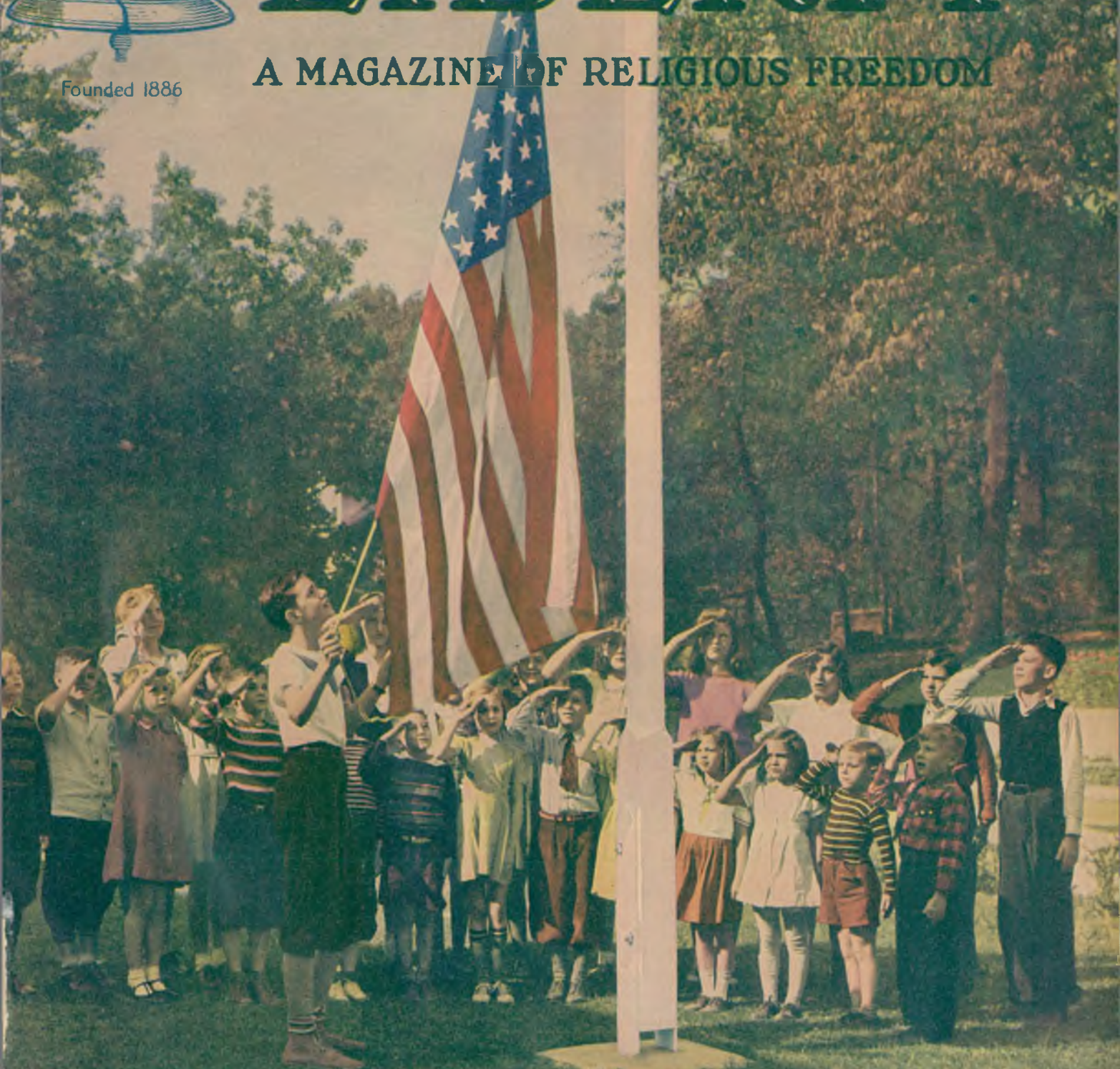




Founded 1886

# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



YOUNG AMERICA HONORS THE FLAG

**Instructive Articles by Dr. D. S. Muzzey, Dr. C. B. Gohdes,  
Dr. M. E. Dodd, The Honorable S. B. Pettingill, and Others.  
Important Court Decisions**

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WASHINGTON, D. C.



# DECLARATION *of* PRINCIPLES

## Religious Liberty Association

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

## A MAGAZINE OF RELIGIOUS FREEDOM

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EDITOR, Charles S. Longacre

MANAGING EDITOR, Frederick Lee

ASSOCIATE EDITOR, Heber H. Votaw

ASSOCIATE EDITOR, Francis D. Nichol

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The Capitol of the United States stands as a majestic symbol of freedom in a world where the rights of men are being flouted. Here gather the representatives of a mighty nation which has proved that respect for the liberties of mankind will bring other blessings in its train. In the urgency of the moment to which we have come, it is well for these men and women to ponder long before surrendering any portion of the freedom that has been granted to the people of this glorious nation.





PHOTO BY H. A. ROBERTS

The Province of the Church Is to Influence in Matters Spiritual

# Where Separation Is Alliance

by **C. B. GOHDES, LITT. D.**

*Professor of History, Capital University, Columbus, Ohio*

**A**N ALLIANCE for ends high and holy; this is the relation in America between church and state. To attain these ends, church and state must keep forever apart. A paradoxical statement, that? Yes. But it is the quintessence of wisdom withal.

The freedom of church and state is contingent upon the separation of the one from the other. There are two reasons. The first is that their respective aims require separation for their achievement. The object of the church is transcendental. It deals with blessings from and for eternity. The knowledge of God, the forgiveness of sin, power over sin, character—the pervasion of personality by the principles recognized as right, the love that sacrifices self for duty, the bridging of the chasms that yawn between individuals and groups: these are objectives of the church. It is the Institute of Humanity, destined and equipped to help mankind realize its dream of brotherhood and of a sonship divine.

The aims of the state, on the other hand, are temporal, though by no means exclusively material: securing to men their rights as human beings through government. The state is the Institute of Rights.

## Divergent Aims and Methods

Correlated with their divergent aims are their divergent methods. That of the state is power. That of the church is moral suasion. Some of the greatest tragedies and failures of history have taken place in consequence of a confusion of the respective aims and methods of the church and the state, whereas, by the same token, both have been blessed by each restricting itself to its appropriate sphere. The character produced by the church is an asset to the state, a power for good on the part of those who rule and of those who obey. And among those organizations whose rights the properly constituted state protects is the church which nowhere unfolds so freely as where



the rightful functions of each are unhindered by those of the other.

Now what will happen when the separation between church and state is set aside by the will to power on the part of either? The state becomes the tool of the church or the church becomes the tool of the state. Where the former is the case, a short cut seems indeed to be provided for the attainment of the church's objectives, in that the power of the state, particularly the taxing power, is at the disposal of the church.

However, for that very reason the distinctive powers of the church will become atrophied by disuse, especially the power of love, which entreats men to be right with God. Moreover, where the state singles out one particular form of religion for the purpose of promoting its interests, the selection of one organization in preference to others is not based upon a discernment of greater spiritual power, but upon the willingness of the body to which preferential treatment is accorded to espouse the ends of the state.

Thus the Stuart kings of England preferred the English church establishment to that of their own Scotland, because the bishop, as the appointee of the crown, was an advocate of royal absolutism. Nor was Scotland spared unspeakable woe when, for the reason given, the attempt was made to foist the English establishment upon the country of the Covenant and the heather, where the church was a training school of democracy.

### Control of the Church by the State

Where the state is largely under the control of the church, the effects are no less disastrous. The state has ceased to be supreme in its own sphere. It truckles to those whose tool it is for the securing of ends alien to its own purpose. The rights of those are abridged who disapprove of the preferential treatment accorded to a body not representing their convictions. Last, but not least, a government which uses its agencies to compel submission to a religious authority, and political methods for the attainment of religious aims, weakens its hold upon the subject

even in the sphere peculiarly and rightfully its own. The dissenter always is under a cloud as a citizen.

The preferential treatment given by the state to one religion over others spells tyranny, however finely it may be moderated, or however astutely it may be disguised. Whether the state controls the church, or conversely, the ministers, purporting to be prophets of God in the disclosure to erring men

of the will divine, become officials of the state. As its paid servants they may dispense with the moral, or even the material, support of their spiritual constituencies. Thereby the bonds of affection between shepherd and flock are severed, and thus the huge unchurched masses are largely accounted for.

While the state in modern times does not usually concern itself with the spiritual message, as proclaimed through press and pulpit, it most emphatically demands moral support for its policies from these agencies. Thus, the aristocratic church of Prussia lost its hold upon the masses of laboring men when silence, if not outright subserviency, characterized its attitude toward measures of the throne



The People of Old Scotland Suffered Much Under the Attempt of the Stuart Kings of England to Foist Upon the Country of the Covenant the English Church Establishment

which called for discriminating scrutiny if not adverse criticism. There is even reason to fear that in America conditions are not vastly different because, uncritical of the abuses of the capitalistic regime, the church, rightly or wrongly, has created the conviction in the masses that its sympathies are one-sidedly given to the middle classes from which its support is drawn.

### Each Free to Assert Itself

Contrariwise, where neither state nor church is hampered in its proper sphere by the authority of the other, each is free to assert itself. Every religious group may now essay to gain the ear and support of the public in an effort to make its potential blessings the spiritual and moral possession of all. It does not follow that all religions or churches are equipotent for good. There are also those which are potent for evil. Human weaknesses may mar, here and there, the work of the best.

Untold ills have been wrought when religion for-



sook its rightful ends, adopted measures not consonant with these, or put men in power whose character unfitted them to be spokesmen of a society which purports to be the family of God's children on earth. Never in history has crime been so ghastly as when resorted to for religious ends. Never has character been so forbidding as when it would operate for sinister ends under the cloak of religion.

Nevertheless, it is better that error should be articulate than that the state should render a decision in a sphere for which it lacks both authority and equipment. Where truth is not shackled by state opposition nor compromised by state support, its champion is not dogged by political sanctions, as in the totalitarian states. Error, while allowed to be vocal, is at least not fortified by the power of the government.

The truth, arrayed in Valkyr beauty, as it leaps into the fray, is unhampered in the use of its resources; and error, while free to express itself, has only its own feet of clay to stand upon. Thus the outcome rests under God with the tribunal of public opinion, to which to appeal in freedom of utterance is the constitutional right of the American. May it never be otherwise! Vergil's motif in his *Aeneid*, "*Tros Tyriusque nullo discrimine agetur*" (Trojan and Greek shall get an equal show), is a good motto for the state in regard to religion.

When our Constitution establishes separation of church and state as a fundamental political principle, it does not represent in this respect a mere impulse of the founding fathers. It enshrines the wisdom of the ages. It is through separation of church and state that the Christian character of our government takes on a vital and vitalizing aspect. We have a Christian country as far as its outward aspects are

concerned. The religion professed by most of the European settlers upon these shores was Christian. Naturally, the institutions developed by them bear a Christian stamp.

There are some places where Christian usage and governmental procedure seem to be somewhat involved. As an illustration we may refer to marriage. Ministers may—indeed, do—perform marriages in every State in the Union, but in making possible a religious ceremony when a home is newly established, the State assigns to the ministers their functions. In every State, save one, marriage may be solemnized by civil officers. This is as it should be, because as far as the State is concerned, marriage is a civil ceremony. No State may demand more. Of course those who see more in marriage than a civil rite will naturally turn to the proper religious leaders for its solemnization.

### Religious Freedom Under Protection of the State

The most Christian aspect of our nation is the utter religious freedom prevailing under the protection of its aegis. Calvin was a Christian, but his Christianity was not expressed but marred when he took the life of Servetus for his Unitarian belief. His theory of church and state was wrong. Our country has an enviable record for its practice of tolerance; nevertheless, that record was marred when a Massachusetts colonial was shipped back to England for reading the Book of Common Prayer. The colony of Virginia was not given to persecution, but it was incongruous for an American colony to exact ordination by an English bishop for a Lutheran clergyman, so that he might legally minister to his flock.

Now, under the protection of our several constitutions, the American is free to confess, teach, and practice any creed, so long as, under the cloak of religion, the institutions that have matured among us are not assailed. Yea, the American may spurn any creed, since the government realizes that faith can never come from coercion. For that reason, the Christian character of our country stands disclosed most clearly in its attitude of broad tolerance, satisfied to perform its duty by protecting human rights, of which this is the foremost, that none may stand between the soul and its God.

Separate from the state, the church makes contributions toward the latter's welfare which would be impossible were government an arm of the church, or the church a department of state. First of all,



John Calvin, Zealous Sixteenth-Century Reformer of Geneva

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"Calvin Was a Christian, but His Christianity Was Not Expressed, but Marred, When He Took the Life of Servetus for His Unitarian Belief. His Theory of Church and State Was Wrong"

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a person with this attitude does not consider the state a worldly or altogether secular institution. The state, too, exists by the divine will. Back of the governance of the state stands the divine tribunal, in whose name the administration, the court, and the legislature perform their respective functions. Nor does membership in the kingdom of God render one immune from the authority of the state. Its government extends over every member of every religious society, and it must prevail even in regard to the temporalities of the church, such as the sphere of property and the extent of its jurisdiction over its membership.

### **Influence of the Church Upon Government**

This does not mean that no way is open to influence government by religious promptings. The religious citizenry has access to the constitutional machinery. The right of petition, of public assembly, of habeas corpus, of pleading from the platform and through the press, may neither rightfully nor safely be suppressed, least of all when religious principles are at stake.

Thus the religious group becomes the conscience of the state. But too often men that govern pay no heed to Him whose throne is above every throne; who, as Edmund Randolph said, punishes the na-

tions for their misdeeds in time, since they have no immortality which might enable the Judge of all to bring them to book in eternity. The state, indeed, is not guided in its measures by the theology of the Bible, but rather by the theology of experience, since it must secure the rights of those who do not recognize the Bible as well as of those who do.

From this, however, it does not follow that the Bible cannot influence government. It does. It should. Fortified by the truths of the sacred volume, whose relevancy and authority are borne out by history, the lovers of the Bible scan the acts of government from the moral standpoint, and the successive milestones of our national progress—the abolition of slavery, of the lottery, of polygamy, and checks to the liquor traffic—are evidence that this conscience is awake. Such a state of affairs, surely, is better than one in which political measures require ecclesiastical approval or ecclesiastical measures are conditioned by policies of state.

The rails form a safe foundation for traffic only by running parallel throughout, and thus remaining separate; otherwise disaster looms ahead. State and church co-operate well only as they remain separate and their activities parallel. Let this relation cease by usurpation of the sphere of one by the other and liberty takes flight.

# **Twin Pillars of American Liberty**

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

*Professor Emeritus of History, Columbia University*

**I**N THE LATE AUTUMN of 1796 the American States were to choose Presidential electors for the third time. George Washington, who had twice received the unanimous vote of the electors, would undoubtedly have been chosen again (though perhaps not unanimously) had he desired to run. But after more than forty years of almost continuous service to his country, during which he had been the chief figure in winning its independence and in establishing its new republican government, he had decided to retire to Mount Vernon and “float gently down the stream of time until he slept with his fathers”—a voyage which was to last only for a brief score or so of months.

Before leaving office Washington bequeathed to his fellow countrymen a priceless heritage in his

Farewell Address, written in September, 1796. Among the wise counsels which he gave in that address was the following: “Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.”

### **Washington's Solemn Sense of Duty**

Washington was neither a theologian nor a metaphysician. In recommending religion as a pillar of human happiness and political prosperity we may be sure that he was not thinking of any sectarian dogma or ecclesiastical ceremony. Though a vestry-



man of the established church in Virginia, as his public office required him to be, he never manifested in his writings or conversation any interest in the Thirty-nine Articles of the Anglican creed—if, indeed, he had ever read them. Religion for him meant a solemn sense of one's duty to cultivate honesty, truthfulness, and righteousness in public and private life, in the conviction that these virtues accorded with the designs of a Providence which determined the fate of men and nations. He did not use the terms religion and morals as separate (much less contrasting) ideas, the one subordinate to or derived from the other; but rather as a double definition of a "disposition and habit" leading to political prosperity and human happiness.

We need in the crisis of today, perhaps as never before in our history, to be recalled to the truth that our American liberty rests upon these twin, inseparable pillars of religion and morals. I say "recalled" because that truth is not a new discovery, but an old and well-tested guide to our growth in national grace and stature. The early settlers who came to our shores were moved not merely by the spirit of adventure or the desire for wealth; they brought with them a fund of idealism. They sought to establish a kingdom of God in the wilderness.

The early laws of Virginia, no less than those of puritan Massachusetts, reveal the intent of the settlers to lay a spiritual basis for their commonwealth. Roger Williams named his refuge in Rhode Island "Providence." William Penn called his colony a "holy experiment." The founders of Maryland were motivated by the purpose of providing an asylum in the New World for their persecuted coreligionists in England. To be sure, the doctrinal asperities and absolutisms which were characteristic of the seventeenth century (the *saeculum theologicum*) often disturbed the deeper harmony of a common spiritual devotion, manifesting themselves in censoriousness, dogmatism, and persecution. But when a later age, more permeated with humanitarian virtues, gradually relaxed the tensions of theological odium, the spiritual forces remained in the cherished ideals of justice, liberty, and noble destiny which have been summed up in the phrase "the American Dream." These ideals, though dimmed at times, have ever been the lodestar leading the American people to life more abundant, as the star of Bethlehem led the shepherds to the manger of Christ.

FIRST QUARTER

## Two "Indispensable Supports"

Note that Washington does not speak of the twin pillars of religion and morals as props to individual character or as consolations in personal distress. They are the "indispensable supports" of "political prosperity." This is a truth insufficiently grasped by our generation. The average man, if asked on what basis our political prosperity rests, would probably answer in political and economic terms. We

have prospered because of our free democratic form of government, our inherited system of fair trials and impartial justice, our inventiveness and initiative, the magnificent material resources of our country, and so forth.

The significance of all these elements in our civilization for liberty has been explored in hundreds of volumes; but few have been the books to relate our "political prosperity" to religion and morals. Yet the insight of Washington was true.

Men who flatter themselves that they are hardheaded and practical have often sneered at idealism as a vagary of dreamers. So they did in the days following the Wilsonian summons to the ideal of stewardship for the task of world brotherhood—with the tragic results for our own prosperity which we all now deplore.

We are confronted again with a great crisis, the most serious in all our history. For the moment the whole attention of the nation is focused on the indispensable task of helping to rid the world of the devilish poison of hatred, cruelty, brute force, and moral and material enslavement which have been spread into land after land. All our resources of industry, transportation, food, metals, labor, education, and recreation are being marshaled in the immediate enterprise of repelling the most dangerous assault on civilization since the days when the hordes of barbarism overran the Roman Empire. But if we omit from the roster of those resources, even now in the midst of the battle, the spiritual factors which our leaders from Washington to Roosevelt have summoned to the support of our liberties, we shall be fighting with wooden swords and dummy guns.

## The Religion of Abraham Lincoln

Abraham Lincoln was no more of a theologian or metaphysician than George Washington. He was a member of no church. He professed no religious creed. Yet, because he saw with the deep vision of his fundamentally religious soul that the final strength



"Before Leaving Office, Washington Bequeathed to His Fellow Countrymen a Priceless Heritage in His Farewell Address, Written in September, 1796"





Washington With His Leading Officers

George Washington Was Commander in Chief of That Small but Resolute Army of Patriots Who Won for the Thirteen Colonies Their Independence. Later He Was President of the Convention Which Framed That Matchless Document, the Constitution of the United States. After Presiding for Eight Years as the First Chief Executive of the Newly Born Nation, He Could Retire With the Realization That He Had Helped to Found a Nation That Would Grow in Power and Prestige and Be an Asylum for Those Who Loved and Sought Freedom, Not Only for Themselves, but for Others

for the vindication of the right must come from a firm reliance on the eternal nature of the right, he led the country through the fiery trial of civil war to a victory which even the defeated side has long since acknowledged as a blessing to the nation.

There is no more moving testimony in our history to religion and morals as the twin supports of our liberty than the words of Lincoln's second Inaugural Address. Men were divided then as they are today in their views on the supreme issue. "One party," he said, "would make war rather than let the nation survive; the other would make war rather than let it perish." How aptly that clear antithesis fits the present situation! One part of our people would go to war rather than see democracy in Europe (and perhaps, as a consequence, here) perish; the other part would rather let democracy perish in Europe than go to war. The two attitudes in Lincoln's day seemed utterly irreconcilable. Yet he refused to exclude either from his sympathetic heart. He found a reconciling synthesis in a faith in eternal justice, imperfectly apprehended as yet by man, but firm and unshaken as the everlasting hills.

Hear him as he continues his sad-toned address: "Fondly do we hope, fervently do we pray, that this

mighty scourge of war may speedily pass away. Yet, if God will that it continue until all the wealth piled up by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said: 'The judgments of the Lord are true and righteous altogether.' " Mysticism! Idealism! Yes; but the most "practical" of attitudes, because it was the faith which sustained Lincoln in his grueling task, and entitled him to the immortal eulogy pronounced by Stanton at his deathbed: "Now he belongs to the ages."

### Advancement Without Moral Progress

Our modern culture has made incredible advances in the understanding and mastery of the forces of nature. We have harnessed her power in coal and oil and electricity to do the work once performed by human hands. We have conquered distance and learned to fly through the air like birds and swim through the sea like fish. We send our messages around the world with the speed of light. Yet, with all this mastery of nature, we have not learned to discipline the behavior of man. Confusion reigns among the nations. Strife and turmoil threaten our domestic peace. Expediency encroaches on principle, and we are baffled and distressed as we face the inequalities and injustices of our present economy. The paradoxes of plenty and poverty which America has are scandals.

What is the explanation of this regrettable spread between ideals and practice? Many reasons will be given: the deterioration in the character of our public servants through their catering, for the sake of the votes, to the will of masses admitted to the suffrage without the knowledge or character to use their privilege wisely; the greed of economic royalists who cling with Bourbonlike tenacity to their vested rights of profit at the expense of the human rights of wage earner; the stubborn demands of organized labor at the expense of the employer struggling for returns on his capital adequate to meet his pay roll and his mounting taxes. We are familiar with all these reiterated explanations of the cause of political and economic evils. But they all are symptoms rather than causes. They do not go to the root of the matter.

The real fundamental cause of our disunity both in our international policy and in our domestic economy is the weakening of our faith in ideals. The termites of materialism have eaten into the foundations of the pillars of religion and morals until those pillars threaten to crumble into dust. Wealth, ease, business as usual, loyalty to the old school tie,



rivalry for office, confidence in the persistence of the *status quo*, so undermined the morale of the foremost nation on the continent of Europe in civilization and culture that it fell an easy victim to invasion; and similar evasions of the duty to be prepared to defend national honor and safety brought another great democracy to the brink of the abyss. The lesson of those calamities is there for us to read. It teaches as plainly as the writing on the wall that the first step in destroying liberty is the sapping of its spiritual foundations.

### Life and Religion

In his "Reflections on the French Revolution," Edmund Burke wisely wrote that we are not allowed to squander the goods bequeathed to us by former generations, but must hold them in trust to hand on enhanced to the coming generation. We have an "entailed inheritance." This is but to state in sociological terms the truth that the pillars of our liberty are set in the bedrock of religion. Life, we believe, is sacred. But treason to ideals expunges all the sa-

credness of life and leaves us on the level of the animal creation, content to satisfy the instincts for food, shelter, procreation, and the struggle for the prolongation of physical existence.

We transcend this bondage to mere physical persistence and emerge into the liberty of personality only by the deeply religious process of discovering and cultivating the bond between our apparently transitory lives and the everlasting life of the spirit. No man who is capable of thought, no one who faces the confusion and distress of the world today, will call idealism nonsense or regard the twin pillars of religion and morals as decaying ruins testifying only to the ignorance and superstition of a former generation. Since the Hebrew sage of old declared that "where there is no vision, the people perish," the truth of his warning has been proved a thousand times.

Let us not in this crucial test of the survival of liberty and democracy be faithless to the "heavenly vision." Our forefathers were not ashamed to acknowledge it as the source of their hopes and labors.

After More Than Forty Years of Almost Continuous Service to His Country, George Washington Retired to His Home in Virginia. It is Here That Thousands Every Year Pay Him Tribute as They Visit His Home and Also His Tomb on the Old Mount Vernon Estate

COURTESY OF B. & O. R. R.





John Adams wrote: "I always consider the settlement of America with reverence and wonder, as opening a grand design in Providence." Benjamin Franklin believed that the deliberations of the Constitutional Convention were "guided and governed by that omnipotent Ruler in whom all spirits live and have being." Jefferson appealed to "the laws of nature and nature's God" for the justification of the immortal Declaration of Independence, and to "the Supreme Judge of the world" for "the rectitude of our intentions."

Religion and morals were the pillars which these men (none of them "religious" in the orthodox sense) built their confidence in the perdurance of American liberty. Their faith is not outmoded. It must still be ours.

We must again rally to the summons which Woodrow Wilson sent out to his fellow countrymen near the close of a life which he had sacrificed in the effort to realize the vision of a great ideal: "Our civilization cannot survive materially unless it is redeemed spiritually."

# Spiritual Religion Equals Religious Freedom

*by M. E. DODD, D. D., LL. D.*

**R**ELIGIOUS FREEDOM, like all other freedoms, is a by-product. It is the fruit of something else which is primary and basic. Freedom is a spiritual ideal. Ideals cannot be captured by direct quest. They could not be kept if they should be captured in that manner. The ideal of freedom cannot be forced upon any people from the outside. The ideal of freedom cannot be inherited by one generation from a past generation. Freedom must be achieved by each generation and each people for itself.

Following the World War of twenty-five years ago, in which I participated both in this country and overseas, I made speeches all over the country glorying in the achievements of that adventure upon the part of our great United States democracy. One of my favorite phrases in those speeches was that the World War had cast twenty-five crowned heads into the junk heap. The fight for freedom had been won, so we thought. The day of democracy had dawned. The high hopes of humanity had been realized. The world was now safe for democracy and had brought the war "to end war," to an end.

## Futile Dreams

But how futile that fruitless dreaming was! The same generation of fighters for freedom has lived to see that their dreams were vain delusions and their words were wishful thinking. Dictators more dreadful have arisen to take the place of those who were deposed. And how? And why?

The answer to those questions is deep and fundamental. Democracy failed and is failing and freedoms have been lost because the people who had them

for a season were unprepared to enjoy the blessings of freedom and were unwilling to bear the responsibilities of freedom. Democracy stands or falls upon the personal worth of the individual. If he does not have heart experience, sound character, benevolent motive, and righteous conduct, he is not prepared to exercise or to enjoy the obligations and opportunities of freedom.

The European countries in which crowned heads were destroyed and democracies set up threw away their chance for the very simple reason that they were not prepared for it. And freedom at the present moment is battling for its life throughout the whole world. It is gone in Spain, Germany, Italy, Rumania, Russia, Japan, and is fast fading out in England and in the United States.

It looks as if we are coming upon another day when the decline of spiritual religion throughout the world, our own country included, is going to rob mankind of all freedom. It looks as if the whole battle must be fought over again. It will be our high privilege to live, labor, and love in this day of destiny. Let us say with Rupert Brooke: "God be praised that we are matched with this hour."

## Militarism and Christianity

War clouds hang over the whole world, and militarism stalks. Militarism is the antithesis of spiritual religion. Militarism is purely material. Christianity is spiritual. Militarism is cruel. Christianity is kind. Militarism is born of and promoted by hatred. Christianity is born of and carried forward by love. Militarism is under the domination of





PHOTO BY ROTHSTEIN. RESETTLEMENT ADM.

**Christianity Is Controlled by the Prince of Peace, and Is Carried Forward by the Force of Love**

the bloody god of war. Christianity is controlled by the Prince of Peace.

Swashbuckling dictators parade up and down the earth. Democracy is in retreat. The freedom for which men and women have fought, sacrificed, and died is in jeopardy. Christian ideals are challenged and Christian institutions, even the church, are on the defensive.

We should not think it strange that the same logical and inevitable steps which have led to the loss of freedom in other lands are being taken in our own. We have seen the subjugation of business, commerce, and industry to a centralized authority. Dollars are dazzled before the face until the eyes are dizzy. Those who are unable to see beyond their noses, or who have no desire beyond their physical appetites, who think more of their stomachs than of their souls, are easily coerced and cajoled into surrendering one right after another. It is a case of doing good that evil may come of it. Men give up the greater for the lesser. Some groups whom it suits to be served by the state fall for this fake. They will find too late that they sold their souls for a mess of political pottage, and have lost their religious freedom in the bargain.

### **Steps Upward to Freedom**

There are two outstanding and commanding facts in the picture and on the recorded pages of this age-

**FIRST QUARTER**

long terrific struggle for religious liberty and separation of church and state.

The first fact is that freedom has gone and come with the ebb and flow of spiritual tides. In proportion to the rise of spiritual religion has been the expansion of man's liberties. Whenever spiritual religion waned and the religious leaders sought to make up for the lack of it by the utilization of human and material forces, then human liberties have been lost.

The second fact which stands out in this long fight for freedom is that the steps upward to freedom and downward to oppression are in definite, direct reverse order. The upward steps are: (1) Religious freedom, (2) political freedom, (3) economic freedom, (4) total freedom. The downward steps are: (1) Economic subjection, (2) political servitude, (3) religious subservience, and (4) oppression. Freedom of conscience and worship are primary, fundamental, and essential to all other freedom. Religious freedom is the first to be gained and the last to be lost. The sole of all freedom is the freedom of the soul.

The first step, economic and industrial enslavement, has gone pretty far in our country. It is now in the President's power to close banks; to change the value of money; to take over any business which does not do as told; to determine hours and wages; to say who shall or shall not work, when or where; to make business contracts and deals with foreign



countries involving vast sums of money without consulting either the Cabinet or Congress; and to do various and sundry other things.

### Backward Steps

The second step, which is political domination, has widened its circle considerably within the last few years. This is done under the specious plea of "a mandate from the people," emergency, etc. This is the claim that the dictator makes. His people vote him every authority that he possesses. But people may be coerced or bribed into voting a given ticket. A national poll shows that eighty per cent of those on relief, vote for the hand that passes out the dole. We have heard much of "must legislation," by which the legislative department is made subservient. There have been efforts at political purges for no other reason than opposition. They are unlike the European purges only in that they are bloodless. Worst of all was the effort to bring the Supreme Court of the country under subjection.

The third step toward securing a complete dictatorship, as practiced in past centuries, and in other parts of the world at the present time, is in the religious realm. This, too, has begun in our time and in our country. An item on the totalitarian trend was the proposed legislation which would bring ministers of religion into the circle of the social security program, and which would give the government its first handhold on the churches. But for the awareness and alertness of certain religious groups that legislation would have passed. At the present moment legislation is pending which proposes the taxation of churches and welfare agencies for the benefit of their nonecclesiastical employees. Eternal vigilance is the price of liberty and of everything else worth having.

From these incontrovertible facts it appears once again that, as in the days of the prophets, as in the time when the Son of God walked in human flesh on the earth, as in the dark Middle Ages, as in the beginning of our national history, this matter of freedom—freedom of conscience, freedom of soul, and freedom of religion—must be fought over again. And unless freedom of religion is maintained, all other freedom, civic, political, economic, even freedom of thought, will go down with it. The history of three thousand years tells us that much.

There are two imperative things that can and should and must be done if we are to save the day. Since freedom of the soul is the chief freedom and

since freedom is enjoyed in proportion to the success and strength of spiritual religion, it is the business of religious leaders and teachers whether in the pulpit or in the pew to do all things possible for the promotion of spiritual religion, faith, hope, and love.

The second imperative service which we can render is in the field of religious education. The moment a state secures a monopoly on all education, then the free processes of thought are at an end. A monopoly in the business world is not good for the people. How much less is a monopoly in the intellectual world, even though it be a monopoly by the state. We must look to religious education if freedom of thought and freedom of action and freedom of religion are to be maintained.

I submit that there is a definite and direct relationship between spiritual ideals, religious education, and democracy.

The line of government procedure has dipped down further toward totalitarianism during the last ten years than it rose toward democracy during the previous one hundred years.

### Love of God Begets Love for Man

As in the case of John Woolman, it is man's experience of divine love which makes him sensitive to the welfare of other people. Like millions in the world today John Woolman had no interest in or concern for the welfare of his fellow human beings until spiritual religion took hold upon his heart. It was then that he resolved never to certify another document in which Negroes were transferred as mere chattel from one generation to another. He saw them as human beings worthy of the same freedom

that he enjoyed. He furthermore became interested in the welfare of the Indians and of all human beings who were suppressed under any type of tyranny whether industrial, political, or religious.

The first and great commandment is, "Thou shalt love the Lord thy God with all thy mind, heart, and

strength." And the second is like unto it, "Thou shalt love thy neighbor as thyself." These commandments are placed by divine wisdom in their logical and necessary order. God's love for man, when realized and accepted, begets man's love for God. And this love between God and man begets love between man and man. Subjugation of any individual or group by force, whether that force be industrial, political, or religious, comes from the lack of love and is born of greed, selfishness, and hatreds. The



The Upward Steps in the Long Struggle for Freedom and the Downward Way That Leads to Oppression and Misery



spiritual attitude is not one of domination but of co-operation.

### Religion the Source of All Freedom

The great scientist Einstein said upon his arrival in America that when the foundations of freedom were swept away in Europe, the fires of persecution flared, and the hope of liberty was vanishing, he looked to the industrial leaders for someone to champion the rights of the people and found him not. He looked to the schools and colleges and found none who would lift his voice for vanishing freedoms. He looked to the churches, and there he found the only help and the only hope for mankind.

Yes, it is spiritual religion that creates freedom, and the destruction of it undermines freedom. It is a passingly strange thing, therefore, that no sooner

had Einstein escaped the terrors of pagan persecution in Europe and found refuge in free America, where freedom had been produced by faith in a personal God and the experience of spiritual religion, than he said to a group of theological students in a Jewish seminary in New York that they must strive to eliminate the idea of a personal God from the mind of mankind. But this same terrible thing goes on throughout our country.

The freedoms which have been enjoyed here by previous generations and those that we still enjoy were gained by Bible reading, prayer, and worship in our homes, churches, and in the private schools and colleges of the country.

Religious liberty is the nursing mother of all liberty. Without her the life of liberty would become extinct.

# Making the Constitution a Blank Paper

by **THE HONORABLE SAMUEL B. PETTENGILL**

*Former Congressman From Indiana*

**I**T was soon to be the Fourth of July, 1826—the fiftieth anniversary of the Declaration of Independence. In the intervening years fifty-three of the fifty-six signers had died. Only three remained—Adams of Massachusetts, Carroll of Maryland, and Jefferson of Virginia. On the golden anniversary of the great Declaration, by an almost supernatural coincidence, Adams and Jefferson were to join the immortals.

But the Declaration itself was not dead nor dying. It still lived in the hearts of the people. Soon they were to hear it read again from the village green, from the tree stump in the wilderness. Soon they were to hear again:

“He has conspired with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws.”

“Suspending our own legislature, and declaring themselves invested with power to legislate for us in all cases whatsoever.”

“He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.”

FIRST QUARTER



First Words of the Constitution

“For opposing with manly firmness his invasions on the rights of the people.”

“Altering fundamentally the forms of our governments.”

“All having in direct object the establishment of an absolute tyranny over these States. To prove this, let

facts be submitted to a candid world.”

The man who wrote these words was dying at Monticello. As the shadows gathered around him his mind went back fifty years to the events of his young manhood. His fingers moved as if he were writing. Suddenly he spoke, startling those at his bedside, “The Committee of Safety—it ought to be warned.”

### Jefferson's View of Government

Recent efforts to build up Jefferson as a precedent for certain reorganization schemes are a libel on history. It can be stated categorically that Jefferson (a) believed in constitutional government, which is a government that restrains governors; (b) believed in checks and balances of three separate branches of government, each operating to prevent the abuse of power by the other; (c) believed in the independence





PHOTO BY H. M. LAMBERT

The Highest Court in the Land Where All Are Granted "Equal Justice Under Law"

of the judiciary; (d) opposed the concentration of power in the executive; (e) did not countenance forced or restrained constructions of the Constitution.

The following excerpts from his writings are proof of the foregoing:

"Our peculiar security is in the possession of a written Constitution. *Let us not make it a blank paper by construction.*"

"To take a single step beyond the boundaries thus specifically drawn around the power of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."

"An elective despotism was not the government we fought for, but one which should not only be founded on free principles, one in which the powers of government should be so divided and placed among several bodies of magistracy as that no one could transcend their local interests without being effectually checked and restrained by the others.

"I suppose an amendment to the Constitution necessary by consent of the States because the objects now recommended are not among those enumerated in the Constitution."

"The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much on an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislative

and executive and independent from both that so it may be a check upon both as both should be checks upon that. The judges . . . should not be dependent upon any one man or body of men. To these ends they should hold estates for life in their offices, or, in other words, their commissions should be during good behavior and their salaries ascertained and established by law.

### The Parent of Despotism

"Confidence is everywhere the parent of despotism—free government is founded in jealousy and not in confidence; it is jealousy and not confidence that prescribed limited constitutions to bind down those whom we are obliged to trust with power. Our Constitution has accordingly fixed the limits to which, and no further, our confidence may go. Let the honest advocate of confidence read the alien and sedition acts and say that the Constitution has not been wise in fixing limits to the government it created and whether we should be wise in destroying these limits. . . . In questions of power, *let no more be heard about confidence in man, but bind him down from mischief by chains of the Constitution.*

"They would, indeed, consider such a rupture [separation of the States] as among the greatest calamities which could befall them; but not the greatest. There is one greater, submission to a government of unlimited powers.

"This commonwealth is determined, as it doubts not its co-States are, to submit to undelegated and consequently unlimited power in no man or body of men on earth. . . .

"If we have a doubt relative to any power, we ought not to exercise it."

Jefferson was not a blind worshiper of the courts or of the Constitution. Nor should we be. The Constitution was made to serve men, and as Jefferson said, "The earth belongs to the living." He knew "that laws and institutions must go hand in hand with the progress of the human mind." The courts are but the instruments to see that government officials keep within the rules which the people themselves have laid down.

Jefferson did not resort to strained constructions of the Constitution. And while he criticized decisions of the courts, which is the democratic process available to every American, then as now, no act or word of his can be found on the pages of history which gives any support to the argument that because he disagreed with the court he would have attempted to pack it with "king's men," and thus overrule its previous judgment. He would not and did not at any time thus attempt to destroy the checks and balances of the Constitution.

The historic disagreements of Jefferson and Lincoln with decisions of the United States Supreme



Court were that those decisions, in their judgment, were unduly extending Federal power over matters which they felt were more properly committed to the sovereignty of the States.

Jefferson advocated going to the people on the question of whether the Federal Government should have more power. He did not believe that Congress and the President should assume a power and then create a rubber-stamp court to confirm the assumption. It is plain that if this is to become the prevailing philosophy in America, constitutional government as we have known it has "gone with the wind." We will then have government vacillating with each election.

All long-range business planning would then be forced to guess what a future majority of Congress or the future whim of a President would command them to do, and with what result? The same result that Jefferson said would happen—

"Changes of majorities will be changing the system backwards and forwards, *so that no undertaking under it will be safe.*"

The growth of this country has depended in large part upon the fact that we have constitutional government and not majority government.

Jefferson would grant all necessary power to the central government. But he would do so openly by amending the Constitution. He would thus preserve constitutional morality.

Today it may be necessary for the Federal Government to have more power. If so, let the question be submitted to the people in accordance with the Constitution.

## Rights of the Individual

Said Jefferson:

"I am not for transferring the powers of the States to the general Government and of those of that Government to the executive branch." Also:

"The way to have good government is not to trust it all to one."

Thomas Jefferson asks the question:

"What has destroyed liberty and the rights of man in every government which has existed under the sun? the generalizing and concentrating all cares and powers into one body, no matter whether the autocrats of Russia or France, or the aristocrats of a Venetian senate."

Jefferson stood for the defense of the rights of the individual as safeguarded by the Constitution. He said:

"I may err in my measures, but never shall deflect from the intention to fortify liberty by every possible means, and to put it out of the power of the few to riot on the labors of the many."

"The legal denial of the rights of a single individual jeopardizes the rights of all."

Let no one believe that this movement to the center, this abdication of constitutional rights by the citizen, the city, the country, and the State, this concentration of power—let no one be so fatuous as to believe that this is a liberal movement. It is a reactionary, a Tory movement. Make no mistake. The Declaration of Independence and the Constitution were not written by reactionaries, nor was the Revolutionary War won by Tories.



Jefferson Was Champion of the Rights of the Individual. He Spoke Often in His Defense, and Sought Every Safeguard Against Any Encroachment Upon the Liberties Granted by the Federal Constitution. He No Doubt Would View With Alarm Certain Tendencies Which Are Now Being Manifested





PAINTED BY P. SHERRIN

The Rights of the Individual Must Be Respected No Matter How Humble His Origin or the Home in Which He Dwells

# Upholding Individual Rights

## *Decision of the Supreme Court of South Carolina*

by H. H. VOTAW

**T**HE founders of the American Government planned and executed well when they divided governmental functions into three branches. Their wisdom is confirmed every time a court upholds individual rights. Legislators may pass restrictive laws. Executives are often too zealous in their work as prosecutors. Were it not for the judicial branch of the Government, many a citizen would suffer grave injustice.

Our readers will recall references we have made to some decisions of the Supreme Court of the United States regarding freedom of the press. But Federal Courts do not stand alone in upholding individual rights. We are glad to offer the salient points involved in a case which came to the Supreme Court of South Carolina on appeal from Cherokee County, decided in June, 1941.

The city of Gaffney has an ordinance, a part of which reads as follows: "Any person or persons creating any disturbing noises, or making, creating or engaging in any brawl, . . . fighting or indulging in profane, obscene, abusive or vulgar language . . .

shall if found guilty, be subject to a fine. . . ."

Shannon E. Putnam, a member of the Jehovah's Witnesses, was endeavoring to sell the *Watchtower* magazine, and in order to arrest attention was crying on a street in Gaffney, "Religion is ruining the nations; Christianity will save the people." One Ernest Fowler assaulted him. According to the testimony of witnesses, Fowler gave Putnam a "severe beating." He knocked him down several times. Every time he rose he was knocked down again, until a crowd which had assembled stopped the fight. "The evidence shows that Fowler was a much larger man than the defendant, and physically superior in every way."

Fowler was fined for fighting, but Putnam was arrested and convicted under the ordinance from which we have quoted. On appeal from the Cherokee County court, the supreme court reversed the decision against Putnam. Said the court:

"It is entirely clear, as manifested by the record, that Fowler was the aggressor. Nor can there be any reasonable doubt but that he made the assault



solely because of the statement uttered by Putnam. The testimony shows that the defendant's remark which offended Fowler was not addressed to him or to any individual personally, but to the public at large. It does not appear that he had ever seen Fowler before, or that he had any reason to believe that his words would be personally offensive to him by reason of the latter's religious views or convictions. There is no showing that the defendant's deportment was noisy, truculent, overbearing, or offensive. He indulged in no opprobrium, or abuse of the public, or of Fowler. So far as the evidence shows, he wished only to interest those who passed by in his propaganda.

"In the instant case the defendant was not guilty, in our opinion, of any assault, and it is clear that Fowler, who provoked the difficulty and was the physical aggressor throughout, had no reasonably well-founded apprehension of bodily harm or danger to his person. So that the real question presented by the appeal is whether the words concerning religion and Christianity, spoken under the circumstances above narrated, addressed to the public at large, constituted themselves sufficient legal justification for the assault made by Fowler. It is plain that they do not.

"In view of the fact that peace and good order forbid that individuals shall right their own wrongs, we have announced the rule in numerous cases that in the absence of statute, mere words, no matter how abusive, insulting, vexatious, or threatening they may be, will not justify an assault or battery, unless accompanied by an actual offer of physical violence—although they may mitigate the punishment. (State v. Cooler, 112 S. C. 95, 98 S. E. 845; State v. Workman, 39 S. C. 151, 17 S. E. 694; State v. Jacobs, 28 S. C. 29, 4 S. E. 799; State v. Jackson, 32 S. C. 27, 10 S. E. 769.)

"Nor can it be successfully contended that in attempting to defend himself under the facts in this case, Putnam was guilty of assault upon Fowler. One acting in self-defense to repel an unlawful attack is not guilty of assault; he may repel force with force and continue his self-defense as long as the danger apparently continues.

"By several exceptions, and in his printed brief, the defendant attempts to show that his constitutional rights have been violated, with special reference to religious freedom and liberty of speech and press under the First and the Fourteenth Amendment to the United States Constitution, and Article I, Sections 4 and 5 of our State constitution. These exceptions are so indirectly connected with the issue which we have already passed upon that they hardly need be discussed. No one would deny the postulate that a State or municipality may not by statute

or ordinance wholly debar the right to preach or to disseminate religious views. Clearly an absolute restraint would violate constitutional guaranties. As was said in *State v. Langston*, 195 S. C. 190, 11 S. E. (2d) 1:

"In this State there are so many religious beliefs so varied in what they teach and with such great difference, that one of the most fruitful, and yet fruitless, sources of argument is some theological question. It certainly cannot be said that there is not in this State an absolute freedom of religion. A man may believe what kind of religion he pleases or no religion, and as long as he practices his belief without a breach of the peace, he will not be disturbed.' And see generally *Morison v. Rawlinson*, 193 S. C. 25, 7 S. E. (2d) 635.

"It must be kept in mind that the common-law offense of breach of the peace is not charged here. The charge against the defendant was founded upon the broad and general phraseology of the ordinance hereinabove set out. But in *Cantwell v. Connecticut*, 310 U. S. 296, 84 L. Ed. 1213, the Court dealt with a case involving two members of Jehovah's



PHOTO BY H. A. ROBERTS

Let the Heedless Crowd Awaken to the Value of Their Liberties



Witnesses, charged with a breach of the peace. In that case the defendants, with a portable phonograph, on one of the public streets of New Haven, Connecticut, played a record which included an attack upon the Roman Catholic Church. This record gave offense to two members of that church who heard it. They made no physical attack upon the 'Witnesses,' but the latter were charged with a breach of the peace. We quote some portion of the opinion of the Supreme Court because the discussion has a general bearing here:

"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 vilification 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 citizens of a democracy.

"The essential characteristic of these liberties is, that under their shield many types of life, character,

opinion and belief can develop unmolested and unobstructed. Nowhere is this shield more necessary than in our own country for a people composed of many races and of many creeds. There are limits to the exercise of these liberties. The danger in these times from the coercive activities of those who in the delusion of racial or religious conceit would incite violence and breaches of the peace in order to deprive others of their equal right to the exercise of their liberties, is emphasized by events familiar to all. These and other transgressions of those limits the States appropriately may punish.

"Although the contents of the record not unnaturally aroused animosity, we think that, in the absence of a statute narrowly drawn to define and punish specific conduct as constituting a clear and present danger to a substantial interest of the state, the petitioner's communication, considered in the light of the constitutional guaranties, raised no such clear and present menace to public peace and order as to render him liable to conviction of the common-law offense in question."

"It follows from what we have said, that the defendant's motion for a directed verdict in the recorder's court should have been granted.

"Judgment reversed."

## State Supreme Court Upholds Religious Liberty

by C. S. LONGACRE

**T**HE SUPREME COURT of New York in the May term, 1941, reversed the judgment of the Onondaga County court which declared that Anson Reed was a delinquent child because of his failure to pledge allegiance to the flag. The supreme court ruled "that this eight-year-old child's refusal to join with the other scholars in the salute to the American flag, as a part of the patriotic program prepared by the Commissioner of Education," . . . does "not, in our opinion, establish delinquency within the meaning of Sec. 486 of the Penal Code." All judges concurred in this opinion.

### Another Important Decision

The juvenile session of the municipal court of Nashua, New Hampshire, adjudged Roland, Lorraine, and Loretta Lefebvre to be delinquent children, and committed them to the State Industrial School for the periods of their respective minorities because they refused to salute the flag of the United

States. These children believed that the Scriptures forbade the salute as a form of idolatry, and to compel them to salute was an infringement of the freedom of conscience.

The Supreme Court of New Hampshire, in reviewing this case, said:

"We shall discuss the problem presented at first upon general grounds, with later consideration of the specific provisions of our statute. If the order appealed from is executed, these three children and their parents will be visited by the breaking up of the family, an institution of primary value in our social life. The reason for the breaking up of the family would be no more than the conscientious acts of the children, based upon the religious teachings of their parents. Granted that the school authorities may discipline the children by excluding them from the benefits of the public instruction that normally is the office of the State (Constitution, Part Second, Article 82), the question still remains



whether the statute relating to neglected and delinquent children was intended to operate in such a situation as this.

"It is generally held that the purpose of such statutes is not penal, but protective. It is not that the child shall be punished for breach of a law or regulation, but that he shall have a better chance to become a worthy citizen. (State v. Burt, supra; *in re* Hook, 95 Vt. 497; Wisconsin Industrial School v. Clark County, 103 Wis. 615; Commonwealth v. Carnes, 82 Pa. Super Ct., 335; Mill v. Brown, 31 Utah, 473.) If the child is found to be neglected or delinquent, as defined in the statute, the parents may be deprived of custody, and the guardianship of the State substituted. (People v. Pikunas, 260 N. Y. S. 675.) But this should be done, if the legislative intent is to be effected, only upon a pretty clear showing that the family environment is defective and that the State can plainly better the child by a change of custody and control. (Ex parte Drye, 250 Mich. 210; Mill v. Brown, supra; *in re* Alley, 174 Wis. 85.) That some one condition, or more, might be improved should be balanced against whatever advantages the home may offer in the way of normal environment. (Hollis v. Brownell, 129 Kan. 818.)

"The poverty of the parents may be of slight import compared with the factors of love and a moral atmosphere. 'Doubt should be resolved in favor of the home even though it be imperfect and even though its standards be not of the highest. Its imperfections must be striking and its standards low indeed if the child would be benefited by being committed to the care of a public in-

stitution where it will be deprived not only of freedom, the love of friends and relatives, but will be branded with a stigma which years of subsequent good conduct may partially erase but never entirely remove.' (*In re* Alley, supra, 92.)

"Loving parents who do their best for their children in support, nurture and admonition are of more worth than pecuniary means. Righteous and generous motives may be of more importance than notions that chime with majority opinions of what is good form or what is the best method of teaching patriotism. It would be one thing to say that the legislature intended to permit school authorities to prescribe ceremonial forms for such teaching and to exclude from public school privileges those children who decline, from whatever motive, to conform. But in view of the sacredness in which the State has always held freedom of religious conscience, it is impossible for us to attribute to the legislature an intent to authorize the breaking up of family life for no other reason than because some of its members have conscientious religious scruples not shared by the majority of the community, at least provided those scruples are exercised in good faith, and their exercise is not tinged with immorality or marked by damage to the rights of others. The purity of the action of the children in these regards is admitted.

"Speaking with direct reference to our statute concerning juvenile courts, jurisdiction is limited to neglected and delinquent children. A neglected child is one who is abandoned by his parent; who habitually begs or receives alms; who is found in any disreputable place; who associ-



PHOTO BY H. A. ROBERTS

## OUR FLAG

James I. Robison

Our flag, our own! How splendidly  
It flutters out against the sky!  
How glorious it is to see—  
A flag for you, a flag for me,  
All bound in one, united we;  
Long may it from the steeple fly!

Our flag is pure, and ours to keep  
Unsoiled, unshamed, and waving high;  
Our trust unfeigned, our courage deep,  
Our hope fulfilled for us to keep  
For those whom after we shall sleep,  
It shall inspire and glorify.

The flag our fathers died to free,  
And left unstained on history's page,  
Now calls their loyal sons to see  
A grander, nobler land to be,  
A land of truth and liberty,  
A Union true throughout the age.



ates with vicious or disreputable persons; whose home is unfit because of (a) neglect, cruelty or depravity of his parents, or (b) the failure of his parents to provide proper subsistence, education, medical or surgical care or other care necessary for his health, morals, or well-being; or who engages in an occupation or is in such surroundings as may prove injurious to the child's physical, mental or moral well-being.

"There is not the faintest suggestion that any of these children are thus neglected except as to the financial inability of their parents to give them private education equal to that provided by the public schools, now denied to the children. If the parents have failed in that, it is very clearly not their fault (nor is it the fault of their children) in any immoral or antisocial sense. As far as appears the parents wish these children to have the education that is open to all except those children who have conscientious scruples against saluting the flag. Neither they nor the children appear to object to education in patriotism; the only part of the patriotic program of the public schools with which they differ is the symbolic ceremonial of the salute to the flag. We cannot believe that the legislature intended to call such children neglected by their parents, or to subject them to being torn from their parents, much less confined in an institution. We do not follow *in re Marsh*, 14 A. 2d, 368 (Pennsylvania Superior Court) in this regard.

"Nor is any of these children delinquent as defined in our statute. The State now seems to make no serious claim of the sort, no contention that a child excluded from school by the authorities, under such circumstances as existed here, is habitually truant. The statutory definition of 'delinquent child' is one 'who violates any law of this State or any city or town ordinance, or who is wayward, disobedient or uncontrolled by his parent, guardian or custodian, or who is habitually truant from school or home, or so departs himself as to injure or endanger the health or morals of himself or others.' We find no intent of the legislature to treat as delinquents those who are excluded from attendance because they act in good faith from conscientious motives, without injury to the health or morals of themselves or others. . . .

"The exclusion of the children from public education remits them to the proper custody of their parents for such education as the parents can give them. If there be a resultant want of education, there appears to be no way known to existing law by which the want may be supplied. If the parents could be penalized for not sending the children to an approved school (which they are unable to do), such action would not result in proper education for the children, if they wish to exercise their un-

doubted rights to conscience, while the school authorities still insist that they salute the flag as a condition to their receiving suitable education. We cannot order the school authorities to revoke the suspension of the children. Still less can we order the children, in spite of their conscientious religious scruples to salute the flag so that they may be accepted again as students in the schools. (*In re Jones*, 24 N. Y. 2d, 10.) The statutes confer no power to accomplish any of those results, and there might be grave doubt as to the constitutionality of an act giving the last power mentioned. What might be done with mutual tact and tolerance, by way of persuasion of the children and their parents, or by way of amendment of the regulation, or its partial suspension, rather than by attempted compulsion, lies in the legislative and administrative fields, not in the judicial."

The judges were unanimous in ordering the children to be released from the industrial school and to be remanded to the custody of the parents. As long as the courts of the land uphold the constitutional guaranties of the freedom of the conscience in religious matters, in spite of public clamor based on war hysteria to the contrary, our liberties are safe. In certain cases of late the State supreme courts have shown a far greater loyalty in adhering to the constitutional privileges and immunities granted to individual citizens in their decisions than has the Supreme Court of the United States. It will be an evil day for American citizens when our courts become partisan and political agencies which yield submissively to the whims and caprices of political parties and policies instead of standing unflinchingly in defense of the inalienable rights of all men as vouchsafed to each citizen under our matchless Constitution. Perhaps the State supreme courts will need to come into the breach to save our Constitution from being overridden and nullified by a popular war hysteria, and by public officials who fail to recognize that the Constitution is above all three branches of the Government.

If there is one thing which the founding fathers of the American Republic recognized as paramount and supreme above everything else, it was the free and unmolested exercise of the conscience in religious matters. The Constitution was made supreme in all governmental functions and the conscience recognized as supreme in matters pertaining to God above the Constitution because the natural rights of all men are inalienable and subject only to the authority of God.

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Those who will not contend for their noble ideals and fundamental principles may see the day when they will have to live in chains.



# Use of Tax Monies for Parochial Schools

***A Clear and Just Decision  
Rendered by the Supreme Court of Missouri***



[LIBERTY has repeatedly spoken against the use of public funds for sectarian purposes. A recent decision of the Supreme Court of Missouri deals with the whole matter of using tax monies for parochial schools with such clarity that we offer it to our readers in its entirety.

It is especially noteworthy that most of the appellants and the respondents both belong to the Catholic Church. There can be no charge of religious prejudice in this suit. We commend particularly those members of the Catholic Church who still preserve in their minds and hearts a clear understanding of the fundamental principles of the separation of church and state.

We hope that whenever similar suits find their way into the courts, the justices who sit in such cases may be blessed with the same clear vision that the members of the Missouri Supreme Court had when considering this case.—Ed.]

**I**N THE SUPREME COURT OF MISSOURI, Division Number One, May term, 1941. Alfred Harfst, et al, Appellants, vs. A. J. Hoegen, et al, Respondents, No. 37264.

"This is a suit by parents of public-school children, against members of a school board, seeking an injunction against the use of school funds for purposes alleged to be sectarian and religious. From a decree granting part of the relief sought, and refusing to grant more, plaintiffs have appealed. The suit involves the Missouri constitutional guaranties of religious liberty and presents questions which

have never before been considered or decided by our appellate courts.

"Some years ago in the town of Meta, in Osage County, the Catholic parish of St. Cecilia established its usual parish or parochial school, which was conducted under the direction of the parish priest. The teachers were members of the Sisters of the Most Precious Blood, a Catholic teaching order, who came from St. Mary's Institute of O'Fallon at O'Fallon, Missouri, the mother house and novitiate for the training of teachers for parochial schools. The school building adjoined the parish church and had two schoolrooms on the first floor and a schoolroom and a chapel on the second. After some time, and about ten years ago, this parish school was taken into the State public-school system by the school board of the Meta school district as a public grade school. From then on it has been and is now supported by public funds. At that time the textbooks and the course of study prescribed by the State superintendent of schools were adopted, but otherwise the school seems to have been conducted as a parochial school in the same manner as before its inclusion in the public-school system. It was continued under the same name, the St. Cecilia School, and in the same building, the three schoolrooms being rented from the parish priest by the school board. The same teachers or other sisters of the same religious order were engaged and are paid by the school board and now constitute the teaching staff of the school. It is still referred to as the 'Catholic school.'



"Harmony prevailed among the people of the school district about the conduct of this school until 1939, at which time there was a consolidation of another school district with the Meta district and the abandonment of the school in the other district. This action seems to have culminated in some bitterness between the peoples of the two districts and led to the filing of this suit. Almost all of the persons engaged in this controversy are of the same religion, Catholic. The questions involved do not arise from a strife between persons of opposing religious beliefs, but come from a dispute between those of the same faith.

"We find the usual schoolday commencing with prayer in the morning. After prayer the pupils are marched, one room at a time, to the Catholic church next door for holy mass. After mass the pupils are marched back to their schoolrooms where they receive religious instruction. In this they study the Catholic catechism and the child's Catholic Bible. On one or two days of each week the parish priest gives religious instruction to the pupils in the mid-morning, either at the church or in the schoolhouse chapel. On Friday afternoons the pupils are again marched to the church for confession. In the quarterly 'Teacher's Report to the Parents' the subject 'Religion' is included under 'Branches Pursued,' and a grade in this subject is given to each pupil.

"Sister M. Berhmans, one of the present teachers, testified that the Sisters of the Most Precious Blood dedicate their lives to teaching the young, which includes the teaching of the Catholic faith as well as the teaching of the usual secular educational subjects. She had been previously and was then teaching the Catholic faith to her pupils in the St. Cecilia public school. As accessories to the religious instruction, the schoolrooms have in them pictures and symbols of the Catholic faith, and there are holy-water fonts for the benefit of the pupils at the doors of the schoolrooms. The one hundred or more pupils at this school are usually all of the Catholic faith, but in some years there have been one or two Protestant children enrolled there.

"The school board maintains a second grade school in Meta which is attended entirely by Protestant children. The enrollment there is about one half the number in the St. Cecilia School. The manner in which this school is conducted is not here in controversy, but the evidence shows that its facilities are not equal to those of the St. Cecilia School, and that Catholic children have been ordered by the school board to leave it and attend the St. Cecilia School.

"Plaintiffs, who are parents of school children, taxpayers and residents of the school district, after stating the facts set out above allege that the mem-

bers of the school board, the defendants, are maintaining a parochial school at public expense, contrary to our Constitution. They ask that the board be enjoined from using public funds: in support of a parochial school; in employing as teachers persons garbed in the habiliments of a religious order; in employing sectarian teachers. The answer of the school board is a general denial.

"The chancellor found that sectarian religion was being taught in the school by the sisters and also by the parish priest with the knowledge of the board members. However, in his decree he fails to give the broad relief asked for, but confines himself to enjoining what appellants contend are mere side issues. He enjoined the use of religious textbooks and accessories, such as pictures and symbols and the holy-water fonts, but he did not enjoin the teaching of sectarian religion. He did not enjoin the maintenance of a sectarian school by public officials at public expense. He did enjoin the parish priest from teaching within the school building, but he did not enjoin the payment of public funds to the teachers of religion. Under the decree as it now stands it is argued that defendants may continue to ignore the constitutional provision ensuring the freedom of worship.

"Plaintiffs have appealed. They have first assigned as error the failure of the chancellor to enjoin the school board from paying public funds to the teachers of what the chancellor found to be a sectarian school. In passing on this particular assignment we are compelled to review briefly our constitutional guaranties of religious freedom which are necessarily involved in deciding this case, and which are alleged to have been openly violated, for the reason we hear this case *de novo* and determine what decree should have been entered.

"With the adoption of the Federal Bill of Rights<sup>1</sup> the whole power over the subject of religion, at that time, was left exclusively to the State governments.<sup>2</sup>

"Previously there had been controversies in the various colonies over the governmental support of the church, and the complete separation of the church from the state did not really come until the formation of our Federal system of government,<sup>3</sup> although the Virginia Bill of Rights had earlier guaranteed freedom of worship. At that time there was declared the principle which is of the warp and woof of democracy; namely, the people must enjoy religious freedom and religious equality. This principle has

<sup>1</sup>Amendment 1. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." Now absorbed in the Fourteenth Amendment: *Meyer v. Nebraska*, 262 U. S. 390; *Pierce v. Society of Sisters*, 268 U. S. 510; *Cantwell v. Connecticut*, 310 U. S. 296; *Minersville District v. Gobitis*, 310 U. S. 586.

<sup>2</sup>Story, "Constitution of the United States" (1891), Sec. 1879. <sup>3</sup>*Reynolds v. United States*, 98 U. S. 145. Goddard, "The Law in Its Relation to Religion," X Mich. Law Review, 1, c. 164.



stood out as a guiding star in the growth and development of our form of government and has contributed to its solidarity. It is as vital to our people as the guaranty of civil liberty and political equality. Because of it, devotion to religious beliefs according to the dictates only of one's conscience without molestation or forcible direction became possible, thus permitting an unhampered growth of religious conviction of any sort and of every denomination. There could be no governmental discrimination in favor of or against any sect; each became entitled under the law to enjoy equal rights in a broad field. Yet, religion was in no way taken away from the individual. It has been recognized in the courts that generally we acknowledge with reverence the duty of obedience to the will of God.<sup>4</sup> In the preamble to our constitution the people of our State acknowledge our 'profound reverence for the Supreme Ruler of the universe' and our gratitude for His goodness.<sup>5</sup> But yet, beginning with our first constitution,<sup>6</sup> we have persistently declared 'that all men have a natural and infeasible right to worship Almighty God according to the dictates of their own consciences;' and, 'that no human authority can control or interfere with the rights of conscience.'

"The fact that this is a case of first impression in this State is of itself an evidence that the policy separating religion from government can be maintained. It also demonstrates unusual restraint both on the part of church and state in view of the important roles played by the various pioneers of religion in the settlement of our State and in its transition from the frontier. A history starting with the first Jesuit missionaries, followed in time by the frontiersman generally with a scorn of religion, and, finally, a period of Protestant revivals, has no doubt presented opportunities for vigorous controversy.<sup>7</sup> But where such have occurred, settlement must have been made without resort to law. In other States numerous cases involving many phases of such controversies have reached the courts. There are decisions on public aid to a sectarian school, employment of a sectarian teacher, use of a church for school purposes, permitting the Bible in a school library, reading of the Bible with or without comment in a school, and so on. Each case necessarily turns on the particular constitutional provision of the State in which the case arises.<sup>8</sup>

"Missouri follows generally the usual pattern of religious guaranties and safeguards in its constitu-

tion.<sup>9</sup> We have, as mentioned above, the provision for freedom of worship according to one's own conscience without control or interference of his rights of conscience. It is apparent, therefore, that under our system of education the inclusion of the St. Cecilia School in the public-school system and its maintenance as a part of and an adjunct to the parish church in its religious teaching and where children of every faith may be compelled to attend and have attended, constitutes a denial of our guaranty of religious freedom. The fact that attendance at mass is customarily before school hours or that religious instruction may be given during recess periods or that the participation of a non-Catholic child in these services may not be required does not make such conduct lawful in view of this provision.<sup>10</sup> Particularly is this true under circumstances as in this case where the pupils must arrive and leave at the same time in the school buses. This court has already said that 'it certainly could not have been the design of the legislature to take from the parent the control of his child while not at school, and invest it in a board of directors or teacher of a school.' And we asked: 'May they not prescribe a rule which would forbid the parent from allowing the child to attend a particular church, or any church at all?'—assuming that the question answered itself and reduced the argument to absurdity.<sup>11</sup> By the common law, control of children is parental, and the father could 'delegate part of his parental authority to the tutor or schoolmaster,' said Blackstone (1 Com. 452, 3). Now by statute the school board has been given certain powers, and it behooves the board to point to a statute, when its will and that of the parent conflict.<sup>12</sup> This it has failed to do. And certainly the school board may not employ its power to enforce religious worship by children even in the faith of their parents. Furthermore, the segregation of the Catholic from the non-Catholic children and their mandatory attendance at one or the other of the two grade schools according to their religion, whether the schools be of equal or of unequal facilities, likewise constitutes a denial of complete religious freedom. The cases relied on by respondents

<sup>9</sup>Art. II, Sec. 5. "That all men have a natural and indefensible right to worship Almighty God according to the dictates of their own conscience; that no person can, on account of his religious opinion, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of this State, or with the rights of others."

Art. II, Sec. 6. "That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same."

<sup>10</sup>Knowlton v. Baumhover, 182 Iowa, 691, 166 N. W. 202, 5 A. L. R. 841.

<sup>11</sup>Dritt v. Snodgrass, 66 Mo. 286.

<sup>12</sup>Wright v. Board of Education, 295 Mo. 466, 246 S. W. 43.

<sup>4</sup>United States v. MacIntosh, 283 U. S. 605. And see Cooley, "Constitutional Limitations" (1927), p. 976.

<sup>5</sup>Missouri Constitution, 1875.

<sup>6</sup>Missouri Constitution, 1820, Art. XIII, Sec. 4.

<sup>7</sup>See Houck, "History of Missouri," chap. 28; and "Religion," Missouri Guide Book, Federal Writers' Project.

<sup>8</sup>See cases reported and annotations thereto on "Sectarianism in Schools" in 5 A. L. R. 841; 20 A. L. R. 1334; 31 A. L. R. 1121; 57 A. L. R. 185. And see 16 C. J. S., Const. Law, Sec. 206c.



may be distinguished on the facts; one involved only the garb of the teacher and two were about reading the Bible.<sup>13</sup>

"There is another constitutional inhibition which respondents do not observe. It forbids a school district to make payments from any public fund to sustain any private or public school controlled by any sectarian denomination.<sup>14</sup> Respondents might argue that the St. Cecilia School is controlled by the school board and not by the church, but we find from the record that the nominal supervision by the school board is but an indirect means of accomplishing that which the constitution forbids.<sup>15</sup> The statement of the county superintendent of schools that 'We put the St. Cecilia parochial school into the public-school system' is fully borne out by the facts in evidence. It was not only put there, but it was maintained there with public funds.<sup>16</sup>

"But our constitution goes even farther than those of some other States. In addition to the provisions already mentioned we have still another. Art. II, Sec. 7, says: 'That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion or any form of religious faith or worship.' Thus, we have an explicit interdiction of the use of public money for a *teacher of religion as such* which has been violated by the board. In the instant case it is true that the sisters followed the course of secular instruction prescribed for public schools, but in addition they also instructed in the faith of their religious belief as their obligation required them to do. The sister superior testified that the members of her order have dedicated their lives to teaching and to the Catholic faith; to both the religious training and education of children; to teach no other faith but that of their religion; to devote themselves to a religious life. She also testified that before coming to the St. Cecilia School she had taught in parochial schools, and that the teaching was the same in them as in the St.

Cecilia School except that in the parochial schools there was even more time devoted to instruction in religion. 'I couldn't teach any differently,' she stated. She then told of the religious instruction she was giving to her pupils in the St. Cecilia public school, using the Catholic catechism and the child's Catholic Bible as texts.

"From her testimony we must conclude that the members of her religious order, their lives dedicated to the training of children both in religion and education, come within this constitutional interdiction as teachers of religion and payment to them from public school funds is forbidden.

"In reaching this conclusion we recognize that the members of these noble teaching orders are inspired only by the most unselfish and highest motives; that parochial education is an embodiment of one of the highest ideals that man may enjoy. The Supreme Court of the United States found that parochial education has been 'long regarded as useful and meritorious.'<sup>17</sup> In the instant case it is admitted by all parties that the sisters are fully qualified according to the standards set by the superintendent of instruction as teachers of a public school. We know of the great educational institutions conducted by the Jesuits and other Catholic orders and of their high standards of excellence, St. Louis University being a leader among them. We recognize as well the great need of spiritual training not only in our own country, but throughout this troubled world. The right of freedom of worship, which at this time is being denied to the peoples of two foreign governments in particular, must be restored before the world is again secure. Nevertheless, the question confronting us is one only of law; of upholding our Constitution as it is written which, as lawyers and judges, we have dedicated our professional life to do. The constitutional policy of our State has decreed the absolute separation of church and state, not only in governmental matters, but in educational ones as well. Public money, coming from taxpayers of every denomination, may not be used for the help of any religious sect in education, or otherwise. If the management of this school were approved, we might next have some other church gaining control of a school board and have its pastor and teachers introduced to teach its sectarian religion. Our schools would soon become the centers of local political battles which would be dangerous to the peace of society where there must be equal religious rights to all and special religious privileges to none. The faithful observance of our constitutional provisions happily makes such a condition impossible.

"It is of no purpose to discuss or decide other questions raised except to point out that the long acquies-

<sup>13</sup>Gebhardt v. Heldt, 66 N. D. 444, 267 N. W. 128; Kaplan v. School District, 171 Minn. 142, 214 N. W. 18, 57 A. L. R. 185; Wilkerson v. Rome, 152 Ga. 762, 110 S. E. 895, 20 A. L. R. 1334.

<sup>14</sup>Art. XI, Sec. 11. "Neither the General Assembly nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, county, city, town or other municipal corporation, for any religious creed, church or sectarian purpose whatever."

<sup>15</sup>See Knowlton v. Baumhover, supra; Cook County v. Chicago Industrial School for Girls, 125 Ill. 540, 18 N. E. 183, 1 L. R. A. 437; and see "Schools" 24 R. C. L., Sec. 49.

<sup>16</sup>Millard v. Board of Education, 121 Ill. 297, 267 N. E. 128 cited by respondents held that under the evidence there was no ground for equitable relief under the Illinois constitutional provisions and Dunn v. Chicago Industrial School, 280 Ill. 613, 117 N. E. 735, also cited, held that in effect no aid was given by the state.

<sup>17</sup>Pierce v. Society of Sisters, 268 U. S. 510.



cence of appellants in the management of the school cannot make such management proper.<sup>18</sup> No one may waive the public interest;<sup>19</sup> the constitutional provisions are mandatory and must be obeyed.<sup>20</sup>

"The members of the school board have unintentionally but unquestionably violated our constitutional provisions in the respects noted. We commend

the candor of all parties, and it has eased the labors of the Court.

"This case must be remanded with directions to the chancellor to enter a full and proper decree for plaintiffs giving them additional injunctive relief in accordance with the views expressed in this opinion.

"It is so ordered.

JAMES M. DOUGLAS,  
*Judge.*"

"All concur."

<sup>18</sup>Knowlton v. Baumhover, supra.  
<sup>19</sup>DeMay v. Liberty Foundry Co., 372 No. 495, 37 S. W. (2d) 640;  
16 C. J. S. Const. Law, Sec. 89.  
<sup>20</sup>State ex rel. United Railways Co. v. Public Service Comm.,  
270 Mo. 429, 192 S. W. 958.

## Introducing a Religious Issue

CERTAIN events in the campaign for the election of school-board members in Cleveland, Ohio, created a good deal of comment—we might say controversy. At this distance it is likely that not all the details are before us, but certain things seem clear. We think our readers will be interested in some newspaper statements bearing upon the issue.

The *Plain Dealer* offers a part of a letter written by Archbishop Joseph Schrembs, which was read in all Catholic churches on Sunday, November 2, and from which the following is quoted:

"As the election of members of the school board is no more a political question than these levies [the electors were also voting upon some city and county levies], I recommend the re-election of Frank T. Jamieson and Dr. George J. Greene and the election of John R. Beljon and Herbert C. Eisele.

"The recommendation is made because it is a good American practice to elect the best qualified candidates regardless of race or religion. They are recommended as citizens who have the best interests of the public-school system of Cleveland at heart."

This letter led Mr. Frank M. Baker, chairman of the Citizens School Board Committee, to issue a statement, a part of which is here given:

"Since a religious group has made such an appeal, we hope that it recognizes the seriousness of its position and will bear the responsibility for the conduct and activities of the group which it sponsors for election.

"We greatly deplore this intrusion of the religious issue, and we feel impelled, therefore to call upon the civic-minded people of every group in Cleveland for the united, forceful support of candidates sponsored by the Citizens School Board Committee. They have been selected because of their qualifications and because they are truly representative of the community."

In its leading editorial of Monday, November

3, the *Cleveland Press* commented thus about the election and the questions raised:

"A religious issue has long been smoldering in the background of school-board campaigns. Thoughtful people sought to keep it in the background because of its obvious potentialities for stirring emotions which have no place in civic affairs and impelling a choice of candidates on another basis than their qualifications for the office they seek.

"The issue, however, is no longer in the background. In all Catholic churches yesterday an appeal was made for one set of four candidates, and in many Protestant churches support was urged for the opposing slate.

"In this delicate and menacing situation, the *Press* believes it to be its public duty to state the facts as it sees them.

"The facts are that the present majority bloc of the board consists of five members of the Catholic faith. Two of the present members are seeking re-election, and running with them are two other Catholics.

"The election of this slate, therefore, means that the board would consist solidly of members belonging to one religious group.

"The letter of Archbishop Joseph Schrembs which was read in all Catholic pulpits yesterday recommended the election of these four. The basis of this recommendation was that these four were 'the best qualified candidates.'

"One is left to assume, therefore, that in the opinion of Archbishop Schrembs it is no more than coincidence that the four candidates he regards as best qualified happen to be Catholics.

"The statements of others of the Catholic clergy, however, go farther, and indicate an active interest in having not only a Catholic majority on the school board, but unanimous control.

"This newspaper does not see how any objective



observer can compare the records of public service of the candidates on the opposing slate and not find at least one of them who is as well qualified as some member of the other group, or better qualified. . . .

"In a democracy, the voters are entitled to choose their representatives on whatever basis they choose. If they want the school board unanimously of one religious faith it is their right to have them.

"It is our opinion, however, that selection on such a basis would have many unfortunate consequences.

"We believe that those members of the Catholic clergy who take the position that control of the school board is not enough, that they must have the sole voice, have done a disservice to the principles of representative government."

We are inclined to agree with the statement of the *Press* that to demand that all members of a school board be communicants of one particular faith is

not likely to make for peace. And we agree further that it seems unlikely that none of the candidates offered, except members of this particular church, would be as well qualified as its members are to serve the public schools of the city of Cleveland.

If no other thing can be said, we may, with propriety, say that some things are lawful that are not expedient. Since Archbishop Schrembs has stated that the election of school board members is not a "political question," it occurs to us that he should not make it a religious question. It is always well for religious leaders to be careful not to soil their ecclesiastical garb with the mud of politics.

If there is ever a time when church officials have any right to speak publicly about elections, it can only be when a moral issue is involved. As individuals, pastors, priests, and rabbis have all the privileges of other individual citizens. H. H. V.

## Equal Protection for the Elect and Nonelect

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

### Freedom of Worship

Perhaps the strangest thing about the strange animal known to us as man is how bloodthirstily Individual No. 1 can fall upon Individual No. 2 in the effort, by the violence of his hatred toward his fellow man, to prove the virtue of his love toward the heavenly Father of both of them.

Can you imagine an absurdity greater than the absurdity of two men who seek to take each other's lives in order to show which of them loves God most? In varying degrees of severity, from denominational ill will to holy wars which are in fact as holy as hell, that is the basic absurdity of all religious intolerance.

The founders of the United States, having fled to this continent in search of a haven where a man might worship God without running the risk of the gallows or the stake, tried divers methods of protecting the elect from the cruelty of the nonelect. The only method that worked, they learned, was to extend equal protection to the consciences of all.

You have to remember that in those days the saints were hard-bitten, ironbound, and desperately

at war with the devil. They were theocrats who held that God could and would tell how to run their farms, their families, and their government. They firmly believed that the Almighty would give them inside and authoritative direction and support against their own enemies—who, strangely enough, were the enemies of the Lord also, even as in the days of King David.

For a time the saints in America ran each other out of this community and that—just as they themselves had been harried and hounded in the old country across the sea. Refugees from persecution fell to persecuting their own dissidents, and these, in turn, hastened to new hiding places from which they set up still further persecutions of their own.

But in the course of years, it was found that God showed like favor to astonishingly different shades of religionists. And, in the common struggle for political freedom, Puritans and Cavaliers, atheists, deists, and theocrats alike, came to the common conclusion that a man's soul must be free or he couldn't be free at all.

### The Cradle of Liberty

Beyond a doubt, the wilderness to the west of the colonized fringe on the Atlantic shore was the true cradle of religious liberty, as it was the true cradle of all liberty. In the first place, it was a place to which the oppressed could resort and find protection in reversion to a solitary state of nature.



In the wilds there was no law—no man-made law—and none could say to a frontiersman how or when or whether he should worship God. As organized government seeped across the hills and through the forest glens, it constantly encountered these sons of liberty who had tasted the goodness of a conscience unconstrained.

The freedoms of a state of nature powerfully shaped the freedoms of the mutual compact between man and man which we now call constitutional government. The untrammelled denizen of the backwoods refused to submit to the gyves of established religion. He scorned the old, hard ways of the grim theologians. Having been his own priest in the loneliness of his pioneer isolation because there was none other to intercede for him with his Maker, he welcomed the ministrations—and rejected the domination—of the clergy who joined him with the oncoming of more urban life.

### A Last Refuge

In the Bible we read of cities of refuge whither the accused might run for protection from the avengers of crimes and supposed crimes. America became itself a refuge for the victims of religious persecution from pretty nearly all the rest of the world.

At times persecution has flared up among us afresh, but that function of asylum for believers whose lives were forfeit in the Old World—usually forfeit at the hands of other believers as devout as themselves, albeit with a woefully mistaken devotion—has remained the glory of Columbia from Plymouth Rock until now.

A short half generation ago we all supposed that the issue of religious freedom was forever settled for America. We begin to see now that America may shortly become the last such refuge in the world—may even become an embattled asylum at bay against all the evil forces of oppression in the world. God has children everywhere, but of children free to love Him and serve Him after the promptings of their own hearts, He has fewer now than in generations past. The thought is bitter, but it is true. How well did our fathers plan against the day that is come upon us?—*Lynn W. Landrum, in the Dallas (Texas) News.*

## President Grant on Schools

**L**ET US LABOR FOR THE SECURITY of free thought, free speech, free press, pure morals, unfettered religious sentiments, and equal rights and privileges for all men, irrespective of nationality, color, or religion; encourage free schools, resolve that not one dollar appropriated to them shall go to the support

of any sectarian school; resolve that neither State nor nation shall support any school save those where every child may get a common-school education, unmixed with any atheistic, pagan, or sectarian teaching; leave the matter of religious teaching to the family altar, the church, and the private school, supported entirely by private contribution. Keep the church and state forever separate.—*President U. S. Grant. Quoted from Scottish Rite News Bureau, Oct. 13, 1941.*

## Oppression's Hour

By Mrs. Henry Farley

Hark, what means this lamentation—  
Tears and blood and agony?  
Freedom weeping for her children;  
Comforted she cannot be.

See the lurid conflagration  
Lighting up the eastern sky,  
On the gory field of battle  
Where the valiant do and die

Fighting for their home and country,  
Equal rights to mortals given,  
Life and honor, peace and safety,  
Rights bequeathed to them by Heaven.

Why are all these rights denied them?  
Tell me; answer if you can;  
Love to God and to each other  
Was the great Creator's plan.

But revenge and false ambition,  
Avarice and lust for power,  
Led by hosts of evil angels  
Satan vaunts in this *his* hour.

Shall the evil always triumph?  
Must man always bow to might?  
And the iron heel of error  
Always trample on the right?

No! the wail of starving children  
To the God of heaven will rise,  
And the anguish of the mothers  
Will find answer in the skies.

He will flash His hidden glory,  
In His presence wars will cease;  
Kings of earth will flee before Him,  
King of kings and Prince of Peace.

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GREATNESS is centered not in quantitative, but in qualitative, brains; not in strength of muscle, but in control of will power.



# • Editorials •

## Diplomats at the Vatican in Question

**I**N THE ISSUE of September 1, 1941, *News-week* reported that "there's trouble brewing between Italy and the Vatican. The issue is the continued residence in Vatican City, in the heart of Rome, of diplomats representing Axis-enemy countries and Axis-occupied countries."

The Italian government charged that certain ministers of these countries have used their Vatican residence privileges to work against the Axis.

The Roman church brings upon herself much trouble by attempting to unite secular and religious things. Such a union of church and state has never worked well in the past, and never will in the future.

H. H. V.

## The Question of Textbooks Again

**A**S MANY OF OUR READERS will remember, the legislature of the State of Oregon, early in 1941, voted to provide public money to purchase textbooks for private and parochial school students.

Those who see danger in this sort of legislation have sought to bring the matter before the people of the State through a referendum. Petitions with enough signatures to ensure the question's being placed on the ballot in 1942 were secured, but the supreme court of the State "ruled that the ballot title chosen . . . and under which the petitions were circulated was illegally worded."

Just what the next step of those who oppose free textbooks for other than public schools will be has not been determined as we go to press. Apparently, however, there is a very determined group that intends to explore every means to prevent the use of tax funds for the benefit of private and sectarian schools.

H. H. V.

## Unprecise Thinking

**S**OME CLERGYMEN are unprecise in their thinking. In glowing and eloquent words they extol the principles of a total separation of church and state, as well as the equality of all citizens before the civil law, with special privileges to none. In the next breath they favor the compulsory observance of Sunday under the penal codes and the teaching of

religion in the public schools at public expense. They are like the man who wanted to keep his cake and eat it too.

The total separation of church and state means that each is absolutely independent of the other, and that neither dictates what the other is to do. The church is a voluntary organization, and the state involuntary. The church cannot compel members to join and support it; the state can levy taxes upon all for its support. The doctrines, customs, and usages of the church are applicable only to its members, but the statutes and laws of the state are enforceable upon all its citizens as well as upon foreigners.

The doctrine of "special privileges to none" means that no class of citizens, no group or sect, however numerous, can obtain any special laws in favor of their religious beliefs or customs which would discriminate against the religious beliefs and customs of divergent sects. In religious matters the majority do not control the minority. The state must treat all its citizens impartially, and treat every religion on the basis of strict neutrality so long as that religion respects the equal rights of all men and observes the common decencies and moralities of society. No clergyman is a logical thinker who advocates religious liberty in one breath and religion by law in another. Religious liberty is for everybody—for the dissenter as well as for the conformist—for the heterodox as well as the orthodox.

C. S. L.

## A Sound Argument

**W**E AGREE WITH THE EDITOR of the *Sabbath Recorder*—a weekly publication of the Seventh Day Baptists—in his argument regarding Sunday laws. In the issue of July 14, 1941, he says:

"We cannot see why a business lawful on six days a week can be unlawful on the other day. If it is lawful for a man to sell gas or ice cream, why is it not just as right for another to sell coal or a quarter of beef? If it is lawful for a man to honk his way through crowded highways to mountain or beach on Sunday, why is it unlawful for another to cultivate his corn or harvest his grain?"

"We believe the blue laws of the States where they still exist are contrary to the Constitution of the United States. Sunday laws are an anachronism in a country of the separation of church and state. They should be rescinded, instead of enforcement attempted through increased penalties. We have love for those who differ from us in Bible truths. . . .



But we believe these friends, however honest in their convictions about a Sunday Sabbath, are on the wrong track concerning the correction of evils resulting from laws attempting to make people observe a day of rest by denying them the privilege of work or barter if they wish to do so." C. S. L.

## The Right to Distribute Literature

THE NUMBER OF DECISIONS rendered by the United States Supreme Court and State supreme courts prohibiting any attempt to limit the freedom of the press apparently has no influence upon members of some town and city councils. The most charitable view that can be taken of these municipal legislators is that they have a great deal of zeal and not much knowledge.

The justices of the Supreme Court of Florida have joined the illustrious group of jurists who have shown an appreciation of what is really involved in any attempt to throttle free speech or to choke the press.

The city of Clearwater, Florida, enacted an ordinance, a part of which says: "It shall be unlawful for any person to distribute pamphlets, circulars, or other similar printed or typewritten matter among citizens of the city of Clearwater without first securing a permit from the chief of police."

Two women were convicted in the municipal court on the charge of violating this ordinance. The case reached the Supreme Court of Florida in the January, 1941, term. The chief justice and four associates, recognizing that other courts had ruled repeatedly on the principle involved, thought it unnecessary to do more than refer to the arguments advanced and opinions delivered by them. We offer the terse ruling of Florida's chief tribunal:

"Petitioners contend that the ordinance violates Section 1 of the Fourteenth Amendment of the Federal Constitution and Sections 5 and 13 of the Declaration of Rights of the constitution of Florida.

"If so much had not been recently written by the Supreme Court of the United States and become the recognized law of the land, it might be expedient to express our views in regard to the validity of this ordinance at some length, but ordinances of this sort have been considered and discussed in lengthy opinions in the cases of *Lovell v. city of Griffin*, 303 U. S. 444 to 453, 82 L. Ed. 949; and *Schneider v. town of Irvington*, *Young v. People of the State of California*, *Snyder v. city of Milwaukee* and *Nichols v. commonwealth of Massachusetts*, 308 U. S. 147 to 165, 84 L. Ed. 155 and such ordinances definitely held to be invalid because of invading the right of

free speech and free press as guaranteed under the Constitution, and it appears to us that no useful purpose can be served by attempting to repeat or add to what has been said in that regard by the highest Court in the land.

"On authority of the opinions and judgments in the cases above cited, the return is held insufficient and petitioners are discharged."

Justice Chapman concurred, but saw fit to render a separate opinion, from which we quote some forceful statements:

"Counsel for the city of Clearwater in his brief defends the ordinance on the theory: (a) that the challenged ordinance is a war measure; (b) the chief of police by the terms of the ordinance is without discretion in the issuance or withholding of permits; (c) the ordinance is designed to prohibit the teachings of all doctrines of disobedience to all civil laws; (d) the ordinance is designed to prohibit the teaching of anarchy and a refusal to salute the flag; (e) the regulation of the distribution of the pamphlets and literature under the terms of the ordinance is in harmony with and strengthens the national defense program; (f) other patriotic arguments are advanced. We have examined the case of *Schenck v. United States*, 249 U. S. 47, 39 Sup. Ct. 247, 63 L. Ed. 470, cited by counsel.

"These several arguments offered in behalf of the challenged ordinance are weighty and if presented to a legislative body could not only be influential but convincing, or if made on the hustings, would be approved and applauded by the people, but a court in the discharge of duty under our system is required to be oblivious to public clamor, partisan demands, notoriety, or personal popularity and to interpret the law fearlessly and impartially so as to promote justice, inspire confidence, and serve the public welfare. The liberty and freedom of the press under our fundamental law is not confined to newspapers and periodicals, but embraces pamphlets, leaflets, and comprehends every publication which affords a vehicle of information and opinion. The perpetuity of democracies has as a foundation an informed, educated, and intelligent citizenry. An unsubsidized press is essential to and a potent factor in instructive information and education of the people of a democracy, and a well-informed people will perpetuate our constitutional liberties."

H. H. V.

## "Released Time" Plan

SINCE ITS INCEPTION on February 5, 1941, till the end of June, only 6,322 of New York City's 1,200,000 school children availed themselves of 're-



leased time' legislation to attend religious-instruction classes during school hours. Of these 2,959 were Roman Catholics, 2,550 Protestants, and 813 Jews. Critics of the plan maintain that this amounts to the imposition of minority rule over the will of an overwhelming majority, and that, besides, it is a subtle move against the cherished principle of the separation of church and state."—*The Converted Catholic*, September, 1941.

It is difficult to draw definite conclusions from figures like those above given, but we would like to think that New York parents have such clear conceptions of the place of the public schools that they do not want to have their children partake of anything that looks like a union of church and state.

Canada, apparently, is having difficulty over the question of attempting to give religious instruction in its public schools. The Canadian correspondent of the *Christian Century*, writing under date of August 8, 1941, from Victoria, British Columbia, has reported that "the minister of education has submitted a plan for including Bible study in the high-school curriculum as an optional subject, instruction to be given outside of school hours by teachers accredited by the churches. Courses are to be approved by the department, and examination papers are to be subject to inspection. If this plan is followed by the churches, and some communities are preparing to follow it, it will be on the principle of 'better-than-nothing,' and not because of any hope that it will afford an effective means of education. The scheme bears the marks of placating both the supporters and the opponents of Bible in the schools. It seems to do something, and actually will accomplish little or nothing.

"The whole subject is most contentious and would embarrass the government, whatever policy is adopted. The Roman Catholic Church is against Bible teaching in the public schools."

Wherever there is an attempt to join religion with any branch of the state it is bound to cause difficulty. The Catholics have a perfect right to object to having the Authorized Version of the Scriptures taught in the schools. The Protestants would have just as much right to oppose the teaching of the latest revision of the Catholic Bible in English which bears the stamp of approval by the hierarchy.

H. H. V.

## Religious Liberty in Russia

A GREAT DEAL HAS BEEN SAID pro and con about the kind of religious liberty that is meted out to the citizens of Russia by the Soviet government. President Roosevelt stirred up a hornets' nest when

he intimated that the Soviet government had made the same provision in its fundamental law for the enjoyment of religious liberty as is provided in the Constitution of the United States. Statesmen as well as churchmen immediately replied that religious liberty in Russia was only held as a theory in law, but was far from a reality in practice. President Roosevelt came back in his reply by stating that our Government is making efforts to get the Soviet government to remove existing restraints on religion.

S. A. Lozovsky, the official Soviet press spokesman, accused those who declared the Russian constitutional provision in favor of religious liberty as utterly meaningless, of being "pro-German" and opposed to President Roosevelt's policies concerning the giving of aid to Russia.

Mr. Lozovsky laid down some very fine principles concerning the present attitude of the Soviet government upon the subject of religious liberty, and we can only hope that the local officials of the government throughout Russia will endorse them and put them into practice.

"To ensure to all citizens freedom of conscience," he declared, "the church in the U. S. S. R. is separated from the state, and the school from the church. Freedom to perform religious rites and freedom of antireligious propaganda is recognized for all citizens.

"The President correctly pointed out the basic principles of the constitution of the U. S. S. R. on freedom of worship of Soviet citizens.

"In the Soviet Union the church is separate from the state. This means the state gives no advantage to this or that religion, does not support churches, mosques, synagogues, and others.

"Citizens adhering to a certain religion are maintaining their religious institutions at their own expense.

"There is freedom of worship in the U. S. S. R. This means any Soviet citizen may adhere to any religion. This is a question of the conscience and views of each citizen.

"Religion is a private affair of Soviet citizens wherein the state does not interfere and considers it unnecessary to interfere.

"The Soviet constitution provides not only the right to adhere to this or that religion, but also the right of Soviet citizens not to belong to any church or to conduct antireligious propaganda.

"This is a matter of conscience of each Soviet citizen."

The chief difficulty in most European countries in which complete religious liberty has been granted in their written constitutions, is the failure of the central government in making this constitutional provision effective in local government, especially in



those governments in which a state religion is still in force and supported by the government.

Russia does not have to contend with any such handicaps as a state religion, and we hope that the appeal of President Roosevelt to Russia to make religious freedom a reality in practice will not go unheeded.

If the European war is instrumental in bringing greater religious freedom to some countries than was enjoyed before, the loss of life and property may not have been entirely in vain.

C. S. L.

## A Michigan Case

**T**HE PROBATE COURT of Oakland County, Michigan, committed Barbara Castle and Fred Hurtado to the Oakland County Juvenile Home as delinquent and neglected children because they failed to obey a regulation of the Rochester school authorities which required them, in the first instance, to salute the flag of America, and later, in modification, to make a heart gesture of allegiance to the United States of America. The children refused to do either, claiming that such gestures constituted acts of worship or a species of idolatry contrary to Biblical mandate. Their love of country, their obedience to the matters of law and order, their personal conduct, their progressive educational attainments, their home life and parental guidance, otherwise was unquestioned. This case was appealed by the parents to the circuit court of Oakland County for relief, and the court, in granting their petition, very aptly said:

"This court desires to point out that neither Congress nor any legislative body has seen fit to pass any legislation requiring salute to the American flag or any gesture of allegiance. Disobedience to this case is only to a school regulation." The case of *Minersville School District vs. Gobitis* (310 U. S. 586; 127 A. L. R. 1493) was cited, and the following was quoted from Chief Justice Stone's dissenting opinion: "The wisdom of training children in patriotic impulses by compulsions which necessarily pervade so much of the educational process is not for our independent judgment. Even were we convinced of the folly of such a measure, such belief would be no proof of its unconstitutionality. For ourselves, we might be tempted to say that the deepest patriotism is best engendered by giving the unfettered scope to the most crotchety beliefs." Taking up again his own argument, the judge further said:

"It seems to this court that the teaching of patriotism can better be accomplished by a more logical and intelligent approach to the problem than appears to have been taken in this and other cases

where similar difficulty was encountered. It must be kept in mind 'even though public education is one of our most cherished democratic institutions, the Bill of Rights bars the State from compelling all children to attend the public schools.' *Pierce vs. Society of Sisters*, 268 U. S. 510, 39 A. L. R. 468. . . .

"The family has always been regarded as the primary institution of value in our social life. In this case these children have been committed to the care of a public institution, deprived of their freedom, the love of friends and relatives, upon the doubtful premise that in the institution they will find a better chance to become worthy citizens, upon no other basis than failure to make a gesture of allegiance against their religious convictions, to the requirement of the school authorities. . . .

"In view of the circumstances that the children in question cannot be compelled to attend the public schools if other satisfactory educational advantages are provided; in view of the circumstances that there is no law compelling flag salute or gesture of loyalty which a religious sect might term idolatry; in view of the circumstances that delinquency and neglect is premised only upon a school regulation upon which hasty action was taken in this case; in view of the circumstances that these children, without obeying the regulation, may find educational attainment, may possess love of country, may be law-abiding and walk worthily among people in all other particulars, the commitment is contrary to law and therefore in excess of discretion at this juncture. They may not be termed delinquent and neglected within the meaning of the statute.

"Petitioners' prayer for relief is granted. The children are ordered released." "George B. Hart-  
rick, Circuit Judge. Dated: June 30, 1941."

We hold no brief for the beliefs of these Jehovah's Witnesses. In fact, we do not agree with them that saluting the flag of any nation is an act of worship or idolatry, any more than saluting a person on the street is an act of worship or idolatry. But those are their religious convictions, whether right or wrong, and the Bill of Rights in our matchless Constitution does not permit the State to interfere with the conscience in religious matters, whether that conscience is right or wrong, so long as it does not interfere with the fundamental rights of others or inflict injury upon others. Our government is not based upon public clamor or mob hysteria, but upon fundamental law, and our courts do well to recognize this principle, even when they themselves disagree with the beliefs of the Jehovah's Witnesses. In that principle lies the future security of all our liberties, and in the breach of that fundamental right our Republic is doomed.

C. S. L.



## Quaker Contribution to American Liberty

**T**HE QUAKERS PERHAPS CONTRIBUTED as much as the Baptists to the cause of religious liberty in America, in a passive way. The Friends who largely settled in Philadelphia and other parts of Pennsylvania believed and practiced the right of every man and woman to hold and to state his beliefs as an individual. Individuality in religion was strongly emphasized by the Quakers, and this doctrine that the individual was accountable to God alone and to no one else for his religious convictions was undoubtedly the most valuable contribution the Friends made to the cause of freedom in America, and was responsible for the development of the principle in our Federal Constitution.

Every Quaker from childhood was trained to be an incurable independent. Quakers would not allow anyone, not even the king, to regiment their conduct in religious matters and religious customs, or to stifle and restrain them in the practice of their opinions. If the civil authorities attempted to do so, they were met by a type of passive resistance which baffled every regulator and every dictator.

After untold hardships, sufferings, and persecutions inflicted upon the Friends by the civil authorities, to no avail, a wide tolerance of dissenting opinions was granted as a practical necessity in handling Quakers of almost any age. The Friends put themselves under the strictest discipline in habits of life, in simplicity of dress and in speech, and in all strictly civil duties they were the most law-abiding citizens. The poorest child of a Friend's family was regarded as the equal of the wealthiest, and the children of the rich always accorded with these sentiments. The equality of all men before God and before the state was a principle to which the Friends adhered as a fundamental doctrine of religion, and no tyrant was ever cruel and strong enough to cause the Quakers to swerve from that principle. Passive resistance to absolute rule on the part of the state finally caused the civil authorities to modify their rigid laws in matters of conscience, until the Bill of Human Rights, at the instigation of the Baptists and the Quakers, set up the conscience in religious matters as supreme above governmental authority and functions. The Constitution placed the fundamental rights of the minority on an equality with those of the majority. This is a contribution which America has to credit to the Quakers and the Baptists. Minorities sometimes succeeded in shaping the ideals of the majority. The minority groups, and not the majority, secured our heritage of liberty for us.

C. S. L.

## Carrying Religion Too Far

**T**HE COUNCIL OF CHURCHES of Norristown, Pennsylvania, and representatives of the Law and Order League of the same city, and two clergymen, recently appeared before the Public Utility Commission of Norristown, and requested it to prevent "a desecration of the Sabbath" by not allowing the citizens of Norristown to travel upon the bus lines between Norristown and Conshohocken to attend motion-picture shows on Sundays, since the citizens of Norristown voted on a referendum recently not to allow motion-picture shows on Sunday in Norristown.

The bus line complied with the demands of the church leaders by refusing to sell tickets on Sunday to go to the movies in Conshohocken. The reason the bus line gave for this refusal was "that the sentiment of Norristown, as expressed by the voters, was against going to the movies on Sunday, and it was not going to fly in the face of that sentiment."

A transportation company is supposed to accommodate the public in traveling from one place to another, and not to be concerned with moral and religious questions. Why should the citizens of Norristown who desire to attend a movie on Sunday be denied that privilege when it is a perfectly legal thing to do in Conshohocken and not legal in Norristown? As well might a transportation company refuse to sell tickets to a minority sect for its failure to comply with the beliefs of the majority sects in the observance of Sunday. When religion resorts to such forceful methods to coerce American citizens in religious matters, it is to be questioned whether religion does not suffer a greater setback in an unfavorable reaction than it benefits from such un-American and anti-Christian maneuvers.

If the churches have an exclusive monopoly of Sunday, and forbid the movies and everything else from functioning on Sunday on the ground that it is unfair competition with the churches, then certainly the movies and other commercial concerns have a similar right to say to the churches that they have no right to function upon the other six days of the week, on the ground of the churches' being in unfair competition with commercial concerns. If religion has a monopoly on Sunday, then business has a monopoly on the other six days of the week, and it has a right to close the church doors.

The religion of Jesus Christ is based on the principle of love and persuasion, and not on force. We would recommend that these political preachers in Norristown give further study to the principles upon which the gospel of Christ rests, before they attempt further experiments in the use of force.

C. S. L.



## Our Front Cover

**T**HIS is a posed picture of a group of children selected from different grades of a private school in the act of demonstrating the flag salute, which is a regular procedure for the whole school. Children in private schools are taught to honor the flag, the same as those in public schools. The publishers of this journal hold that the flag salute is a patriotic gesture that can be made by the Christian without violation of any God-given commandment.

## NEWS and COMMENT

*A Good Friday Law.* The Indiana Legislature, at the request of a very small minority of religious leaders, enacted a law designating Good Friday as a legal holiday in Indiana, and binding on banks and government agencies. Merchants and manufacturers who are legally free to comply with the law or not, must choose between rendering public service on that day and risking accusation that they are irreligious or antireligious. Instead of this law's promoting respect for religion as was its original intent, it is provoking a religious controversy. Some clergymen are upholding and defending the Good Friday law, and others are denouncing it as un-American and anti-Christian. Some clergymen seem to think that the legislature, since it made Good Friday a legal holiday, ought to go the full length and also make Ash Wednesday, Holy Thursday, and Holy Saturday, and all major days in Lent legal holidays, and require all citizens to observe them. They claim that if it is irreligious to labor and do business on Good Friday, it is equally so to do the same on the other major days in Lent.

One of the most striking lessons which the history of the past teaches us is that spirituality, goodness, religious respect, and reverence, cannot be instilled by political statutes. Whenever the civil authorities and religious hierarchy resorted to the use of force in religious matters that pertain to the conscience, they inflicted far more harm than good upon the cause of religion. If the clerical legalist could only realize that God and Christ never intended that force should be employed to further the ends of religion, the church would gain tremendous favor with the public instead of its hatred and opposition. Religion as divinely ordained was to be motivated only by the principle of love and voluntary service.

*Sectarian Schools Ask Federal Aid.*—"The Lanham Act is a piece of emergency legislation rushed through Congress early this summer to provide, among other things, school facilities in defense areas where it was claimed children could not be taken care

of. Congress appropriated \$150,000,000 for grants and loans for this purpose.

"The Act became law early in July. Since that time, at least eight private and sectarian schools have applied for Federal funds. If the applications receive favorable action, private schools operated by religious groups and teaching a particular religious faith will receive public money for their building and support. . . . Sectarian schools are bringing pressure for grants and loans primarily to further their own interests."

*Religious Issue in School Election.*—Concerning the public school board election at Cleveland, Ohio, which is referred to in another article in this issue, we read in the *Christian Century* of November 19: "The issue flared into the open when a parish priest told a Knights of Columbus luncheon group that the public schools were in the hands of 'atheists' and that an all-Catholic board must assume control." "As a result of this unfortunate controversy, three members of the 'citizens slate' were elected. Whether this rebuke to partisan religious politics will prove permanently effective remains to be seen. A severe test has been given to Cleveland's spirit of religious tolerance and understanding."

## SPARKS From the Editor's Anvil

AMERICA was intended for the home of freemen, not slaves.

HE walks at liberty who is obedient to law and responsive to equity.

NOT infrequently those who are discredited today are the heroes of tomorrow.

COMFORTS and conveniences, secured at the cost of fundamental rights, are short lived.

TRUTH and principle are worth dying for, and should never be compromised or surrendered.

REAL liberty for every individual can be secured only when it is buttressed and protected by law.

IF we allow the mob to attack the Jew today, it will attack the Protestant or the Catholic tomorrow.

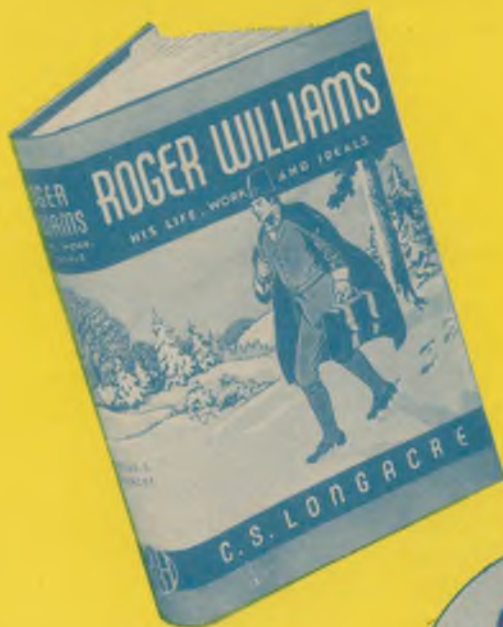
THE utopias which the reformers envisioned and planned through legislation have all turned out to be mirages.

EVERY time a minority is protected in the enjoyment of their inalienable rights, the pillars of democracy are buttressed.

COURAGE and independence lift up the head and square the shoulders; fear and bondage drop the head, stoop the shoulders, and dwarf the character.



*When the bell of intolerance tolls for one, it tolls for all*



## ROGER WILLIAMS . . .

The defense of America calls for more than guns and ships and airplanes. It demands a re-examination of and dedication to the ideals of freedom which are the might and power of the American spirit—freedom of speech, freedom of assembly, freedom of religion, and freedom of the press.

More than three centuries ago Roger Williams fought a lonely battle for these same principles, and a little later the founders of this nation cut through the tangle of sectarian differences among colonies by establishing freedom of worship for all groups.

ROGER WILLIAMS, HIS LIFE, WORK, and IDEALS, by C. S. Longacre, calls for a reaffirmation of these principles in this present crisis hour. Read this dynamic book.

**Price, \$1**



## The FIGHT FOR FREEDOM

We enjoy freedom of worship today; yet we are likely to treat it without adequate appreciation. Democracy rests upon religious faith and in turn affords that faith opportunity to express itself and to bear fruit. But the price of that high privilege is eternal vigilance and heroic struggle against intolerance and religious tyranny. Even in these devastating hours there are those in our land who would overthrow the "four freedoms" guaranteed by the First Amendment to the Constitution. Hence the timely publication of the little book, "The Fight for Freedom," which stands for all that is true Americanism. Read it. Only 25 cents.



**2 Tracts**

SHALL THE STATE ENFORCE SUNDAY OBSERVANCE? by Heber H. Votaw.

DOES THE CHURCH NEED STATE AID? by Heber H. Votaw. ● These tracts answer the questions raised by their titles. Would the church be helped by state aid? Has the church ever been really helped by the use of the power of the civil authorities? If men need a day of rest in every week to preserve health, shall the state specify which day? If so, will those who conscientiously observe another day be discriminated against? Help circulate these tracts. Price, \$1 per hundred.

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