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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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**Threat to Liberty—Bill of Human Rights—Free Press
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WASHINGTON, D. C.

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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 believe in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

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A MAGAZINE OF RELIGIOUS FREEDOM

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LIBERTY IS THE SUCCESSOR OF THE AMERICAN SENTINEL, WHOSE FIRST NUMBER WAS PUBLISHED IN 1886, AT OAKLAND, CALIFORNIA. ITS NAME WAS CHANGED IN 1906 TO LIBERTY, UNDER WHICH NAME IT HAS BEEN PUBLISHED QUARTERLY, BY THE REVIEW AND HERALD PUBLISHING ASSOCIATION, TAKOMA PARK, WASHINGTON, D. C. ENTERED AS SECOND-CLASS MATTER, MAY 1, 1906, AT THE POST OFFICE AT WASHINGTON, D. C., UNDER THE ACT OF CONGRESS OF MARCH 3, 1879. SUBSCRIPTION RATES.—ONE YEAR, 50 CENTS; CLUB OF THREE SUBSCRIPTIONS TO SEPARATE ADDRESSES, \$1; FIVE OR MORE COPIES MAILED BY PUBLISHERS TO FIVE ADDRESSES, OR TO ONE ADDRESS, POSTPAID, EACH, 9 CENTS. NO SUBSCRIPTIONS FOR LESS THAN ONE YEAR RECEIVED. REMIT BY POST-OFFICE MONEY ORDER (PAYABLE AT WASHINGTON, D. C., POST OFFICE), EXPRESS ORDER, OR DRAFT ON NEW YORK. CASH SHOULD BE SENT IN REGISTERED LETTER. WHEN A CHANGE OF ADDRESS IS DESIRED, BOTH OLD AND NEW ADDRESSES MUST BE GIVEN.



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New Methods and New Machines for Farming Have Provided an Abundance of Food for Everyone



PHOTO BY H. DAVEY. FROM LOWNDS & EWING, N. Y.

At the Beginning of Our Century, Peace and Happiness Were to Be for All Mankind

The Threat to Liberty

by **DAVID SAVILLE MUZZEY, Ph. D.**

Professor Emeritus of History, Columbia University

IN A FAMOUS PASSAGE discussing the rise and fall of empires, Macaulay pictured a New Zealander in some remote age standing on London Bridge and viewing the ruins of the great metropolis. Some such melancholy scene, not so much of material destruction as of a deplorable retrogression to barbarism, will present itself to the historian of a future generation, as he reviews the three decades of the twentieth century that have just come to a close. Sorrow and disgust at the pitiable state of confusion, war, and slavery into which a large part of the world has fallen will be mingled with amazement that such things could happen in the full light of the most confidently hailed age of civilization in human history, and that the very days of the greatest opportunity for the progress of mankind should actually have witnessed the worst slump in moral and spiritual values since the Dark Ages.

When the World War broke out at the beginning of August, 1914, Sir Edward Grey, standing at the window of the Foreign Office and watching the street lights being kindled in the dusk below, sorrowfully remarked to a friend at his side: "The lamps are going out all over Europe; they will not be lit again in our lifetime." That the nations should have allowed this dismal prophecy of Sir Edward to be fulfilled; that not only were the lights of 1914 not rekindled, but that the blackout of peace and hope continued to spread until now it threatens to engulf the whole so-called civilized world, seems to every man and woman of good will simply incredible.

Marvelous Prospects at Opening of Century

Consider the prospects and possibilities which lay before Western man at the opening of our century.

After generations of conflict with absolute monarchs and privileged oligarchies, he had won a measure of political freedom never before attained. Democracy was gaining ground steadily, and bade fair to become the definite form of government for all advanced peoples. A republic was proclaimed in dynasty-ridden China. Even czarist Russia saw the introduction of an elected parliament, the Duma. The Square Deal of Theodore Roosevelt, the New Freedom of Woodrow Wilson, the revolutionary political and financial program of Lloyd George as Chancellor of the Exchequer, were all responses to an increasing demand of the people for a greater measure of democracy in government, and a franker recognition of the principle of Thomas Jefferson that public officials are the servants and not the masters of the people.

In the economic world unlimited prospects of well-being had been opened by the invention of labor-saving machines, the skillful exploitation of natural resources which might be made available for the comfort of all, and the wonderful achievements of mass production which promised to bring within the reach of millions necessities and even luxuries of life which the most prosperous of our fathers' generation could not hope to enjoy. Waste places of the desert had been made to produce fruit and vegetables in abundance. Under improved methods of seeding, cultivating, and reaping, the fields were growing enough grain to feed every hungry mouth in the world, and enough cotton to

clothe every naked body. An economy of plenty was at hand, to replace the economy of scarcity which had been the normal condition of mankind through the ages.

Again, the steady advance of science since the seventeenth century had enlarged the mind of man, purging it of many of the superstitions that had enthralled it, and opening the way for the domination of reason and knowledge over fantasy and ignorance which the great thinkers of Greece had inaugurated two thousand years before. The constant extension of the blessings of education to the people at large had allowed a saner aspect of life to permeate, with a fair and promising success, the masses who had hitherto dwelt in darkness, and the degree of general enlightenment was without doubt higher than it had ever been before in human history. The accumulation of wisdom from the past on which to build a still better future had reached a point from which it seemed that man was destined to go forward, without hesitation or retrogression, to the conquest of full political, economic, and cultural liberty.

Yet, with all these advantages, he took the backward path. With peace and plenty promised, he chose war and want. He might have paused at the dawn of the new century to build a new faith to match the opportunity he was offered. Instead, he progressively lost the old faith which had created the very opportunities that he so incredibly sacrificed. At the moment when his triumph seemed almost won, when science and industry had



New Machines to
Lighten Man's La-
bor and Increase
His Productive-
ness Promised an
Economy of Plenty



PHOTO BY S. M. HARIAN

prepared the way for an unprecedented prosperity, when the genius of the Marconis, the Pupins, the Wrights, and the Edisons had conquered space and made possible the fulfillment of long-cherished dreams of the union of the nations in a fellowship of peace and mutual respect, he chose to revert to the chaos of war and mutual defiance, with all their train of evil consequences in wealth-consuming armaments, burdensome taxes, ruined cities, slaughtered women and children, destitute exiles, famine, flight, and paralyzing fear.

Plato, in his dialogue of "The Republic," has given us the famous allegory of the cave. He pictures men sitting with their backs to the light, mistaking for reality the shadows cast on the walls of the cave. So our generation has turned its back on the light to grope in confused and myopic fashion amid the dark shadows of hate and greed, violence, deceit, and cruel persecution.

This is a fearful indictment of our age. Is civilization so thin a veneer that it can be rubbed off by the friction of the harsh voice of a dictator screaming defiance of democracy? Is it a loose garment to be thrown off at the first challenge to arrogant privilege? Is liberty so mean and minor a blessing that it is to be yielded up at the summons of a political prestidigitator who promises in its place participation in the loot of plundered lands, satisfaction in belonging to a "pure" race, and the ineffable blessedness of merging one's own will and judgment in the decrees of a self-appointed messianic master?

Moral Retrogression

When we speak of the threat to liberty or the loss of liberty we are apt to think of the concentration camps, the censorship, and the general social regimentation imposed by force on a people. These evils, however, are rather the results, or at least the symbols, of a lost liberty than the cause of the loss. For no tyranny could get a people under its heel unless and until that people had already lost (if it ever had) the sense of the value of freedom. The road to despotism is paved with the indifference or the sycophancy of citizens. And that disposition is the result of the failure of moral stamina or spiritual nerve.

In his "Five Stages of Greek Religion," Gilbert Murray characterized the period of the rapid decline of courageous thought which followed the conquests of Alexander the Great, and the simultaneous rise of superstition, miracle mongering, fortunetelling, and fantastic salvation rituals, as a period of "the failure of nerve." The same scholar has diagnosed the moral retrogression of the present age in a single sentence: "Men of the West no longer respect or comprehend the higher values which moved their ancestors to devotion."

FOURTH QUARTER



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With Moral Retrogression Came Trouble

We are so prone to take symptoms for causes when we hear and repeat the reasons alleged for our "failure of nerve," that there is a feeling abroad that the individual does not count for much, that there is apathy at the polls, that the blood of the men of Jamestown and Plymouth is being diluted by alien accessions, that our frontier has disappeared, that farm tenancy is on the increase, that technological advance has created wide unemployment, that the doors of opportunity are closed in our land, and so on. And so the native hue of courage which glowed in our forebears is sicklied o'er with the pale cast of moral cowardice. And so we fear what guns and planes may do to us, without giving much thought to what the neglect and even the despoil of our heritage of liberty has already done to us.

How many Americans of today have any grasp of the ideals which inspired the fathers of our country in winning independence and framing the Constitution, which was to "secure the blessing of liberty to ourselves and our posterity"? How many are ready to believe that the Revolutionary soldiers were the "rabble in arms" described by Kenneth Roberts in his "Oliver Wiswell," or that the Constitution was only the manifesto of a selfish group of security holders intent on the preservation of their property?

From over the seas comes a warning to us from the fall of France and the tottering of England on the "rim of the abyss." For years the men in control

of the destinies of France had abandoned their faith in the motto of "Liberty, Equality, Fraternity" to play a miserable game of petty party politics and personal power. When the enemy descended upon their country, their plea was, "We lacked adequate equipment," meaning that they hadn't sufficient means of defense. It was true. As late as 1938 they were producing less than fifty planes a month, while the Germans were building thousands. But the plea was only half the truth, because the real reason for their lack of military equipment was the lack of moral equipment. The former would have followed on the latter, as it did in Britain when a government devoted to "the values which moved their ancestors" finally came into power in the spring of 1940. Had the spirit of the Republican army of 1792 at Valmy or of the poilus of 1916 at Verdun been alive in the troops of June, 1940; had the Marshal Petain who cried, "They shall not pass!" a quarter of a century ago been the same hero of resistance in the summer of 1940, a foreign flag would not now be flying from the public buildings of Paris, and the old marshal would not be Hitler's puppet at Vichy.

If, to our bewildered present senses, eclipse of liberty in nation after nation of the Old World and the dire threat to liberty in the remaining areas of democracy, seem like sudden and incredible miracles, it is because we have been ignorant of or indifferent to the forces which have been sapping liberty, especially during the last generation. Such forces have been witnessed in the case of France and Great Britain. It is a necessary, if unwelcome, duty to call attention to similar trends in our own country. We in America have been heedless of the clear and unmistakable call to adapt our institutions and policies to the new conditions which have been created by the rapid progress of technology, education, and industrial efficiency, and the ever-thickening web of international responsibilities and rivalries.

We have weakened the foundations of our liberty by the failure to build a sound economic structure, in which the just claim of the masses of our people to have an equitable share in the increasing wealth produced in an age of abundance was recognized. No one can deny that something is radically wrong in an economic system in which, according to Government statistics, more than 40 per cent of our 30,000,000 American families live on an average income of \$758 a year, and half of the 2,000,000 babies born each year belong to parents on Government relief.

We are embarrassed with "surpluses" of food (beef, mutton, butter, wheat, corn), while 8,000,000 families are "facing starvation." We have millions of bales of cotton stored in Government warehouses, while the sharecropper of the South, who "is raising cotton up to the door of his pigsty," lacks the cotton socks to protect his feet from the hookworm. These hard conditions of penury might be accepted philosophically if this were a poverty-stricken land like Abyssinia; but in the richest country in the world they are as unpardonable as they are ludicrous.

The bearing of all this on the subject of liberty is obvious. For it is in the very name of freedom that men cling to the privileges which impair the freedom of society as a whole. Liberty resides in the energies of a people. Hungry, disheartened men, walking the streets in search of work, are poor material for the defense of freedom. They ask for bread, and they get a ballot, which they are often ready to sell for a dollar. The "American dream" has not turned into a nightmare. We are not, as we have often been represented by critics abroad and cynics at home, a nation of mere money grabbers. There is a great fund of latent idealism in our people, inherited from a noble tradition of freedom, which needs only to be released from nagging fear and insecurity to form an unshatterable bulwark of liberty.

Actually it is our own lack of effective faith in the invigorating quality of democracy that is sapping our liberty. The way to resist the attack on liberty is to build up a faith in the irresistible strength of the spirit of liberty as absolute as the faith of a Hitler in the vulnerability of liberty.

That we are living in an utterly different world from that of a quarter of a century ago is an obvious truth, emphasized by every writer and speaker on public affairs and realized by every thinking citizen in his efforts to clear confusion from his brain and indecision from his judgments.

That we shall return to the regime of political routine and economic *laissez faire* which those of us who have passed middle age remember well, is no more likely than that we should return to the age of the kerosene lamp and the old oaken bucket. That the tempo of change will gradually slow down to what was considered normal in the

days of Grover Cleveland and Benjamin Harrison is most improbable. We have come to a new day. The new revolution in technology, for example, has created almost overnight such tools in the hands of those in possession of power that former social regulations are totally inadequate to ensure justice or



Wolves of Want Stalk in the Midst of Plenty



War Ravages the World, Taking Its Toll in Millions of Lives and the Destruction of All That Man Has Built Up

protect liberty. Divided authority and the reluctance of one party or bloc in a democracy to yield enough power to give unity of policy and swiftness of execution to the government have resulted in the confusions in time of crisis which the unrestrained dictators have derisively called "the cackling of hens in a barnyard."

Fear and insecurity have engendered in the masses a widespread skepticism of the ability or the intention of a democratic regime to safeguard their liberty, and released an urge (never wholly purged from primitive barbarism) to be rid of the restraints of

civilization. In this state of mind, which they are flattered into believing is an enlargement of their liberty, but which is in reality a curtailment of it, they are ready to grasp at any panaceas offered and to accept any scheme that promises "a brave new world." They put their trust in a superman, despite the fact that all history teaches that the superman of coercion has feet of clay. They swallow the ridiculous doctrine of a "race" destined by providence to rule the world—because it is *their* race. They will learn nothing from the repeated failures of regimes of force that have attempted to hold the human mind in leading strings.

But, one says, we in America have not come to that pass. Granted. And yet the symptoms are here which may portend the loss of our liberty. With all our scientific achievements, there is an astonishing lack of responsibility for using the results of those achievements to promote intellectual and moral growth. The means in our hands are marvelous; the ends to which we turn them are pitiable. The radio is a gift of the gods; yet the major part of the programs consists of jazz, crooning, inane skits, and velvet-voiced appeals to buy a package of this or a pound of that "today." The cinema, capable of being the most valuable instrument of education ever devised, furnishes the millions who flock to the movie houses with sickly sentimentality, vicarious luxuriousness, and gangsterism. I haven't seen a movie without a policeman or a pistol in it for a year.

A World Revolution

Unwelcome as it may be, and profoundly disturbing to old comforts and securities which we fondly believed were permanent acquisitions, a world revolution is here. It was not the creation of a Lenin or a Hitler. Demonic forces have been released by a progressive, silently working, and largely unrealized revolution in man himself. For his very technological triumphs in subduing nature to the automatism of machinery have tended to subdue him, too, to an automaton. His spiritual strength has been impaired. His ethical values have become confused and weakened. The needle of his moral compass oscillates in the confused field of ambitions, irritations, timid hopes, and propitiated fears. And he lets go the liberty which is the reward of courage, to grasp, like the dog in the fable, for the image of security reflected in the deceptive waters of propaganda.

When the United States set out on what President McKinley called "the new and untried path" of imperialism in the acquisition of islands in the Pacific and the Caribbean, Theodore Roosevelt said: "It is no longer a question whether the United States



PHOTO BY H. A. ROBERTS

Peace and Liberty Are Ideals for Which Man Should Be Willing to Sacrifice
Material Advantage

shall play a part in world affairs, but only of whether it shall play that part ill or well."

We have now our choice, as Clarence Streit has

people, and by taking our hitherto neglected share in fostering the spirit of liberty and democracy in all the nations of the world.

warned us, of meeting the challenge of the new day in one of three ways.

We may through cowardice or fear submit to the tyranny of totalitarianism, and for the sake of an imagined security sacrifice the liberty for which our fathers died. We shall not make this choice!

We may through indifference or the obstinate clinging to privilege and profits drift into the anarchy of a social revolution in which not only privilege and profits, but life and liberty as well, will be lost. We ought not to make that choice.

Finally, we may with clear eyes and stout hearts face the demands of the new order by creating at home an economy so just and so generous that revolution will have no appeal to our

The Bill of Human Rights

Freedom's Greatest Charter Now Endangered

by VARNER J. JOHNS

THE HISTORY OF THE WORLD, if rightly recorded, is the story of the struggle of the centuries against sin and wrong and oppression. The battle of the ages is the battle against intolerance. Two philosophies of life, antagonistic, irreconcilable, utterly at variance one with the other, have been in conflict through the ages of the past, and are in deadly conflict in the immediate present.

Two Conflicting Philosophies

One of these conflicting philosophies is the heaven-born philosophy of the glorification of the individual and the exaltation of the rights of man. Man was made in God's image and endowed with certain inalienable rights. A man is more precious than the gold of Ophir. Every man is a prince of the royal line, a sovereign in his own right. Under this way of life, the individual is king. His rights to life, liberty, and the pursuit of happiness are of first

importance. All laws are made by him and by his fellows for his common good. All government is designed to protect his interests.

The rights of man, of the individual man, are the first and foremost consideration under this philosophy of life. Laws are protective rather than coercive; governmental officials are the servants of the people, rather than their masters. Because of sin and selfishness, because of unbridled passion in some individuals of a community group, laws have of necessity been made restrictive, but are only designed to safeguard the man who is honest and upright, and to coerce the unruly, the unjust, into right ways of living. This is the democratic way.

The other philosophy of life regards the individual as a pawn of the state. His interests are subordinate to the interests of the state. The individual is merely a cog in the machinery of state government. All human rights are secondary; the glorification of the

state is primary. This is the philosophy of absolutism in government. It may appear under various forms, but it always brings the darkness of despotism.

The conflict between these two opposing and irreconcilable camps of human thought has reached a moment of great intensity. Friederich Wilhelm Nietzsche, an apostle of moral anarchism, wrote these words:

"Our whole European civilization, in an agony of tension that grows from decade to decade, has long been moving toward catastrophe. What I am telling is the history of the next two centuries. I am describing what will come, what cannot now but come, . . . the rise of nihilism."

The New Absolutism

Our immediate concern is with the democracies and especially with our America. But in the study of the trends in America, let us keep ever in the background of our thought the situation in Europe. The conflict of today is far more than a battle between the dictators and the democracies. The seeds of the new absolutism have been sown within the democracies. The lovers of liberty, the defenders of human rights, are battling against foes from without and greater foes from within. And let us never forget that the destroyer of rights and liberties appears as their savior; the apostle of absolutism claims to be the defender of freedom. Alien ideas and alien standards are already at work in America. There is more than one "fifth column" in our midst. We have reason to fear the triumvirate of "isms"—communism, nazi-ism, fascism—but we have greater reason to fear that America, in combating these foreign isms, will use their methods and follow their ways.

There is going on today a struggle for absolute power. Liberal groups—socialist groups, ecclesiastical groups—all are organizing, confederating, for power. The difficulties of our day are mountainous. The temptation to surmount these difficulties by the more direct methods of an autocracy is almost irresistible. The democracy is painfully slow at times in gaining its objectives. Autocracy is efficient. One man pulls the political strings and every puppet within the nation moves immediately and in accord. But autocracy and liberty cannot live together. When democracy dies, freedom dies. Sir Philip Gibbs at one time said: "Unhappy England, divided in purpose, distracted by politics, impoverished by strikes and doles, and shockingly inefficient in many ways, would undoubtedly gain something by establishing a corporate state somewhat on the Italian model. But she might also lose her soul." And so with America. Any trend away from democracy is a trend away from liberty.

Our Immediate Danger

One of the most subtle dangers to democracy is the possibility that its citizens may continue on in ignorance, not realizing that a series of departures from fundamental principles, a series of emergency measures and compromises, will come gradually, almost imperceptibly, and their dangers not be seen. We Americans may maintain all the forms and formulas of a democracy having lost its essential spirit and principles. One writer has well said:

"The encroachment upon our liberties may not be overt—by repeal of any of the constitutional guaranties—but they may be insidious and no less potent through encroachment upon the checks and balances which make its security. More particularly does the weakening of the legislative arm lead to encroachment by the executive upon the legislative and judicial functions, and inevitably that encroachment is upon individual liberty.

"If we examine the fate of wrecked republics over the world, we shall find first a weakening of the legislative arm. . . . It is in the legislative halls that liberty commits suicide, although legislative bodies usually succeed in maintaining their forms. For two hundred years the Roman Senate continued as a scene of social distinction and noisy prattle after it had surrendered its responsibilities and the Roman state had become a tyranny."

Liberty is never lost to a nation until it is lost in the soul of the men who compose that nation. When men become careless and corrupt, when the pleasures and passions of the moment are the supreme interest,

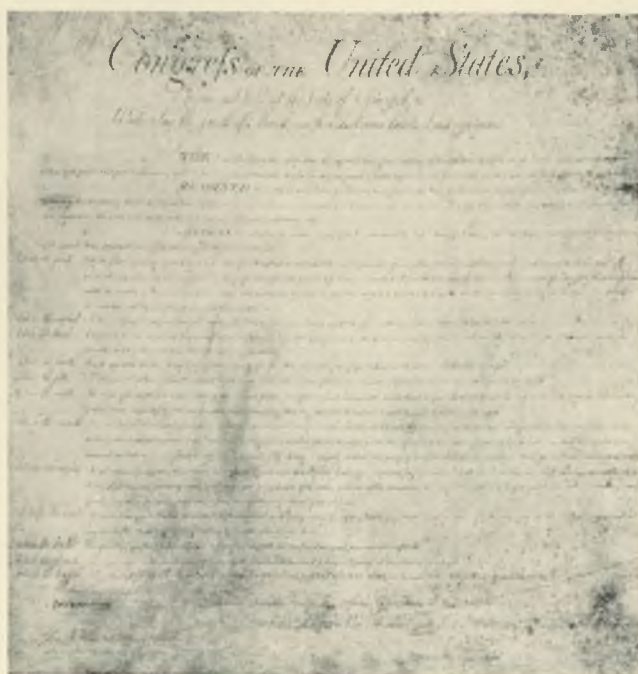


PHOTO BY NATIONAL ARCHIVES

The First Ten Amendments to the Constitution of the United States Have Been Called the Bill of Rights Because They Guaranteed Those Personal Liberties for Which the Colonists Had Fought

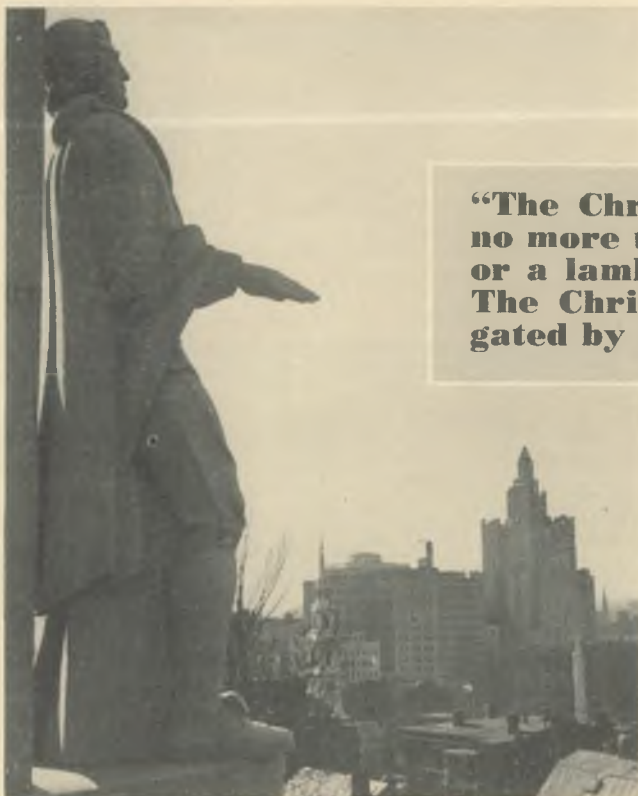


PHOTO BY JANE PITTS, FROM SOBELMAN SYNDICATE

Statue of Roger Williams in Providence, Rhode Island

part, church groups—Pilgrims, Puritans, Separatists, Quakers, Baptists, Catholics. They came to America for freedom to think, to speak, to worship, as they might choose.

“The Christian church doth not persecute; no more than a lily doth scratch the thorns, or a lamb pursue and tear the wolves. . . . The Christian religion may not be propagated by the civil sword.”—Roger Williams.

The light of truth and freedom burned dimly during the long, dark night of the Dark Ages. Medievalism was the inheritor of the intolerance of paganism. Under the pagan empires of antiquity, the king was deified and worshiped. The emperor of state was the high priest of the religion of state. Wherever Christianity was corrupted, it followed the pagan pattern. The church then sought the control of the state. Democracy was an idea foreign to the Dark Ages. The state was despotic, intolerant; the church controlled the state and dictated its policies. Individualism, democracy, freedom, were unknown to the despotism of the Dark Ages.

when men step politely and cautiously out of the way to avoid sacrifice for principle, when men care more for security than for freedom—then the national vision becomes clouded and national standards are lowered.

The Need of a Spiritual Outlook

Our problems of democracy are largely spiritual problems. Our remedy for national decay and disintegration is a spiritual remedy. While we must ever strive to maintain our separation of church and state, we must not forget that our very attitude toward church and state, and their relationships, is determined by our spiritual vision. The strongest motivating power in all the world is religion. A man's political thought is inseparably linked with his religious ideas. His religious belief colors his philosophy and his politics. This is so in Russia, in Spain, in Italy, in Germany, in America. Religion is the major factor in every problem of state.

What led to the development of the spirit of freedom and to the framing of our charter of freedom? Freedom's charter was born on American soil, but it was fathered by the martyrs of the ages, the men who battled and bled and died that freedom might live. Let us think for a moment of the background of our American history. In our colonial America the oppressed and persecuted from the Old World were gathered together. These were, for the most

Beginnings of Religious Freedom

But there were men within the church who dared to protest against error and intolerance. Many of these noble men sealed their testimony with their blood. But the protest grew louder, the forces of righteousness became stronger. There came revolution, and separation, and eventually democracy.

Let us glance for a moment at the Protestantism of the Reformation centuries. The Presbyterian system of church government, established by the followers of John Calvin, giving to each member a voice in church affairs, “exerted a vast influence upon the making of political institutions and theories.” Queen Elizabeth was much disturbed by the trend to democracy in government among the Calvinistic churches. From among these churches came the demand that churches be free to order their own affairs, free from state influence in so doing.

The Dutch Baptists called for a clear separation between church and state. “Modern democracy,” declares Professor Masson in the *Encyclopedia Britannica*, “has in a large degree sprung from the labors of the Dutch Baptists and their associates in England, who followed them much later.” The first known expression of absolute liberty in any confession of faith was written by John Smythe, an Englishman in exile in the Netherlands. He declared that “the magistrate is not by virtue of his office to meddle with religion, or matters of con-

science, to force and compel men to this or that form of religion or doctrine."

It was the struggle of men to gain religious freedom that gave to the world political freedom. In the Old World both the force of entrenched absolutism in civil affairs and that of the union of church and state in Catholic and Protestant countries alike, were the powerful forces of autocracy against which those who sought individual freedom had to contend. But in the wilderness of America—apparently preserved by God for this very purpose—there was conceived and framed a new order of civil government, crystallized in the Constitution of the United States and in the Bill of Rights, summed up in the first ten amendments, which for generations have been a light to the world.

Under our constitutional form of government, and because of our Bill of Rights, certain fundamental principles have been accepted as distinctive Americanisms. While the will of the majority rules in matters of state policy, even the majority cannot invade the sacred precinct of constitutional principles or destroy the rights of the individual to "life, liberty, and the pursuit of happiness," the rights of the individual to worship God as he chooses, the rights of the individual to a protected home, a protected property, a protected person.

The Worship of the State

In the world of 1941 democracy is at death grips with a philosophy which would destroy every fundamental of freedom. Our peril is that this philosophy may become the philosophy of our democracy, and that while maintaining all the forms of a democracy, we will have lost its spirit and essential principles. During the World War No. 1, says Sir Philip Gibbs, in his book, "The Day After Tomorrow," the states of Europe set up a "tyranny which conscripted not only the lives and wealth of its citizens, but the press, the universities, science, religion, public opinion, and the intelligence of its people."

This conscription of even the thought of the people did not end with the war, but rather developed into a "new worship of the state, a religion of nationality." "The tendency in Europe at the present time," he continues, "is to substitute the state for any kind of spiritual authority, including God." This spirit of nationality has developed into a fanatical worship of the state, and it is this fanaticism that has caught the masses in its power, and has developed a mighty dragon, whose voice of persecution will echo throughout the world.

The following experience related by Mr. Gibbs is worth remembering by Americans: "I remember one day after the Armistice passing a battalion of Belgians carrying their national flag. A lieutenant

with a fierce, fanatical light in his eyes kept shouting, '*Salut le drapeur!!*' I did salute the flag, I had every intention of doing so, being in British uniform and a warm friend of Belgium. But there was something terrible in that man's eyes. It was a kind of madness, as though the flag he carried as a symbol did not represent pride and love of country so much as hatred and intolerance."

There is "something terrible"—a "madness"—seen in certain groups in the United States who seek to trample underfoot the virtue of freedom, that some social or political ism may be exalted. There is a breakdown of democratic principles. Something tragic is happening to men and nations. Seeds of disintegration, germs of destruction, were already at work in France, or there could not have been such demoralization of this one-time democracy. These same seeds have been sown in America; these same destroying germs have reached the New World. Shall the epidemic that is raging in Europe become pandemic throughout this world? Must liberty be lost in our democracy? The answer is a spiritual answer.

Revival of Primitive Godliness Needed

Apostasy in the spiritual life of America will bring apostasy in her political life. Many are the men in



EWING GALLOWAY

Worship of the State Can Never Take the Place of the True
Worship of God

the various churches who realize that the modern church is dancing to the jazz of worldliness around the golden calf of apostasy. The rising tide of absolutism will never be stayed without a revival of primitive godliness.

What do we need to save our Bill of Human Rights? The answer is with the descendants of the pioneers who maintain their faith in God and His word, and who have the courage of John Knox, the loyalty to principle of Roger Williams, and the clarity of vision of James Madison. There is a remnant according to God's grace. They are found among the Protestants, the Catholics, and the Jews—some of them among the unbelievers—who will stand shoulder to shoulder in defense of truth and freedom. They will be found ready to buckle on the armor of truth, and to oppose, by an unflinching resistance, any attempt to destroy our heritage of freedom. The fires may be lighted and the sword of persecution drawn, but they will cling to principle because they love it. They are in the minority. As yet they do not fully realize our peril nor fully sense our need. But their awakening will come.

The issue in the conflict is clear and decided; the battle is sharply drawn. The demand of the multitudes is now, as never before, Let truth yield half the ground, let there be a compromise of ideas and

principles "essentially and irreconcilably at variance," let there be concessions and compromises until error triumphs and truth is vanquished. There must be an awakening of the lovers of truth to the reality and intensity of the conflict. The voice of the founders of the Republic must find echo in the voice of its defenders.

"Man will ultimately be governed by God or by tyrants," said Benjamin Franklin. Only those with clear spiritual vision can have a clear political vision. There will come in these last days a universal call to religion. There will be a pseudo revival that is concerned only with externals. "Religion by law" will be the call of powerful church groups. But such a movement will only carry us deeper into the morass. Such a movement will lead us back to the Dark Ages.

An inner transformation is necessary if we would save our democracy, our civilization. A mighty reformatory message is needed now as never before. Such cannot come from political patriots, whose spiritual vision is clouded. It must come from those who exalt God in their hearts and lives. While the battle is open, let us gird on the armor of truth to meet the foes of freedom. Let us proclaim anew, by pen and voice and vote, the mighty principles which made America "time's noblest offspring," the defender of freedom and of the rights of man.

Repeal of Religious Laws

Increase of Proper Social Laws: An Experience

by **THE HONORABLE WILLIAM LANGER**

Junior United States Senator from North Dakota

PRIOR TO 1917 there were many laws upon the statute books of North Dakota which were generally ignored. Among them was a law that prohibited the sale of groceries on Sunday. This statute was so severe that it was illegal to sell milk even for a baby's use. Another law prohibited baseball on Sunday. There was another that forbade farmers with crops in the fields to thresh on Sunday, although it might have been raining steadily for three weeks before. It was unlawful to send a telegram. Boot-blacks were not allowed to shine shoes on Sunday. It was unlawful to sell a newspaper on that day. It was unlawful for taxicabs to operate, and though a blizzard raged, a taxi driver would be compelled to refuse to take passengers, even though a mother and

four or five small children were seeking to reach their home.

That was the situation in North Dakota when I became attorney general. A few fanatic groups in the State were insisting that these Sunday blue laws must be enforced regardless of either fact or fancy. I well remember a certain family which had quarreled with a neighbor about the location of a fence, coming into my office from a distance of over a hundred miles to demand the arrest of the neighbor because he was threshing on Sunday.

Enforcement of Blue Laws

When, under the provisions of the constitution of the State of North Dakota, the legislature met on

LIBERTY, 1941

January 3, 1917, there was offered an excellent opportunity to repeal obsolete measures. But I believed that the best way of showing their real nature was to enforce them literally and strictly. As I have said, this was being demanded by some groups anyway. It seemed that these could be satisfied by no other course. With the assistance of the fifty-three State's attorneys, fifty-three sheriffs and their deputies, and the four assistants in the office of the attorney general, I enforced all the laws upon the statute books—every one of them, with only the single exception of permitting the power companies to furnish light and heat. Right in the dead of winter sick women and children could not get taxicabs, babies could not get milk, and legislators could not get their newspapers. There was even some question regarding whether people could legally get their meals at the restaurants.

Two things should be understood. First, I had taken an oath to enforce all the laws of the commonwealth, and I had no disposition to regard that oath lightly. My election gave me no authority to decide which laws I would enforce. Whether I personally liked a given law or not, it was my duty as a public servant to see that its provisions were obeyed, or prosecute the violator.

In the second place, I was not moved by either a dislike for or apathy toward religious things. I am a church man and respect religion, but I knew that under the American plan of government the state cannot rightfully be called upon to enforce the teachings of the church.

A Changed Attitude

I assure you it was not long before the plan of strict law enforcement caused the citizens of the State to call a conference to consider what should be done. Before the end of three weeks, the attitude of the people over the entire State was overwhelmingly reversed. The enforcement of obsolete legislation had demonstrated to the public, in a most effective manner, how absolutely impractical for this day and time such laws are. Old laws were repealed and new legislation was immediately enacted which legalized almost all of the prohibited activities.

In 1917 North Dakota adopted the initiative, referendum, and recall laws. Under the initiative law, any group of citizens may propose a law by submitting a petition signed by 10,000 duly qualified citizens. In this way, a law permitting Sunday base-

ball was proposed and adopted by the citizens at the next general election.

Prior to that time theaters could not operate on Sunday. A petition which referred the measure to the people at the next general election was signed by 10,000 citizens, with the result that the theaters are now open on Sunday afternoons and evenings.

What have been the results of the repeal of the blue laws? Has North Dakota suffered grievously?

Have the dire predictions of some that the State would revert to godlessness and fall from high standards been fulfilled? What are the facts?

As a result of this enforcement of the Sunday laws, a very strange thing happened. The people became law-conscious. Overnight the citizens insisted that all the laws be enforced or repealed. The result of that kind of law enforcement has been so clearly demonstrated in North Dakota that "he who runs may read." Overnight, North Dakota became known everywhere as the State in which the people were militantly interested in good government. Some striking instances

of things done may be cited.

Not a single bawdyhouse has, for the last twenty-five years, been licensed in North Dakota.

When the North Dakota boys were called into service during World War I, medical examinations found approximately 5 per cent suffering from venereal diseases, which was about the average all over the United States. As ex-officio chairman of the State board of health, I immediately instituted a campaign to eradicate syphilis. Although the appropriation for health was small—much more money having been appropriated to treat cows, horses, and hogs—we were successful in securing the active co-operation of practically every doctor, nurse, and hospital in the State. The Women's Christian Temperance Union did a heroic job in rousing favorable public opinion. Among other things, they printed circulars in red which were posted in every public lavatory, showing the devastating effects of syphilis. A law providing for premarital medical examinations was passed and has been continuously enforced. One of the special strengths of the law is the feature providing that all laboratory work is to be done at the State health department laboratory, which is part of the State University of North Dakota.

Shortly thereafter, the North Dakota State Elks Association began their fine work with clinics for crippled children, and the Eagles organized an active



PHOTO BY SARRETT

Senator William Langer



PHOTO BY RISEM

The New State Capitol at Bismarck, North Dakota

campaign for pensions for widowed mothers and for the aged. The legislature passed the minimum-wage law for the protection of girls who had been working unlimited hours at starvation wages under almost impossible conditions, and who now suddenly happily found that they could not work longer than six days a week and eight hours a day. We passed the workmen's compensation law similar to the laws of Ohio and Wisconsin. Nineteen thousand families have been kept together through its operation. The mothers' pension law put a stop to the disruption of families at the death of the breadwinner. Laws segregating dance halls from liquor places have been passed. Appropriations for the State training schools for delinquent boys and girls have been greatly increased. All over the State, in town and in country, there was awakened a determination to improve living conditions. Each citizen was actively aware that "I am my brother's keeper."

Results of New Social Laws

Twenty-five years have passed. Recently I visited the National Bureau of Public Health here in Washington, and while there I inquired regarding the results of the working out of the health laws in North

Dakota. I was delighted with the expected report. Today another world war is raging. Again the youth of America is being inducted into military service. Again examinations for venereal diseases are being given on a large scale, which will provide statistics by which valid comparisons may be made. The examination of the inductees still shows an average in the United States of 5 per cent. Apparently the control of prostitution and venereal diseases has not progressed very much over the nation as a whole. In contrast, the record in North Dakota shows that among 2,760 selectees for the Army examined prior to March 1, 1941, only seven showed a positive blood test.

When you consider that the average for the entire United States is 5 per cent, and that seven—instead of the 138 which would be found among an equal number elsewhere—is only one fourth of one per cent, we see a splendid memorial to the work of the law enforcement, the public health, the medical, the educational, and the religious agencies of the State.

Through the great work of the present attorney general, the Women's Christian Temperance Union, the various ministerial associations which cover the State like a network, the high general educational

level of the people of the State, the co-operation of the medical and hospital people, and the fine public-health educational program carried on by the State public health department, North Dakota has become a notable object lesson in this field.

The list might be lengthened; it is not necessary. Reference is made to the foregoing only to show that taking off the civil statute books those laws that relate to man's duty to his God, does not in the

slightest degree lessen his interest in the laws that govern his relationship to his fellow man. The state may rightfully enact legislation governing the welfare of society, forbidding anyone to do those things which infringe upon the liberties of others. When the state seeks to enforce the ordinances of God by the power of the policeman's club, it leaves its legitimate sphere and arouses a natural resentment against all law.

The Religious Question in the Republic of Panama

by Our Inter-American Correspondent

THE REPUBLIC OF PANAMA is one of the youngest of the American nations, having become independent of Colombia in November of 1903. On the 13th of February, 1904, the country adopted its national constitution, which, with amendments from time to time, served the Panamanian people as their fundamental law until the latter part of 1940.

In recent years there has been a constant demand for a constitution that responds to the needs of a country as progressive as Panama. For this reason much has been said about "reforming the constitution," although in reality what was demanded was a new code rather than an improvement of the old.

Therefore, when the new president, Dr. Arnulfo Arias, assumed the office of leader of the nation in 1940, he and his partisans proceeded to work on this problem with the patriotic zeal and enthusiasm which has characterized his administration to date. Since Panama serves as a link, or nexus, between the two American continents, the leaders of the Panamanian people desire that their nation shall play its part worthily in international affairs.

A New Constitution

In November of 1940 the national assembly of Panama unanimously approved the new constitution, and the government submitted it to a national plebiscite on the fifteenth of December following.

Article 26 of the new constitution says: "All Panamanians are equal before the law. There shall be no personal favors and privileges."

Then in Article 38 we read: "The profession of all religions is free, as also the exercise of all cults, without other limitation than respect for Christian morals and for public order. It is recognized that the Catholic religion is that of the majority of the

inhabitants of the republic. It shall be taught in the public schools, without the study of it being obligatory for those pupils whose parents or guardians should so solicit. The law shall provide the aid which ought to be given it, and may entrust it with missions for the indigenous tribes."

The article is very brief, but it involves much. It is not known yet just what will be the interpretations which future administrations may give it, nor is it possible to guess how far reaching will be its application in the religious life of the Panamanian people.

Like the old constitution, the new one guarantees the free profession of all religions and the free exercise of all cults. But it is well to note that there is one significant "limitation" required, and that is "respect for Christian morals." The previous constitution had a similar provision, but your writer knows of no instance in which the government administrations of the past have ever attempted to define officially just what is to be understood by "Christian morals." It is believed that it refers to the morals of the Roman Catholic Church, which is the only religious body that is given official recognition by the state.

If the civil power should some time fall into the hands of statesmen such as ruled Europe in the Dark Ages, or as were in Spain during the days of the Inquisition, this limitation would bring terrible consequences to dissenting churches. Fortunately, Panama has so far had rulers of a liberal and democratic spirit, and this limitation has never been applied with rigor.

The new constitution continues the policy of political favoritism for the Roman Catholic Church, placing it in a privileged position. In this respect

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PHOTO BY BURTON HOLMES. FROM EWING GALLOWAY, N. Y.

The Public School, Supported by the State, Is Not the Place to Teach Religion

The Cry for More Religion

How Is It to Be Obtained?

by **FREDERICK LEE**

WHAT A STRANGE WORLD! Not so long ago we were being told how science was planning to save humanity from its miseries and woes. Religion was a matter that needed little or no attention. In fact, it was inferred that we could very well do without it altogether, in spite of the unhappy experiment in Russia. Students and professors alike ridiculed the idea of divine revelation. The Bible and much that it stood for very often was a subject of jest in the classrooms.

Now, rather suddenly, an about-face seems to have taken place. We are beginning to hear how much the world owes to religion, how civilization is being threatened because of the lack of religion, how necessary it is to get religion into the lives of our youth, somehow, before it is too late, how godless the curriculum in our public schools is. A great wave of zeal for religion has inundated the

country from one end to the other. A hundred experiments are being carried out on public-school children to see how best to give them the dose of religion that seems to have been long overdue. Colleges throughout the country are reporting new interest in Bible courses. Church leaders are talking about a revival of religion, while laymen are writing books on the return to religion.

Power to Destroy Civilization

All this came about when scientists began to show what could be done to destroy the world rather than to save it, when we began to see that science in the hands of men without moral principles could be a source of darkness rather than light.

Scientists who as a rule have seemed to have little time for matters of religion have awakened to this danger themselves, and in recent years have taken

out time from their laboratories to give attention to some guiding principles for the use of science. Concerning a meeting of the American Association for the Advancement of Science held in Richmond, Virginia, in December, 1938, which was attended by 5,000 scientists, the *New York Times* reports:

"Among the inner councils of the leading scientists gathered here on the eve of the meeting, there is an attitude of tenseness seldom observed among men of science. World events during the past few months and the ever-gathering clouds of international discord have made scientific men realize as never before that intellectual and moral forces are faced with a race against time. They are aware that heroic measures must be taken by men of science, who, in their quest for the betterment of the human lot, have forged the very weapons that now threaten to destroy man and his civilization."—*December 26, 1938.*

The Right Use of Science

The scientists of both Great Britain and America have created departments in their associations for the study of the moral obligation of science, and its relation to society. Sir William Bragg, president of the Royal Society of London, recently stated:

"The right use of science is a matter of morality and religion: science itself is knowledge only. . . . Science puts into our hands vast opportunities for improving the conditions that govern our lives. . . . But wisdom and understanding are sorely lacking, and one of the greatest needs of the day is to learn how to make use of the knowledge which we have gained."—*The New York Times, June 26, 1939.*

Dr. Henry Fairfield Osborne is quoted in the book, "Let's Go Back to the Bible," as saying:

"In my time I have seen materialists deny the very existence of all spirituality, and now science turns backward—I should say forward—and says that there is something outside matter."

The inevitability of progress which was preached so dogmatically only a few years ago is now being doubted on every hand today. The deliberate and effective planning of a nation's sudden destruction by the might of powerful weapons gives point to these doubts. Hundred-ton tanks, thousand-pound bombs, swift undersea torpedoes, stratosphere planes, forty-five-thousand-ton battleships—these and a thousand other destructive marvels witness to the need of some moral power equal at least to the destructive impulse that is so triumphant today.

Need of a Spiritual Revival

President Roosevelt, uttering the thought of many today, said recently:

"No greater thing could come to our land today than a revival of the spirit of religion—a revival

that would sweep through the homes of the nation and stir the hearts of men and women of all faiths to a reassertion of their belief in God and their dedication to His will for themselves and for their world. I doubt if there is any problem—social, political, or economic—that would not melt away before the fire of such a spiritual awakening."—*The Washington Star, April 4, 1940.*

There is no doubt that civilization which honors the rights of man and exalts the pursuits of peace is promoted and sustained by religious principles which live in the hearts of the men and women who make up that civilization. We must admit that no nation can become great in the things which count for good unless its citizens have a high sense of moral values. To give men and women such a sense is the work of the Christian religion.

The question now arises, How is that religion to be inculcated into the lives of citizens? Is it the duty of the state to foster the work of religious instruction, or is it the duty of the church and of



H. M. LAMBERT

The Church Is the Citadel of Religious Faith

the home? We may ask further, If the church and the home fail in their duty, what can the state hope to do about it?

There is a very grave danger in this present-day zeal for more religion. Wrong methods may easily nullify any good work. In the race against time between intellectual and moral forces, should we not be careful lest we seek by some wrong means to advance the cause of religion? That this is not an improper question is seen by the present urge on the part of many to bring about some form of religious teaching in our public schools or to enlist these schools in some program for such training.

Public-School Experiments

According to *Newsweek*, June 23, 1941, there are now 1,000,000 school children in 41 States who are under the program of "released time" for religious instruction. "Released time" is a plan which has been devised to get around the constitutional requirement of the separation of church and state. It is well recognized by those who uphold the principle of the separation of church and state that the teaching of religion in public schools is an infringement upon that principle. One needs only to ask, if religion is to be taught in the public schools, What religion is to be taught that will satisfy the parents of these children whose beliefs may range from the most conservative of Christian beliefs to paganism?

It is easy to be seen that the experiments with "released time" are coming very close to infringing upon the principle of separation of church and state. Already the results are beginning to be felt in some places. Quite a little just criticism followed the inauguration of the New York plan in February of this year. Under this plan students who desire religious instruction are released each Wednesday afternoon one hour earlier than other students, in order that they might go to certain church centers where religious instruction is given.

Students who attended Protestant classes appeared in school wearing a button with a question mark upon it, and the students, in answering queries regarding

this, took opportunity to invite the questioner to enroll in the classes. In order to encourage enrollment, students who attended religious classes were given two registration blanks, with instructions to interest two of their classmates in joining religious classes. These methods led to a form of proselyting in the public schools which was deplorable.

Newbold Morris, president of the city council, after the law had been in effect one week, declared:

"Our schools were founded on the principle of equality for all. Now we have children going out of the classroom on Wednesdays, leaving in different directions. They leave behind them a few children who do not wear a badge or button. That is contrary to the fundamental spirit of American education. When a child walks through the door and enters a school, his color, race, and religious beliefs remain within his own heart. No discrimination is made, one way or the other. As a result of the religious classes the children leave the schools as Protestants, Jews, and Catholics, and go in different directions. I think it is one of the saddest things that has ever happened. It is fantastic, a complete departure from our American principles."—*New York Times*, Feb. 13, 1941.

Some members of the board of education are strongly opposed to this "released time" program. One remarked after the experiment had been in operation a month that "the possibilities of ostracism of small minorities, of clannishness among larger groups, of development of attitudes of superiority and inferiority are very clear."—*Id.*, March 2, 1941.

Makeshift Plans for Teaching Religion

The *Christian Century* of March 19, 1941, discusses the Chicago plan, which "contemplates giving high-school credits . . . for courses in religion that are to be offered as electives under Protestant, Roman Catholic, and Jewish auspices, either on Saturdays or Sundays or in released time on school days in places and under instructors to be supplied by the respective religious groups."

Concerning this plan, the above publication remarks, "In a society which is characterized by a diversity of faiths and which cherishes religious liberty, it may be said that religion cannot be made an integral part of the organized life of the community—its government, its business, or its system of public education. . . . Certainly any program which leads to the integration of religious education with a school system governed by political appointees must be viewed with grave suspicion."—*March 19, 1941.*

In a discussion of the Pittsburgh plan of religious education, the *Christian Century* pertinently remarked some months ago, "Conformity to religious observances as a road to a cheap diploma may easily



Public Schools Should Inculcate Respect for Law

cheapen rather than enlarge the place of religion in the thinking of Pittsburgh's young people."—*December 20, 1939.*

It is very patent that "released time," credits for religious instruction, and any variant of the experiments to inoculate public school students with religion are all makeshift arrangements that violate the principle of the separation of church and state. They may indeed become the entering wedge for full religious instruction in the schools and for the support of parochial schools with tax funds which some Catholics have long demanded. At any rate the instruction is nothing more than a superficial introduction to what may be called religion. Knowledge of the facts of Bible history is no guaranty of regeneration, the thing for which men hope. Religion must get into a child's heart by reverent instruction in the home and the church and by spiritual appeal to conversion. While there has been much criticism of the church and the home for their failure to do what they should for the children who come under their jurisdiction in the matter of religious instruction, yet if the very agencies that were ordained for such a work have failed, how can we hope that a secular agency like the public school can accomplish what we desire?

Our forefathers knew the dire results of religious snobbishness and intolerance. Let us beware, lest we, in our dire search for more religion in secular life, enter upon a program that will lead us backward to religious oppression instead of forward into a greater freedom.

Religious Instruction in Public Schools

Proposals for active religious instruction in public schools will most certainly be made. Some public schools are now carrying out a form of worship by reading a passage in the Bible, followed by prayer. Some even now are very free to state their opinions in the matter. For instance, at a meeting in the Stevens Hotel in Chicago in 1940, Luther Allan Weigle, dean of the Yale Divinity School, in speaking before the International Council of Religious Education, said:

"To exclude religion from public schools would be to surrender these schools to the sectarianism of atheism and irreligion. . . . There is nothing in the principle of religious freedom or the separation of church and state to hinder the school's acknowledgment of the power and goodness of God. . . . The common religious faith of the American people, as distinguished from the sectarian forms in which it is organized, may rightfully . . . find appropriate expression in the life and work of the public schools."—*Newsweek, Feb. 19, 1940.*

We may well ask, What is the common religious



THEODORA STEARNS, ARTIST

The Church Should Teach Men to Worship God

faith of the American people? Is it Roman Catholic, Protestant, Jewish, or pagan? If the Bible is to be read, shall the King James Version or the Douay Version be read? And in regard to prayers, what form shall they take and in whose name shall they be rendered? And further, how can we dissociate Christian teaching from sectarian belief? Would Methodists send their children to schools in which religious instruction is given that Roman Catholics would propose, or would Roman Catholics send their children to schools in which the religious instruction had a Protestant slant? There is no solution of the problem within the realm of public instruction at public expense. Religious instruction, if it is to be given at all, and with effectiveness, must be given, not on school time or with tax money, but on church and home time and at personal or church expense.

The *Christian Statesman*, organ of the National Reform Movement, which has sought for many years to restore religion to the state, seizes upon the remarks of Dean Weigle with avidity, and says:

"Very evidently Dean Weigle is not speaking about having the students of our public schools released for one or two hours of schooltime to go to their respective churches to be taught religion by pastors, priests, and rabbis. He is speaking of having youth in our public schools taught religion in the schools as part of the regular school curricula and by teachers qualified to do this teaching, employed and paid by the state. Dean Weigle goes down to bedrock when he discusses this issue. He asserts the right of the state to do this work in its own schools.

"To the *Christian Statesman* and the National Reform Association, which have always advocated this view, it is most encouraging when educational and religious authorities of such distinguished standing as Dean Weigle so strongly and convincingly advocate this view."—*March, 1940.*

Thus we see that in these strenuous and uncertain times America is faced with a graver danger—the violation and then the repudiation of its time-proved principle of the separation of church and state.



PHOTO BY PUBLISHERS PHOTO SERVICE

A View of Panama City as Seen From Balboa Hill

The Religious Question in the Republic of Panama

(Continued from page 17)

the new constitution grants the privileged church all the favors of the former constitution and much more in addition.

First, it requires that the religion of the favored sect "shall be taught in the public schools." Thus the state is converted into a mighty propagandist of the Roman Catholic religion, something that it did not offer to do under the old constitution. The whole public-school system is thus to be mobilized to this end. All the citizens pay taxes needed for the building and maintenance of the public schools. Thus the minorities who have other religious beliefs and convictions, whose consciences do not admit the ecclesiastical dogmas and authority of the Vatican, will be obliged indirectly to aid the Roman Church in its religious propaganda.

Article 57 says: "Primary education shall be obligatory." It does not, however, require that this education be had in the state schools. It appears, therefore, that parents or guardians may educate their children, if they so choose, in private instead of in public schools. But in any case those parents and guardians whose consciences do not accept the religious instruction of the privileged sect, must obtain exemption as indicated if they do not wish their children to be taught the papal religion. Although the law makes provision for such an exemption, to obtain this will doubtless in many instances be a

bother and cause embarrassment. In the matter of public education, all the Panamanians are not equal before the law.

The constitution does not state who shall teach the Catholic religion in the public schools. Will the regular teachers teach it? Or will the Catholic clergy and religious orders teach it? Even before the new constitution had been voted, the latter have been teaching with the tacit consent of the government officials and without constitutional authority.

Aid to the Roman Catholic Religion

Moreover, Article 38 states that "the law shall provide the aid which ought to be given it;" that is, to the Roman Catholic religion. It is not definitely defined just what shall be the nature of the aid which may be given, nor does it impose any limit whatever to it. Perhaps all this will depend on the generosity of those who shall grant the aid, as also on what the privileged sect will ask. The former constitution did provide that the law should grant the help needed "to found a conciliar seminary in the capital." But according to all reports that I have been able to obtain, the national assembly was never disposed to carry out this provision of the constitution, and the project never materialized. But the new constitution authorizes all this and anything else it may choose to grant to the favored church.

The constitution does not state that the aid given must be strictly monetary, but it is probable that such is the intention of the law. Since no limit whatever has been placed on the help to be given, the state, it

would seem, may even pay the salaries of the clergy, subsidize the worship with financial assistance, construct and maintain seminaries, convents, and homes of bishops and priests, etc., of the Catholic Church, without violating the letter of the fundamental law of the land. Since all the citizens of the republic, the many non-Catholics as well as the Catholics, pay taxes and revenues for the public treasury, this means that those persons whose consciences do not accept the dogmas of the bishop of Rome will be equally obliged to contribute to the advancement of the Catholic Church and to support a political regime which propagates her teachings.

Article 38 further says of the privileged sect that "the law . . . may entrust it with missions for the indigenous tribes." The old constitution provided for this, too, and the state paid a few salaries to Catholic teachers entrusted with missionary work among the Indians. Here again the public funds are to be used for propagating the religious ideas of the favored sect. The many people in Panama who pay taxes and do not believe in the doctrines of the state church, will nevertheless be thus obliged to contribute involuntarily to the propagation of a religion which their consciences repudiate.

Article 39 of the constitution provides that "the ministers of the [various] cults cannot exercise in the republic any office, employment or public service, personal, civil, or military, except those positions which are related to instruction and welfare." No such regulation appeared in the old constitution. Many are curious to know what is meant by the word "personal" in this article, but so far no public definition has been given by the authorities. Perhaps in time some official interpretation will be given.

Freedoms Granted

Freedom of the spoken and written word is granted in Article 40. "Every person can freely emit his thought, by the spoken word or in writing, without it being subjected to previous censorship. But there shall always exist the legal responsibilities when by these means injury is done to the reputation or honor of persons or against the safety of society or public tranquillity." These limitations may be subject to various interpretations. Will the limitation about "respect for Christian morals," as applying to religious groups, weigh here as a limitation on spoken and written religious propaganda? In appearance this Article 40 grants equality to the citizens of Panama in the matter of propagating their religious views.

In Article 164 we find that "the buildings destined or which may be destined for the apostolic Roman Catholic worship, the conciliary seminaries, and the houses of the bishops and priests that are Catholic, cannot be assessed with taxes and revenues, and they

can be occupied [by the state] only in case of urgent public necessity."

Here again is noted the favoritism for the privileged sect. The churches and schools, as well as the homes of the ministers, of other ecclesiastical bodies do not enjoy any such exemption from taxation. The authorities can, if they choose to do so, load them with taxes and revenues, and even occupy them without there being any urgent public need, and at the same time not violate the constitution. It would seem by this that a Protestant temple or school can be taxed, and since the revenues of the state may be used to aid the officially privileged sect (Catholicism), it is possible that evangelical church buildings can be taxed in order to build and maintain Roman Catholic chapels and cathedrals, etc. Your writer does not believe that it is the intention of the present government of Panama to do that.

In the plebiscite of December 15, 1940, the people were required to vote only "Yes" or "No." Thus they had to accept the whole or reject the whole of the constitution. The public debates of the national assembly were astonishingly rapid. According to the local press, this legislative body approved of fifty-five articles in less than two hours of discussion. The newspapers published the approved text



PHOTO BY PUBLISHERS PHOTO SERVICE

Interior of a Market in Panama City, Panama, Where Tropical Fruit Is Sold

of the constitution on November 22, and President Arias decreed that the people should vote on it the fifteenth of December following. Hence less than four weeks were allowed the public for studying the 199 articles of the constitutional text before the voting date.

Discussion of Religious Provisions

The press reports of the debates were brief. But it is very certain that there was a great deal of hesitancy on the part of some of the deputies to vote the provisions that referred to religious questions.

"Article 35 [of the original project] concerning the freedom of cults caused a discussion which lasted for more than an hour, and one in which several deputies took part. The Honorable Deputy Linares defended the article, while Deputies Othon, Vega, and others expressed the opinion that the Catholic religion ought not to be taught in the public schools, but that all children ought to be left free to follow the religion of their parents, whatever it may be. . . . The Honorable Deputy Vega said that liberty of conscience was one of the most prized conquests of liberalism, and that this freedom would be destroyed in the light of Article 35 of the projected reform.

"The practice of this article in the schools would give place to abuse and coercion on the part of the interested to oblige all the pupils, even when it would be against the will of some, to attend classes of re-

ligion. He spoke of the abuses which the teachers commit, about the quotas, etc., and said that something worse would come with the religion. 'If in this article the religious question is incorporated,' he said, 'the influence of the clergy for subjecting all the students of the schools to Catholicism is clear as day.'

"Upon hearing an interpretation by Doctor Pezet, when he said that 'right now religion is being taught in all the schools,' the Honorable Deputy Vega replied that it was preferable to leave the matter as a question of fact and not of right, because 'we shall soon see the friars placed in the schools, next in the Panamanian homes, and after that in the highest spheres of the government.'"—*"El Panamá-América," Panama, R. P., Nov. 2, 1940.*

The same press report says that Deputy Velarde spoke "of the separation of church and state as one of the important conquests of contemporaneous civilization. He read the pertinent part of the Colombian constitution, and said that there was no need of retreating more than half a century backward in this matter. Also the Honorable Deputies Sayavedra, Varela, Doctor Pezet, and Aguilera spoke, the latter to express himself as being against the teaching of religion in the public schools."

It is certain that many of the Panamanian people desire to see in the Republic of Panama true religious liberty, without favoritism for any sect, but with equality for all men before the law.

Keep the Channel of Information Open and Free

by C. E. HOLMES

BLUE ISLAND, a suburb of Chicago, has an ordinance that requires one to have a license before he can "peddle" anything on its streets. A woman, a member of Jehovah's Witnesses, was recently arrested and convicted in the local court for "peddling" religious magazines without having first secured this permit. The case was appealed to the Circuit Court of Cook County, and Judge Julius H. Miner upheld the conviction.

Censorship of the Press

One of the rights that our forefathers fought to secure was freedom of the press from licensing and

censorship. A majority of the States refused to adopt our Federal Constitution until they were assured that it would be immediately amended so as to recognize and protect this and other rights.

As a result the First Amendment was added. It provided that "Congress shall *make no law* . . . abridging the freedom . . . of the press." Under the Fourteenth Amendment the States are also prohibited from interfering with this right.

But Blue Island, as well as some other communities, is seeking to exercise authority that is denied to both national and State legislatures. It declares that a license must be obtained, to be granted

at the pleasure of some petty officer, before one can circulate literature. It has placed the mighty principle of a free press on a level with "peddling" shoe-strings and bananas!

In the opinion rendered, emphasis is placed largely on the character of the matter in the magazines.



"They were devoted," the judge said, "to assailing the Catholic and Protestant religions, particularly the former, in terms *offensive* not only to persons of those faiths, but of their fellows."

Among the "offensive" statements the court cited the following:

"God has sent forth His message showing plainly to the people that religion in general, and the so-called 'Christian religion' in particular, is a snare into which the devil and his associate demons have caught the people: that it is a racket. . . .

"By religion they have been caught with the gin and snare of the devil. The Roman Catholic and the 'Ministerial Alliance' of the Protestant organization appear to have adopted the same course of resorting to lying propaganda to bolster up their own organization in the eyes of the people."

It is no doubt true that this and other language used is strong and may be considered by many to be "offensive." However, true religion is not injured by persons who thus assail it or by their statements.

Christians Not to Fear Incrimination

Christianity is an intimate relationship between an individual and his Creator. It reveals itself by kindness toward those who are its enemies, and it shines its brightest when in contrast with evil words and actions. What others do and say does not disturb the sacred association between a true Christian and his God. And a church is only a body of such believers joined together. When such attacks are made, the church group instinctively turns to the comfort given by the Founder of Christianity:

"Blessed are you when men reproach you, and persecute you, and speaking falsely, say all manner of evil against you for My sake." Matt. 5:11, Catholic New Testament (recently published).

When Christian bodies take offense at opposition, even "offensive" opposition, and seek retaliation and revenge through the power of civil government, it is because they must have forgotten the words of the Saviour. Religious controversy often leads to most fanatical and intolerant attitudes. The least opposition arouses the ire of some. We think Judge Miner

has taken in too much longitude and latitude in the term "offensive." It takes us back to colonial days, when church and state were united, and the various denominations demonstrated just what they would do with such opportunities.

When the ecclesiastics of one church body became dominant in a state, then other weaker denominations, or unbelievers, which were out of harmony with its dogmas, became "offensive." The civil powers were then called upon to prohibit freedom of teaching by the offenders. Our forefathers wisely divorced the state from the church when the Constitution was adopted.

Though it has been 150 years since this intolerant regime was in force, yet we find that religious tyranny is ready to spring into action the moment it finds an opportunity. This is no mere supposition. Only a few years ago bills were introduced in both houses of our national Congress the purpose of which was to empower the Postmaster General to keep out of the mails all so-called scurrilous, scandalous, and immoral literature. At a hearing on these measures it soon developed that their real purpose was to deny the privileges of the mails to publications which opposed and attacked the religious dogmas of a leading religious denomination!

Bitter Attacks Do Not Harm Christianity

Attacks upon Christianity are nothing new. It is much better to let them out into the open where they may be met by truth. Falsehood and evilspeaking carry their own seeds of dissolution and death.

Ever since the founding of this Republic, infidels, agnostics, freethinkers, secularists, and other unbelievers have been venting their hatred of everything sacred. They have caricatured Bible characters in a most disreputable manner, and have written all kinds of dishonorable epithets to discredit the word of God.



Thomas Paine was one of the Revolutionary patriots. He used his pen and his voice in the securing of liberty. He wrote a tirade upon the Christian religion, and sent the manuscript to Benjamin Franklin for his criticism.

Franklin replied:

"I would advise you, therefore, not to attempt unchaining the tiger, but to burn this piece before it is seen by any other person; whereby you will save yourself a great deal of mortification of the enemies it may raise against you, and perhaps a good deal of regret and repentance. If men are so wicked *with*

religion, what would they be if without it?"—"Works of Benjamin Franklin," Vol. IX, p. 355.

Paine ignored the advice of his friend and published the manuscript, which is still on sale today. Yet neither Franklin nor anyone else sought by law to suppress this offensive book. Later Paine confessed that his patriotic deeds were buried and forgotten because of the evil influence of this publication. Open opposition is not the worst enemy of the church. Her members who fail to live up to the teachings of the gospel do her much greater damage.

A Remedy Worse Than the Disease

To attempt to interfere with the freedom of the press by denying the right freely to circulate even "offensive" literature, is administering a remedy that is worse than the disease.

In 1835, Andrew Jackson, President of the United States, in his annual message to Congress urged the passage of a law to suppress certain "inflammatory" literature. He claimed that it was "destructive to the harmony and peace of the country," and was repugnant to "dictates of humanity and religion."

This was a strong indictment to come from the President. Nevertheless it did not cause the eminent statesmen of that time who were filled with the same spirit of liberty that filled the patriots who gave us freedom, to take action against extreme cases of this kind. They saw where such digressions would lead, and denied the principle.

"It is too often in the condemnation of a particular evil that they were urged on to measures of a dangerous tendency," said Henry Clay. "The bill is calculated to destroy all the landmarks of the Constitution, establish a precedent for dangerous legislation, and lead to incalculable mischief."

—*Congressional Globe*, June 8, 1836.

Senator John Davis declared that "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."—*Id.*, April 12, 1836.

Daniel Webster, John Calhoun, and other notable statesmen made similar statements. The measure was defeated, and a quietus was placed upon such proposals for many years.

The opinion of the circuit court in the Blue Island

case further states that "unrestrained vituperation is foreign to any valid religion and must be discouraged if religious liberty is to survive."

The issue is not a free press versus religious liberty, as this seems to indicate, but a free press versus licensing and censorship. If the press remains free, there will be no difficulty about retaining religious liberty. But if inroads begin upon freedom of circulation, as will be the case if Judge Miner's opinion goes unchallenged, there may soon be neither a free press nor religious liberty. Religious truth, if given a free field and no favor, will take care of itself. Government is as apt to protect a false religion as a true one. This has been demonstrated many times.

Decision Regarding Villification

Granting that "there will always be honest disagreement between religions," but arguing that "villification should never be tolerated," the learned judge seeks the wrong cure and is in disagreement with the United States Supreme Court, which specifically states that *villification* must be tolerated—not because we like such statements as the offensive ones referred to above, but because a free press demands that we allow the circulation of those things which we do not approve as well as those which we may endorse.

In the decision in the case of *Cantwell vs. Connecticut*, handed down May 20, 1940, the United States Supreme Court unanimously stated that villification is not a sufficient reason to deny the right of circulation of magazines and books. The case was even more aggravated than the one in *Blue Island*, in which a woman was merely selling magazines. The parties involved in *Connecticut* were members of the same

Jehovah's Witnesses sect, and the same class of publications were sold. But they went further. Three members of that church went into a Roman Catholic community in New Haven and played phonograph records which directly attacked the Catholic Church.

In reversing the decisions of the local and State supreme courts of Connecticut which upheld the conviction of these men, Justice Roberts said:

"In the realm of religious faith, and in that of political belief, sharp differences arise. In both fields the tenets of one man may seem the rankest error to his neighbor. To persuade others to his own point of view, the pleader, as we know, at times, resorts to exaggeration, to *villification* of men who have been, or are, prominent in church or state, and even to *false statement*. But the people of this nation have ordained, in the



light of history, that in spite of the probability of excesses and abuses, these liberties are, in the long view, essential to enlightened opinion and right conduct on the part of the citizen of a democracy."

The Supreme Court could not have used a more apt illustration in the use of intemperate language than to place it on a par with that used in political debate, and the Court was right in concluding that

there must be no curb upon freedom of circulation and discussion.

We hold no brief for Jehovah's Witnesses or their teachings, but we are concerned over defending the liberty of the press. We do not endorse abuses of this liberty, but we believe that an occasional abuse is a lesser evil than the attempt to suppress it by law.

Use of Tax Funds for Religious Institutions

Is a Financial Alliance Between Church and State Ever Justifiable?

by R. L. BENTON

*Secretary, Religious Liberty Association of Texas,
Oklahoma, Louisiana, Arkansas, and New Mexico*

IN ORDER THAT CERTAIN fundamental and necessary privileges may be equally distributed between the poor and the rich, it has been found necessary to provide means of common education for the rising generation. It is necessary to provide places in which this education can be given, teachers who are able to give it, and, in most cases, textbooks from which the education may be given. All these expenses are recognized as being necessary to a normal continuance of society. For that reason it is fair and just that all should share in proportion to their ability in the financial obligations involved. To meet this situation we have taxation.

Religion an Individual Matter

Government has to do with the conduct of the individual. Religion has to do with the conscience of the individual. Religion has indirectly to do with the conduct in so far as the conduct is directed by the conscience. While religion may be desirable, it is not essential to the functioning of society. An individual cannot be left to choose whether he will live under government, but he should be left absolutely free to choose whether he will live under religion. The individual cannot alone determine the kind of government he shall obey, but he is, and should be, free to determine the kind of religion, if any, that shall direct his conscience.

Government is a collective matter, whereas re-

ligion should be an individual matter. Obedience in government is necessary and may be enforced in the interest of safeguarding society. It is not necessary to enforce religion for the welfare of society. Under no pretext could we justify the collection by law of taxes from collective society to finance the desire of the individual. Taxation to supply the necessities of government for society is just. Taxation to finance items that grow out of conscientious desire on the part of the individual is not just. Tax money may be used to protect any and every individual in the enjoyment of the exercise of the rights of conscience, but it may not be used by the individual or groups of individuals to finance the worship which he or they have the right to enjoy. It is necessary for the preservation of society to govern conduct. It is not necessary to govern conscience. In the event conscience leads to conduct that is detrimental to society, government may deal with the conduct, but conscience must still be free. The individual must be altogether responsible for conscience, but society has to accept the responsibility for conduct. Authority has no need or right to extend beyond the boundaries of responsibility.

Conscience Not to Be Governed

Our nation is one of the few which has woven into the fundamental law of the land the principle of the right to hold the conscience sacred. This was well

stated by the historian Bancroft when he said: "The American Constitution, in harmony with the people of the several States, withheld from the Federal Government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite spirit of eternal truth might move in its freedom and purity and power."

The founders of our government wisely stated, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." When it is unnecessary to make laws to establish or prevent religion, how can there be need to tax society in the name of religion? Religion should be enjoyed on a basis entirely separate and apart from civil government. Honor, financial support, or any other form of support must always be rendered in the light of the eternal truth expressed by the Man of Galilee in these words: "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's." None of us may escape society; therefore we have a responsibility to society, and consequently we all come under civil government. But with religion it is different. Society cannot hold the individual responsible to society in matters of religion. Religion must be a matter of conscience, which government knows all too well that it cannot govern.

Society has the right to determine that a reasonable amount of the proper kind of education is essential to its safety. Along with furnishing that education goes the responsibility of providing financial support, and necessary funds may be collected by civil powers, who may even use force to obtain this money if it cannot be obtained otherwise. Hence we have in our country the free public schools supported by all the taxpayers, and in that free public-school system, the rights of conscience must still be preserved. Here it is recognized that the state cannot force one or all of its citizens to contribute in any degree to any kind of religion. For that reason we do not have laws that compel people to pay taxes to support individuals who are ordered even by law to read the Bible in the free public schools.

Bill Introduced Into Texas Legislature

Recently, a bill to provide for an amendment to the constitution to authorize the State to furnish free textbooks for parochial, private, and sectarian schools was introduced into the State legislature of Texas. The bill was introduced into both houses, and in each case was referred to the committees on constitutional amendments. Before action was finally taken, both committees held hearings. The main speaker in behalf of the bill recognized, at least, that it bordered on religious legislation, but justified the bill by stating to the committee that there was a need for the state

and church to draw closer together. He further set before the committee his feelings that Catholic parents in Texas, whose children were not receiving free textbooks, were being penalized in having to pay taxes the same as parents of public-school children, who are furnished free textbooks by the State.

This argument seemed to make a deep impression on some of the members of the committee, who did not take time to fully analyze its meaning. Having opportunity to speak on the question, I endeavored to show the implications of the bill, to point out to what the passage of it might ultimately lead, and suggested that the bill be analyzed to discover whether or not a principle was involved which, when carried to its ultimate conclusion, might place us in an unhappy state. I declared that I agreed with the following found in a Senate report of January 19, 1829, "If the principle is once established that religion or religious observance shall be interwoven with our legislative acts, we must pursue it to its ultimatum." Then I referred to Madison's words: "The free men of America did not wait until usurped power had strengthened itself by exercise and entangled the question in precedence. They saw all the consequences in the principle, and they avoided the consequences by denying the principle."

I referred to the chief proponent's plea for the underprivileged children of Catholic parents, and told the committee that in my judgment the argument was unsound. The children of Catholic parents in Texas are not penalized. The taxpayers of Texas have placed the money in the treasury to provide free textbooks for every Catholic child in the State of Texas, and they will find the books in the free public schools of Texas. If there is any penalty in the form of deprivation of free textbooks, it is not because the textbooks are not provided, but because the child does not go where they are provided. The reason he does not go where they are provided is because of his religion, and to change the arrangement would be to change it because of his religion. I concluded by pointing out that the purpose of this bill was to change the present arrangement because of religion. Therefore, such a change would constitute religious legislation—a beginning in the direction of a union of church and state.

Tax Funds Not to Be Used for Religious Schools

By whatever token we can justify the use of tax funds to purchase books for use in parochial schools, it seems to me by that same token we can justify the use of tax funds with which to purchase buildings in which to study those books, for we furnish buildings for the free public schools. Further, by whatever token we can justify the use of tax funds to purchase free books, we can by the same token

justify the use of tax funds to pay the teachers in private and parochial schools.

If the statement of the Reverend C. B. Jackson, of the Texas General Convention of Baptists, that "our parochial schools are accepting Federal money," is based in fact, he is right in concluding that "if government money can be used for our schools, it can be applied to our churches," and that "we are moving toward a union of church and state in America."

The Baptist *Watchman-Examiner* warned of dangers in the use of public funds for sectarian purposes thus: "The people are deceived by the apparent benevolence of such things as free textbooks and free bus rides for pupils of sectarian schools. The logic of the situation cannot be evaded. Use of the taxpayers' money for sectarian aid will inevitably and

ultimately end in the union of church and state in this land."

If we can justify using tax funds to furnish free textbooks for parochial schools, and if we by following the same line of reasoning can justify giving free buildings and free teachers to the children of religious groups because they have paid taxes, would it not be possible to reason ourselves into the conclusion that what we do for the children because of religion, we may rightly do for the parents because of religion; that inasmuch as we furnish aid to help teach the children religion through the teacher, we might help to teach the parents through the preacher?

It is clear that the only safe way to keep religion free and the state free is to assign to each that which properly belongs to it, and to deny to both the right to ever interfere with the other.

Dangers in Unlimited Police Powers

by J. B. NELSON, A. B., LL. B.

DURING THE HECTIC DAYS OF 1918, when every American home was doing its bit to "save democracy," a bright-eyed girl in her first teen, hopefully handed her mother her best effort in knitting, with the query, "Do you think this will fit some soldier?" How she had pictured in her mind her sweater giving warmth and comfort to some brave young soldier as he battled for her freedom somewhere on the rim of no man's land! "My, I wonder what the soldier boy will look like who will wear my sweater!" As mother studied the offering, realizing that the Army could never accept so malformed a monster as could conceivably fit inside of such a knitted contraption, she mused to herself, "I wonder also what he would look like." But not wishing to discourage her little home-defense heroine, she said, "You have worked hard, and this has been good practice for you, daughter; so now let us try another pattern!" and, as the dangling end of the yarn was pulled, Miss America's work rapidly reverted back into a ball of yarn.

As our Pilgrim parents founded their first forest homes amid strange and forbidding environs, and the faulty fabric of early American democracy was being knitted with childlike faith and hope, one thought was uppermost in their minds. Having learned the

bitter blight of bigotry first from the history of the Old World and later from its manifestations in the colonies, they determined to have and did form a republican government that guaranteed to every citizen certain inalienable rights. Under it freedom of speech, freedom of the press, freedom to worship according to the dictates of their own consciences, and protection of person and property were secured.

However, the present fabric of our Federal and State constitutions and laws, woven with the warp and woof of justice and equality in the pattern of freedom, is worn so lightly by the average person that, aside from times of national or State emergencies, we are scarcely aware of its existence. This constitutes a grave danger. Eternal vigilance is the price of liberty. Carelessness is almost as criminal as outright assault where so much is involved. This government of the free, by the free, and for the free could be unraveled almost as easily as the little girl's sweater by the pull of one or more strings held firmly in the hand of the state. The only string that we can consider here, and that very briefly, is that of *police power*, defined with apparent innocence as "that inherent and plenary power which exists in every state to make all laws which are reasonably necessary for the protection, safety, health,

morality, and general welfare of its subjects." Its scope is proclaimed by the Supreme Court of the United States as follows:

"Police power extends to all the public needs; it may be put forth in the aid of what is sanctioned by the usage or held to be the prevailing majority or strong and preponderant opinion to be greatly and immediately necessary to the public welfare." (219 U. S. 109.)

One who "sniffs the breeze for the first taint of tyranny" is well aware of what injustice and persecution may be meted out to any unhappy minority by the "prevailing majority or strong preponderant opinion" of what is held to be "greatly and immediately" necessary to the public welfare. The *Fact Digest* of February, 1941, telling of queer ways of being arrested, illustrates how police power may unravel democracy, in reciting how some years ago "120 Seventh-day Adventists were arrested in a blue-law drive, fined, and imprisoned within a short time because they had worked six days each week, including Sunday, at their legitimate occupations. They rested on the seventh day in obedience to their faith. All good citizens, these men had to pay more than \$2,500 in fines, and eighty-seven had to spend 1,722 days, or nearly five years in the aggregate, in jail. Twelve were put in the chain gang. One of these had done no more than fix his screen door on Sunday. Another had dug potatoes from his garden for Sunday dinner. A widow, supporting herself and her family, was convicted on returning a borrowed wagon on Sunday with a load of kindling wood to pay the owner for the use of it."

Police power is held by eminent jurists to be the silent part of every contract, and in a Supreme Court decision as recent as 1933, it was held that "private rights of property and contract must yield in some cases to police power." (290 U. S. 398. 54 S. Ct. 231.) Its octopuslike nature is further elucidated by the courts: "Police power is elastic; its scope changes with the social and economic progress, and in its exercise the courts and the legislature continually apply new views of what constitutes legislation for the preservation of the public peace, safety, morals, health, and general welfare." (195 Cal. 477; 211 Cal. 304; 295, p. 14.)

Besides being the silent clause in every contract and the power of legislation, broadening and emboldening its scope during periods of state and national emergencies, police power also regulates the benefits of, and sometimes deprives the individual of, the protective Bill of Rights. The ramifications of the scope of police power, always growing and extending its State and Federal powers, are too exhaustive to be defined in this article, but if the proper despots should acquire the highest offices in our State and

Federal governments, the string of "police power" would seem to offer the natural string to be pulled to quickly unravel Old Glory; and from the barren mast that had held aloft our unstained emblem of freedom, the same string in the same strong hand could drop down to the people the hangman's noose to strangle out of our public and private lives the last faint gasps of liberty.

To preserve our liberties we need to resist the first attempted encroachment upon them.

Parochial-School Interests Receive Setback in Kentucky

DENTIS MCDANIEL, OF CLINTON, KENTUCKY, superintendent of schools in Hickman County, has reported that patrons of a two-teacher parochial school have asked the county to pay the salary of one teacher out of county school funds. In asking for a ruling from the attorney general's office, Mr. McDaniel said he understood that adjoining counties were at present using public funds to pay the salaries of parochial school teachers.

In a strong statement, Assistant Attorney General W. Owen Keller said the expenditure of public money for such purposes violated both the State constitution and statutes. When informed that other counties were using public funds for parochial teachers' salaries, he said: "If it is true, as your informants say, . . . then the school-board members and the superintendents of these districts are violating the law and could be required to return this money to the public-school system, as well as be removed from office."

The only way in which such schools could receive public money legally would be to join the county school system, accept the county curriculum, use teachers hired by the county school board, and give up any special religious education program.

Specifically, the Kentucky constitution says that "no portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to or used by, or in aid of, any church, sectarian, or denominational school."

A Kentucky judicial decision, in the case of *Williams vs. Board of Trustees*, 173 Ky. 708, is even more pointed. Not only shall there be no appropriation of public funds, but the separation between common schools and sectarian schools shall be "open, notorious, and complete."

Under recent laws, Kentucky parochial-school children are allowed to ride on public-school buses on the theory that such aid is for the children, not for the institutions they attend. At the time this legisla-

tion was passed, it was argued that this was all the parochial schools wanted. Now, it would appear that, just as those who opposed such legislation contended, this bus bill was but the first step in an attempt to make further inroads into the public treasury.

The persistent effort of parochial-school interests to get their teachers on the public pay roll has been firmly met in Kentucky on this occasion. But it should serve as a reminder that they never rest in their attempts to gain full public support of their school systems—which teach a specific church doctrine as the backbone of the curriculum.

The attempts to undermine the public schools are many and varied. Roman Catholic spokesmen constantly harp on what they call the “Godless character” of the public schools. They fail to acquaint the public with the fact that Roman Catholic pressure was one of the principal reasons that forced the non-denominational religious program out of many of

our public schools. They maintained that a hymn, a prayer, and a Scripture reading at the start of the school day was teaching their children in a religion other than the Roman Catholic. . . .

There is no question of the right of any church to maintain its own schools. But it must be remembered that in doing so the church sets up institutions in competition with the public schools, not as an addition to the public-school system. Parents who send their children to parochial schools withdraw them from the public schools. At any time, they have the privilege of enrolling them in public schools, where they will receive public education regardless of race or religion. . . .

Most denominations are perfectly willing to accept the cost of their parochial institutions. They seek no public money, not only because they are not entitled to it under the law, but because they do not want to sacrifice their independence.—*Scottish Rite News Bureau, July 28, 1941.*

• Editorials •

The Bill of Rights Born December 15, 1791— 150 Years Ago

THE BILL OF HUMAN RIGHTS—the first ten amendments to the Constitution—was adopted and declared in force on December 15, 1791, just one hundred and fifty years ago. These ten amendments capped our Constitution and made it more nearly perfect and more workable than it could have been otherwise. In fact, the Constitution as it came from the Constitutional Convention in 1787, undoubtedly would never have been approved by the people of the United States, if their demand for the safeguard of their religious and civil rights as finally set forth in the first ten amendments, had not been recognized and assurances given that full protection would be provided by amendments. This Bill of Rights was needed to appease the people's anxiety and to assure the establishment of a republican government, so that the rights of the people might not in the future be placed in jeopardy.

The Bill of Rights acts like a two-edged sword. It hews both ways. It not only protects the people against the encroachment of the Government upon their inalienable rights, but it protects the Government against the unlawful acts of its citizens who take license to do as they please without respect to the rights of others. Citizens must so conduct them-

selves as to deserve the protection of the Government in the enjoyment of their natural rights. No criminal can plead that he is immune to capture and arrest because the Bill of Rights and the Constitution guarantee “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” The Bill of Rights is no cloak or shield for acts of sedition or treason. Liberty is not license to do wrong or to inflict an injury upon others. We can never violate the principles of justice without violating the Bill of Rights.

The Constitution protects the individual against the unjust encroachments and the tyranny of the majority. The majority rule in all matters of civil policy, but not in matters of conscience and of religion. The rights of the minority groups in religious matters are just as sacred under the Constitution as are the rights of the majority. This principle of law in the Bill of Rights is unique in the American system of government. It is this principle of equality of all men and of all religions before the fundamental law that has made the American Republic the outstanding government of the world. No other government ever recognized the individual conscience in religious matters as supreme and above governmental functions and authority. America was the first to glorify the individual and protect him in the enjoyment of his inalienable rights. All others before it set themselves up as supreme in all things both temporal and spiritual. The Bill of Rights pointed

the American way of life, separating the secular and the spiritual functions of government, and setting a limitation upon the powers of the highest lawmaking body and upon the administrators of the law and the courts.

The poorest and humblest citizen who dissents from the opinions of the majority in religious concerns, is sheltered and guarded by the fundamental law. Heresy is no longer judged and punished by the state. The founding fathers, in drafting the Constitution and the Bill of Rights, hoped that religious persecution would be made forever impossible in the United States. They knew that freedom of the press and freedom of speech and free assembly were absolutely essential in the maintenance of free republican institutions.

We do well, after 150 years of government under the Bill of Rights, to survey our advantages and blessings in comparison with those of nations that are no longer ruled by parliaments and congresses, but by decrees from dictators. Certainly Americans have no regrets for the type of rule which their forefathers chose, and no apologies to offer to those who prefer dictators to rule over them. We are sorry for those who have a form of government imposed upon them contrary to their own choosing. The rest who give up essential liberty for material comforts deserve neither liberty nor comfort, as they are responsible for their own state and condition of life.

We Americans need to watch our own steps, lest we surrender our cherished liberties for a mess of pottage. Some strange things are happening which ought to cause us to take alarm. Our Bill of Rights allows an employer to hire whom he pleases and to discharge the employee when his services prove unprofitable, and it allows the employee to work for whom he desires and as long as he desires. But recent legislation has brought some changes that make thinking folk wonder just what the future holds.

The Bill of Rights makes it possible for an individual to affiliate with any church or refrain from joining or attending any church. Likewise the Bill of Rights makes it possible for an individual to join any labor union or to refuse to join. But much industrial freedom has been legislated out of existence during the last few years. Employment is now regulated by bureaus in Washington, and the only workers who appear to have the right to work are those who belong not only to a labor union, but to a majority labor union.

Would it be religious freedom if a person were compelled to join a church in order to worship? That would not be freedom at all, but religious intolerance and tyranny. Is it civil freedom when a person is compelled to join a labor union in order to work? Of course not. It is industrial intolerance

and tyranny. Such industrial legislation is in direct conflict with the Bill of Rights.

The right to labor or not to labor at one's own option and at one's own price, is a sacred constitutional right, which no individual or body of individuals, no matter how numerous, has a right to deny. Americans need to safeguard their liberties when the careless and the indifferent are inclined to barter them away for temporary comforts in times of distress. Those who are willing to surrender the Bill of Rights in lieu of the promise of a fuller bread basket, want to remember the fellow who was always chasing rainbows to get the promised pot of gold which never materialized. Benjamin Franklin said: "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

C. S. L.

The Right to Circulate Literature

ONE of the articles in this issue deals briefly with the case of certain members of Jehovah's Witnesses who were forbidden by an ordinance of Blue Island, Illinois, to circulate their religious papers without a license from the town authorities. When the case was brought before the Circuit Court of Cook County on appeal, Judge Julius H. Miner held that because of the nature of the periodicals, and because in his opinion they were "offensive," they should not be circulated.

It seems to us that the judge has erred grievously, and we commend to his attention two opinions of the Supreme Court of the United States. The first is in the case of *Lovell vs. The City of Griffin*, tried in the October term of 1937. The opinion was rendered on March 28, 1938. The other came to the October term of the Court in 1939. Here cases in Massachusetts, Wisconsin, California, and New Jersey were combined. These opinions, which cover a number of cases, have to do with conditions identical with those that brought the complaint in Blue Island, and are exactly contrary to the decision of the Cook County court.

If Judge Miner's decision were permitted to stand, freedom of the press would be gone. As Chief Justice Hughes so strikingly said in the case of *Lovell vs. The City of Griffin*:

"The liberty of the press became initially a right to publish *'without* a license what formerly could be published only *with* one.'"

Again, speaking of the Griffin, Georgia, ordinance, Chief Justice Hughes said: "The ordinance cannot be saved because it relates to distribution and not to publication. 'Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without

the circulation, the publication would be of little value.'"

In the second opinion, delivered by Justice Roberts, it was said:

"The freedom of speech and of the press secured by the First Amendment against abridgment by the United States is similarly secured to all persons by the Fourteenth against abridgment by a State.

"Although a municipality may enact regulations in the interest of the public safety, health, welfare or convenience, these may not abridge the individual liberties secured by the Constitution to those who wish to speak, write, print or circulate information or opinion. . . .

"This Court has characterized the freedom of speech and that of the press as fundamental personal rights and liberties. The phrase is not an empty one and was not lightly used. It reflects the belief of the framers of the Constitution that exercise of the rights lies at the foundation of free government by free men. . . .

"In every case, therefore, where legislative abridgment of the rights is asserted, the courts should be astute to examine the effect of the challenged legislation. . . .

"To require a censorship through license which makes impossible the free and unhampered distribution of pamphlets strikes at the very heart of the constitutional guaranties."

It is indeed strange that a man qualified to be judge of a Circuit Court in a great county like Cook County, Illinois, should have such a poor conception of fundamental freedom of the press as has been shown in the opinion given in the Blue Island case. "A censorship through license" would place in the hands of petty municipal officials the power of effectually throttling the press. It would give the opportunity for the exercise of any prejudices they might have—social, political, and religious. It would take away all the dearly bought gains that were secured for us by the founders of this nation.

It is strange indeed that the Cook County court failed to point out that if damage has been done to persons, relief should be found through the laws that have been enacted to protect citizens from slander, libel, or defamation of character. Justice Roberts very strikingly and forcefully sums up in the following paragraph what is really involved in the attempt of municipalities to regulate the circulation of printed matter:

"Conceding that fraudulent appeals may be made in the name of charity and religion, we hold a municipality cannot, for this reason, require all who wish to disseminate ideas to present them first to police authorities for their consideration and approval, with a discretion in the police to say some ideas may

while others may not, be carried to the homes of citizens; some persons may, while others may not, disseminate information from house to house. Frauds may be denounced as offenses and punished by law. Trespasses may similarly be forbidden. If it is said that these means are less efficient and convenient than bestowal of power on police authorities to decide what information may be disseminated from house to house, and who may impart the information, the answer is that considerations of this sort do not empower a municipality to abridge freedom of speech and press."

Thank God for our Supreme Court!

H. H. V.

A New Barber Bill Before Congress

IT IS EVIDENT that the petitions which Representatives received in protest against H. R. 3852 had some effect, for Mr. Schulte, of Indiana, the father of H. R. 3852, introduced into Congress a new measure on July 30, H. R. 5444, which is evidently intended to supersede the former one. It is very different in some fundamental respects from the earlier bill. H. R. 3852 gave the power to the Board of Barber Examiners for the District of Columbia to hold a referendum, and provided that all barbers must close their shops "for one day in seven," the day preferred by the majority of the barbers. The new measure, H. R. 5444, provides that the referendum shall be held in the same manner, but further provides that "any barbershop proprietor of the District of Columbia may keep open his shop on the day voted by the majority to close, upon a proper showing duly made to the Board of Barber Examiners by the proprietor to the effect that the adopted closing day conflicts with the tenets of his religion, and, provided, that his shop shall remain closed on the particular Sabbath of his religion."

A good many folk will look upon the latter provision as a beneficent one. It is probably inspired by good will, but it is fundamentally unsound. In the first place it requires a man to prove himself innocent every time anyone charges him with a violation of the law. Instead of being considered innocent, until proved guilty, as a citizen is under our system of jurisprudence, according to this new bill a man who had his barbershop open on a day chosen by the majority of the barbers in the District of Columbia as their day of rest, would by this act be presumed to be guilty. The fact that the exemption brings in the matter of a man's religion, proves conclusively that this portion of the law is religious law, and Congress, according to the First Amendment of the Constitution, is prohibited from

making any law respecting an establishment of religion.

If this bill becomes law and a barber is arrested for having his shop open on Sunday, his only successful defense must be a religious one. He can have his shop open legally in one way alone—*“upon a proper showing duly made to the Board of Barber Examiners . . . to the effect that the adopted closing day conflicts with the tenets of his religion.”* [Italics ours.]

When he is arrested, he will not be tried by a disinterested judge in a regularly constituted court. He must appear before a *board* made up of barbers, every one of whom is a member of the majority group. He will really be denied the right of trial by jury before his compeers. He can get into a regular court only on an appeal from the board's decision.

In the second place, this bill denies to the unbeliever any right of choice. It overlooks the fact that the right to disbelieve is as precious as the right to believe. It sets up a religious test.

The avowed infidel may be a good citizen. No one would question the patriotism of Thomas Paine or Robert G. Ingersoll, but both were skeptics.

If it is urged that men, for health reasons, must be protected in having twenty-four consecutive hours of rest, then let each man choose his own time without dragging in religion as a reason for his act.

If a man conducts himself as a good citizen, the state has no right to ask any questions about his relationship to God or religion.

What is really back of this measure is shown by the fact that the barbers of the District of Columbia had a law which guaranteed that every barbershop in the District of Columbia must be closed twenty-four consecutive hours every seven days. They were not satisfied. They want all to be made to do what the leaders of the trade want done. This kind of legislation is vicious.

In the third place, if it be admitted that Congress has a right to make an exemption, it cannot be denied that it has a right to withdraw the exemption. Exemptions are signs of toleration, not of liberty! And the difference between these two is a vast one. Who wants to be tolerated? What American with red blood in his veins can be satisfied to have a majority group tell him that in matters pertaining to his relationship to God he will be allowed, through the sufferance and magnanimous spirit of the many, to do what is his inherent, fundamental right without any concessions from anybody?

There is only one way for Americans to preserve the fine heritage of the complete separation of civil and religious things, and that is by not starting upon a course that can be logically followed to a church and state union. We are justified in taking “alarm at the first experiment upon our liberties.”

H. H. V.

Congressman Opposes New Barber Bill

IN OUR LAST ISSUE some consideration was given to S. 983 and H. R. 3852. We find that we were not alone in our opposition to these measures. It is good to know that there are many in the United States who watch all attempts to violate the broad principles governing the proper relationship between church and state, and who oppose any attempt to induce Congress to legislate in matters of religion. It is also good to know that there are men in Congress who see clearly the dangers in such legislation.

We are informed that thousands of signatures against the two measures just mentioned have been sent to Senators and Congressmen. These petitions of protest have come from all parts of the United States. Practically every legislator to whom they were sent acknowledged their receipt and pledged himself to be on guard against the enactment of any legislation that is contrary to the First Amendment of the Constitution.

A copy of a letter sent out by the Honorable Frederick C. Smith, of Ohio, has been brought to our attention, and we are pleased to present it to our readers. We have every reason to believe that Mr. Smith does not stand alone in his understanding of what is involved in such bills as S. 983 and H. R. 3852. We quote the letter:

“I am in receipt of a petition bearing your signature protesting enactment of S. 983 introduced by Senator Reynolds (D-N. C.) or H. R. 3852 introduced by Representative Schulte (D-Ind.), which will give power to the District of Columbia Board of Barber Examiners to close barbershops within the District of Columbia on Sundays, and also to regulate opening and closing hours of those establishments if approved by the majority of licensed barbers in the District of Columbia.

“This would make possible the closing of business establishments of a people with a certain religious faith who have designated a day as their Sabbath other than the one observed by the vast majority, including myself.

“Such legislation is unconstitutional in that it denies an individual the right of freedom of worship in the nation's capital. It would be a direct contradiction to that portion of the Constitution wherein it is stated—‘Congress shall make no law respecting an establishment of religion, or prohibit the free exercise thereof.’

“If it is possible to violate, in this instance, the religious faith of a people, there is no point at which it could possibly be said such violation ought to stop. It is the basic principle of freedom of worship that is involved.

"It is problematical what committee action this legislation will receive, but in the event it is reported out for passage, I will put forth every possible effort to bring about its defeat.

"Thanking you for advising me of your position on this matter, and with kindest regards, I remain,

"Very truly yours,

"FREDERICK C. SMITH."

H. H. V.

Blue Law Prosecution Case Dismissed

THE ASSOCIATION OF MERCHANTS of Windsor, Missouri, prosecuted H. T. and W. E. Brooks for keeping open their grocery store on Sunday and selling and exposing goods for sale on Sunday in violation of the Sunday law of Missouri. Those two brothers operated a small grocery store near the factory of the International Shoe Company. The larger stores of the town remained closed on Sunday, but this small store opened at the request of some who felt the need of obtaining groceries on Sunday.

On the day of the trial many customers served as witnesses and testified that they were in immediate need of what they purchased on Sunday; that they knocked on the door and requested the Brooks brothers to open the store. The articles sold were bread, meat, bananas, beans, and other groceries which the customers testified they needed to prepare lunches for trips they planned to make. Judge Thatch, after listening to all the evidence and the arguments of both prosecuting and defense attorneys, ruled that the defendants should be dismissed, as the merchandise they had displayed and sold to their customers was of "immediate necessity."

The defense attorney contended that if these grocers were convicted for selling groceries on Sunday, then a hotel could not sell a cigar to a traveling man on Sunday, nor a drugstore a package of cigarettes to a timid damsel, and that a motorist could not quaff a cooling bottle of pop purchased as he traveled on Sunday, nor could shoes be shined for folk who wanted to go to church on Sunday. Evidently the judge agreed with the arguments of the defense attorney, for he dismissed the case. C. S. L.

Difficulties in Union of Church and State

THE DIFFICULTIES that arise when church and state are united are legion. One of the latest to come to our attention has to do with the appointment of Spanish bishops for the Roman Catholic Church. The Vatican may nominate—I believe

FOURTH QUARTER

the term used in the dispatch was "suggest"—three names for any vacancy. Franco will select one of the three proposed.

We wonder just what qualifications this dictator has for the choosing of acceptable prelates for a church. We suspect that he wants to check the activities of churchmen in civil affairs, so that they will not exercise such broad powers as they did in times past in Spain.

There is always bound to be jealousy and friction when an attempt is made to unite two things as dissimilar as politics and religion. The state is sure to fear the power of the church, and the church naturally resents the idea of civil domination in her realm.

Probably the Vatican feels that conditions are better under Franco than they were under the republic. But the Papacy must naturally cringe under the domination of a dictator.

H. H. V.

SPARKS From the Editor's Anvil

FEAR cannot rule where men are not cowards.

BETTER is death than life in the chains of tyranny.

HE who is the captain of his own soul is a freeman.

THE future holds nothing but fate for the faithless.

THERE is no easy, rosy road leading to the citadel of freedom.

IT cannot be well for any of us unless it is well with all of us.

WHEN the downward look is the darkest, the up-look is the brightest.

FAITH lays hold of the things that endure beyond the flux and flow of mortal things.

PREJUDICE blinds the eyes and closes the heart to the spirit of compassion for the oppressed.

THE ultimate objective of every church-and-state alliance has been to blot out heresy by coercive means.

IT has been said that the Roman emperor Nero "shod his mules with silver, built a golden house for his body, but his soul lived in a mud hut."

BEWARE of a pretended friend who praises you today when you agree with him and curses you tomorrow when you dissent from his opinion.

WHEN a republic degenerates to the point where there is so little of liberty left that the people do not feel it worth while to sacrifice to maintain it, they are ready for a dictator and a totalitarian government.



1941 National Membership Roll Call from Nov. 11-30