not of the state.* [Italics ours.]

"I want, as a humble member of a local Baptist church, to make my strong protest against this law. Our Baptist churches, from the beginning, have opposed everything whatever that leans toward connecting in any way the church and the state. The separation of the church and the state has been for all time one of our strongest doctrines. Our fathers not only believed in it, but many of them died for it. Personally, if my courage is strong enough, I would die for it.

"Just how any one who is a Baptist and who knows the immortal doctrines of the church of which he is a member, could support this law, is impossible for me to understand. "I reverently and lovingly call upon all our Baptist

people in Georgia to do all in their power to persuade the governor and the board of education to abandon their illegal effort to teach our children religion."

Doctor Mell has spoken as a worthy son of his worthy spiritual ancestors. The Baptists have a heritage and a history of which they should be proud. Every member of this great body has a just right to feel a pride in the position assumed and supported by Baptists in America from the days of Roger Williams down to the late John Garland Pollard.

It is not the function of the civil government to decide concerning the orthodoxy of sects. It is the business of civil powers to grant equal protection and privileges to all men of whatever religious persuasion they may be.

When Doctor Mell confesses his faith in the King James Version of the Bible and asserts that if his courage should prove as strong as his desire he would die to keep it for his Bible, he takes high ground. But when he recognizes that all others who may not agree with him have the same rights to their personal opinions that he has to his, he takes even higher ground.

Though the Catholics and the Jews may be a hopeless minority numerically in Georgia, their inherent rights are in no wise lessened thereby. Where truth and right and justice are involved, one with God is a majority.

May Heaven grant that clearer vision may be given to us all, and may the deep convictions that moved the founding fathers in drafting that matchless document, our Constitution, inspire the sons and daughters of America to preserve at any and every cost the liberties bought for us at so great a price.



H. M. LAMBERT  
The Question of Whether Religious Schools Should Receive Governmental Financial Aid Is a Pertinent One

## Government in Partnership With Religious Schools

by HON. GEORGE A. WILLIAMS

**O**NE OF THE QUESTIONS attracting attention at the present time is that of the government's granting financial help to religious schools. It is fast assuming proportions and bids fair to become a real issue.

Not only are one or two denominations involved, but with very few exceptions all religious bodies that have educational institutions of their own have taken the state into partnership in the matter of financial support of their schools. They salve their conscience with the statement that there is no union with the state; they are simply receiving donations from the

state. A distinction without a difference, it might be reasoned by others.

It is an accepted maxim that he who pays the fiddler has a right to tell him what tunes to play. In the British possessions, the government pays some of the teachers in denominational mission schools. It is only one step further, and a logical one, for the government to pay teachers of its own choosing and to direct in the subjects taught. How would the denominational bodies of the United States, especially those of decided Biblical views and convictions, like to have the government select the teachers or prescribe

the course of studies for the students the government is supporting in a financial way?

In this day of confused thinking and unsound reasoning, when the people are fast imbibing the doctrine of the state's supporting everybody and everything, such an evil might readily come into vogue as a result of this modern approach to a union of church and state. For it is an approach and a dangerous one, and to deny it, savors strongly of the traditional act of the ostrich when danger is at hand. Over and over it has been demonstrated that when the government lends assistance, it eventually controls. The alliance always ends in government domination and dictation. The following may be cited as cases of public knowledge:

A few years ago the Federal Government, in order to encourage highway construction on a larger scale, initiated a program termed "dollar matching." Road building, it was acknowledged, was a matter belonging entirely to the several States. But the Federal Government wanted to help. So by act of Congress there was appropriated a large sum of money to be divided among the several States for the purpose of highway construction, there being only one condition, the State must appropriate a like amount for the same purpose.

At first all matters pertaining to the entire program were under the control of the State. But each year more and more authority has been assumed by the Federal Government, until at the present time it has men stationed in every State with complete jurisdiction over every detail of the work from the location of the road to the final approval of the completed contract. The men representing the Federal Government maintain an arbitrary and dictatorial relation and have the final word in every question, and the State must meekly submit.

Again: Up until a short time ago, such a thing as the Federal Government's owning stock in the banks of the country never was thought of. During the financial depression it began "helping" the banks by buying stock in the individual banks of the country. This has continued until at the present writing the Federal Government is the chief preferred stockholder in some six thousand banks in the different States. Banks have heretofore conducted their own business, subject only to the banking laws of the country, one of which is the prohibition of their lending one borrower an amount in excess of 10 per cent of the capital stock of the bank. They were not obliged to lend money to the Federal Government or to any applicant unless they chose to do so.

However, under the present setup, whenever the government needs to borrow money, which of late years is of frequent occurrence, in each issue of bonds the banks are allotted a certain amount which they take and pay for. The total capital stock of all the

banks in the United States is less than six billion dollars. Yet as a result of the policy of the government, the banks have been required to lend to one client, the United States Government, some eighteen billion dollars, or three times their entire capital stock, in violation of the banking laws passed in the interest of safe banking and for the protection of stockholders and depositors.

This is not to be construed as a criticism of the government, but is set out as an evidence of the inevitable result of an unwarranted connection with the government by any private activity. It is the duty of the state to administer governmental affairs. It is not the rightful province of the state to engage in partnership banking with private business. Also it is entirely out of harmony with the proper sphere of civil government to enter into an alliance with religious bodies in the conduct of their allotted tasks. The outcome is sure. One does not have to draw on his imagination. He has but to read history to be assured that when such an alliance is formed, sooner or later the penalty must be paid. And it is a foregone conclusion that the lesser party to the contract will be the chief sufferer.

Religious bodies and denominational schools would do well to remember the admonition of former President Grant: "Keep church and state forever separate." Better counsel never was given the people of this country. It is especially timely in this our day when the current of the times seems to be running in reverse, and all men are looking to the government and crying, like the daughters of the horseleech, "Give, give."



J. C. ALLEN

The Teaching of Religion Is Not Within the Province of the State-Supported School. It Should Be Left to the Home and the Church

**"Render to  
CAESAR THE THINGS THAT ARE CAESAR'S,**

**and to GOD THE THINGS THAT ARE GOD'S"**



The First Part of This Rule Provides for the Fulfillment on Man's Part of Those Civil Duties Which He Owes to His Government. Living Up to This Principle Makes Him a Good Citizen

The Second Part of This Injunction Enjoins the Fulfillment of Those Religious Duties Which a Man Owes Alone to His Creator. Rendering to God These Duties Is the Privilege of a Christian

## **Has the Sabbath Any Place in Civil Law**

**by J. L. SHULER**

**O**NE OF THE WISEST RULES ever proclaimed in this world was uttered nineteen hundred years ago in the country of Judea, when the Divine Teacher, in response to a question as to whether or not it was right to pay tribute or tax money to the Roman government, said, "Render to Caesar the things that are Caesar's, and to God the things that are God's." Mark 12:17. This rule provides, on the one hand, for the fulfillment on man's part of those civil duties which he owes to his government, and on the other, for the fulfillment of those religious duties which he owes to his Creator.

There are civil duties that we are divinely enjoined to render to the government under which we live. There is no place left for the anarchist, or for any one else who would overthrow the right and the exercise of properly constituted civil authority. Civil government is not only a proper arrangement, but it is a divine arrangement. "The powers that be are or-

daind of God." Rom. 13:1. God has ordained the civil authority for the management of civil matters.

Note how wonderfully this rule of Jesus Christ marks out the right way for mankind. All men are to render to their governments their just dues. That will make them good citizens. On the other hand they are to render to God the duties they owe to Him. That will make them good Christians. The right course in religion and civility is to render to the state the things that are the state's, and to God the things that are God's. Would it not be fine to live in a country where every person obeyed this grand rule!

Jesus Christ did not say that we are to render to Caesar all that Caesar might claim, but all that is rightfully Caesar's. Likewise we are to render to God only the things which actually belong to God. This wonderful pronouncement of Jesus Christ draws a clear line of separation between church and state.

As Sabbathkeeping is a religious duty which we

owe entirely to our Creator, the state has no right to make any law enforcing the observance of any day as a Sabbath. Any law that has back of it the preference, protection, or advancement on religious grounds of one certain day of the week above the rest of the week has no rightful place on the statute books of any government. The state has no right to say which day men shall keep as the Sabbath.

The Sabbath is found in the fourth commandment of the first table of the decalogue, which pertains exclusively to the duties that we owe to our Creator. The government has no more right to enforce the observance of any day of the week as the Sabbath, than it has the right to make a law against the worship of idols or images, as forbidden in the first two commandments. These religious matters should be ever left just where God has left them—between each individual and God. When the state enacts laws on religious grounds for the advancement, protection, or enforcement of one particular day above the rest, it has transcended its rightful sphere.

God has commissioned no power to compel men to obey Him in religious duties contained in the first four of His ten commandments, and the power which attempts to exercise such control can exercise it only as a usurper.

### Civil Government and Civil Obligations

There are civil duties embraced under the last six of God's ten commandments, on the second table, which pertain to man's duty to his fellow man, which civil government may and should enforce. But we must also recognize that there are religious duties embraced even under these last six commandments, which the government is powerless to enforce. For example: The sixth commandment forbids hatred. 1 John 3:15. The seventh precept forbids impure desires or thought. Matt. 5:27, 28. No earthly government can ever enforce these commandments in these respects. Civil government can deal with these last six commandments only as they relate to the civil obligations of one man to another.

God was the only one who could make the Sabbath. The nations cannot make Sunday, Saturday, or any other day the Sabbath. Therefore, the nations should not by legislation dictate how or when the Sabbath should be kept.

We are commanded by Jesus Christ to "render . . . unto God the things that are God's." What we render to God must be given to Him direct. We must not give it through the state, or because the state demands it.

Since the Sabbath, or rest day, belongs exclusively to God (Ex. 20:10; Mark 2:28; Isa. 58:13), it must be rendered direct to God. Any law of the state enforcing Sunday or any other day of the week as the

rest day or Sabbath is requiring men to render to the state that which belongs to God, and is a violation of the Scriptural principle that men should render to God the things that are God's, and to the state the things that are the state's. While the seventh day is the Sabbath according to Scripture, yet a legal enactment of any earthly government compelling men to observe the seventh day as the rest day would be unscriptural from the standpoint of making men render to Caesar that which belongs to God.

Any state, government, or power, which seeks, by its laws, to set up jurisdiction over the spiritual concerns of men, is antagonistic to the government of heaven. Thus the Scriptures say: "Who art thou that judgest the servant of another? to his own lord he standeth or falleth." Rom. 14:4.

Everybody understands the principle here set forth. The man who commands another man's servant, puts himself in the place of that man, who is the rightful master. So when men try to compel Sabbath observance, which is a matter belonging to each soul and his Lord, they are putting themselves in the place of God, and are demanding service which does not belong to them, but to God. Any power which sets up a law enforcing a sabbath of man's appointment is thereby attempting to put itself in the place of God. And all who obey that human sabbath law, in opposition to God's law, thereby worship that power as another god—a false, man-made god in the place of Jehovah.

When the state gets out of its proper sphere and enforces by civil law the keeping of a man-made sabbath, in opposition to the requirement of God's fourth commandment, God's true people cannot obey it. To do so, would be to transfer their spiritual allegiance from their Lord to that earthly power which made the law in question, and this they will not do.

The question will arise in some minds, "Isn't it only right to have a law making Sunday a civil holiday, so that the workingman may have one day's rest in seven?" It certainly is desirable that the workingman in every country should be accorded the right, under the law, to rest one day in seven if he so desires. But it is not consistent with true liberty and sound civil law to compel him to rest on any day.

Compulsory Sunday-rest laws cannot be justified on the ground that they are merely legislation in behalf of Sunday as a civil holiday. In the United States the Fourth of July and Labor Day are quite generally observed as civil holidays. But the law does not penalize men for working or amusing themselves on these civil holidays. If Sunday, under the existing and proposed Sunday laws, is merely a civil holiday, then why should not men be allowed to work or pursue their business on that day if they so choose, the same as they are on the civil holiday, the Fourth of July

or Labor Day? If the intent of Sunday laws were merely to make Sunday a civil holiday, then why do Sunday laws penalize men for working or amusing themselves on Sunday, when they are allowed by the law to do these same things on the annual civil holidays without restraint? The fact is that the only reason that can be given for making voluntary, honest labor and innocent amusement criminal on Sunday and not on other days, is that Sunday is a religious day. So Sunday laws, which prohibit and penalize honest labor and legitimate business on Sunday, are in reality religious laws, in spite of all that men may claim to the contrary, and as such, they are out of place in civil government.

The most ardent advocates of Sunday laws themselves admit that legislation for a day of mere physical rest, without religion, is useless. Thus Rev. Wilbur F. Crafts said:

"A weekly day of rest has never been permanently secured in any land except on the basis of *religious obligation*. Take the *religion* out, and you take the *rest* out."

Many believe that according to the Bible it is a sin to work on the seventh day, or to play baseball on that day. But this is not something for any state to deal with. The state is ordained of God to deal only

with civil matters. Sabbath observance is a religious duty, not a civil duty. Therefore, any law for the enforcement of any day of the week as a day of rest on a religious basis, is entirely out of place in every civil government.

### Majority Has No Power in Matters of Conscience

In matters of conscience, the majority has no power, rightfully, over the minority. Any attempt by the majority to compel the minority to yield to their wish in matters of conscience, is a usurpation of the inalienable rights of man, and an unlawful use of the power and rule of the majority. Liberty of conscience is a gift of God to every man—a natural, fundamental, and inalienable right. Hence, rights of conscience, such as the matter of on what day one shall rest, cannot be settled by majorities.

Back of every compulsory Sunday-rest law, whether the lawmakers recognize it or not, there is the attempt to enforce religion by civil law. History shows that the selection and enforcement, by the state, of a day of rest, is one of the first and fundamental steps in the establishment of a national or state religion. The religious preference of one day above another as a day of rest has no rightful place in civil law.

## An Unbroken Weekly Cycle Necessary

by N. P. NEILSEN

**T**O ARRANGE a perpetual calendar that is adapted to the needs of mankind is not an easy task. It should contain the day, the month, and the year, which are natural divisions, measured by the revolution of the earth on its axis; the revolution of the moon around the earth; and the revolution of the earth around the sun. The difficulty of harmonizing these elements is at once apparent when it is considered that the number of days in a solar year include a fraction of a day, as does also the number of revolutions of the moon around the earth in the solar year.

Then, too, we have the weekly cycle, which is not regulated by any celestial motions, but has come down to us, without change, as a legacy from time immemorial. It still remains an unbroken weekly cycle from the earliest dawn of history. According to the Scriptural record this weekly cycle was ordained by the Creator in the very beginning of time, and has come down through the ages without a break in its continuity. The Encyclopedia Britannica states:

"The week is a period of seven days, having no reference whatever to the celestial motions,—a circumstance to which it owes its unalterable uniformity. . . . It has been employed from time immemorial in almost all Eastern countries; and as it forms neither an aliquot part of the year nor of the lunar month, those who reject the Mosaic recital will be at a loss, as Delambre remarks, to assign to it an origin having much semblance of probability."—*Eleventh edition, Vol. IV, article "Calendar," under "Week."*

### Blank-Day Calendar

Any calendar with a blank day would disrupt the historic weekly cycle once every year and twice during leap years. Were such a calendar adopted, it would cause the historic weekly day of rest of each religious body to fall upon a different day of the new calendar week each successive year. There are tens of millions of Christians who now worship on the first day of the week, commonly called Sunday, but such a new calen-

In its main outlines the calendar we have today is the same that was in use when the Christian Era began. Only one change has taken place in all these centuries, and that was in 1582 A.D. The Julian calendar, in use until that date, inserted leap years too frequently. Consequently the calendar was found to be out of alignment with the seasons. To correct this discrepancy, Pope Gregory suggested that ten days be dropped from the month of October. Thursday the 4th was followed by Friday the 15th. No change was made in the weekly cycle. This changed calendar, known as the Gregorian calendar, is the one in general use today.

1582		OCTOBER					1582
SUN	MON	TUE	WED	THU	FRI	SAT	
	1	2	3	4	15	16	
17	18	19	20	21	22	23	
24	25	26	27	28	29	30	
31							

dar, if followed, would necessitate their worshipping on other days than the *real* historic Sunday. This would bring confusion as well as hardship to millions of conscientious Christians whose faith calls them to worship upon the *actual* first day of the week, the day of Christ's resurrection. Their conscientious convictions should be respected.

Let it be repeated. Such a calendar would cause the *actual* historic rest day of each denomination to become a migratory day through the new weekly cycle, and would in reality make the holy days, which are now definitely fixed, merely fictitious days, robbed of their original religious significance. This must not be. The weekly cycle must not be disturbed.

The government of France, in its report to the League of Nations, cited the opposition of its leading astronomer, M. Edouard Baillaud, director of the Paris Observatory, as follows: "I have always hesitated to suggest breaking the continuity of the week, which is without a doubt the most ancient scientific institution bequeathed to us by antiquity."

The government of Portugal, in its report to the League of Nations, stated the opposition of its leading astronomer, Frederico Oom, director of the Astronomical Observatory of Lisbon, as follows: "It is very inadvisable to interrupt by means of blank days the absolute continuity of the weeks—the only guaranty in the past, present, and future of an efficient control of chronological facts."

The primary purpose of a calendar must be the accurate reckoning of time. So, if any adopted calendar has a blank day, it is a *lost* day so far as that calendar is concerned. Of course, the day dropped out is not literally lost, for the sun rises and sets as usual; but the fact that we would fail to count it in our calendar would throw all our chronological calculations, both past and future, into confusion, unless it is counted in again as *not* lost. But this lost day upsets the weekly cycle, which is as Dr. Frederico

Oom, of the Astronomical Observatory of Lisbon said, "the only guaranty in the past, present, and future of an efficient control of chronological facts."

### Changes Not Affecting Weekly Cycle

We are not opposed to calendar changes, provided such changes preserve the ancient and time-honored arrangements of the fixed days of the historic weekly cycle. In fact, there have been some changes in the calendar from the Julian to the Gregorian calendar, under which we live today. The change was first made in Spain, Portugal, and Italy in 1582 A.D., under an edict of Pope Gregory XIII. This calendar was adopted on Friday, October 5, 1582. Instead of writing Friday, October 5, they wrote Friday, October 15. This made no break in the weekly cycle, only in the dates of the month when the ten days were dropped out.

During the years that followed, the other nations gradually adopted the Gregorian calendar. But every nation, in making the change, employed the same rule of dropping out the days of the month without changing the order of the days of the week. In speaking of the different plans proposed at that time for adjusting the calendar, the Catholic Encyclopedia says, "Thus, every imaginable proposition was made; only one idea was *never* mentioned, viz., the abandonment of the seven-day week."—*Vol. IX, p. 251.*

Thus the weekly cycle is still unchanged from time immemorial.

Now it must be recognized that the adoption of any calendar that will drop out one day each year as a blank day or zero day, a day not to be counted in the calendar, will destroy the continuity of the days of the weekly cycle. It will alter the present sequence of the days of the week as it has been known throughout all history. This should not be done. The weekly cycle should not be disturbed!

# Court Hits Closing Groceries on Sunday

by W. M. ADAMS

Secretary, Pacific Religious Liberty Association

VARIOUS arguments are advanced in favor of Sunday laws. One of the most prominent is for "health" reasons. We are told that the barbershops ought to be closed on Sunday for the preservation of "health," that meat shops must be closed on Sunday for the "health" of the public, that the closing of the grocery stores on Sunday is pertinent to "health."

To some, such an argument seems conclusive, while to others it seems very weak—in fact, nothing short of fallacious. To all watching this struggle, the following decision by a high court will be of interest.

## Lodi Sunday Observance

A city ordinance was passed in Lodi, California, and became effective May 9, 1937, closing all grocery stores and other similar business establishments on Sunday. The denomination known as Seventh-day Adventists, who keep the seventh day of the week, the Sabbath, commonly known as Saturday, was exempted. If their business was closed on Saturday they could open for business on Sunday. It was urged that the Lodi ordinance was enacted for the good of *public health*.

The businesses exempted from the provisions of this law, free to operate seven days a week, were, bar-rooms, poolhalls, cigar stores, dance halls, theaters, and other places of amusements, and hotels, restaurants, drugstores, etc. Whether all these were allowed to do business 365 days a year for *public health*, the law did not state.

This Sunday law, closing all grocery stores and similar business establishments, was contested by two men who were operating the T and D grocery store in Lodi. They claimed that the law was unconstitutional. They lost in the San Joaquin County superior court, which declared the law was constitutional.

## Decision Reversed

The matter was appealed to a higher court, the third district court of appeals, which reversed the decision of the lower court.

The superior court was instructed to grant an injunction to the T and D grocery store men of Lodi, restraining the city from enforcing the ordinance.

The opinion written by Associate Justice J. A. Plummer for the appellate court is reported by the Sacramento (California) *Bee*, July 2, 1937, as follows:

*"The Lodi ordinance has neither morals, Christian*

*observance of Sunday, public health, welfare, or safety to support it."*

"While the exercise of the police power is inherent in government and essential to its existence, it cannot be so used as to arbitrarily limit the rights of one class of people where the public welfare does not justify such a classification.

"Just how the conduct of a grocery store in the city of Lodi is more inimical to the cleanliness, or orderliness and *public health* of the city of Lodi than a beverage establishment conducted under various euphemistic names, but which are, in fact, *saloons, is difficult to perceive."*

## Comparisons Made

Justice Plummer then asks the following pertinent questions:

"Is the nicotine and smoke laden atmosphere of a tobacco store more salubrious, more promotive of *public health* than the atmosphere of a grocery store containing peaches, apricots, grapes, watermelons, and other like products grown in the vicinity of Lodi?"

"Is there any logical reason by which one may be allowed to buy or sell a plug of tobacco at a tobacco store on Sunday, and be denied the same privilege with relation to a roll of butter on Sunday in a grocery store?"

What is your answer? To the fair-minded there is only one answer. We will take the bread and butter for *public health* and morals, and pass by the liquor and tobacco. The judge gives his answer.

## Law Discriminatory and Void

Justice Plummer continues: "We think it unquestionable that the closing of grocery stores and fruit stands on Sunday and leaving open, without any limitation of days, dance halls, billiard halls, skating rinks, baseball games, or other places of amusement, not only is discriminatory, but such provisions *do not and cannot logically be held to promote* cleanliness, orderliness, and *public health above the status occupied by grocery stores and fruit stands.*

"We may add what we know is common knowledge, that such excepted places are the very places where acts of disorderliness do occur, are expected to occur, and are of common occurrence, whereas practically nothing of this kind ever does occur in a grocery store."

The San Bernardino (California) *Sun*, July 5, 1937, says the appellate court in its opinion declares the Lodi ordinance "is not calculated to *promote*

*public health*, morals, safety, welfare, cleanliness, or orderliness, much less the Christian observance of the day of rest, or any particular day, and is arbitrary in its classification and discriminatory in its attempted application, and is therefore void."

Justice Plummer has very ably and fairly analyzed the Lodi Sunday law and has completely blasted the "public health" arguments for such laws. A hint to the fair-minded, wise person is sufficient. Sunday laws are unconstitutional.

## **"Foolish Sunday-Observance Laws"**

**T**HE AZTEC *Independent-Review* of May 27, 1937, in an editorial dealing with the two compulsory Sunday-observance bills now pending before Congress, calls such laws "foolish" and "an interference with religious rights." The editor says in substance:

"Our great body of lawmakers are now pondering over the proposed compulsory Sunday-observance bills. The bills, in the form in which they come before the national legislature, would, if they became laws, compel people in certain lines of business to observe Sunday of each week by closing their doors to the public. It is doubtful whether these bills will survive the attention of lawmakers, but should they do so, it would result in the placing of other such bills before legislators for consideration, and possibly in the making of new Sunday-observance laws, and . . . it would be difficult to name the end of such legislation.

"To compel by legislation the observance of Sunday is to interfere with religious rights and personal liberty. But that is not so important to a people who will run the risks involved in violating a law. The movement that brings about such proposed legislation . . . undoubtedly works in the name of religion. Should such legislation be enacted, it is possible that many religious organizations would be boasting of their 'progress' in making a nation religious.

"Such movements on the part of so-called religious minds are nothing new; they have always been with civilization and will, in all possibility, remain with civilization always, that is, if religion survives civilization. Some may believe that religion will be with us always, but there are many things happening that give rise to the idea that religion may not be with us always. Religion in the minds of the people is not so deeply planted today as it was one hundred years ago. As the years go by, the religious seed comes closer to the surface, and if those persons who plant religious seed are not careful, the seed will not have sufficient depth when planted to grow and yield fruit. The reasons for this condition are many; one reason is the idea that religion can be placed in the

minds of the people . . . by legislation. Religious workers learned in the early days of history that religion could not be legislated, so they resorted to the plan of planting religion . . . in the minds of the people by fear. For a time the idea worked, . . . especially in the minds of the young. An idea once placed in the minds of the young, will generally remain throughout life. But civilization thrived, populations increased, and people were scattered to all parts of the earth, with the result that religion began to adopt methods and systems of worship. . . . Religion began to lose its hold on the people. Gradually the condition became worse, until the world was almost without religion. . . . As light follows darkness, so into this world came Jesus, a poor carpenter, who saw the condition and began the task of remedying it. He brought to the world a pure religion. He tried not the method of legislation. He believed not in fear, but instead He became a self-sacrificing Teacher, . . . and by His life and words set forth the only positive system of truth by planting religion in the minds of the people. His work was successful. We have the history at our hand; we have the written Word, and we have been witness to the success of His work. To drift from the logic of His reason is to drift from the path of religion. Religion can be placed in the minds of the people only by teaching. No other method can be successful, and if we are to have religion survive modern thought, we must forget legislation and foolish Sunday-observance laws. Religion is not a thought to be used only on Sunday. Religion is good every day in the week, or it is no good at all."

If all preachers and professors of religion could catch the vision that this editor has caught of the mission of the church and the foolishness of legislating religion into people, not another Sunday-observance bill would be introduced into Congress or a State legislature or a town council. It is difficult for some people to grasp the true meaning of religious freedom and the principles of church-and-state separation.

C. S. L.

## **Puritan "Blue Laws" Revived**

**A**MUSTY old parchment covered with a dust of several centuries was dug up by Rockport (Massachusetts) authorities, containing the antiquated Sunday blue laws enacted by the Puritans of Massachusetts when they were in their heyday. The civil authorities decided to enforce these religious laws by closing up on Sundays the Rockport Art Association's galleries, containing an exhibition of paintings by famous artists. The exhibitors were charged with doing "business without a Lord's-day license from State and local authorities." They were arrested on

Sunday, July 11, and hailed before the Gloucester District Court for trial.

Charles R. Knapp, chairman of the association's art and exhibition committee, after being arrested, said: "We'll fight the thing out to the highest court of the land." The board of trade of Rockport issued a formal protest, and the president of the board stated: "This is ridiculous."

Selectman Vincent J. Charte is the one who is responsible for invoking this ancient blue law which forbids everything on Sunday except religious acts. However, Selectman Charte, reporters found, was busily engaged in remodeling a house on Sunday. When Chief of Police Sullivan was asked if it was lawful for a citizen to paint and carpenter his house on Sunday, he said it was not. Informed of Selectman Charte's activities in remodeling his house, the chief of police replied that he guessed some persons had "diplomatic immunity." He refused to proceed against the selectman who was invoking the Sunday law against others.

After the Bearskin Neck Art Gallery was warned to close on Sunday, the exhibitors hung up the following sign: "Because of blue laws we are forbidden to allow any one to look at pictures on Sunday." Selectman Charte said: "The pictures are being exhibited in the hope that somebody will buy them." Therefore it is wrong to look at them on Sunday as you might entertain a thought of buying them on Monday. It was reported that "artists were being forbidden to sketch on the rocks because they might have a commercial motive."

Of course, all this sounds strange to our ears today. But the Puritans who enacted these drastic Sunday-observance laws to make people religious on Sunday, went to even greater lengths in the application of these religious measures. The court records of Massachusetts Bay Colony in Boston, reveal the fact that two sea captains were arrested, fined, and placed in the stocks for kissing their wives on Sunday. One sea captain had been gone to Europe for three years and the other for three months, and when they arrived in the Boston harbor, their wives went down to the wharves to greet them. Both the husbands and the wives, in the joy of meeting again after so long an absence, forgot all about the Sunday blue law of Massachusetts, and the husbands kissed their wives, and lo, it was done on Sunday! For this they had to pay double penalty of fine and punishment in the stocks. The church treasurer, called the "tithingman," was always snooping around, spying on other people's liberties on Sunday, in order to replenish the church treasury with fines for Sunday-law violations. He also collected "the tithes" of the people by law, whether they were church members or not. The Puritan church held that, according to Scripture,

"the tenth shall be holy unto the Lord;" the same as it held "the seventh day is holy unto the Lord;" therefore both these laws should be enforced upon all men, irrespective of whether they were church members or not.

That theory still prevails in all the States which have retained the colonial Sunday-observance laws upon their statute books. They are enforced upon church members as well as nonchurch members. People who make no profession of religion are required under the Sunday laws, on the pain of civil penalties, to act as though they are religious. A compulsory religion does not advance Christianity or make Christians. Its only effect is to foster hypocrisy and resentment.

How long will American citizens be subject to these antiquated, un-American, and unchristian laws which bind the conscience? We had entertained the hope that sometime the liberty-loving citizens of the United States would decide to repeal all these religious laws still existent upon the State statute books, but when we see the utter indifference and complacency with which they still suffer persecution and annoyance under these obnoxious relics of a dead past, we have nearly abandoned all hope of ever getting rid of them and enjoying religious liberty under a government which in theory believes in a total separation of church and state.

C. S. L.

## Attempt to Force Bible Reading Frustrated

**A**N ATTEMPT was recently made in the Illinois State Legislature to force the reading of the Bible in all the public schools of that State, but the house of representatives defeated the bill.

The Chicago *Sunday Tribune* of June 20, 1937, carried a very enlightening editorial dealing with this issue, and it is worth reprinting, as six other State legislatures had similar bills pending during their recent sessions. We commend the following editorial to our readers and all State legislators:

"From time to time some one proposes to make the reading of the Bible a part of the routine of the public schools. Representative Lottie O'Neill of Downers Grove is the latest proponent. The house of representatives did not favor her proposal, and its decision will be generally approved. It is in the American tradition, which is wisely jealous of any proposal, however well intended, that might seem to threaten the principle of separation of church and state. Opponents of Bible reading in the common schools are not opponents of religious instruction or of the Bible as a source of religious and moral guidance. But they hold that the public schools are not the proper agency for religious instruction, which belongs to the churches and the homes.

"Mere Bible reading as a routine school exercise would

have no other effect than to bore or puzzle the youth unless it were accompanied by interpretation and exhortation. The common sense of its advocates ought to convince them of that. But what interpretations are to be adopted? There are many faiths in America, and it is fundamental to our conception of freedom that religious worship shall be free. Our forebears were God-fearing people with great reverence for the Bible. Yet they were willing that religious instruction should be confined to the churches and to the homes, and they foresaw that to impose it upon the public schools would introduce all the differences which prevail among our people in religious doctrine. The churches have thrived in America because they have been free to follow their own doctrines. Once religion becomes a concern of political agencies, this freedom will cease. This will not foster religion. It will not foster civil harmony.

"The American people will be convinced of the importance of their domestic peace, of keeping state and church separate, when they look abroad. We have no state religion. No religious doctrine or hierarchy can borrow the force of the government to impose itself upon the consciences of minorities or individuals. That has been a great blessing, but there will always be advocates of departure from this American policy who are deceived by their zeal.

"Very recently in Rhode Island, plans for teaching religion in the public schools were advanced, and they now are being urged on the specious assumption that religious guidance and inspiration cannot be provided by religious agencies and in the home. The plans are supposed to be nonsectarian, of course, but what is called sectarianism is the product of free worship, and it cannot be avoided while worship is free. Politics in Rhode Island has lately done violence to about all the principles of American free government, and it may be ready to destroy free worship also. But we doubt that its example will be followed elsewhere in this country. Certainly it will not be if the American people and American churches know where they are going. Religion in this country is not in need of the authority of government. The churches, if they are not blind, will not be tempted into the path which has brought the churches in foreign countries under the rule of government. We want no official religion. We want no . . . [one] to dictate to us how we shall worship."

Roger Williams, the founder of Rhode Island, would turn over in his grave if he knew how his ideals of civil government and of religious freedom were being frustrated in the State which he founded upon the principle of a total separation of church and state. Both Protestants and Catholics joined in the issue to teach religion in the public schools and also to have religious schools receive financial support from the tax funds. It seems strange that a State which was the first in America, under the leadership of Roger Williams, to set the example for all the rest of the States in the United States in separating church and state, should be the first to start teaching religion in the public schools and giving financial support to religious schools.

Our liberties, no matter how well they may be established in constitutional law for a time, are never secure. The security of our heritage of freedom lies

in the hearts of the people, and when the people lose their love and devotion for liberty, even the Constitution cannot save it. Some Americans are so complacent and easygoing concerning the innovations and experiments made upon our liberties, that they need to be jarred out of their self-satisfied, head-in-the-sand attitude. Too many Christians are thumbing their way, hitchhiking and riding free under government patronage. They forget that government aid ultimately means government enslavement. Christians need to wake up and paddle their own canoe. Liberty is too precious to be bartered away for a mess of pottage from the government. Eternal vigilance on the part of the people is the price that must be paid for the security of religious freedom, as well as of civil liberty.

C. S. L.

## Baptists Oppose Accepting Federal Funds

**T**HE SOUTHERN BAPTIST CONVENTION for three consecutive years has passed resolutions condemning the practice of Baptist colleges receiving and accepting Federal funds through the National Youth Administration. At their recent annual convention, held in New Orleans, this question of their denominational schools profiting by appropriations from the Federal Government became a live issue in the discussions of the convention. The surprising fact was developed that eighty out of eighty-three Baptist colleges and theological seminaries were beneficiaries of the Federal Government.

"This means that these schools, acting as agents," says the Fort Worth *Star-Telegram*, "receive certain sums from the Federal Government and disburse them to needy students, which sums usually come back to the college in tuition and fees and without which help some of the colleges maintain they would have rough sledding financially. Many, however, say that Baptists had better abandon their schools, if need be, than violate, under any sort of camouflage, their age-old doctrine that the church must not receive financial help from the state."

A committee appointed by the convention to give study to this question reported "that out of the 124,118 students to be aided this year, 2,448 are in Southern Baptist educational institutions. If they remain throughout the college year they will receive \$330,000, most of which will go into the treasury of these institutions. Thus 12 per cent of all students now enrolled in Southern Baptist colleges are receiving government aid.

"The committee reaffirms belief in the doctrine of complete separation of church and state and maintains that this doctrine involves not only the inhibi-

tion of the use of public money, Federal, State, or local, for the aid and support of the churches, but also inhibits the use of such money, directly or indirectly, by or through sectarian or religious bodies. The committee affirms that the churches and all their institutions and agencies should be supported by voluntary gifts of those interested, and not by taxes imposed on all the people.

"Without passing upon the governmental principle involved, the committee declares the distribution of public benefits by denominational institutions, even as agents for the government, tends to create unseemly rivalries between the sects and menaces the feeling of brotherhood which should exist among the churches, and should, therefore, be discontinued."

It certainly is refreshing to know that the Baptist Church in America, a religious denomination which boasts of Roger Williams as one of its founders, still adheres to the same fundamental principles of a political as well as a financial separation of church and state, even though its educational institutions do depart.

John Garland Pollard, former Governor of Virginia, who recently died, was a great champion of the principle of the total separation of church and state, and largely through his magnanimous spirit and friendly influence he has held the Baptist denomination true to the principles advocated by Roger Williams. Not only the Baptist denomination but our country has suffered an irreparable loss in the passing of Governor Pollard. We hope the Baptist colleges which have accepted these Federal funds through the National Youth Administration will heed the wise counsel of the Baptist Convention and refuse to accept any more financial aid from the government.

### **"Offensive Priggishness"**

**R**EV. HENRY HOWARD, D.D., of New York City, in a recent sermon which he preached in Denver, published in *The Rocky Mountain Churchman*, speaking of the severe discipline he suffered when he was a small boy, for any breach of good behavior on Sunday, says:

"It sort of put me in moral credit, giving me a superiority complex which developed an offensive priggishness which must have amused when it did not incense my friends. Now it is very difficult to slough out of habits thus early formed. So much so that even now I cannot look at a Sunday newspaper without an involuntary feeling of disfavor and an indisposition to read, although I know perfectly well that as a matter of fact the so-called Sunday newspaper has not involved the hundredth part of the Sunday labor that Monday's issue requires. I go

on tabooing the Sunday papers, which are printed on Saturday, and read without compunction Monday's paper, which has taken pretty well all Sunday to produce."

All of us have more or less of the spirit of the self-righteous Pharisee in us, and we thank God that we are different and more righteous than other people. That spirit may merely amuse others, so long as it is confined within a man's own bosom, but when it seeks to impose its rigidity upon others by legislative measures, this "offensive priggishness" becomes doubly offensive and loses its humor. Nobody objects to the self-discipline of a man whose conscience will not permit him to read a Sunday newspaper, but when he goes before the State legislature and requests it to enact a law to prevent all others from publishing and reading Sunday papers under civil penalties, the legislature ought to taboo him instead of the Sunday newspapers.

### **Even a Better Magazine in 1938 Prominent Men to Contribute**

**O**NE HUNDRED AND FIFTY YEARS of government with the Constitution as the charter of human liberties under the flag of the American nation, has not removed all danger of assault upon the fundamental liberties of the individual. There remains the necessity for that "eternal vigilance," which one great statesman declared, is "the price of liberty." Not all men born under our flag, or all who have come to us from other lands, are entirely committed to the foundation principles that have made this nation what it is and has been.

The editors of the LIBERTY magazine frequently find themselves compelled to oppose the opinions of well-intentioned but misguided men. Such a position is not an easy one. If all one's opponents were personally bad men, one's conflicts would be half won. But when it is necessary to point out that men whose personal lives are above reproach are guilty of attempting to force upon others ideas and actions, which if allowed to go unchallenged would result in the complete overthrow of the fundamentals of the land, it is necessary to forget even friendships in order to preserve true liberty.

The editors of this magazine pledge themselves anew to the great principles for which this journal has stood for more than half a century. We are happy to know that it numbers among its friends some of the leading officials of State and nation, the press and the bar. We are sure our readers will rejoice with us in the fact that in its new dress it has had an increase in subscriptions of more than twenty-five per cent during 1937.



**ANNUAL RED CROSS  
ROLL CALL**

**NOV. 11 TO 25, 1937**

From the commitments that we have already had, we are safe in saying that 1938 will bring to our readers more articles from men who are well known in public life than we have ever before offered.

Among the contributions which will appear in the first issue of 1938 will be one from the pen of Hon. Hatton W. Sumners, chairman of the Judiciary Committee of the House of Representatives; another from the Hon. Jennings Randolph, member of Congress from West Virginia; and one from Mr. Louis J. Taber, head of the National Grange. EDITORS.

## Sparks

WHEN God cannot use the voices of the preachers and priests in the pulpit to convey His message of salvation to the people, He can still speak through the voices in the wilderness.

THINGS which appeal approvingly to our hearts sound pleasant to our ears.

THE wolf that steals his livery from the wardrobe of the innocent, is destined to reveal his fangs beneath the stolen clothing.

FOURTH QUARTER

HAMAN labeled his wickedness against the Jews as patriotism and his vitriolic hatred as loyal love for country, but justice hanged him upon his own gallows.

THE wicked caricature the righteous into images which represent their own grotesqueness.

## News and Comment

THE Central Trades and Labor Union of St. Louis, Missouri, favors a law prohibiting opening of business houses on Sunday and limiting hours during the week. This is a discrimination against all who observe another day than Sunday as holy time. For this reason labor unions and trade organizations in numerous localities prefer a one-day rest in every seven without specifying the day of rest, leaving it to each to choose his own rest day.

### Ban on Sunday Sales

CHIEF OF POLICE McCARTHY of St. Louis, Missouri, ordered strict enforcement of the Sunday-closing law which forbids the sale of everything except necessities on Sunday. Drugstores can only fill prescriptions, filling stations can sell only gas and oil. Thus the State prescribes a particular brand of religion for the people.

### Fined for Selling Good Milk

FROM Marshfield, Oregon, comes the astonishing press dispatch that two dairymen were fined for the high crime of selling milk that was too rich. There was no false labeling, no adulteration, but a failure to water the milk sufficiently to bring the butter fat content down to the legal requirement for the grade of milk sold. It was held to be unfair competition. They were haled into court and fined for serving their customers too well, thus indulging in unfair competition. We thought the NRA had been declared unconstitutional, but evidently not in Marshfield, Oregon.

### Wholesale Sunday-Law Prosecutions

THIRTY-FIVE storekeepers were fined \$5 and costs in the West Side Court of New York City for selling the necessities of life on Sunday, and a jeweler was fined \$5 for selling a piece of jewelry. These merchants were warned that all their goods would be confiscated if they sold anything on Sunday in the future, claiming that this was permissible under Section 2149 of the penal code. For some time the Lord's Day Alliance has been furnishing the police and the courts with a record of all Sunday-law violators, demanding that these antiquated Puritan laws be enforced, and that the property of all violators be confiscated. Certain officials are under the thumb of the Lord's Day Alliance.



HORYOCZAK

The Reading Room of the United States Supreme Court for Members of the Bar

## The Judiciary Under the Constitution

One of the most striking and novel features of the Constitution is the establishment of the judicial branch as an independent and coequal department of the government. The lack of a judicial system, acting as a final and impartial umpire, was one of the vital defects of the United States government before the establishment of the Constitution. At the time, in no other government did the judiciary exercise the powers of arbitration and adjudication in legal controversies now exercised by the courts of the United States; since our Constitution was ratified, various nations have adopted similar provisions. Justice Story says:

“Where there is no judicial department to interpret, pronounce, and execute the law, to decide controversies, and to enforce rights, the government must either perish by its own imbecility, or the other departments of government must usurp powers, for the purpose of

commanding obedience, to the destruction of liberty. The will of those who govern will become under such circumstances, absolute and despotic; and it is wholly immaterial, whether power is vested in a single tyrant or in an assembly of tyrants.”

The people, under the Constitution, made the Supreme Court a separate, distinct, and independent body of men, not subject to the political whims of party politics or policies, in order that it might serve all the people impartially, and secure for them their constitutional rights of life, liberty, and property, according to the due processes of law. The constitutional guaranties of civil and religious liberty can be maintained only so long as the Supreme Court remains an independent body and acts impartially as a protector of all the people in the enjoyment of their rights under the Constitution.