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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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RELIVING THE DAYS OF WASHINGTON AT MOUNT VERNON

**Feature Articles by U. S. Senator M. E. Tydings on Americanism,
and Congressman C. J. McLeod of Michigan on**

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Religious Liberty

WASHINGTON, D.C.

DECLARATION of PRINCIPLES

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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H. A. ROBERTS

The American Scene Is One of Peace and Liberty. Let Us Cherish This Priceless Heritage



H. A. ROBERTS

Only Free Nations Can Most Truly Prosper

Americanism

The Surety of Our Liberties

by the **HONORABLE MILLARD E. TYDINGS**

Senior United States Senator From Maryland



WE ARE LIVING IN AN AGE of restlessness and change in the field of governments. In many countries old philosophies and methods by which governments are administered are being discarded, and strange and outmoded philosophies and methods are being substituted therefor. The trend in many nations is against democratic philosophy. Indeed, the very foundations upon which rest human life are being torn up and reconstructed with breathless rapidity.

In Europe many of the leading nations have had two or three different styles of government since the World War began. Some of these changes of government have been accomplished by armed revolution.

International law, international traditions, and international morality are being abused and assailed on every hand. The people of the world stand stunned before the rapid course of events. In many powerful nations millions of human beings have their

lives directed by a single man. What such a man says is law. Attempts at petition or protest meet with death or imprisonment for those who complain. In many of the countries the masses of the people are unrepresented and inarticulate. There the conception of government is that men exist for the government and not the government for men.

All these circumstances cannot help but cause us some concern. We are impressed by what is taking place in other countries. We find our citizenry growing more and more alert to the ominous possibilities of the future. We realize more and more that our own philosophy of government in the United States and our time-honored institutions and traditions, are being challenged from within and from without. We must meet this challenge.

We call our particular form of government, the political institutions of our nation, and the opportunities, rights, and liberties of our people, Ameri-



PHOTO BY KARL E. WIPPERMAN

Though Oceans Divide the Continents, May the Desire for
Peace and Liberty Unite Them

canism. It is a way of life as well as a system of government. Americanism is antipathetic to dictatorship. Here our people are free. Under dictatorial forms of government people are not free, for there they are denied the rights, opportunities, and liberties which we have. In dictatorial forms of government men are the servants of their governments. In the United States of America they are the masters of their Government. In dictatorial countries men exist for the state. In the United States government exists for men, to promote and safeguard their welfare and freedom.

Beginnings of Free Institutions

In reasserting the great value of our free institutions which we call Americanism, it is well for us to look back over the pages of history and to review the long struggle of men to be the masters of their own destiny, to have the God-given blessings of life and liberty and the pursuit of happiness, the struggle to be free and to live among their fellows in security and without fear, which came into full flower only when our country was born, 150 years ago.

Let us go back to the time of Athens, to a period some 500 years before the birth of Christ. Then men were beginning this long struggle, which was not crowned with success until liberty was won and safeguarded in the Declaration of Independence and the Constitution of the United States written some 2,250

years later. In the day of Athens sincere friends of freedom were rare. Yet even then people with no freedom or history to rely upon were groping for liberty.

In the early days of Athens the cruel domination of class over class, the oppression of the poor by the rich, and of the ignorant by the shrewd, was the order of the day. From this degradation Athens lit and held on high, the torch which has since guided man on the road to freedom.

In early Athens a wise man named Solon was appointed to revise the laws of the country. The poorer classes, as before, were excluded from holding public office. However, Solon gave them for the first time a voice in electing their magistrates from the classes above them. Thus democracy was born in a small way twenty-five centuries ago. By every citizen's being made the guardian of his own interest, the element of democracy was first introduced. Solon stated boldly that no governing authority was to be entirely trusted, and he subjected all who exercised the power of government to the vigilant control of the persons they governed. He diffused power by placing some of it in the hands of the people. This was the beginning of our present representative form of government.

Always men felt dimly that they were the creatures of God and not the creatures of the state.

After the remarkable beginning at Athens, the struggle for freedom next had its seat in Rome. The Romans proved to be a practical people. Then, too, they had the history and the precedents of Athens to draw upon. Eventually the right of Roman citizenship was extended to the people of the provinces. A Roman civil-law system was devised and set up. As Rome progressed, religious toleration of a sort came into being, and the real beginning of the laws of nations was made. Curiously enough, the republic which Caesar had overthrown was less democratic and less free than the monarchy which supplanted it, and the Romans, too, learned the lesson that it is more important to regulate the power of government than to regulate liberty, for they found that under a regulated government liberty flourished and grew.

Gradually the Romans evolved a mixed constitution as they pioneered for freedom. In a way, the Romans blended monarchy, aristocracy, and democracy together, and, considering the slender experience of the past, made decisive progress toward the fuller democracy and constitutional government which we enjoy in America today. The Romans distributed much power among the several parts of the state in the form of local self-government. This acted as a restraining influence upon the central, or national, government.

So from the early beginnings at Athens to the

height of Rome's grandeur, men were beginning to achieve freedom. The masses were admitted to citizenship. Government was beginning to exist for the benefit of men and not men for the benefit of government. Men secured more of their rights, had their voice in directing national policy; and the seeds of democracy planted by Solon and Athens were growing in the fertile soil of democratic Rome.

Continued Struggles for Freedom

Following the decline of Rome and the rise of Western Europe, the struggle for more and more freedom, and more and more representative government, met many defeats. But the urge that men were the creatures of God and not of the state still throbbed in the hearts of many men.

In the year 1215 the barons at Runnymede induced King John to define the rights and liberties of mankind. These were exhibited and agreed to in the Magna Charta for that country. Freedom was consolidating its gains, and men were continuing their struggle to put the rights of men beyond the touch of any constituted government.

Following the Middle Ages, in the seventeenth century the Habeas Corpus Act became a part of the law of the land. Formerly it had been possible for monarchs to throw men into prison, where they might

languish, suffer, and die. But after the Habeas Corpus Act was enacted, it was possible for any other citizen to go into court and demand that the body of the imprisoned citizen be produced, as well as an airing of the charges upon which he was incarcerated.

Of course, during all these struggles of the Middle Ages, wars between nations went on. Countries vied with each other for the influence and support of the clergy, of the feudal lords, and connived with one another for the acquisition of the territory of other nations.

The impetus given to freedom in Athens and Rome was not wholly arrested. However, it was a period of great religious intolerance; a time when kings offered huge sums of money for the murder of an enemy; when kings declared which religions were legal and which were illegal, usually with the idea of making the dominant religious faith a support to their own continuance in power. By royal command, one nation in a single generation passed four times from one faith to another.

These acts on the part of monarchs were but the result of the restlessness of men who desired a greater voice in their government and greater safeguards for their rights and liberties.

Mainly from the intolerance of one religion toward another, hundreds of people left the countries of



C. M. PADDY, ARTIST

To This Country the Pilgrims Came Seeking Freedom and Prosperity. Americanism Is the Sum of That for Which They Sought

Europe during more modern times to come to America in the quest for what they had been denied at home, and because quite frequently the nations of the Old World had abandoned the fate of the people to an authority they could not control.

The old idea that taxation and representation were inseparable likewise was carried to these shores, and the conflict between the ideas and oppression of the Old World and the ideas and liberty of the New World found expression in the Declaration of Independence and, after the Revolution, in the Constitution of the United States of America.

The Rise of Americanism

Since our country was born, 150 years ago, we have realized and consummated the struggle that began more than 2,400 years ago in Athens. Moreover, we have safeguarded what has been won through all these centuries in the Constitution of our beloved country.

Now, let us see what Americanism is, in the light of the struggle which I have briefly outlined, and as it is portrayed in the Constitution of our nation. These things are Americanism: First, a government of limited powers, of three branches—the Presidency, the Congress, and the Courts. Congress has certain limited powers; the President has certain limited powers; and the Courts are the umpires which see that neither the Congress nor the President exceeds the powers given by the people.

Ours is a representative government. No man holds legislative office except by direct election by the people themselves, and then only for a limited term. Congress can make no law, under our Constitution, respecting the establishment of religion. By law, in this country man can have any religion he cares to embrace. Congress can pass no law prohibiting the free exercise of religion. It cannot abridge the freedom of speech. It cannot take away the freedom of the press. It cannot deny to the people the right to peaceably assemble and to petition the Government for the redress of grievances.

Our Constitution provides that the people shall be secure in their persons, their houses, their papers, and their effects against unreasonable searches and seizures; that no man can be arrested except upon probable cause, supported by oath or affirmation; that no man can be made to answer for any infamous crime unless he is indicted by the grand jury; that he cannot be tried twice for the same offense; that he cannot be compelled in any criminal case to be a witness against himself, or be deprived of life, liberty, or property without due process of law; that he shall have the right, when charged with an offense, to a speedy and public trial by an impartial jury from the State in which the crime was allegedly committed; that he must be publicly confronted with the

witnesses against him; that he cannot be held in prison awaiting trial without being given the opportunity to put up bail; and that cruel and unusual punishment shall not be inflicted upon a citizen.

These things are the warp and woof of Americanism; they set the Government and the life of our people far apart from the governments and lives of people in other countries. Our rights are defined. No one man or group of men can take them from us. Our Constitution defines them and preserves them for you and me, and the courts, which are independent of the executive and legislative branches of our Government, are there for us to appeal to if there is need.

We have the right to worship God as we see fit, to speak out, to print what we desire to print, to petition our Government for the redress of grievances, without fear of prison camps or death; to enjoy the security of our homes and our families—indeed, to sum it all up, to be free men.

In the United States we have asserted that we are the creatures of an almighty God, that our governments, State and national, are set up to protect our liberties, our freedom, our rights, our opportunities, and our privileges, and that governments cannot infringe upon these things.

The Full Flower of Liberty

These things are Americanism. These are the things which have grown from the little seed planted at Athens, which continued its growth through the various governments of Rome, survived the persecution and blighting influences of the Middle Ages, started to bud with the Magna Charta and the Habeas Corpus Act, and came into full flower in the definite provisions of the Constitution of the United States.

These things are Americanism, may I repeat; and who is there with soul so dead who does not with these privileges feel a glow of inner satisfaction that he is of and in a country where freedom does not depend upon the whim of some one man, but rests secure in the Constitution of his country, under a representative form of government of limited powers, with the final power in all things residing in the people themselves.

Shame on those who would retreat from the high state we have won for ourselves in this land. Shame on those who would destroy the religious freedom which Americans enjoy. Shame on those who would supplant a constitutional representative democracy with the rule of a dictator, whose acts we could not foretell or know. Shame on those who, being citizens of the United States, profess a love for foreign lands which seems at times to be greater than their love for America, and double shame on those who, enjoying the fruits of the struggle of martyrs and patriots who have died through all the ages, would

(Continued on page 26)



A Mural in the Library of Congress Depicting Justice, Instruction, and Moderation

A PAINTING BY FREDERICK DIELMAN

Religious Liberty Versus Religious Intolerance

by the **HONORABLE CLARENCE J. McLEOD**

Member of Congress From Michigan

IN A WORLD suddenly gone berserk, it is indeed gratifying to Americans that each of us may be the governor of his choice of religious beliefs; that we are part of a nation whose Creator is steering us safely through the muddy rapids that are crammed with the flotsam and jetsam of paganism, hereticism, atheism, and the propaganda of false gods. We all are, I believe, truly grateful that it has been our lot to be cast under the sheltering arms of a Government that abhors intolerance and bigotry; one that permits no man through legislation to condemn or ridicule another because of his religious beliefs. That, in my humble opinion, is the important and essential principle of religious liberty.

Gradual Defeat of Intolerance

Because Americans have been so fortunate in this respect, it sometimes is difficult for them to realize that there was a time, for a period of many long years, when their forebears, the first American settlers, did not believe in such a principle of religious liberty.

THIRD QUARTER

Even a hasty glance at recorded history will give them cause for astonishment. When they read that New York, over one hundred fifty years ago, under its charter of rights, purported to grant freedom of religion to Christians only; that Maryland, founded by the Catholics, barred from religious liberty the Unitarians and all other Christian sects that did not believe in the Trinity, as well as Jews and Mohammedans; that up until 1784 Virginia recognized only the established Church of England; that in New Jersey, political privileges were withheld from Catholics; and that in Pennsylvania a statute read: "All public officers must declare and subscribe to their disbelief in transubstantiation, the adoration of the virgin Mary, and the sacrament of the Romish mass as superstitious and idolatrous," they will wonder at the intolerance and shortsightedness of the colonists. As they read on through the undimmed pages of early American history for a possible lead as to why intolerance finally was exchanged for religious liberty, they will discover the story of Rhode Island's

tenacity and determination—the result of Roger Williams' teachings—in refusing to ratify the Constitution of the United States until some guaranty was given that freedom of religious belief would be granted to all the States.

The letter that accompanied Rhode Island's ratification occupies and will continue to occupy a place in the archives of great documents. In spite of its brevity, that statement sets out the basic principle behind the First Amendment to our Constitution, which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It follows:

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence, and therefore all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect or society ought to be favored, or established by law in preference to others."

So far as the United States is concerned, the battle for religious liberty has been won. At no time since

the inclusion of the Bill of Rights in our Constitution in 1790 has there been any successful attempt to overthrow that liberty. It is true that at various times since 1790 the religious liberties of certain sects have been threatened by other groups, but in no instance have such liberties been usurped completely or for more than a short space of time.

The story of religious liberty has been covered in this worthy periodical on numerous occasions in the past by far more able writers than I, and there can be little doubt that others will express their views in future issues. It is well that so many Americans have fought and will continue to fight for the retention of religious liberty. It is most important that our fellow countrymen constantly be reminded of their sacred heritage, their good fortune in being able to lay claim, among many other valuable things, to complete religious freedom.

Political Isms and Religious Liberty

As we glance at the troubled world which lies about us, we are, I believe, more and more impressed with the grim and sinister aspects of conditions abroad. If we are to protect and retain our liberties, it is necessary that we always be on the alert and keep an eye open for anyone who would scuttle our civil and religious liberties for some other system of human management. In keeping our eyes trained for such invaders, we should remember that the foundation of Americanism is class, racial, and religious tolerance; that the foundation of nazi-ism and fascism is religious hatred, and that the foundation of communism is class hatred. Our philosophy of government is based upon belief in God as the Supreme Ruler of the universe; nazi-ism, fascism, and communism are



PHOTO BY CY LA TOUR AND SON

The Ship of State Sails Safely on Where Justice Reigns

pagan philosophies of government which either deny, as in the case of the communist, or ignore, as in the case of the fascist and the nazi, the existence and divine authority of God. Since nazi-ism, fascism, and communism are materialistic and pagan, hatred is encouraged, whereas the very essence of Americanism is tolerance.

The workings of the Communist party in this country are well known by the great majority of Americans. In recent months their strategies and plans for the overthrow of the American system of government and the substitution therefor of a proletarian system, and their activities among the American labor class to engender class hatred, have been made public and are now a matter of common notoriety.

Without attempting to touch upon the communistic principle of distribution of wealth and property, and taking into consideration the attitude of the Communist party toward religion only, the testimony of William Z. Foster, twice candidate of the Communist party for President of the United States, before the Fish Committee, is indicative of the danger which constantly is lurking in the background, awaiting an opportunity to overthrow and abolish religious freedom in this country:

THE CHAIRMAN: Does your party advocate the abolition and destruction of religious beliefs?

MR. FOSTER: Our party considers religion to be the opium of the people, as Karl Marx has stated, and we carry on propaganda for the liquidation of these prejudices amongst the workers.

THE CHAIRMAN: To be a member of the Communist party, do you have to be an atheist?

MR. FOSTER: In order to be—there is no formal requirement to this effect. Many workers join the Communist party who still have some religious scruples, or religious ideas; but a worker who will join the Communist party, who understands the elementary principles of the Communist party, must necessarily be in the process of liquidating his religious beliefs, and, if he still has any lingerings when he joins the party, he will soon get rid of them. But irreligion—that is, atheism—is not laid down as a formal requirement for membership in the Communist party.

THE CHAIRMAN: Can members of the Communist party in Russia be married in the church and maintain religious beliefs of that nature, and practice them?

MR. FOSTER: My opinion is that a member of the Communist party of the Soviet Union who would be married in a church would not be of any value to the Communist party.

THE CHAIRMAN: Could he maintain his membership in the party?

THIRD QUARTER



PHOTO BY F. D. GENDREAU, N.Y.

Let Us Beware as Uncertain and Dangerous Winds Begin to Blow Upon Our Nation

MR. FOSTER: He would not.

THE CHAIRMAN: He would be put out of the party?

MR. FOSTER: Eventually, if not for that specific act.

THE CHAIRMAN: Would it not be the same in this country?

MR. FOSTER: As I stated before, workers who would be so imbued with religious superstitions that they would be married in a church would be of no value to the Communist party.

THE CHAIRMAN: And the same thing would happen to them in this country that happens to them in Russia?

MR. FOSTER: Of course.

If this testimony signifies anything, it signifies that ahead there are new battles to be fought toward the maintenance of religious liberties. The tortures suffered in past centuries, and the accumulation of blood spilled in the never-ceasing battles for religious freedom, it appears to me, are ominous precursors of what is yet to come.

It still is the cry of "right over might." How long it all will go on and what the result will be, I cannot venture to predict. This I know: men are human, and regardless of their powers in this world, they must someday die; but faith will live on forever in spite of the widespread attempts to abolish man's God-given rights of free will and free thinking.

Shall the Government Tax the Churches

Under the Social Security Act?

by C. S. LONGACRE

IN A MESSAGE from the President of the United States in which he transmitted a report of the Committee on Economic Security to Congress on January 16, he approved of the recommendations of the board, which stated, "The board recommends the inclusion of service performed for religious, educational, charitable, and similar nonprofit organizations. The board foresees no serious administration difficulties in such inclusion."

Accordingly, Mrs. O'Day, woman Representative of New York State, introduced a bill into Congress, H.R. 101, to amend the Federal Social Security Act by repealing its exemptions of religious and nonprofit organizations. If Mrs. O'Day's bill should become a law, the Federal Government would be empowered to levy a similar tax on the salary of every clergyman and the church which employs him, as it now does on all employers and employees of commercial organizations. A religious organization which operates a school or hospital, or a charitable society of any kind, would be subject to the same taxes, and if the churches failed to pay the taxes, they would be subject to foreclosure and sale, the same as any commercial establishment.

Every citizen who believes that the church and state should remain separate and independent in their respective functions, and that there should be no financial or political alliances formed between the government and religious institutions, should view this legislative proposal with deep concern.

Free Church in a Free State

The founding fathers in their wisdom recognized a free church within a free state when they formulated our written constitutions, and the proposal to tax the churches and other religious institutions in order that the government in turn may aid and support the churches, is a complete departure from the ideals of the founders of the American Republic; it would open the door for dangerous complications between church and state in their relationships and obligations. The history of the past causes us to recoil from the thought of the consequences sure to follow unholy and unchristian, as well as un-American, alliances.



Let the Church Safeguard Its Integrity

The proposal would establish a new precedent in American jurisprudence. It is a complete reversal of our traditional policy of exempting religious, educational, charitable, and eleemosynary institutions from taxation. When once the principle of taxation is established by the government for churches and religious institutions, the independence and freedom of the churches are undermined, and government control and regulation are introduced. Whatever the government taxes and supports, it will, in time, control and regulate.

The greater the distance between the church and the state in their separate and independent functions, the better it will be for both. The right of taxation of churches by governmental decree establishes too close relationships between church and state. All history proves that a financial alliance between church and state is fraught with far graver dangers than any other form of political alliances with ecclesiastical organizations. When once the right to tax has been established by the government, no matter how mild it has been in its incipency, it has always proved to be the entering wedge for taxation and more taxation of churches, and has always led to governmental control and regulation of religious institutions, and not infrequently even to government confiscation.

Churches, therefore, should plead to be let alone by the government in these respects, and allowed to care for their own interests, institutions, and employees, both *active* and *retired*, as they have done in the past in the United States. Practically every religious denomination today maintains provision for the support and care of its ministers, *active* and *retired*, who have rendered acceptable service for stated periods of time. These churches also provide for their widows and dependents, and for employees engaged in different lines of denominational endeavor. They make better provision for the care of these workers than is proposed under the Social Security laws. They provide for those who would not come under the provisions of Social Security legislation.

Protest Against Proposed Legislation

So far, twenty-five denominations which pay salaries to their workers have protested against this proposed legislation. The religious denominations would still have to continue their provisions to care for their retired and returned missionaries from foreign fields, as these would not be entitled to government support because of previous nonresidence in the United States. They would have to provide for workers incapacitated before a certain age, and their widows and dependent children. It would, as a consequence, place a double taxation or obligation upon these denominations to provide for the government tax, and at the same time for the care of those not entitled to government aid.

If this proposal means anything, it means that the religious organizations would pass under the control of Federal bureaus in the management and support of their employees as soon as cash allotments from Washington were made to employees of religious organizations, and as soon as the right to tax religious institutions is established on the part of the Federal Government.

The churches and their workers, as a rule, are supported by voluntary gifts and offerings by the church members. This proposed law would compel them to pay to the government a stipulated sum under penalty of the loss of church property. The element of force should not be introduced into the performance of religious obligations. It is entirely foreign to our American system of government.

There is grave danger in abandoning the time-honored system of having religious bodies provide support for their active and retired ministers and employees, and transferring their independence of action to a centralized system under governmental control and maintained by Federal bureaus. All this centralization of power in the maintenance and control of church organizations by the Federal Government tends toward a union of church and state, and

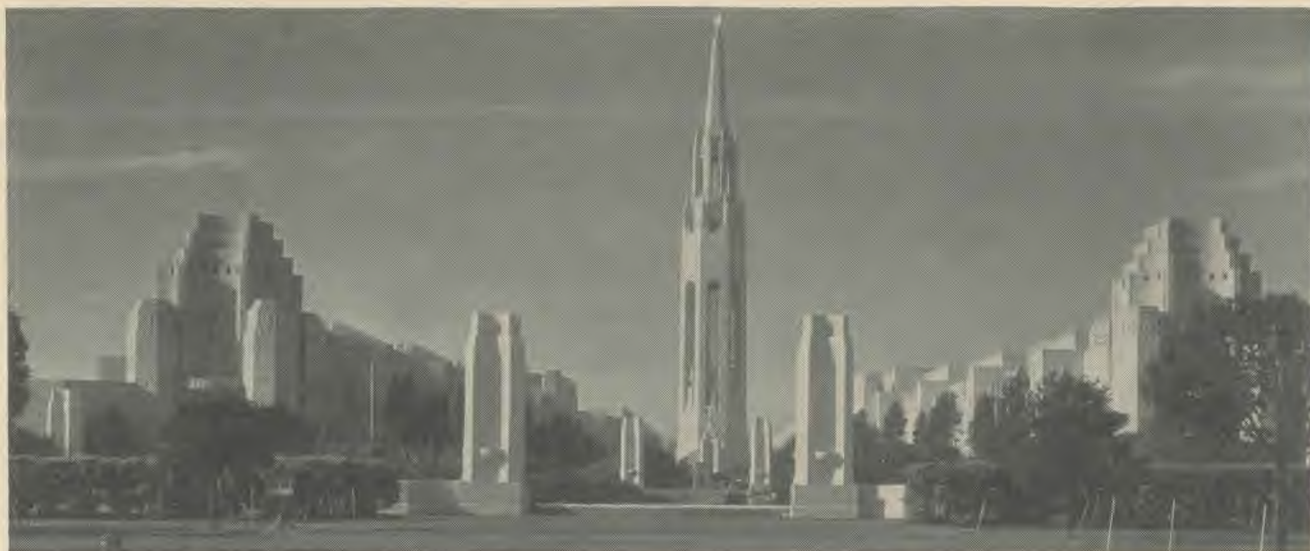
paves the way for the establishment of a totalitarian system of government which will ultimately control all the activities of the churches in spiritual as well as in temporal things.

What is now taking place in some other countries should serve as a warning to free America. This proposal is an abandonment of American ideals and principles of government, so far as the relationship of church and state is concerned. It constitutes a menace to the free and independent actions of the church in its own field of operations, and may subject the churches in the future to the temptations of political intrigue and the baneful consequences of religious controversies over the distribution of Federal funds. We believe it will serve the church and the state better for each to function separately and independently in its respective field, and to have Americans preserve their precious heritage of a complete separation of church and state than to enter into a financial alliance. This proposal constitutes a real peril and threat to our American way of life, of liberty, of peace, and of happiness.



PHOTO BY U. & U., WASH., D.C.

Let the State Continue to Function in Its Proper Sphere



COURTESY, WASHINGTON DAILY NEWS

The Golden Gate Exposition Typifies the Triumph of a Free Nation

The Challenge to Democracy

by **RUSSELL QUINN**

THE FIGHT FOR WORLD DEMOCRACY has once again centered in America. On Treasure Island in San Francisco Bay, the site of the Golden Gate International Exposition, there are flying two flags that dramatize this struggle—that of the Chinese Republic, and that of the Czecho-Slovakian Republic. The story behind them is the story of democracy revitalized. It is the story of democracy fighting back from the world's stronghold of democracy. It is the story of world democracy coming back to these shores for renewed strength and courage.

The Struggle for Democracy

Both these countries had originally sponsored exhibits, but in the short time that it takes to build an exhibit, profound changes had taken place in these countries. The struggling young Chinese Republic found itself in a life-and-death struggle, and needed all its resources for the battle. It was forced to abandon its exhibit. So the loyal Chinese of San Francisco, who had been bleeding themselves white to aid in the struggle in their homeland, came forward, raised more money, and completed the Chinese exhibit. The exhibit is now more than a display of the arts and crafts of the Chinese; it is a shrine to democracy fighting for its life in the Far East.

When the fair opened, the flag of Czecho-Slovakia was flying proudly among the flags of the other nations. But not a month had passed before this tough little democracy had been crushed. And like the

Chinese, the loyal Czecho-Slovakians of San Francisco came forward and raised the money to preserve this exhibit as a shrine to democracy, bowed, but unbeaten.

Events such as these are finally arousing liberals to a realization of the fact that democracy is in a life-and-death struggle. Too long have they allowed to go unchallenged the claims of dictators that democracy is outmoded, that it no longer offers the people the best form of government under which they can live. Too long have they allowed democracy to fail the people. But now that the fight is on, it is well to examine the ways and means of meeting this challenge.

In America the struggle for democracy is only remotely threatened by the military might of the totalitarian countries. Here the struggle is ideological, carried on mainly by propaganda. To combat this propaganda one school of liberal thought advocates the use of methods used so successfully by dictators in accomplishing their ends. That is to forbid free speech to those who preach the overthrowing of democracy. They argue thus: Those who misuse the right of free speech; i.e., those who use free speech to accomplish the abolition of free speech, should be denied that right before it is too late. There is no doubt that the totalitarian propagandist's interest in free speech is only a utilitarian interest. There is no doubt that he would quickly deny it to anyone else were he to gain power. There is no

doubt that he can be convicted of hypocrisy when he pleads for free speech. There is no doubt that he would have no just cause for complaint were it denied to him. But there is a larger issue.

The Issue of Free Speech

Democracy is not interested in preserving freedom of speech for the benefit of those who would use this means to destroy it; but it is interested in preserving itself. By allowing free speech it would seem to destroy itself, but the argument for limiting freedom of speech is specious; it fails to consider the fundamentals of democracy. It fails to consider the fact that freedom of speech is a *right*, and not merely a privilege. Article I of the Bill of Rights states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The government has no authority in this matter. Freedom of speech was a *right* the people reserved for themselves. It was not a privilege that the government could give or take away. And it is not today. The government has no authority even in an avowed

intention to preserve democracy to curtail any of the democratic *rights* of the people. Democracy itself is not a privilege the government can give or take away; neither are any of the *rights* of the people to be subject to the whims of rulers. Any government that forgets the inherent rights of the individual, strikes at the very roots of democracy, no matter what its avowed purpose may be. When it does this, the country is no longer a democracy. The first step toward an autocracy has been taken. And it is only a matter of time until a full autocracy is established. For when one *right* has been abridged, others must be abridged to preserve the original abridgment. A leak in a dam leads to the complete washout of the dam.

No, democracy cannot fight on such a clear-cut issue. Timid liberals who would use this method would, in fact, be destroying the very thing they cherish. Democracy must fight on the less spectacular front of proving its superiority in the field of public welfare. Its peoples must have more of the good things of life and be made aware of the advantages of free peoples. Only in this way will the totalitarian propagandists have their arguments weakened; only in this way will democracy remain unimpaired. This is America's way to meet the challenge.

Forging Fetters for Our Free Press

by C. E. HOLMES

GOVERNMENT IS NOT ELOQUENCE, it is not reason, it is force." In these words George Washington succinctly described the relation of civil law to the activities of men. Because force and fines represent government, and because human rights demand free speech, free press, and religious liberty, there is no place in America for such proposed statutes as have been recently proposed in Congress.

One joint resolution would make nonmailable "all papers, pamphlets, magazines, periodicals, books, pictures, and writings of any kind, and every article and thing designed or adapted or intended to cause racial or religious hatred or bigotry or intolerance, or to, directly or indirectly, incite to racial or religious hatred or bigotry or intolerance."

Another bill would make it a criminal offense to advise, advocate, or teach principles of government based upon opposition to or discrimination against individuals of any particular race or religious creed. It would be equally unlawful to publish or circulate such matter or even to have it in one's possession.

These measures would authorize the Government to step into the arena of religious discussion and teaching, not merely as a referee, but as an officer, to interfere with the participants and declare one or possibly all of them criminals. Such a condition would place even Biblical doctrines at the mercy of bigots, fanatics, and unbelievers, who could command the power of government to suppress publications and teachings they disliked. Even the Bible itself might be placed under a ban.

"A government can interfere in discussion only by making it less free than it would otherwise be," wrote Macaulay. "Men are most likely to form just opinions when they have no other wish than to know the truth, and are exempt from all influence, either of hope or fear. Government, as government, can bring nothing but the influence of hopes and fears to support its doctrines. It carries on controversy, not with reasons, but with threats and bribes. If it employs reasons, it does so, not in virtue of any powers which belong to it as a government. Thus,



PHOTO BY ANNE SHRIBER FROM LIONEL GREEN

Men Must Cherish the Right of Freedom of Thought and Utterance, or Else Their Counsels Will Come to Nought

instead of a contest between argument and argument, we have a contest between argument and force. Instead of a contest in which truth, from the natural constitution of the human mind, has a decided advantage over falsehood, we have a contest in which truth can be victorious only by accident."—*"Southey's Colloquies."*

To enforce such proposed laws would necessitate censors in churches, publishing houses, colleges, universities, etc., and at all public and private meetings, or where even two or three were gathered together for discussion.

Man cannot change his own mind at will. He cannot make himself believe whatever he wishes. His beliefs can be altered only by evidence that seems conclusive to his mind. Such reasoning comes by reading, discussion, observation, and persuasion. If he is deprived of the right to hear all sides of a question, he will soon degenerate into a creature of ignorance, fear, and superstition.

Guarding Free Speech

So determined were our forefathers to secure the self-evident rights to speak and publish what they wished within the realm of fairness and reason, that some of the States refused to accept the Constitution unless these privileges were specifically protected. Immediately upon the convening of the First Congress, amendments were proposed which covered these and other rights. Ten of these amendments, known as the Bill of Rights, were ratified. The first one should be read and reread these days:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

They believed that Congress should have absolute freedom of discussion, that it might arrive at correct solutions of questions of importance to the country. So it was provided in the Constitution that "for any speech or debate in either House they [the members of Congress] shall not be questioned in any other place."—*Article I, Sec. 6.*

If our legislative bodies need such untrammelled liberty of discussion in the making of laws for the people, it is equally necessary for the people, who gave them that right, to have the same freedom in discussing the propriety or appropriateness of their actions. Citizens have unlimited free speech on every subject which does not injure their fellow men. They have reserved the right to study and discuss all subjects that interest humanity and are conducive to safety and happiness.

About ten years after the adoption of the Constitution and its Amendments, the Sedition Act was passed. Under the provision of this Act it was unlawful to publish false, scandalous, and malicious writings against the Government, the President, or Congress, with intent to defame them or to excite against them the contempt or hatred of the people. It was a direct challenge to the liberty of the press and free speech, and gave the First Amendment its first real test.

First Test of First Amendment

It was strenuously assailed by many of our law-makers when it was before Congress. Mr. Livingston placed the right of free press on a par with freedom of conscience. "This privilege is connected with another dear and valuable privilege—the liberty of conscience," he stated. "Gentlemen may tomorrow establish a national religion agreeable to the opinion of a majority of the House, on the ground of a uniformity of worship. The doing of this is not less forbidden than that act which the House are about to do."—*Annals of Congress, July 10, 1798.*

Mr. Nicholas declared that "in direct opposition to the clause of the Constitution which says, 'Congress shall pass no law to abridge the freedom of the press,' Congress is about to pass such a law. For it is vain to talk about the licentiousness of the press; the prohibition is express, 'shall pass no law to abridge,' etc."—*Idem.*

In 1836 a United States Senate committee took occasion to refer to the Sedition Act and denounce it. Its criticisms apply with equal force to the bills now being suggested.

"The principle on which the Sedition Act was condemned was a general one, and not limited in its application to that act. It withdraws from Congress all right of interference with the press in any form or shape whatever; and the Sedition Law was put down as unconstitutional, not because it prohibited publications against the government, but because it interfered at all with the press. The prohibition of any publication on the ground of its being immoral, irreligious, or intended to excite rebellion or insurrection would have been equally unconstitutional; and from parity of reason, the suppression of their circulation through the mails would be no less so."—*Senate Documents, First Session, 24th Congress.*

Suggestion of President Jackson Overruled

In his message to Congress in 1835, President Andrew Jackson suggested that a law which would keep out of the mails certain inflammatory literature be passed. A special committee was appointed in the Senate to consider it. Fortunately we had in the Senate at that time some of the greatest statesmen of our history.

Henry Clay declared that "it was too often in the condemnation of a particular evil that they were urged on to measures of a dangerous tendency. . . . The bill is calculated to destroy all the landmarks of the Constitution, establish a precedent for dangerous legislation, and to lead to incalculable mischief."—*Congressional Globe, June 8, 1836.*

Senator John Davis, of Massachusetts, told the truth when he stated:

"All censorships are established under the plausible pretense of arresting evils too glaring and flagitious to be tolerated; religion, morals, virtue, are in danger, and the public good demands interference. Great principles fundamental in their character are thus assailed on proof of abuses which no doubt at all times exist; and when once through such pretense a breach is made, the citadel falls. This was the reason for leaving nothing uncertain in the Constitution for denying the right to abridge the liberty of the press, come what might."—*Id., April 12, 1836.*

Daniel Webster "contended that the bill conflicted with that provision in the Constitution which prohibited Congress from passing any law to abridge the freedom of the press. . . . Congress might, under the influence of this example, be called upon to pass laws to suppress the circulation of political, religious, or any other description of publications which produced excitement in the States."

"Once establish the precedent," said John C. Calhoun, "and where will it lead to? The government may take it into its head to prohibit the transmission of political, religious, or even moral philosophical publications."

It is as true today as it was in the days of the Sedition Act and of President Jackson that Congress has no power to pass any law to abridge freedom of the press, of religious liberty, or of free speech.

"All the opponents of the liberty of the press have sheltered themselves behind the specious veil of preserving the public peace," wrote "Marcellus" in the early days (1804). "Dangerous opinions in politics and religion must be guarded against; otherwise the social order of society will be endangered. What, it may be asked, would have been the condition of mankind at this moment, had the subject of religion and politics never been investigated? 'Orthodox' and 'heterodox' are words of very doubtful meaning. What is orthodox at Constantinople, is heterodox at Rome, and what is deemed sacred and indisputable by the conclave, is termed superstition at Geneva."—*"The Liberty of the Press," p. 7.*

The legislation now proposed in Congress is manifestly un-American. It would interfere with that which is free and which has been enjoyed by citizens of this Republic for many years. There is certainly no general demand for such laws. Federal and State statutes are ample now to protect all citizens from unwise and injurious publications. This is all that should be necessary.

At this time when the liberties of men are being curtailed, and the rights of men are disappearing from many parts of the world, every effort should be exerted to protect and preserve these liberties and rights instead of infringing upon them.

Modern Alien and Sedition Acts

by THE EDITOR

THERE ARE BILLS NOW PENDING in Congress very similar to the notorious Alien and Sedition Acts which were enacted and enforced by the last Federalist Administration under President John Adams, which preceded the terms of Thomas Jefferson. In this present day we had better take warning and not repeat the mistakes of the Federalist Administration.

Under those un-American Alien and Sedition Acts a noncitizen could be deported, or could be imprisoned for three years without trial or hearing, and a newspaper editor or public speaker, or anyone in private conversation could not utter any word which might be interpreted as a reflection upon the Federalist Administration. A violation of those Acts could be punished by Presidential order without trial, hearing, or the right of appeal. The proprietors and editors of the four leading anti-Federalist newspapers at that time were prosecuted under this statute for sedition. One man was given a sentence of two years for erecting a sign which read, "Downfall to the traitors of America." Those who were in power and authority in those days would tolerate no more criticism, no more opposition to themselves and their objectives than do the present-day dictators in some of the European countries.

Checking Un-American Acts

But the denial of fundamental liberties is short lived. The people will endure a certain amount of oppression, but when restraints proceed beyond reasonable bounds, the people will rise up and will not only rebuke, but restrain, their oppressors. This is exactly what happened to the overzealous Federalist Administration under President Adams.

In the national elections in 1800, public feeling against the Alien and Sedition Acts was running high; it resulted in the election of a new administration. Thomas Jefferson was elected on the platform that he would champion the rights of the people as guaranteed to them under the Federal Constitution. Under the new administration the rights of the people were vindicated, and the Alien and Sedition Acts were repealed.

From that day to the present, the inalienable rights of the people in the United States have been placed in jeopardy only when an administration has been elected by overwhelming majorities in both Houses of Congress. Somehow each President and the members of Congress, when elected by great majorities, have

taken it for granted that the preponderous majority vote was a mandate from the people for them to do whatever they pleased along legislative lines. They seem to forget that the people are never willing to surrender their fundamental liberties vouchsafed to them under the Federal Constitution, no matter what the results of an election may be. Too often when an administration is put in power by tremendous majorities the majority group is tempted to become actively intolerant, and to revive political persecution against all those who hold political views which differ from their own. Americans are in danger of forgetting that the right "to differ" is a Constitutional right which cannot legitimately be "abridged" by Congress or any other legal authority. We need to remember the charity expressed by Voltaire to his adversary: "I disapprove of what you say, but I will defend to the death your right to say it."

Bills now pending in Congress and in some of our State legislatures impose a fine of \$5,000 or imprisonment for five years, or both, "if any person shall write, print, or utter any remark which incites, counsels, or promotes hostility or intolerance to any group of individuals, any race, or religion on account of their religion, or religious creed."

Even if any person takes from the mails any such literature for the purpose of dissemination, or has it "in his possession," he is subject to the same penalties. House Joint Resolution 228, introduced into the House of Representatives in Congress by Congressman Dickstein of New York, and a bill introduced into the Connecticut State Legislature, entitled, "An Act Concerning the Dissemination of Propaganda," are bills of this un-American type of proposed legislation.

A Two-Edged Sword

But these gag laws are two-edged swords; they cut both ways. The promoters of this medieval legislation may learn to their sorrow, if they succeed in placing such antiquated legislation upon our statute books, that they have created a game at which two can play. The gag law may throw a person into jail for daring to criticize a Catholic doctrine, or for stigmatizing a Jewish creed, or for calling another a Protestant "heretic," or for finding fault with the German race for advocating Nazi-ism, or for upholding fascism, or for promoting communism.

What religion is there that does not think that all others have flaws in their creeds? Let the promoters

of these gag laws take heed lest they hang themselves by their own rope, or fall into the pit they are digging for others. It resolves itself into the proposition of whether the kettle has the right to call the pot black, or the pot the right to call the kettle black. When two peas are in the same pod, they had better live in peace. When a man aims his gun at his neighbor's house today, he must not be surprised to wake up tomorrow and find a gun mounted on his neighbor's house aimed at him.

When the promoters of these un-American measures have completed their task in tearing down what it has taken the citizens of this nation one hundred and fifty years to build up, they will have destroyed our Constitution and our democracy. When their work is completed, there will be no free press, no free speech, no free religion, no free assembly, and no free anything for anybody. We shall all be slaves and pawns to be moved about at the whim and caprice of dictators and governmental bureaucracies.

Concentration of Power

The world trend today is away from freedom. The people are being robbed of their last vestige of individual liberty, and individual opportunity and thrift. Democracies are supplanted by the rule of dictators. More and more power and authority are being centralized in a central government, and diminished in the same proportion from its citizenry.

In the United States there have been incessant borings from within by political bureaucrats who are attempting to regiment, regulate, and restrict every human activity, not only in man's relation to man, but in man's relation to religion and God. They want to own and operate everything on the earth and on the moon, and on a garden patch besides.

The American people have refused to be swept off their feet by the world tide toward a totalitarian form of government. Dictators thrive on economic adversity. When the people are helpless economically, they become the prey of political sharks. They become easy victims of political charlatans, who promise them material benefits in lieu of the surrender of

their rights of sovereignty and personal liberties. But the most costly surrender any people can make at any time under any circumstances, is the surrender of fundamental principles of government, of personal liberty and the prerogative of popular sovereignty. The inalienable rights of the individual as guaranteed in the Federal Constitution, in the Bill of Human Rights, must never be surrendered under any circumstances.

The natural inclination of the human heart when endowed with authority is to suppress forcefully all supposed and real enemies. But this is America, the land of the free. Here each individual has certain inalienable rights protected by a supreme Constitution which is greater than Congress, greater than the Chief Executive, and greater than the highest Court in the land. That Constitution says expressly: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." These are definite and absolute rights given and guaranteed to each individual by the Constitution. Nowhere does the Constitution say that these Constitutional guaranties are for American citizens only. The Supreme Court of the United States has declared that aliens are entitled to the protection of these guaranties under the Constitution, the same as American citizens, so long as they deport themselves in a law-abiding fashion.

The best way to preserve our Government and our democracy is to preserve the inalienable rights of all men under our Constitution. When the Constitution says: "Congress shall make no law . . . abridging the freedom of speech or of the press; or the right of the people peaceably to assemble," it means "no law," and no "abridging" of that "freedom" for any man or woman, and its abuse is made subject to the courts and not to legislative acts of Congress. America must do things in the American way if she is going to save and preserve American freedom and our matchless democracy under the Constitution. C.S.L.



John Adams, Second President of the United States, Leader of the Federalist Party, Which, Because of the Distrust Created by the Alien and Sedition Acts, Was Short-lived



Thomas Jefferson, Third President of the United States, Most Renowned of the Apostles of Democracy, and Staunch Defender of the Rights of the Common People

Democracy and Liberty Assailed

by J. I. ROBISON



THE THOUGHTFUL OBSERVER, as he looks out upon the political and religious world today, becomes deeply conscious of the fact that civil and religious liberty are in peril. There are decadent influences at work in every land that are permeating the social fabric and threatening to overthrow democratic forms of government and restore the absolutism of past centuries.

Our age, which in material development is the greatest in the history of the world, has been built upon the democratic principles of freedom and equality. But a thirst for power is menacing our civilization. Democracy and liberty are on trial today, and are being betrayed in almost every land. The student of current history will recognize the fact that absolute autocracy is now established in over half of Europe, and that it is threatening the older established democracies in both the Old World and the New.

If freeborn people are to defend themselves against the insolent and turbulent majorities who would establish themselves in power under some spectacular champion, then liberty must have a new birth, and lovers of freedom must recognize the danger and become propagandists for liberty, even as the liberals of a century or two ago fought the battle for freedom in their day.

Few of us realize the significance of the tremendous new forces that are stirring the world today. The foundations of the past are crumbling. New idealistic forms of social and political life are threatening to overthrow the present order, and if they succeed, our civil and religious liberties will be but a memory. These powerful influences are definitely opposed to liberty, democracy, and Christianity under whatever name they may be advocated. The new social idealism is especially appealing to the youth, and it is very definitely forming the outlook, molding the minds, and determining the attitude of the present generation more completely than all other influences combined. But when it succeeds, liberty will be forgotten and tyranny will hold sway.

Democracy and freedom are twin brothers, and they stand or fall together. Of all forms of government, democracy is that which requires in a people the highest moral and intellectual standards. Our present free institutions grew out of the great reformatory movements of the sixteenth century which resulted in a spiritual uplift of the masses and a general revival of learning. The World War, however, brought about a great lowering of the moral and intellectual standards, which is an explanation of the dictatorships that have followed in its wake.

If, therefore, our liberties are to be preserved and democracy is to survive, there must be a moral uplift of the people and a return to higher ideals, and the exercise of individual will power over debasing influences. If a dictatorship works better than a ministry or a parliament, as is often claimed, it is an acknowledgment of the intellectual laziness and moral decadence of our age.

Freedom Cost Centuries of Effort

It should be remembered that the freedom which is our cherished heritage today cost centuries of conflict. The oppressed masses struggled long and hard to gain from the privileged classes a degree of civil and religious liberty. Only in our generation have we at last attained to a government "of the people, by the people, for the people," founded upon the definite principle of "liberty, equality, and fraternity." Autocracy made a determined stand, but the ideals of a state in which the power is exercised by all the people for the benefit of all, finally triumphed. Every man was at last granted the right to achieve his own aspiration to a larger and fuller life. Out of this freedom there grew into maturity the world's greatest era of intellectual proficiency, scientific advance, colonial development, and moral progress that mankind has ever seen. The feudal chains of slavery, serfdom, and special privilege were broken link by link, until religious, civil, and personal liberty, became, not a vague hope, but a glorious reality in nearly every land.

These democratic ideals have often been assailed, but have as often triumphed. Probably the greatest assault against democracy was the World War. But the Allies in the war finally rallied their forces and led them on to victory under the slogan, "Make the world safe for democracy." Under this banner victory was won, ancient autocratic empires were dismembered, and several republics were established in their place. One of the immediate fruits of the war was the rebirth of the great ideals of liberty. Even Russia, the most reactionary autocrat of prewar times, proclaimed complete religious liberty and personal freedom under the early Soviet rule. Suffrage was extended in nearly every country, not only to men, but to women, until more people were voting at the polls than ever before in human history.

Failure of Democratic Principles

Since the war, democracy has been on the decline. The enthusiasm with which the newly founded countries of Europe welcomed democratic forms of government was short-lived. The real spirit of liberty had not been inculcated into the hearts of the people. Even in the older democratic countries there has been a marked decline in respect for liberty, and a definite curtailment of freedom itself. Few there are today who have the ardent devotion to the principles of liberty that marked the liberals of the eighteenth and nineteenth centuries. The tyranny of the majority is beginning to be felt, and men everywhere are less tolerant of the views and rights of minorities. People are as never before swayed in masses. This mass psychology often causes them to forget principles and cherished rights, and impose by force upon all objects the theories of an untried demagogue.

It is under such conditions that democracy has failed in over half of Europe, and dictators are ruling in the name of various political faiths, such as Fascism in Italy, Communism in Russia, and the Nazi regime in Germany. Even in the established democracies, special privilege and commercial barons have, to a large extent, gained control and supplanted the rule of the people. Democratic ideals have lost their appeal to the man in the street, and everywhere men are flirting with self-styled liberators who promise relief from some real or imaginary abuse in order to ride into power. There is danger that people may in a moment of hysteria renounce their blood-bought freedom in favor of some unknown demagogue who will lead them into slavery.

Can Liberty Triumph?

The principles of liberty can never wholly triumph until men have victory over their evil passions and greed, and until the Spirit of the Founder of liberty dwells in their hearts. What the world needs today

is a rebirth of the recognition of the equality of all men, and a renewed love for true liberty, the seeds of which the Lord has planted in every heart. These are the God-given heritage of every race. When these principles are destroyed, the seeds of despotism are sown, which, when they come to fruitage, will reforge the chains of bondage and bring men again under the yoke of tyranny.

Despotic forces are stirring the world today. They are sometimes spoken of as anti-Jewish, but they are in reality anti-Christian, and are opposed to all civil and religious liberty. Liberty is not a special favor for special classes. It is our right by birth, given us of God when He created the soul of man to be free and answerable to no one but the Creator. When the blessings of liberty are granted to a favored class alone, there is no guaranty of liberty at all, for the favored class of today may be persecuted tomorrow. Only when we recognize that "all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness," can we enjoy the blessings of true civil and religious freedom.

Civil government, we believe, has been divinely ordained to protect men in the enjoyment of these natural rights and to rule in civil things. In this realm it is entitled to the respectful obedience of all. But there are certain rights, such as freedom to worship God, free press, free speech, peaceable assembly, and the right of petition, which we hold no government may lawfully withdraw or curtail. These are inherent rights, which man, because he was created a free moral agent, with the power to choose his own destiny, must of necessity exercise. If and when these rights are withdrawn, man of necessity must fight against such restraints, because of his inborn love of liberty which God planted in his heart in the beginning.



Liberty Is Defeated When Evil Passions Rule

It was upon these fundamental principles of civil and religious liberty that democracy was established. They are God-given, and as long as they stand, we may look for and expect the approbation and blessing of the merciful Father upon our nation, and the extension of peace and prosperity to all.

Human Rights Protected by the United States

by **HENRY B. NATHAN**

of the San Francisco Bar

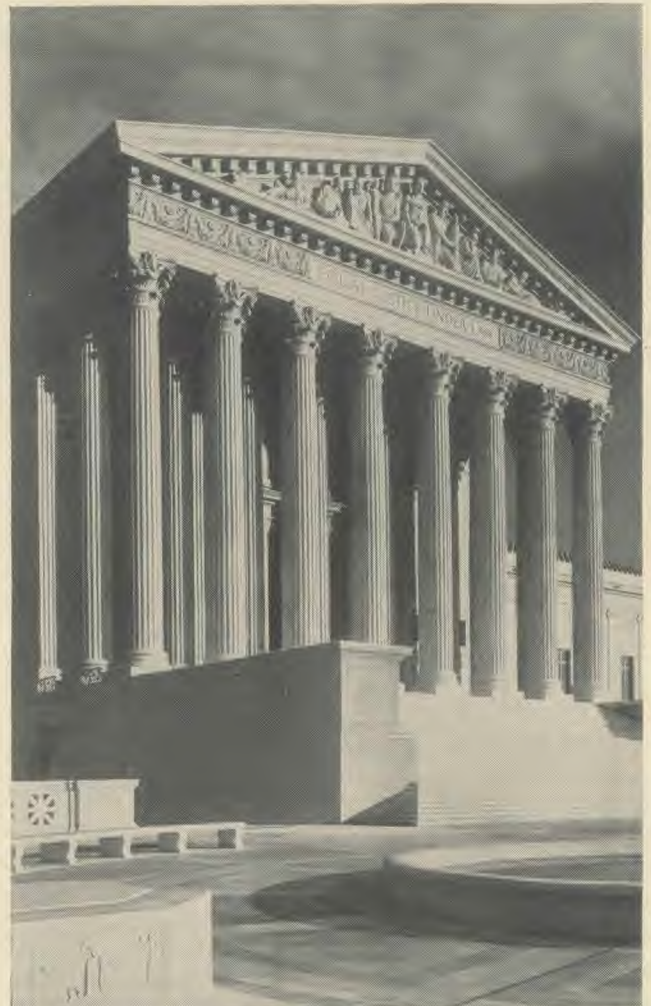
IN THESE DAYS when philosophies of government are the subject of scrutiny, it is wise to take stock of our own and ascertain the outstanding benefits of a democracy. Some thinkers state that its salient feature is protection of the human rights of freedom of speech, press, religion, and the right to a fair trial. Others contend that this protection is more apparent than real, having existence in theory rather than in practice. Let us look at the record and see whether it points to the answer.

From the time Voltaire stated, "I do not agree with a word that you say, but I will defend to the death your right to say it," freedom of speech has become a popularly recognized human right. It is now fundamental that the right to discuss the public issues of the day in a lawful manner is of the essence of guaranteed personal liberty. The United States Courts have zealously safeguarded this privilege, even though it has meant incurring temporary public disapproval.

It was not so many years ago that a Mr. De Jonge was addressing a meeting in a Northwestern State. His subject, which dealt with local police and county jail conditions, was innocuous enough. The meeting had been advertised by handbills issued by a section of the Communist party, and members of that group were present in the audience. Mr. De Jonge was arrested for violation of the State criminal-syndicalism law.

Trial followed, and the speaker was found guilty. Legal remedies of the State were exhausted, but without avail. Then the attention of the United States Supreme Court was turned to the case because of the contention that the right of free speech had been invaded. In a momentous decision delivered by Chief Justice Hughes the judgment of conviction was reversed and the State statute was held unconstitutional. In the decision the Chief Justice states:

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly, in order to maintain the opportunity for free political discussion, to the end that government may



This Stately Edifice, Housing the Supreme Court, Symbolizes Much That Americans Hold Dear

be responsive to the will of the people, and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

Late Pronouncements by Supreme Court

Just a matter of months ago the United States Supreme Court rendered a decision directly protecting that cardinal liberty—freedom of the press. Indirectly, religious liberty was safeguarded. Alma Lovell circulated religious tracts dealing with the

gospel of the kingdom of Jehovah. Unfortunately she failed to comply with a local ordinance requiring a permit from the city manager. Arrest and conviction followed. Following the usual recourse to the State courts, the matter ultimately reached the United States Supreme Court's attention. Without a dissent the local ordinance was held unconstitutional, for "the liberty of the press is not confined to newspapers and periodicals. . . . Liberty of circulation is as essential to that freedom as liberty of publication."

In a Middle Western State a local court issued an injunction suppressing a local newspaper. This was done under the authority of a State statute authorizing such a course if a periodical was found to be malicious, scandalous, and defamatory. In a United States Supreme Court decision, the order of injunction was reversed and the statute was held unconstitutional because it violated the principle of a free press.

It should never be forgotten that freedom of the press is not an all-inclusive right. No one has the right to make libelous statements, to advocate crime or the overthrow of the Government by force. The basis of the principle is freedom of the press from prior governmental censorship.

Its essence is contained in the statement by Elijah Lovejoy, who, before dying for the principle, said:

"As long as I am an American citizen I shall hold myself free to speak, to write, and to publish whatsoever I please on any subject, holding myself amenable to the laws of my country for the same."

Americans do not have to face the terror of criminal trials conducted without the pretense of justice. This is due in part to the constitutional safeguards placed around the right to a jury trial, freedom from unreasonable search and seizure, the right to be confronted with adverse witnesses, to have compulsory process for obtaining witnesses, and to have the assistance of counsel.

However, the United States Supreme Court has not faltered when it has been necessary for it to safeguard the principle. It was many years ago that a Mr. Milligan was convicted of a crime by a court acting without Federal or State authority, and sentenced to death. He looked to the United States Supreme Court for protection, and, noting that Mr. Milligan had been deprived of a jury trial, the Supreme Court held that the trial tribunal did not possess jurisdiction to conduct the hearing or order the punishment.

Though it is not specifically mentioned in the Constitution, a right to work has been indirectly protected. Mike Raich, an Austrian-born cook, found that the enforcement of a Southwestern State's statute would result in the loss of his job. The effect of the statute was that practically no alien could

retain his employment in that State. The case ultimately reached the United States Supreme Court, and once again a decision protecting human rights was rendered. Basing its holding on the ground that Mr. Raich was being deprived of equal protection of the laws, it held the statute to be unconstitutional.

It is apparent that the Federal Courts have been alert to protect the basic human rights. Likewise each citizen should remember that "eternal vigilance is the price of liberty." In the words of a noted English speaker, "Guard your liberties, my friends, guard your liberties. You may find that democracy is easy to lose, difficult to recover."

Einstein Makes a Discovery

DR. ALBERT EINSTEIN, one of the most gifted men in all the history of science, recently expressed this significant opinion regarding the Christian church:

"Being a lover of freedom, when the revolution came in Germany, I looked to the universities to defend it, knowing that they had always boasted of their devotion to the cause of truth; but, no, the universities immediately were silenced. Then I looked to the great editors of the newspapers whose flaming editorials in days gone by had proclaimed their love of freedom; but they, like the universities, were silenced in a few short weeks. Then I looked to the individual writers, who, as literary guides of Germany, had written much and often concerning the place of freedom in modern life; but they, too, were mute. Only the church stood squarely across the path of the campaign for suppressing truth. I never had any special interest in the church before, but now I feel a great affection and admiration because the church alone has had the courage and persistence to stand for intellectual truth and moral freedom. I am forced to confess that what I once despised I now praise unreservedly."—*Metropolitan Church Life*, April 6, 1939.



Where Justice Fails, Life Becomes Valueless

Democracy and Religion

Our Greatest Institutions Seriously and Insidiously Threatened

by **ROBERT STANLEY CLIFTON**



PRESIDENT ROOSEVELT, in his outspoken January message to Congress, has sounded the keynote for the eternal defense of democracy. Like many other leading Americans, he voices the realization, too often forgotten, that democracy and religion, if they are to survive, must march hand in hand. He is going beyond mere surface considerations when he says, "Storms from abroad directly challenge three institutions indispensable to Americans now as always. The first is religion. It is the source of the other two—democracy and international good faith. . . . In modern civilization, all three . . . complement each other."

There has been widespread interest in the President's views, especially in regard to the function of religion in a democracy. It is evident that for materialistic and secular-minded America a reestablishment of moral philosophy is needed if democracy is to survive. Thus it becomes the duty of all thinking Americans, churchgoers and otherwise, to follow this lead—or better still, do some leading themselves. Seldom before have our greatest institutions been so seriously and insidiously threatened.

It appears obvious that if we are to preserve democracy, we must present a united front. To do this we must first put our own house in order. Time has proved that military might alone will not defend a nation weakened by dissention over unsolved problems. In addition, our very feeling of democracy needs to be revitalized. These aims can be realized if we are willing to examine the fundamentals of both democracy and religion and apply the knowledge thus acquired. Knowledge, not opinion, is necessary.

The basis of democracy is the freedom of the individual, his self-government, free speech, free religion, etc., in short, his inalienable rights. This idea assumes that the individual is capable of using such privileges intelligently and for the greatest good of mankind.

In defining religion we must take care that our concept is not a narrow one. True religion, no matter what the creed, does not profess to consist merely in ritual or physical churchgoing. Nor can

religion be regarded solely as a means of getting what one wants from God or as conformance to God's wishes through fear of eternal hell-fire. Besides its purely spiritual function, religion must apply to everyday life and have to do with ethics. The things we do and think are the concern of religion. In short, religion is a way of life. And is not democracy, too, essentially a way of life? Are not the two inseparable?

Certainly much of the lack of vitality in our present democracy can be traced to the false conception of man as purely materialistic and scientific, rather than spiritual and ethical. Certainly, also, "where freedom of religion has been attacked, the attack has come from sources opposed to democracy" and "where democracy has been overthrown, the spirit of free worship has disappeared."

Totalitarian Philosophy

Both democracy and religion are directly opposed by the totalitarian philosophies which deprive man of his dignified rights and force upon him mechanical acceptance of his functional role in the life of the state. His natural sense of dependence on and service to something external and greater than self is focused not on God, but on the state—and thus the state becomes identified with God. The individual's interests are submerged in those of the state, and he possesses no personal value, purpose, or hope of salvation. Morals and ethics, too, are of minor importance; any means is justified as long as the glory of the state is assured.

Since it is totalitarianism that is threatening both democracy and religion, let us view its advantages and disadvantages, its strength and weakness. No less an authority than Thomas Mann states that its strength lies in its emphasis on novelty. He reminds us that it is a common weakness of man to love blindly what is new and fashionable. This realization helps us to understand how the novelty of planned life with less food and clothes can become more desirable than the old unplanned life with more of each.

The totalitarian subject is the constant butt of propaganda designed to please and flatter him, to

make him hysterically enthusiastic over the achievements of the state, and to render him contemptuous of the puny, misdirected efforts of less fortunate people. He basks in ritual. Songs and stories of racial heroes, both real and manufactured, feed his natural craving for romance and glory. He sees but the window dressing of his own existence.

For the moment this policy seems effective, but to survive at all, totalitarianism must be effective. Economic depression must be eclipsed by military success and aggrandizement, and certain results must be achieved by bringing capital and labor together by main force. Glowing hearts must be kept glowing; the novel fascination must not be allowed to wear off.

What is the cost of this policy? The cost is being borne by the individual, the material extent depending on a judicious choice of ancestors and an equally judicious choice of words. He may not question the authority of the state in affairs of this world or the next. If he does, he is soon taught the error of his ways. If he loses interest in the glories of the state, there is no other life open for him, no hope of personal salvation. He dare not call his soul his own.

There are obvious weaknesses to such a system. Even though the youth who have known nothing else can be kept in line, older people do not easily forget their past lives as individuals. All opposition cannot be stamped out, nor can propaganda completely blanket the eyes of an intelligent people. Such a people do not willingly see their children become pawns in a machine.

Blessings of Democracy

Many Americans are not sufficiently grateful for the blessings of democracy. Long familiarity has ushered in contempt. Aside from the happiness democracy brings, however, there is another important justification for its existence. History has demonstrated that the greatest creative periods have occurred simultaneously with periods of peace and have been motivated by a strong unifying force such as religion. Not regimented cogs but great creative individuals inspired by worth-while aims have led in producing such periods. As a result, we possess the blessings of science, philosophy, art, literature, democracy itself. None of these things could have been decreed by an absolute ruler.

Our monotheistic religions, Jewish and Christian alike, have constantly justified their existence. The struggles of the early Christians and their emergence in the face of a totalitarian Roman Empire marked the beginning of a series of victories for religion. A remarkable parallel can be drawn between this and the present situation.

Christianity was born in a Roman world, a world

where religion and patriotism had become inseparable. After the time of Augustus, the emperor was openly worshiped as God, and all citizens were required to take part. Religion had no concern with ethics. Should the citizen's interest or confidence in the state wane, there was no conception of salvation or immortality for him. His own interests were completely disregarded for those of the state; there was no escape.

Leading Romans were not slow to realize that Christianity was a menace to their emperor worship, and hence to the empire itself. In spite of vigorous persecution, however, the movement continued to spread; for Christianity offered consolation and fellowship and was full of brotherly appeal and sympathy. There was strong personal hope for the individual. Christianity grew in strength and numbers. A significant triumph of the free soul of man over totalitarianism had been recorded.

The eventual triumph of democracy is assured if its principles remain firmly rooted in the hearts of the people. At this present time democracy has at its command the greater forces, both material and spiritual; we need to realize our own strength and not be beaten by a fear psychosis.

Democracy Must Survive

This needed unity cannot be achieved by any single person or act. Much intelligent thought and the dissemination of this thought must preface it. We must meet false propaganda with true propaganda; ideas can be fought successfully only by better ideas. We must utilize the idle resources of democracy and invoke its romance, its glamour, and its heroes, myths, and past achievements. Since mankind thrives on romance and glory, why not emphasize our heroic struggle for freedom; for given the opportunity, it could speak eloquently. In short, democracy needs to be resold.

With this aim in mind, all our forces must be marshaled. Religion must reassert itself above the false standards of materialism. The forces of education must play a large part, for it is usually the convictions of youth that shape a country's future. Both democracy and religion must be thoroughly understood and appreciated if we are to defend them.

In this aim all intelligent Americans must play a role—our political, educational, and religious leaders cannot do the work alone. Here is an opportunity for every thinking American, man or woman, to aid in the fight to save democracy.

THE war to save democracies led to the destruction of democracies in Europe, and a war to save liberty in the world may lead to its destruction.

Americanism—The Surety of Our Liberties

(Continued from page 8)

set their sufferings and sacrifices at naught, and walk backward to the days of oppression, gloom, and hardship, when men were little more than dumb animals, whose lives, employment, and conduct were subject to the order of cunning rulers more interested in preserving and extending their own power than in furthering the welfare of the masses of the people. I have no fear that any man on the face of the earth can prove by fact or logic that, taken all in all, there is any government beneath the sun which gives to its people more opportunity, more humanity, and more freedom than our own system of constitutional government gives to its people.

Why, then, do we find here and there these groups that advocate change? Why, then, would some take us backward to the slavery of the centuries that are dead? They are too avaricious in seeking by revolution, by blood, the fruits which they are unwilling to win by toil. They embrace a conception that the rights of mankind are not God-given, but are to be subjected to the whim of some other man. They would supplant the code of laws with the policeman's club. They would supplant the ten commandments with armed force, God's plan with man's plan.

And, finally, remember that America is the oldest continuous democracy on the face of the earth today, and, incidentally, the greatest. For, since we came into being as a nation 150 years ago, the governments of all the other major countries of the world have gone through violent and contradictory changes. We have existed because we have won and safeguarded in the United States the rights of mankind, where we have set up a government of the people, by the people, for the people, under a Constitution which limits the powers of our rulers, and preserves to each individual the inalienable and God-given blessings of freedom.

Here we have exalted individual man, diffused the widest measure of local self-government, and in the main realized in its highest perfection the ideal of liberty for which thousands have died in the past, that we, their heirs, might enjoy this happy state of being.

That there will always be some imperfections in our Government, it being a human institution, is inevitable. But if it is compared with any other government, its imperfections are clearly seen to be small and of little consequence.

Let us, then, rededicate ourselves to the principles and tenets of our country, its ideals and its blessings, which we call Americanism. Let us be conscious of the fact that here is one of the few remaining spots

on the face of the globe where men are the masters of their destiny.

We make no mistake when we set aside a day from time to time to examine our inheritance, for as we examine into all the long, dim past, we, like those who have gone before, learn the truth, and the truth has made us free. This truth causes us to pledge our allegiance to our Constitution, to our philosophy of government, and to the flag of our country, and makes us proud that we are citizens of the United States of America.

Another Religious Measure Pending in Congress

IN practically every session of Congress somebody introduces religious measures of various hues, shading toward indigo blue.

A bill recently introduced into the House of Representatives by the Honorable William H. Sutphin of New Jersey, would compel all Americans to observe Good Friday. No one will be so foolhardy as to deny that this is a religious measure.

More than one hundred and fifty compulsory Sunday-observance measures have been introduced into Congress since 1888, when the first such bill was introduced. But Congress has persistently and consistently refused to enact any of these religious measures into law. Certainly, if Congress should compel everybody to observe Good Friday, it would have to do it on the basis that it is a religious measure, supporting a purely religious institution; and in so doing, Congress would have to override the First Amendment to the Constitution which expressly states: "Congress shall make no law respecting an establishment of religion."

This is another effort to link church and state together, and to have the Government give legal sanction and support to religious institutions. When will this un-American business stop?

What Is a Totalitarian State?

A TOTALITARIAN state is a government in which the prerogatives of the state are exalted above the inalienable rights of the citizens; where the rulers are supreme in all things, and the people have no rights which they can call their own; where the ruler is a dictator and the people are subjects, being restricted, regulated, and regimented in all their activities of life, and in all their relationships of man to man, and of man to God and religion.

"The worst of mad men is a saint run mad."

• Editorials •

Connecticut Defeats Bill of Rights

CONNECTICUT IS THE ONLY STATE of the original thirteen which has refused to ratify the first ten amendments to the Constitution of the United States, known as the Bill of Rights. Massachusetts and Georgia recently passed ratification resolutions. An effort was made to have Connecticut come into line with the rest of the United States, but the Connecticut House of Representatives voted the ratification resolution down by a vote of 169 to 60.

Connecticut was one of the original "blue law" colonies. It vies with Massachusetts in the strictness of its statutes on Sunday observance. Evidently it is very difficult to break away from old traditions. Connecticut still retains some very antiquated religious laws upon its statute books. Some of the old-time Puritans have resisted every effort that has been made to repeal these un-American laws. Some folk are extremely fond of relics. C. S. L.

Vermont Makes Possible Repeal of Sunday Blue Laws

THE VERMONT LEGISLATURE enacted legislation which makes it possible, by means of local option, to repeal the Sunday blue laws of that State. At the hearing on the bill, the ministers of the gospel lined up on both sides of the question, but those who were in favor of granting the people the right of a referendum in counties, cities, and towns, won the fight before the legislature. As a result, quite a few of the counties and cities have held referendums, and have voted in favor of the repeal of these antiquated and un-American laws which have been on the State statute books since the early Puritans held sway in New England.

These out-of-date laws prevented almost every form of recreation and diversion on Sundays. Where prohibitions were not evaded, Sunday was a day of compulsory idleness for a large part of the population. Movies, baseball, golf, tennis, lectures, and concerts were all on the indigo index, and little was left for Vermonters to do who sought diversion on Sunday, but to sit all day and twiddle their thumbs.

As is usually the case where stringent Sunday-observance laws still are on the statute books, they are often utterly ignored, except when some overzealous religionist gets into office; then they are spasmodically enforced.

THIRD QUARTER

The Vermonters decided that in the interests of honest and orderly government, these religious laws should be repealed as unenforceable, in those communities where public sentiment did not support them. They decided to give the people an opportunity to get rid of this debris of the old Puritan regime. Vermonters have always taken their constitutional rights and liberties seriously. The Green Mountain boys have not forgotten the battles their forefathers fought for American freedom. They want the Green Mountains to remain "green," and not "blue."

C. S. L.

English Court Declares Sunday Law Void

THE LORD CHIEF JUSTICE of the highest court of England, in a recent case, declared an English Sunday law void. One Robert Lees, an obscure shopkeeper in London, sold some éclairs and tarts on Sunday. An informer thought he saw a chance to get a share of the fine; so he haled Lees into court for violating the Sunday law. The magistrate found him not guilty, whereupon the crown carried the case up to the highest court.

Lord Hewart, the chief justice, in dismissing the case, made the following pungent statement: "It may be possible, but I doubt if it would be easy, to compress into the same number of lines more fertile opportunities for doubt and error. . . . Not often in half a century of experience of the law have I had the opportunity of endeavoring to come to close quarters with such a piece of legislation as this."

That is true of every Sunday law that has ever been framed. All of them are full of inconsistencies and ludicrous requirements. The chief justice found in reading the Sunday law that it would require the wisdom of a Solomon to draw a line between the things that could be sold and things that must not be sold. The judge found that cooked ham could be sold any time on Sunday, but not mustard to put on it. You could buy fishcakes, but if you wanted rolls to go with them, you would have to take a bite out of every one of them before leaving the shop, the act of biting transforming them into a refreshment consumed on the premises. Razor blades could not be sold for use in shaving, but could be sold for manicuring or surgical purposes. A druggist could not sell toothpaste for ordinary use unless it were for treatment of the gums. He could not sell eau de cologne as a perfume, but if the customer claims a headache, he

gets it. He cannot sell whisky as a beverage, but he can sell it for medicinal purposes.

No wonder the chief justice said he doubted if it were possible to compress more fertile opportunities for doubt and error into a Sunday law than he found in this one. He did a good job in declaring this antiquated religious law void. And the small shopkeepers of London have hailed this decision as a great victory for the cause of freedom, since before they were frequently fined under the Sunday-trading-restriction law.

C. S. L.

Idaho Sunday Law Repealed

AT THE OPENING of the Idaho State Legislature in January, the Idaho State Sunday law was repealed. In February a new Sunday bill was introduced into the house of representatives, known as House Bill 140.

The preamble of this new bill is as follows: "An Act to promote the welfare, health, and social betterment of the people of the State of Idaho by providing a weekly day of rest and suspending business and trade on Sunday, or on Saturday to persons who, because of religious convictions, refrain from conducting business or trade on the seventh day of the week, and providing exceptions thereto and a penalty for violation thereof; providing for a repeal of conflicting acts, and declaring an emergency."

This was a new type of compulsory-rest bill, requiring people to observe either Sunday or Saturday under the penal codes.

The *LIBERTY* magazine has consistently and persistently opposed compulsory Sunday-observance bills before Congress and the State legislatures, not because Sunday is not the true Bible Sabbath day, but because it is a religious institution, and religious institutions and obligations should never be enforced upon any people, whether they are true or false.

We are just as much opposed to enforcing Saturday, the seventh day of the week, as a religious institution, as we are to enforcing Sunday, the first day of the week, as a religious institution. While the seventh day of the week is the day which God Himself commanded to be observed under the authority of the fourth commandment of the decalogue, and is God's true Sabbath day, yet it would be a perversion of God's plan to have that day forced upon people, just as it would be to have the Lord's baptism, the Lord's supper, or the Lord's prayer administered by the authority of the sheriff or the policeman. These institutions do not rest upon the police power of the State.

The Bill 140 expressly stated, "This act shall be . . . deemed an exercise of the police power of the State." Such reasoning was invented by the ju-

dicary as a substitute for religious reasons which justified the existence of Sunday laws under the church-and-state regime. But the police power of the State is a mere camouflage when offered as a substitute for the justification of the enforcement of religious customs and obligations.

While the House of Representatives saw fit to pass this new Sunday-Saturday-observance bill, the state of affairs committee of the senate ushered its demise into the legislative cemetery, where all such un-American, antiquated religious measures should find their resting place.

This places Idaho in the honor roll with five other States which have repealed all their Sunday laws which were formerly upon the State statute books. These six States, namely, California, Oregon, Arizona, Wyoming, Wisconsin, Idaho, and the District of Columbia, now have laws which conform to the Bills of Rights as set forth in the Federal Constitution and the various State constitutions. All the other States still retain religious laws upon their statute books, which are in direct conflict with the constitutional guaranties of religious liberty, and the complete separation of church and state. As long as these conflicts exist, the constitutional guaranties of religious freedom are placed in jeopardy by law-enforcement officials. We trust the other States will follow the example of this sextet by repealing all their religious laws and separating the church and the state, so that each will function independently of the other.

C. S. L.

Lord's Day Alliance Dictates Actions of the President

DR. HARRY L. BOWLBY, general secretary of the Lord's Day Alliance of the United States, wrote to President Roosevelt, protesting vigorously against the President's making his speech officially opening the World's Fair at 11 A.M. Sunday, April 30. Doctor Bowlby stirred up some 33,000 Presbyterian church members in Brooklyn to take formal action against the fair's opening on Sunday, by injunction proceedings.

The Lord's Day Alliance petitioned Grover Whalen, who is in charge of the World's Fair, to close the fair on Sunday, but to no effect. They besieged the New York State Legislature to close the fair on Sunday, and still to no effect. Now, at the last minute, they besiege the President of the United States to interpose. President Roosevelt admits he has been influenced by Doctor Bowlby, and in writing to Grover Whalen, the President expressed himself in this manner on the Sunday fair opening:

"DEAR GROVER: I have received from the Rev-

erend Dr. Harry L. Bowlby, general secretary of the Lord's Day Alliance of the United States, a letter with respect to the opening of the New York World's Fair on Sunday, which disturbs me not a little.

"I fear that this decision to open the fair on a Sunday morning during the hour of church services may give offense to large groups of church people and wound very tender sensibilities.

"If I may make the suggestion in all good faith, I would say that I think there is ground for objection to the Sunday opening, particularly Sunday morning.

"I have a deep conviction that the fair should not open in competition with the churches, as it would if opened at 11 A.M."

The Brooklyn *Eagle* states that "a letter from Stephen Early, secretary of President Roosevelt, to Doctor Bowlby revealed that the President declined to speak at the morning ceremonies at the fair.

"The President explained to the fair authorities that, in deference to those who attend church services on Sunday morning or in the midday, he would not speak at an hour which would be in conflict with the holding of such services," Mr. Early wrote to the Lord's Day Alliance secretary.

"Doctor Bowlby's letter to the President suggested," says the Brooklyn *Eagle*, "that he request Mr. Whalen to change the opening day from Sunday to Saturday."

Doctor Bowlby further informed the President that the Lord's Day Alliance considered the opening of the fair on Sunday morning "a gross insult to the Christian churches whose doors are open at that hour for worship."

Doctor Bowlby further strongly attacked the plan to dedicate the Temple of Religion at the fair Sunday at noon. He declared: "How in the name of common sense the Protestant members of the committee would stand for such a bonehead proposition shows clearly how the flattery of the world and the limelight catch some who should be the first to stand uncompromisingly for the Sabbath and the sanctuary."

The psychological difficulty with Doctor Bowlby in this case is that he is unable to see the other fellow's viewpoint in religious matters. He requests Mr. Whalen to shift the opening of the fair from Sunday to Saturday. He says that it is a "gross insult" to the Christian churches to have the fair opened on Sunday. How about the "gross insult" to the faith of more than a million orthodox Jews, and the thousands of Christians in New York and Brooklyn who worship on Saturday? Doctor Bowlby says move it "to Saturday." Where does the golden rule come in? If it is competition to those who observe Sunday as a day of worship, is it not also competition to those who worship on Saturday to place the opening of the fair on that day?

THIRD QUARTER

Doctor Bowlby implied that the Protestant members who agreed to the dedication of the Temple of Religion on Sunday are "boneheads." If it is wrong to dedicate the Temple of Religion on Sunday, why is it not wrong to dedicate a church on Sunday, which is the usual custom? It is not a question of being a "bonehead" in this case, but of being a "bluehead." He further stated that these members "should be the first to stand uncompromisingly for the Sabbath and the sanctuary." But the Scriptures have set the seventh day, and not the first day of the week, apart as the Sabbath. If Doctor Bowlby stands "uncompromisingly" for the Sabbath, then he must himself observe Saturday, and not Sunday, as the Sabbath.

Why should the Government enforce religious obligations and discriminate in favor of a particular religious custom when we do not have a union of church and state? Religion is a subject upon which the Government should maintain an attitude of absolute neutrality. Whether a particular day should be observed as the Sabbath is not a question for civil government to settle.

C. S. L.

Dedication of Statue to Freedom of Press

JAMES G. STAHLMAN, president of the American Newspaper Publishers Association, delivered the following impressive address at the dedication services of the statue to the Freedom of the Press at the World's Fair in New York City on April 25:

"We are met today to dedicate this statue to the Freedom of the Press.

"It is exceptionally fitting that we are gathered at this intersection of Constitution Mall and Rainbow Avenue. This is an appropriate site for these heroic figures symbolic of the four children of that goddess standing at the entrance to New York Harbor whose great beacon casts its brilliant beam to guide the downtrodden and the oppressed of all the world.

"Those who laid the cornerstone of representative government in the Federal Constitution, built wisely. Upon that firm base they erected a structure reinforced by the four essentials of democracy—free press, free speech, free assembly, free worship.

"This great World's Fair is built upon the theme, 'The World of Tomorrow.' It is well that we should project our thought toward that world of tomorrow, contemplating first, however, this world of today.

"What is the picture in many of the countries of the globe?

"In the parlance of the press, we see free speech cut off at the switchboard, freedom of petition and assembly chucked into the wastebasket, freedom of religion pied in the galley, and freedom of the press thrown into the hellbox.

"In the rest of the world these four fundamentals of free institutions, enlightened civilization, and individual liberty stand as barriers against temporal tyranny, intellectual enslavement, and spiritual subjugation. Without a free press, however, all of these freedoms are lost, because an unfettered press is the best guaranty of the preservation of the others.

"Liberty has perished where these fundamentals have been abridged or abolished.

"Why is it that we can still meet as we do here today, to think as we please, to say what we think?

"Why is it that we still raise our hand in only one salute to the Stars and Stripes and not to any military or political martinet?

"Why do we bend no knee to earthly dictators, but to God alone—that God of our liberties and of peace, without whose benediction and guidance this or any other nation cannot long endure?

"It is because until now we, as a free people, have met and checked every effort, from whatever source, to thwart or abridge any of the four basic freedoms.

"Let us, therefore, be alert to defend and certain to preserve all of the constitutionally guaranteed freedoms, to the end 'that government of the people, by the people, and for the people shall not perish from the earth.'

"As we dedicate this statue to the Freedom of the Press, guardian and protector of a free people, let us not consider it simply as a memorial to a past of high achievement, but as a reminder that a free press is the great trust of unshackled journalism in service to and defense of the world of tomorrow."

NEWS and COMMENT

Nuisance Ordinance Declared Void.—The Virginia Supreme Court of Appeals held February 20 that although visits of solicitors to householders may constitute a private nuisance, they are not punishable as a misdemeanor or crime. The city of Culpeper enacted an ordinance which was upheld by the Culpeper Circuit Court, making the presence of a solicitor on private property a nuisance and punishable as a misdemeanor.

J. H. White, a hosiery salesman who was convicted and fined twenty-five dollars by the circuit court for violating the aforesaid ordinance, appealed the case to the supreme court, and that court reversed the decision and declared the ordinance void.

If such ordinances were upheld by our highest courts, the liberty to circulate literature or to sell books would be stopped and the freedom of the press would be denied. The freedom to circulate is as essential as the freedom to print, says the Supreme Court of the United States.

Religion in the Public Schools.—Assemblyman Herbert of the New Jersey legislature introduced a bill to teach religion in the public schools of that State for one hour each week by excusing the pupils from the public schools to go to their respective churches for that purpose.

On the surface the proposal seems harmless. But it is a very dangerous step toward the formation of an alliance between church and state. Most bad things have their beginnings in innocent innovations which lead ultimately to grave eventualities.

Religion has made tremendous progress in America because it has been free and independent from political alliances and interferences. This idealistic situation cannot long survive unless a complete separation between church and state is maintained in our free public institutions.

History teaches an unerring lesson that whenever churches mingle their religious functions with state affairs, politicians will seek church patronage by conferring state patronage, and eventually these concessions will lead to abuses that will result in the churches' being dominated by the state. Every devotee of religious freedom will shy at the first innovations between church and state relationships that are prone to lead to the abuse of political patronage and the surrender of free and independent action in church functions.

Objectives of Lord's Day Alliance.—The *Christian Herald* (May issue) says that the Lord's Day Alliance is endeavoring to raise a \$250,000 endowment fund through the churches to protect the "Christian Sabbath against the vicious attacks of money-mad commercialists, pleasure-mad paganism, and those of us who are criminally careless about the sanctity of the Lord's Day."

The *Christian Herald* unequivocally and unreservedly endorses the program of the Lord's Day Alliance, and says: "With all our hearts we wish it success."

If the Alliance succeeds in its program, announces its secretary, Harry L. Bowlby, it will close up everything on Sunday just as the Puritans did back in colonial times in New England. Doctor Bowlby says: "We need more of the spirit and breath of the Puritan in our Sunday laws." He further states: "We mean to put the American Christian Sabbath upon exactly the same basis as the American flag. . . . Everybody knows what would happen to any man showing disrespect to the American flag." Then he refers to "Catholics, Unitarians, Seventh-day Adventists, and Jews" as being opposed to compulsory Sunday observance under the penal codes, and, with a threatening warning, he declares that they "will have to conform to the laws, if we succeed."

We wonder if the *Christian Herald*, which claims to be nonsectarian as well as Christian, intended to endorse this part of the Lord's Day Alliance program in wishing it success?

Inconsistency of Sunday-Law Advocates.—The city council of Nashville, Tennessee, enacted some of the most drastic Sunday-observance legislations of all the cities in the United States, forbidding even the sale of gasoline on Sunday.

In the face of all this Puritanism, the mayor of Nashville called a meeting of the Board of Public Works and all department heads to meet at two o'clock Sunday afternoon at the city council chamber to discuss and consider the 1939 municipal budget.

Of course the city officials have a perfect right to do what they please on Sunday, but they ought to recognize the same right of others to do what they desire on Sunday, so long as they do not violate civil proprieties. It is nobody's business what a person does religiously. Religion is a personal matter.

The mayor and the city council of Nashville are just as inconsistent as a recent reformer was when he opposed Sunday baseball and then went and played golf on Sunday. It is very difficult for some folk to get the other fellow's viewpoint, or to concede to him any rights that are not approved by their own consciences.

Another Sunday Bill Killed in California.—California is one of six States which does not have any Sunday laws. For more than fifty years California has been without any Sunday laws. Repeated efforts have been made by Sunday-law advocates to place these laws back upon the statute books, but every such effort has failed. Each time the people of California vote upon the issue of bringing back the Sunday-observance laws, they turn the proposal down with larger majorities. The last time it was a majority of more than 750,000 votes on a popular referendum.

Another attempt was made in the Sacramento legislature in April of this year to enact a Sunday law—"an act to provide for a day of rest on Sunday for salesmen, workmen, employees, and laborers in automotive work," providing a fine of three hundred dollars for working on Sunday.

The Legislative Counsel was asked for a decision on the constitutionality of the bill, and the following decision was handed down:

"Unless the conditions of labor prevailing in the automotive industry are essentially different from those in other industries, we believe that the legislation proposed by Assembly Bill 1569 would constitute a discriminatory and unconstitutional classification."

When the committee to which the bill was referred learned of the unconstitutionality of the proposed legislation, it unanimously consigned the bill to the legislative cemetery.

SPARKS From the Editor's Anvil

To oppress the minority is like beating a cripple with his own crutches.

A TYRANT'S intolerance is his glory; and hate, his reward.

FOOLS desire riches for the indulgence of pleasures, but wise men use riches to bring happiness to others.

To be content with what you have is the greatest heritage.

TOUGH going somehow seems the only way to keep some folk humble and decent.

RESPECTABLE scientists are now eager to disprove that they descended from an ape.

HE who wants a law enacted to curb *freedom of speech and of the press*, carries a stick of political dynamite to blow up his opponents.

VIRTUES impart practical benefits, and vices inflict injuries.

SOME men love bread more than they love God or the Constitution.

A DEMOCRACY'S greatness lies in its melting pot.

THERE are those who look upon civil and religious liberty as a protection only to themselves, and not to those with whom they disagree.

To open the door to one denial of liberty is to endanger all our liberties.

THE golden rule cannot be made effective by laws or sheriffs.

MOB rule seeks to enforce its convictions by means of tar and feathers, instead of persuasion.

It is not easy to detest an error and yet insist on the right of any man to advocate it freely.

HE betrays America who says our frontiers lie thousands of miles beyond our own shore lines.

DEMOCRACY loses its own identity when it resorts to undemocratic methods.

WHERE dictators rule, there is neither liberty nor peace.

WHEN dictators become drunk with power, there is created a thirst for more power.

THE world has never seen "a tyrant growing old;" because unstable rests the crown on the tyrant's brow.

SOME work for peace till they bring on war.

THE greatest enemy of life, liberty, and happiness, is war.

THE majority is inclined to be influenced by mass mentality and to drift with the tide instead of swimming against the current.

THE doctrine of "the divine right of kings to rule" and "the king can do no wrong" is pagan and not Christian.

THE person is indeed fortunate who humbly accepts his misfortunes and turns his cup of sorrow into one of joy.

STAR OF LIBERTY

by

Harvey Edgar Barbee

From out the struggling past
Into contemporary age of ease
We ramble, drunk and giddy, fast
Forgetting where we left the keys,
Forged from precious ores of other lands—
Keys we took from trusting hands.

O God, forbid that we should lose
The richness of our heritage
For deftness in our modern muse;
Guard well the antiquated page,
The newer highways cross the fading trail,
And lore and legend seem to fail.

O Liberty! Thou attribute of God Himself,
We would not lose Thee.
We'll tread once more the sacred delf
Where bones we trample wrought the key
That locks the dazzling daylight's mar
And frees the brilliance of that distant star.

