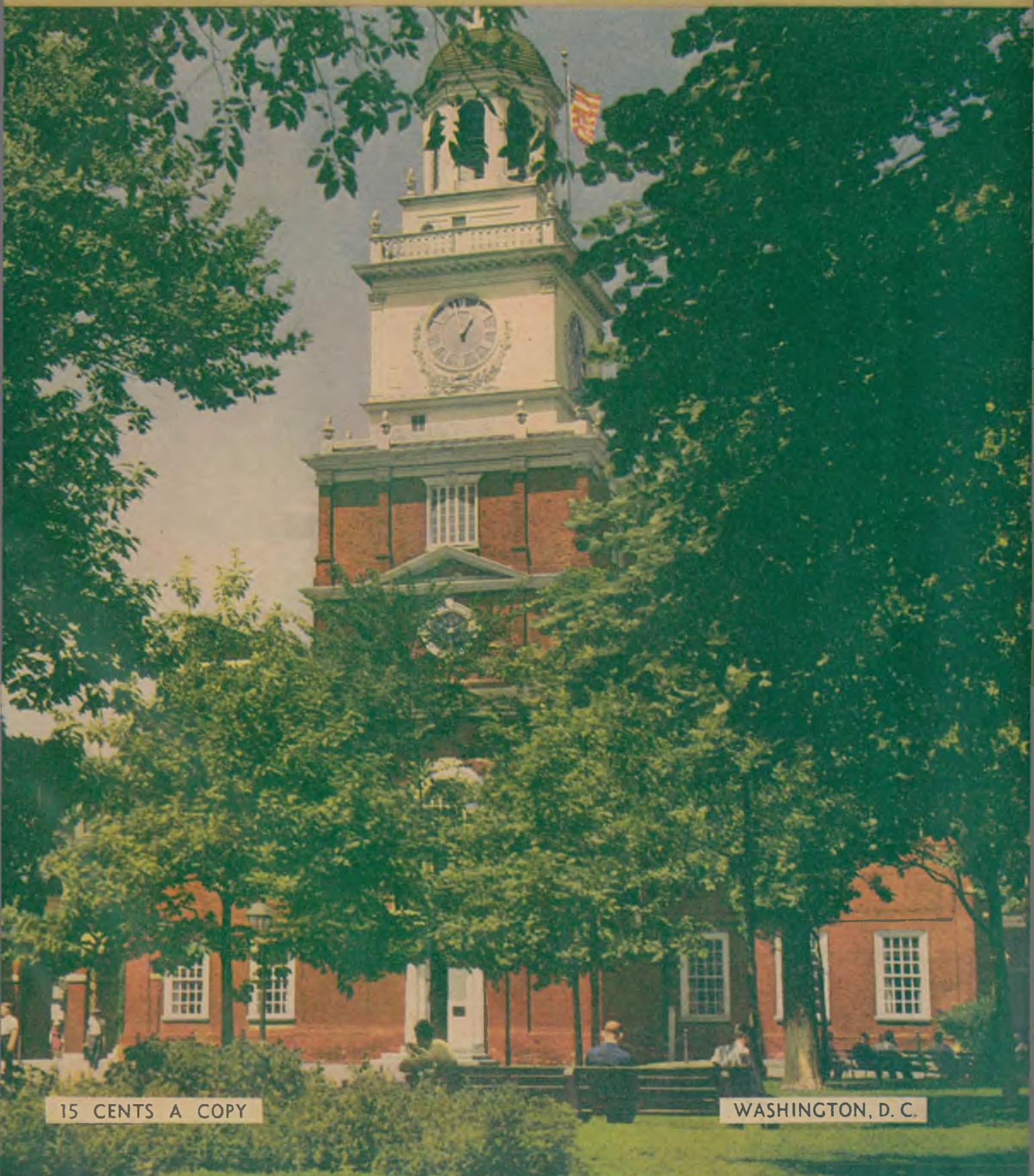




Founded 1886

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



15 CENTS A COPY

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 right, 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."

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

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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

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LIBERTY IS THE SUCCESSOR OF THE AMERICAN SENTINEL, WHOSE FIRST NUMBER WAS PUBLISHED IN 1886, AT OAKLAND, CALIFORNIA. ITS NAME WAS CHANGED IN 1906 TO LIBERTY, UNDER WHICH NAME IT HAS BEEN PUBLISHED QUARTERLY, BY THE REVIEW AND HERALD PUBLISHING ASSOCIATION, TAKOMA PARK, WASHINGTON, D. C. ENTERED AS SECOND-CLASS MATTER, MAY 1, 1906, AT THE POST OFFICE AT WASHINGTON, D. C., UNDER THE ACT OF CONGRESS OF MARCH 3, 1879. SUBSCRIPTION RATES—ONE YEAR, 60 CENTS; CLUB OF THREE SUBSCRIPTIONS TO SEPARATE ADDRESSES, \$1; FIVE OR MORE COPIES MAILED BY PUBLISHERS TO FIVE ADDRESSES, OR TO ONE ADDRESS, POSTPAID, EACH, 9 CENTS. NO SUBSCRIPTIONS FOR LESS THAN ONE YEAR RECEIVED. REMIT BY POST-OFFICE MONEY ORDER (PAYABLE AT WASHINGTON, D. C., POST OFFICE), EXPRESS ORDER, OR DRAFT ON NEW YORK. CASH SHOULD BE SENT IN REGISTERED LETTER. WHEN A CHANGE OF ADDRESS IS DESIRED, BOTH OLD AND NEW ADDRESSES MUST BE GIVEN.



PHOTO BY HORYDCZAK

This Impressive Statue in Sculptured Marble Rests on the South Butress in Front of the United States Supreme Court Building in Washington, D. C. It Is a Male Figure Symbolizing "Guardian" or "Authority of Law," and Is the Work of James Earle Fraser. The Authority of Law as the Guardian of Our Rights and Liberties Is One of the Fundamentals in Our American System of Freedom for Every Man. This Principle Is Cryptically Phrased in Enduring Marble Below the West Pediment of This Same Building, "Equal Justice Under Law"



AFTER MURAL BY J. W. ALEXANDER

From the Birth of Printing to Our Modern Age There Has Been a Struggle Between Those Who Would Shackle the Press and Those Who Would Make It Free. In Our Favored Land the Bill of Rights Has Guaranteed to Us, Along With Other Freedoms, the Freedom of the Press. May We as a Nation Continue to Have and to Enjoy This God-Given Right

Supreme Court Decision

on the Opelika, Fort Smith, and Casa Grande Cases

by **C. S. LONGACRE**

IN THE FIVE-TO-FOUR DECISION handed down by the Supreme Court of the United States on June 8, 1942, the Court reversed its own decisions, which it had rendered for the past 150 years, on the subject of the freedom of the press and the right to circulate literature without state interference. The Supreme Court generally has stood as a guardian of the Bill of Rights as set forth in the first ten amendments to the Constitution. It has been a champion of the freedom of the press and of speech, and in the past has not approved of any legislation enacted by Congress, State legislatures, or city councils which might interfere with the freedom to publish or circulate literature, so long as it is not libelous or immoral. The Supreme Court in all its past decisions has denied Congress or any State political unit the authority to place any tax or license fee upon any literature, or to demand that any publishing concern secure a license as a prerequisite to the right to publish and circulate literature.

FOURTH QUARTER

Time and again the Court has held that the right to require a license, even though the license was without charge, was equivalent to placing a censorship control over the right of the press to publish or circulate literature, and would enable State authorities to control the press and deny that freedom which is "an absolute right" so long as it is not abused. Any who are injured by abuse of the freedom of the press may find redress in the courts. Taxation might be exercised to tax the press out of existence.

But the city ordinance of Opelika, Alabama, requires a license, a fifty-cent "issuance fee," and a \$10 per annum tax, as a prerequisite to the right to sell or distribute literature. The city of Casa Grande, Arizona, also requires a license, and a license fee of \$25, payable in advance, for the right to sell or distribute literature. And the city of Fort Smith, Arkansas, in its ordinance requires a license and a tax of \$2.50 a day. All three of these city ordinances were considered by the Supreme Court,

after the Jehovah's Witnesses were convicted by the State courts for selling and for giving away literature without first securing a license and paying the required taxes for the right to sell literature or to distribute literature even when it is given free of charge.

Chief Justice Stone and three of his associates disagreed with the majority and held that the ordinances are an unconstitutional restriction upon the freedom of the press. They also held "that the requirement of a license for dissemination of ideas, when as here the license is revocable at will without cause and in the unrestrained discretion of administrative officers, is likewise an unconstitutional restraint on those freedoms," "thus guaranteed" under the First and Fourteenth Amendments to the Federal Constitution.

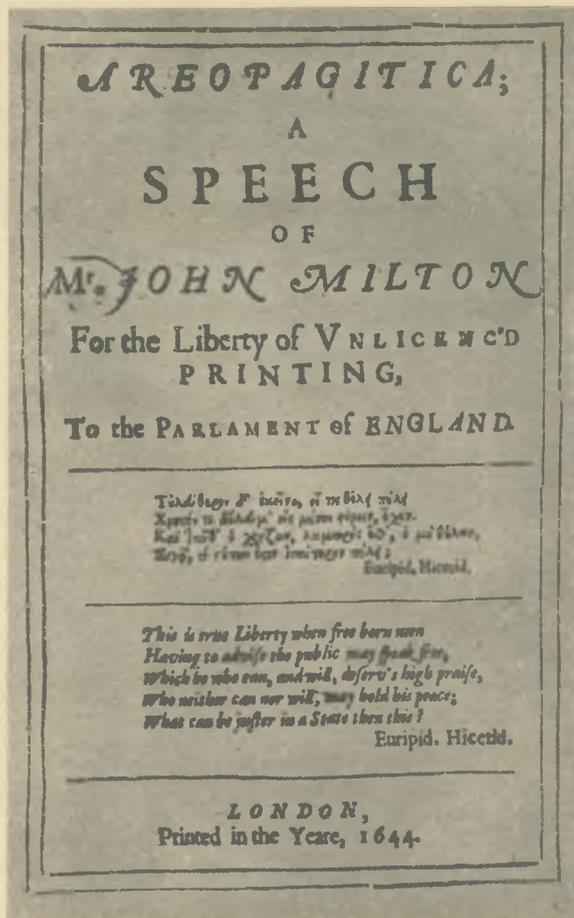
Chief Justice Stone further called attention to the fact that this same Court recently "was unanimous in holding void on its face the requirement of a license for the distribution of pamphlets which was to be issued in the sole discretion of a municipal officer. *Lovell v. Griffin*, 303 U. S. 444." In that case the Supreme Court unanimously said: "We think that the ordinance is invalid on its face. Whatever the motive which induced its adoption, its character is such that it strikes at the very foundation of the freedom of the press by subjecting it to license and censorship. The struggle for the freedom of the press was primarily directed against the power of the licensor. It was against that power that John Milton directed his assault by his 'Appeal for the Liberty of Unlicensed Printing.' And the liberty of the press became initially a right to publish 'without a license what formerly could be published only

with one.' While this freedom from previous restraint upon publication cannot be regarded as exhausting the guaranty of liberty, the prevention of that restraint was a leading purpose in the adoption of the constitutional provision."

It is difficult to understand why the Supreme Court, which only recently was unanimous in its decision that a similar ordinance was invalid on its face, and that such an ordinance struck at the very foundation of the freedom of the press by subjecting it to license and censorship, could so completely reverse itself. The reasoning of the majority decision was so contrary to the reasons of former decisions on similar ordinances, that the Chief Justice called them "transparent" "subterfuges" and a "callous disregard of the constitutional right." He further stated that the previous decisions of the Supreme Court had been "consistent with the First Amendment," and, "It is of no significance that the defendant did not apply for a license. As this Court has often pointed out, when a licensing statute is on its face a lawful exercise of regulatory power, it will not be assumed that it will be unlawfully administered in advance of an actual denial of application for the license. But here it is the prohibition of publication, save at the uncontrolled will of public officials, which transgresses constitutional limitations and makes the ordinance void on its face."

Chief Justice Stone not only pointed out the correctness of the constitutional limitations placed upon the lawmaking powers, but the correctness of the previous decisions of the Supreme Court as dis-

(Continued on page 27)



REPRODUCED FROM "THE WORKS OF JOHN MILTON," BY PERMISSION OF COLUMBIA UNIVERSITY PRESS

Areopagitica; A Speech Published in 1644 by John Milton, Addressed to the English Parliament. In It He Pleaded for the Right to Print Without First Having to Obtain a License

Everyone knows of John Milton because of his poetic genius, but not so many know of his great work in behalf of liberty. He was an ardent advocate of "liberty of unlicensed printing." He has had few equals and no superiors in the fight for what is today called "freedom of the press." His work is all the more remarkable because of the period in which it was done.

Some pertinent excerpts from his "Areopagitica" follow:

"If we think to regulat Printing, thereby to rectifie manners, we must regulat all recreations and pastimes, all that is delightful to man. No musick must be heard, no song be set or sung, but what is grave."

"How can a man teach with authority, which is the life of teaching, how can he be a Doctor in his book as he ought to be, or else had better be silent, whenas all he teaches, all he delivers, is but under the tuition, under the correction of his patriarchal licencer to blot or alter what precisely accords not with the hidebound humor which he calls his judgment."

"Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."



PHOTO BY HERYCZAK

The Sculptural Groups That Enrich the Pediment on the East Front of the United States Supreme Court Building. Moses, a Lawgiver of the Past, Is the Central Figure. On the Architrave Below Is This Inscription, "Justice, the Guardian of Liberty"

As We Go to Press

Will the Supreme Court Grant the Petitions to Rehear the Celebrated Literature License Fee Cases?

WE HAD HOPED to be able to tell our readers that the Supreme Court had decided to grant a rehearing on the cases involving the right of municipalities to tax, under the form of a license fee, those engaged in the sale of literature.

A brief, petitioning for a rehearing, was filed by the representatives of the Jehovah's Witnesses. The American Newspaper Publishing Association, the American Civil Liberties Union and the Seventh-day Adventists each filed a brief as a friend of the court (*amicus curiae*). Up to the time we were compelled to go to press, the Court had not reached a decision, or at least had not made it public.

We have no desire to question or intention to impugn the motives of any member of the Court. It is not thinkable that a single one of our Justices would be swayed by prejudice or bigotry or even pride of opinion. We must conclude that being finite, they have made a mistake. But it is difficult to understand how men who are worthy of nomination at the hands of the President for the high posts they hold, and confirmed in office by action of the United States Senate, could so far depart from the great principles of freedom as some of them did on June 8th last. The longer we meditate upon it, and the more often we reread the opinion itself, the harder it is for us to understand how such a conclusion could have been reached as was voiced in the majority opinion.

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If a rehearing is not granted, and this seems unthinkable, this decision must be reversed by some other means. To let it stand would violate and vitiate one of the finest protective provisions of our Constitution. If the Court does grant a rehearing, then every fact bearing upon the real issue at stake must be gathered and presented for its consideration.

No price can be thought too great to pay for the preservation of the freedom of the press. If the decision of June 8 is allowed to stand, it is conceivable that every agency for the dissemination of news and truth could have its usefulness cut off in parts of the country where the vicious ordinances of some towns exist. We are confident that few who read the newspaper accounts of the trial itself and the opinion that was rendered, have heard that in at least one place, a license fee is fifty dollars a day. This shows how malevolent bigotry can be even under the guise of law.

The ordinances apply alike to the sale of secular and religious literature. Thus the Supreme Court's opinion strikes directly at religious liberty, as well as at freedom of the press.

The fight against the taking away of any of our freedoms must be carried on by our people generally. If any basic right is taken from one class, no other group is safe.

H. H. V.

October 12, 1942



PHOTOS BY H. A. ROBERTS.



W. A. LAURENT, AND E. GALLOWAY

America Has Been Built Upon the Foundation of Free Enterprise, the Right of Every Man to Engage in the Activity and Vocation of His Choice

America After the War

by the **HONORABLE JAMES J. DAVIS**

Senior United States Senator From Pennsylvania

OUT OF THE DISTRESS AND MISERY of the present world-wide conflict should come an era of peace. It ought to be a time of change and readjustment. It should offer an opportunity for a new development of liberty. In this development, religious liberty must high light the way to a more adequate fellowship among the nations of the world.

Religious liberty is basic to a thoroughgoing co-operation in postwar planning. The economic, political, and religious factors of this co-operation come to a high point in the realm of the spirit. The spirit of the Bill of Rights must carry through into every phase of our contemporary life if the spiritual heritage which we so greatly enjoy in America is to be preserved.

America and the world are in the midst of a gigantic war effort. The result of this struggle will determine whether the peoples of the world are to exist as slaves or free men. The course of history hangs in the balance.

It is even more necessary that the peace after the war be won—won not only for the United States and our war allies, but also for all people everywhere. To win the peace, every effort must be exerted. It must be begun now. Every person and group must be considered. All interests and needs must be weighed. The conditions of the peace must be such as to make impossible a recurrence of the situations which gave rise to the present conflict and chaos. The rights and liberties and opportunities of mankind everywhere must be safeguarded.

It is clear to most people what our aims are in the war which is now raging. Hitler, Mussolini, the Japanese war lords, and the situations which brought them to prominence must be destroyed. No one has any doubt on this score. To this end we are fighting, and to this end we will persevere until the job is done.

There is much confusion and lack of vision and understanding as to the kind of America and world which is needed after the war is over. And while I cannot see any more clearly than anyone else this new America and new world, I should like to stress the ways and means, the methods and procedures, by which they are to be discovered and charted.

Free Enterprise

America has been built upon the foundation of free enterprise. We have believed and many of us continue to believe that the right of every man to engage in the activity and vocation of his choice is vital to the preservation of all the freedoms of mankind. Government in America exists primarily to safeguard and preserve the rights of people to engage in free enterprise. With the growth of our civilization, however, governments now engage in many additional activities which formerly would have been considered incompatible with our American way of life. The growth and mobility of population, the rise of great cities and industrial centers, the development of technological processes, the tremendous developments in transportation and communication, the ever-changing flow of commerce, the application

of scientific processes to agriculture on the one hand and the continued eroding and denuding of formerly fertile soils on the other, the conflicts between management and labor, the extremes of poverty and wealth, ignorance and enlightenment, the raising of the age at which young people are needed in vocational life and the corresponding earlier retirement age at the other extreme—all these conditions and others have made it necessary that government increasingly concern itself with efforts to provide for equal opportunity for all people and to secure the greatest good for the greatest number. Thus, government has been forced to accept many new responsibilities. It should always be understood, however, that government undertook these activities in order to preserve more effectively the fundamental American concept of free enterprise.

Undoubtedly, as a result of the war, more and more fundamental changes will occur in our typical way of life. The way of life of yesterday is gone, probably never to return. We should not spend valuable time in bemoaning this fact. We should, however, bestir ourselves as never before to consider our future, making use of all pertinent facts and endeavoring to interpret as accurately as possible every trend which points our future course.

Here lies the job of program planning. It is as vital a concern to the nation as is planning for the successful prosecution of the war. It must be conducted now, and it should be understood that it is a continuous, never-ending process. If we are to win the peace as well as the war, we must know now what kind of America we should have after the war. We must appreciate and understand what is necessary to be done in order to give us the kind of life we envision.

Comprehensive Planning

Planning of this sort involves every aspect of our life. It is not sufficient to plan in certain areas, no matter how efficiently, and at the same time leave other areas to chance. Comprehensive planning of the most complete sort is required. It must include proper relationships of many kinds—between Federal, State, and local governments; between government and industry and agriculture; between management and labor; between sections of our nation; between our nation and other nations. It must provide indeed for the institution of the “good neighbor policy” to every segment and section of our life.

Such planning is not just for today or the immediate tomorrow. It must take the long-range view. At the same time it must be continuous and flexible, so that changing circumstances and shifting conditions can be properly provided for in the total picture. It should be emphasized that planning of the right sort is not regimentation. It is the plan of the people

themselves for their own use and their own welfare. It must not be imposed from above, but must be the joint purpose of the people to order their own activities.

People under a democratic form of government should plan for their own welfare. The essential safeguard is that all the people and all phases of our life should be included in the processes of our planning. The only fear we need have is that some one group or a few individuals should exercise the planning function exclusively. There must be full and free interchange of views and ideas. Reliance must be put on facts, not fancies. And finally, there must be a co-ordination of views leading to programs which represent the comprehensive development of plans for the ultimate good of the nation.

How Should Planning Be Done?

How is planning done? It begins with a recognition and acceptance of purposes or objectives to be achieved. It involves inventories of what is being done now toward the achievement of these goals. It locates the deficiencies, difficulties, and bottlenecks which stand in the way. It uses research as a basis of discovering what will work and what will not. It makes use of demonstrations to show what happens in the light of experience. It proposes alternative ways of achieving results, for ordinarily there is more than one way and several roads which, if followed, lead to the goal we seek to reach. It makes use of experience. Finally, the people must have full and complete information with respect to what is proposed. Then and only then can proper legislative and administrative action be expected. These are the steps that any intelligent person, anyone acquainted with history at all, must demand. Planning, then, is the application of common sense procedures to the determination of our general welfare.

If co-ordinated effort is necessary to win a war, how much more necessary it is to win the peace and produce an America we all need and desire. My special plea, then, is that planning for the future be encouraged, and that in the doing of it, we marshal all individuals and groups, in the Government and out of it, to the end that the future life of Americans shall be shaped by the best efforts of all of us everywhere. This is the American way, and is the best guaranty for a bright and prosperous future.

Fundamentals Which Must Not Be Ignored

However, our best efforts to provide a happy state for all classes cannot succeed unless certain fundamentals are recognized and acted upon. In all matters that constitute man's relationship to man, the state may properly function. No one can deny that changed circumstances, new economic conditions, demand changes from the order which prevailed when

our country was largely agricultural. But it should never be forgot that the founders of this nation were eternally right when they declared that man is endowed by his Creator "with certain unalienable rights." To sacrifice any of these for economic security is to sell our birthright for a mess of pottage.

No man, no group, no political division—local, State, or national—has a right to interfere with man's relationship to his God, or to demand that he sacrifice a conscientious conviction to share any benefits that are given society at large. It hardly need be said that no man has a right, under the guise of religious belief, to interfere with the equal rights of his fellows. The glory of America has always been that men here may worship God according to the dictates of conscience without interference from civil authorities.

Contrast, if you will, the situation in the dictator countries. The argument I am presenting today would be totally out of place and out of harmony with their established order of things. The dictator determines by fiat the future for his country and all its people. What the masses think has no place in policies for the future. "Theirs but to do and die" sums up the place and function of the people of a totalitarian state. And here lies the fundamental weakness of the dictator nations. National unity and coherence cannot be had when "the evil days . . . draw nigh" unless the people have had a primary

place in the determination of policies and the conduct of affairs.

The inherent strength of free people lies basically in the fact that in the final analysis every policy and procedure stems from the people and their representatives. It is for this reason that democratic peoples are at their best when the going is hard, while totalitarian peoples demonstrate their greatest weaknesses. The recognized and frequently demonstrated truth of this condition lends a particular and peculiar urgency for a "full steam ahead" attack on planning now for the postwar future.

The spiritual perceptions necessary for this job of planning must be keen. No economic approach by itself will suffice. No political or governmental avenues of undertaking can alone bring us the world we seek. All points of contact and efforts blended into a harmonious whole, under the guidance of the Spirit, must come to full play in the new order of society we desire. The free reach of the Spirit of the Eternal within the minds of men and women everywhere is necessary to a successful planning job.

Such a course will provide for the protection needed by the weak. It will refuse to give unbridled power to majorities. Only thus can the history of America in the future be worthy of its past and of the men who contributed so much to its principles and its laws.

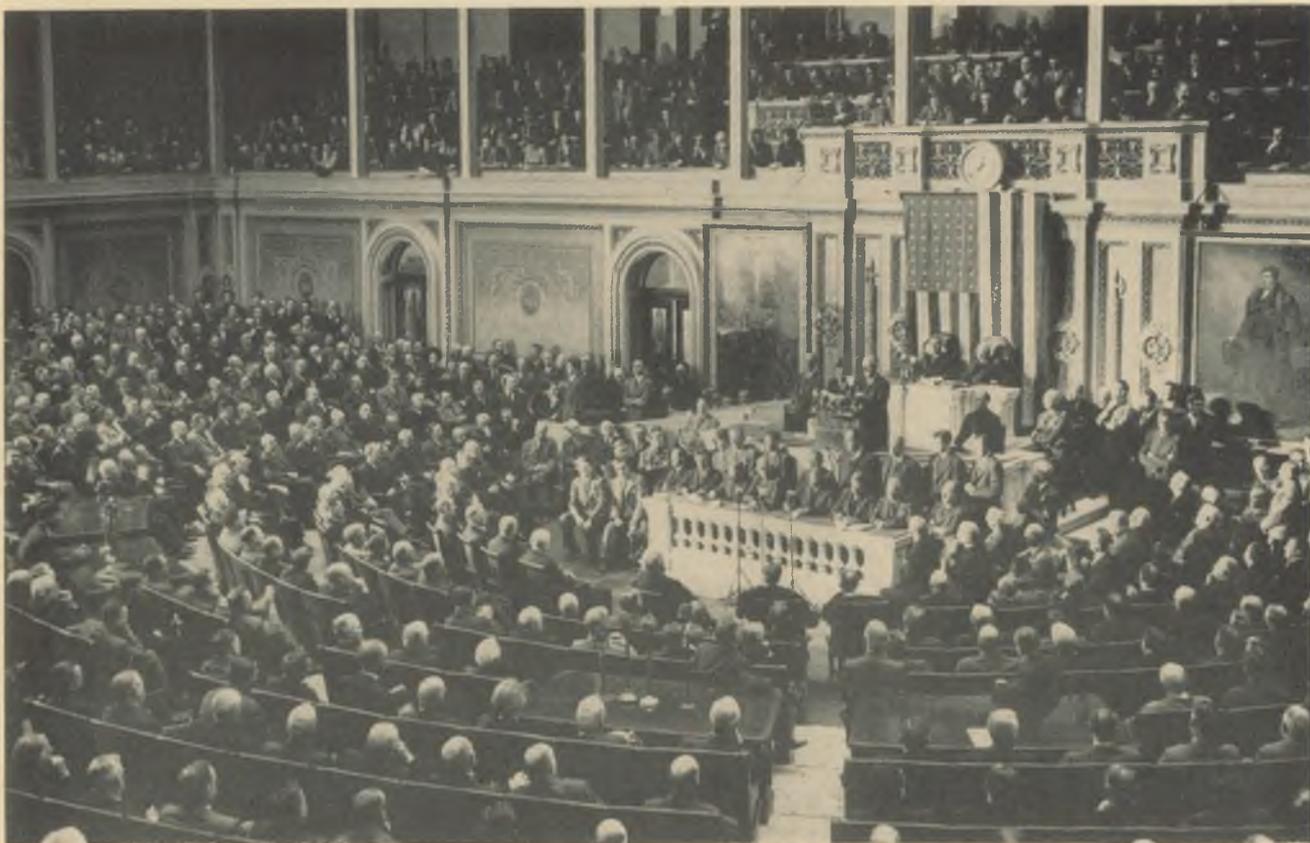


PHOTO BY HARRIS & EWING

A Joint Session of the Congress of the United States Listening to an Address by President Franklin D. Roosevelt

Congress and the Critics

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

Professor Emeritus of History, Columbia University

WHEN IT WAS REPORTED several years ago that some members of Congress were about to take a plane trip for the first time, Will Rogers wrote in his daily wisecrack box that it would be no novel experience for them because most of the Congressmen were "up in the air" all the time. This is only a sample of the persistent criticism, generally less tempered by the kindly humor of a Will Rogers, to which Congress is subjected in the press, the precincts of big business, and the political conversation of the Pullman club car.

In cartoons the Congressman is almost invariably presented as an undersized, whiskered rube, utterly baffled by the problems confronting him. In editorials, magazine articles, and most political novels he is pictured as vacillating, spineless, timeserving, or venal. The all-too-common attitude of the American public toward its chosen representatives at the national capital is, in short, one of rather cynical disapproval.

We resent it when the Hitlers and Mussolinis call our legislators only silly, garrulous nincompoops, like "hens cackling in a barnyard;" but our own expressed opinion of these men, who, by our deliberate choice, are entrusted with the sacred duty of framing the laws for our Republic, is hardly calculated to breed reverence in the minds of the coming generation for the dignity of the office and the responsibility of its incumbents on Capitol Hill. Not only by precepts studied in textbooks on our form of government, but from the example set by their elders should the youth of the nation learn to respect the Congress of the United States as the controlling and determinative agency of our Government.

For just this is what the Fathers meant that it should be. They gave the first article of the Constitution to the description of the composition of Congress and the enumeration of its powers. They entrusted to it the purse strings of the nation. They provided for the immunity of its members from prosecution or arrest in the discharge of their political functions. They made the Houses the sole judges of the eligibility of their own members, and gave them the power to impeach and try the civil officers of the executive and judicial departments from the President and the Chief Justice down. The President cannot prorogue or dissolve Congress, nor can he dismiss a single Representative or Senator. But the House can impeach the President (as it did Johnson in

FOURTH QUARTER



PHOTO BY HORYDCZAK

A View of the Capitol From an Adjoining Building

1868), and if he is found guilty of "high crimes and misdemeanors" by the Senate, he is deprived of his office. Moreover, the Senate is given important executive powers by the Constitution, such as the ratification of treaties and of the nominations of Cabinet members, Federal judges, ambassadors, and other high officials.

It is obvious then that the framers of the Constitution intended to clothe Congress with great dignity and power. And this is readily explained when we regard the historical situation out of which the Constitution grew. First of all we must free our minds of the persistent myth that the Fathers were influenced by the writings of the French publicists, especially by Montesquieu's doctrine of the "separation of powers." It is true that many excerpts from Montesquieu's works are found in Thomas Jefferson's *Commonplace Book*, but Jefferson had nothing to do with the framing of the Constitution. He was our minister at Paris from 1785 to 1789, and his correspondence with friends at home shows rather an eagerness to know what the Convention was doing at Philadelphia than any suggestion as to what it should do. The Madisons and Wilsons and Pinckneys and Morrisses, who were framing the Constitution, were following English and not French precedents. Our political as well as our cultural heritage was from the mother country, and our form and spirit of government was the resultant both of elements which we accepted and of elements which we rejected in this heritage.

Prominent among the first group of such elements was the supremacy of the legislative branch of government, as representative of the will of the nation. The period of the settlement of all the English colonies in America (except Georgia), the years 1607 to 1681, coincided almost exactly with the period of the struggle of Parliament against the absolute pretensions of the Stuarts and their obsequious judges. The stages of that struggle were closely followed in the colonies, where the representative assemblies increasingly asserted their right to control policies. As early as the 1660's the historian, Lord Clarendon, wrote that the colonies were hardening into semi-rebellious republics. If Parliament complained of this "arrogance," the colonial leaders might have answered, "It was from you that we learned it." For had not the legislature of the mother country gained control of the purse and the army? Had it not beheaded one monarch and driven another from his throne? If the Crown in England was no longer permitted to levy taxes at will on the people, was it illogical for the colonists to deny the right of the Crown's agent in America, like an Andros, to do the same? We may, therefore, find in the analogy of the English parliamentary struggle and victory a fundamental cause of the emphasis which the Fathers

put upon the legislative branch of the Government in framing our Constitution.

Furthermore, we must bear in mind that a well-justified fear of creating too strong an executive influenced the convention at Philadelphia. The eighteenth century had seen a steady trend in the conversion of corporate colonies and proprietary grants into crown colonies. At the time of the American Revolution only two of the thirteen colonies (Connecticut and Rhode Island) chose their own governors; two others (Maryland and Pennsylvania-Delaware) were subject to governors appointed by the Baltimores and the Penns as proprietors; and the rest were governed by placemen of varying degrees of ability and respectability (some martinets, some absentees, some broken-down politicians, some impecunious noblemen) appointed by the Crown. There were constant struggles between the governors and their councils on the one hand and the colonial assemblies on the other over prerogative, taxes, land policy, Indian relations, and a host of other matters. It was no wonder that the colonists came to regard the executive as the enemy, and the assemblies as the champions, of their liberties.

No problem gave the framers of the Constitution more concern than that of finding an executive strong and dignified enough to represent the new united nation, and yet so limited as to be unable to thwart the popular will as expressed in Congress. No less than seven methods for the choice of the executive were discussed in the Convention. In his civil functions he was subjected to various checks by the legislature. His vetoes could be overridden by a two-thirds vote. His appointments were subject to senatorial ratification. He could conclude treaties with foreign powers, but the Senate could refuse to approve them. Congress alone could declare war. In actual practice the Presidential power has increased greatly during the past half century, and especially during the world wars, it is somewhat inaccurate to add the words "at the expense of Congress." It is not so much at the expense of Congress that this has happened as with the assent of Congress. For every one of the extraordinary powers wielded by a Wilson or a Roosevelt was given to him by Congress, and could be taken away by Congress. That body still is the arbiter of executive power, the determinative agency of our Government.

The third department of our Government is also subject to the authority of Congress. The brief article on the judiciary in the Constitution provides that there shall be a Supreme Court, but leaves to the discretion of Congress the creation of all the other Federal courts. While it cannot abolish the Supreme Court, Congress can determine the number of justices and the amount of their salaries. During the Reconstruction period it reduced the Court to

virtual impotence. Though the President appoints the members of the Court (with the Senate's approval), he has to wait for vacancies by death or resignation before he can thus alter the composition of the Court. President Roosevelt's attempt to secure a bench less hostile to the measures of the New Deal in 1937, by the creation of six new justices to supplement the six who had reached the age of seventy, was defeated by a decisive vote of the Senate, most of whose members were nevertheless favorable to the New Deal. The President claimed (and repeats the claim in the new volumes of his papers edited by Samuel Rosenman, Vol. I, p. lxxvi) that he really won the battle by his "frontal attack on the philosophy of the majority of the Court." But, as a matter of fact, it was the retirement of several justices in quick succession which gave him the opportunity to "infuse new blood" into the Court by the appointment of new men—always with the concurrence of the Senate.

Now, someone may say, This justification of the dignity of Congress based on the provisions of the Constitution and colonial precedents is all very well in theory, but in practice does not Congress offer ample grounds for the strictures of its critics? That it makes mistakes at times, is not to be doubted. That it has on occasions, as under the whip of the notorious Thad Stevens, ridden roughshod over the constitutional privileges of the executive and the judiciary, is unfortunately true. That demagogues and clowns have sometimes been found among its half a thousand members cannot be denied. But taking its make-up as a whole through the long course of our history, it will compare favorably with any legislative body in the world in dignity, efficiency, and patriotism. If unworthy men have entered its portals, the fault is not with Congress, but with the electorate who sent them to Congress. A corrupt judge or a rascally Cabinet officer is not a "liability" of the public in the same sense as is an incompetent or dishonest Congressman. For the people have no part in the selection of Federal judges and secretaries. Of course, it is much easier to find fault with our public servants after they are elected than to take pains to see that the right ones are elected. But that does not relieve us of the responsibility we have in a democratic republic.

I am not arguing for a moratorium on the criticism of Congress. We have the right and the duty as citizens of a free republic to express our judgment on the conduct of our public servants. Let us notice two serious complaints which critics have recently made. First, that Congress has been only a "rubber stamp," slavishly registering the will of the President. These critics apparently overlook the fact that Congress, or at least a great majority in it, was as eager as Mr. Roosevelt to put an end to the panic of fear and

despair which had overtaken the country after the collapse of the pseudo prosperity of the 1920's. Its ready endorsement of the early measures of the New Deal was not a sign of obsequiousness, but a hearty co-operation in recovery. That a President and a Congress work in smooth harmony does not necessarily mean that a strong executive is bullying a weak legislature. Moreover, as President Roosevelt's term went on, he had plenty of evidence of the self-assertion of Congress. Else why the attempt in 1938 to "purge" the dissidents? There is no warrant whatever for the popularly held belief that Congress abdicated its constitutional powers at the behest of the President; and Mr. Roosevelt's tone in addressing Congress and in dealing with its leaders has always been marked by the respect which he knew was due to a co-ordinate branch of the Government, whose voluntary co-operation was necessary for the accomplishment of the aims of the Administration.

A second common criticism of Congress is that it lags behind popular sentiment, the intimation being that it does so because of timidity, indecision, or factiousness. A recent editorial in a metropolitan paper made this charge, with illustrations of the "supineness" of Congress. It claimed that the people were far ahead of Congress in such matters as increased tax levies, aid to the democracies, and military conscription. Leaving aside the question of where the critics find reliable evidence on which to base such charges, we may ask whether it is after all a "grievous fault" in Congress to be "behind" popular sentiment. *Ought* not that to be just where Congress should stand? *Ought* it not to wait on public opinion? For the molding of popular opinion is not the function of Congress. In a democracy like ours which enjoys the freedoms of speech, the press, assembly, and mass education, it is the newspapers, the magazines, the forums, the pulpits, the schools and colleges which co-operate in the heterogeneous task of informing and forming the mind of the public. The role of Congress is to interpret as best it can the will of the people and to embody it in legislation. The interpretation and codification necessarily follow, not precede, the formation of public opinion. In other words, we should look to Congress not for leadership but for stewardship. That it has not been invariably faithful in such stewardship may well be conceded. Who among mortals is invariably faithful? But that Congress is generally lax in its stewardship, as many of its critics assert or imply, is simply not borne out by the record.

This article is not a plea for the immunity of Congress from criticism. Our legislators should be subjected to constant public scrutiny. Disapproval of unwise laws should be outspoken. Condemnation of anything resembling graft, venality, or demagoguery should be severe. But criticism does not mean only

faultfinding; it also signifies approval. "Well done, good and faithful servant" is as legitimate a part of critical judgment as, "Cast him into outer darkness." The men on Capitol Hill seldom hear the former words, yet they are by and large a diligent,

conscientious, able group, faithfully representing the districts and States which elect them. In mental gifts and moral stature they are the peers of any other legislative body in the world. They deserve our respect. Let us give it to them.

Dangers in Sunday Legislation

by **HARRY M. MOORE**

Secretary of State of Arizona

THE DANGER in Sunday legislation is that it is religious legislation.

The First Amendment to the Constitution of the United States says in part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This provides for a complete separation of church and state and prohibits religious legislation by Congress. A large part of the religious legislation sought in America has had Sunday closing laws for its aim. Many States now have on their statute books what are popularly known as "blue laws" (the prohibition against religious legislation by our Federal Constitution limits only Congress and does not apply to the States). So far as I know, they all provide for the closing of certain business activities on Sunday, or "the Sabbath," and for otherwise restricting the activities of the people on that day in those things which are considered legitimate on the other days of the week.

Let us first consider what Sunday is as to its significance and the manner in which it is regarded. Sunday is, as everyone knows, the first day of the week, and is observed by many as a day of rest, held by them as the Sabbath, and considered sacred—a day to be devoted, in part at least, to religious services and worship peculiar to the Sabbath. The fact and significance of a Sabbath is fundamentally religious, and had its origin at the time of creation. It is a divinely ordained institution and, primarily, a memo-



"The question of the matter of Sabbath observance and the day to be honored is one in which the Christian world is divided into two groups. One observes Sunday, the first day of the week, and the other honors Saturday, the seventh day, as the Sabbath. Which one is right and which wrong is no concern of the state."

rial of creation, and therefore religious in character. In proof of this statement notice the record as given in the Scriptures in Genesis 2:1-3: "Thus the heavens and the earth were finished, and all the host of them. And on the seventh day God ended His work which He had made; and He rested on the seventh day from all His work which He had made. And God blessed the seventh day, and sanctified it: because that in it He had rested from all His work which God created and made." This is the first reference in the Bible to a day of rest, and it tells us that this day was made by God; that He rested on that day, sanctified it, made it holy; and that it is a memorial of creation.

The fourth commandment of the decalogue deals specifically with Sabbath observance. Exodus 20:8-

11: "Remember the Sabbath day, to keep it holy. Six days shalt thou labor, and do all thy work: but the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the Lord blessed the Sabbath day, and hallowed it."

The question of the matter of Sabbath observance and the day to be honored is one in which the Christian world is divided into two groups. One observes Sunday, the first day of the week, and the other

honors Saturday, the seventh day, as the Sabbath. Which one is right and which wrong is no concern of the state. But each group has the right to expect impartial treatment from the state. Each has the right to expect the protection of the state from violation or encroachment upon its constitutional right of the freedom of conscience and the "free exercise" of its religious beliefs. Any legislation involving a day of rest, or permitting certain ones to select their day and require all others to pass any kind of religious test, or submit to any kind of religious questioning in order that they may have the privilege of observing any other day, would be nothing less than religious legislation and a violation of our Constitution. As I have said before, the idea of a particular day of rest in seven, the Sabbath, comes to us from the beginning of creation. It is wholly a religious day, and far from being merely a day of rest from physical toil, it has a far deeper religious significance; it is a memorial of creation.

In reference to the Decalogue, attention is called to the fact that the ten commandments are divided into two sections. The first four deal with the individual's responsibility to his Creator, and pertain to no relation between one individual and another. The last six have to do with man's relation to and toward his fellow man. The first four commandments pertain to worship. Any legislation involving them

would be definitely religious, and as such, would be a violation of the First Amendment to our Federal Constitution, and would in effect be a union of church and state.

The history of the world has for many centuries been full of the evils of a union of church and state. Wars, persecutions, strife, bloodshed, and untold sufferings of all kinds and descriptions have been the fruit of such a union. Men have felt it their duty to force their interpretation of the Scriptures upon their fellow men and to force them by the power of the civil government to render worship to God. Sometimes the church has control of the government. At other times the government controls the church and all religious activity. Both conditions are full of evil. One or the other has been true in the history of practically all the nations of the Old World.

Men long struggled against the evils mentioned, and many champions of religious freedom arose, but their struggles often seemed in vain. It appeared that the shackles were too firmly bound to be broken. But we find in the latter part of the eighteenth century a new nation rising out of a land where there had never previously been a nation. This nation was settled by peoples from a number of European countries, many of whom came to the shores of the new land to escape the religious persecutions of their homelands. In time the peoples of this new land



COURTESY, REVERE COPPER AND BRASS, INCORPORATED

DRAWING BY E. P. COUSE

This Land Was Settled by Peoples From Many European Countries. Some Came to Escape Persecution in the Old World; Some Came for Adventure; but They All Sought to Establish Upon These Fertile Shores a New Nation Dedicated to Full and Complete Civil and Religious Freedom

established a new nation dedicated to the two great principles of full and complete civil and religious freedom, and an absolute separation of church and state.

Thus was the United States of America born. The United States, because of its espousal of these two great principles, has become the greatest and grandest champion of liberty that has ever appeared on this troubled globe. It has ever been the emblem of freedom and the champion of human rights to all people. I am convinced that the founding of this nation was by divine plan, and that it was to be a pattern to all other nations because of its recognition of the God-given rights of the individual. Here each person may worship his Creator as his conscience dictates. He may choose his own religious faith, and practice it as he interprets it, without interference from either the state or any individual in it. He has the right to pursue whatever occupation or vocation he may choose in order to make a livelihood, without being interfered with by legislation of a religious character which would prevent him from having the same opportunities as those of faiths different from his. I firmly believe the principles of a complete separation of church and state, the complete freedom of all religious activity of each person, and the noninterference of the state in the religious activity of its people, to be divinely inspired. I believe further that the blessings of Heaven have rested in such abundant measure upon this nation in the past because of its recognition of these inherent rights of the people, and its refusal so far to repudiate these principles. Of all the freedoms which we enjoy, all will agree that the most precious is that of religious freedom. This, more than any others, has been won at the greatest cost of suffering and loss of life.

The function of government is to regulate the relations of man among and toward his fellow men, and to protect the people in the possession and enjoyment of their rights. In no case should government attempt to regulate man's relations to God, or legislate upon those first four commandments, which involve that relationship. Our Constitution, as previously mentioned, recognizes this inherent right and very wisely prohibits Congress from legislating upon religious matters. This country has to date adhered closely to this safeguard. However, there have been numerous attempts by groups, some religious and some not of religious character, to have the Congress enact legislation with a religious background, the effects of which, if passed, would seriously interfere with, if not completely nullify, the "free exercise thereof" of religious freedom.

Most outstanding of all attempted religious legislation have been the proposed Sunday closing laws and other closing laws, which, while not mentioning any certain day, provide for a vote as to which day shall

be observed by the closing of business. A concession is made to those who do not desire to observe the day voted by the majority by permitting them to observe their own day, provided they prove their religious beliefs and pass some sort of religious test in order to enjoy the right which is actually already theirs, and the protection of which is guaranteed by constitutional provision.

In passing I wish to make the observation that legislation designating Saturday, the seventh day, as a day of closing, would be just as wrong as a Sunday closing law. Both would be contrary to the Constitution because of the religious question involved, as these two days, in contrast to all other days of the week, have a peculiar and distinct religious meaning.

As this article is being written, there are pending in Congress two measures—S. 983 and H. R. 5444. These provide for the closing of barbershops in the District of Columbia one day in seven. While the day of closing is not specified in either measure, they both provide for a vote of the barbers to choose their day of closing, the day selected by the majority to be the day to be closed. Those desiring to close some other day must pass a religious test as provided in H. R. 5444. This bill, which was introduced July 30, 1941, superseded H. R. 3853 introduced March 6, 1941. This latter measure had no provision for any exemption for those who might observe as a day of rest any other day than the one chosen by a majority of the barbers. H. R. 5444, intended to be more liberal, is nevertheless contrary to the spirit of complete religious freedom, since it demands that a barber make a proper showing to an appointive board "to the effect that the adopted closing day conflicts with the tenets of his religion."

What is this but religious legislation? What right has any government agency, board, commission, or any individual to pass upon anyone's religion, or even the lack of the same, as a necessary condition or qualification for doing business or remaining open or closing on any certain day? Also, what right has Congress to pass a law requiring the proprietor of a barbershop, or in fact, any other business, that he keep his business closed for religious reasons? H. R. 5444 sets up a religious test by providing that the only way a barber may be exempt from its general provisions is by having his shop "closed on the Sabbath of his particular religion." This certainly is not the "free exercise thereof" of religion as guaranteed by our Constitution, but is the observance of religious beliefs because of compulsion of law. Such a situation would be intolerable, and would merely be the beginning of other religious restrictions which would gradually take away all religious freedom and eventually our other liberties.

While the restriction placed by the Federal Con-

(Continued on page 27)



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The United States Supreme Court. Front row, left to right: Associate Justices Reed, Roberts, Chief Justice Stone, Associate Justices Black and Frankfurter. Back row, left to right: Associate Justices, Byrnes, Douglas, Murphy, and Jackson

Editorial Symposium

Concerning Supreme Court Decision Affecting Freedom of the Press and Freedom of Religion

IN JUNE 8TH LAST, the Supreme Court of the United States handed down a decision upholding the right of municipalities to impose a tax on the circulation of literature. Elsewhere in this issue of *LIBERTY* an analysis of the Court's opinion will be found. Here we offer some excerpts from a few of the many editorials found in both the religious and the secular press, dealing with the issue raised by the action of the Supreme Court. As far as we have seen, not one editor has given his approval to the decision. The Chief Justice and Justices Black, Murphy, and Douglas dissented. Thus we have, we think, freedom of the press substantially throttled by a 5 to 4 decision of our highest tribunal.

The only ray of hope, the only bright place in a dark picture, as this is written, is found in the fact that the Court has set September 5 as a date on which briefs may be filed in support of a motion for rehearing.

To save space, the quotations are given without comment from us.

"Not perhaps since the classical case of *Marbury versus Madison* has there been a decision by the Supreme Court so momentous in its implications as the decision delivered on Monday and written by

Mr. Justice Reed and supported by four other justices to make a majority. The Court has ruled that the guaranties of religious freedom in the First Amendment of the Constitution are not absolute but limited. The right to evangelize 'may be limited by action of the proper legislative body as to times, places, and methods, . . . which, in view of existing social and economic conditions, are not at odds with the preservation of peace and good order.'

"Three test cases all involving members of the sect called Jehovah's Witnesses, arrested . . . on charges of selling religious literature without a license, were made the vehicle for this startling and, in all probability, historic, decision. By upholding the ruling of the State courts in these instances, Justice Reed and his colleagues appear to have established the right of local governmental bodies to regulate or restrict activities of religious organizations by the all-too-familiar device of taxation. It seems implicit in Justice Reed's reasoning that the other provisions of the Bill of Rights may be similarly restricted.

"This is certainly the construction put upon it in the vigorous and closely argued dissent of Chief Justice Harlan Stone, supported by Messrs. Black, Douglas, and Murphy. 'It seems fairly obvious,' says

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of persons
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of the American Bill of Rights, it is nothing short of
tragic that the Supreme Court should give its august
authority to the suppression of a small and obnoxious
sect and in so doing undermine all the freedoms. We
would do well to give heed to the warning voiced by
Chief Justice Stone in his opinion: "If the present
taxes, laid in small communities upon religious
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Religion And Taxation

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Accomplishing a Wrong by Indirection

Decidedly unjust is the technique sometimes em-
ployed to "get rid" of a troublesome man or a "nu-
-sance" movement by an indirect attack which avoids
a head-on conflict over the main issue. Some years
ago the House vigorously protested against an action
whereby a minister in the West who was "too radical"
was disposed of on a technicality that had nothing to
do with his "dangerous views."
We certainly do not accept the teachings of Jeho-
vah's Witnesses, and regard them as harmful to the
cause of true religion as we interpret it, but we live
in a country which, theoretically at least, guarantees
freedom of conscience and religion. We therefore
again protest and register the conviction that a great
wrong has been done to the cause of liberty by the
effort to tax the Witnesses off the street and thus pre-
vent their canvassing for the sale and distribution of
their books and pamphlets. Furthermore, we are
deeply pained over the recent five-four decision of the
United States Supreme Court upholding the right of
town and city officials to force these Jehovah's agents
to pay a prohibitively high license fee for the distribu-
tion of their literature. We are glad, however, for the
vigorous minority dissent and for the discerning words
of Chief Justice Harlan Fiske Stone, a New Englander
of the best tradition, who declared:

Whatever the amount, the taxes are in reality taxes upon
the dissemination of religious ideas. As such they place
a burden on the freedom of speech, freedom of the
press, and the exercise of religion even if the question
of amount is set aside. Liberty of circulation is the very
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The pamphlet, an historic weapon against oppression, is
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Supreme Court Justices Upheld Religious Freedom Against the Vote of Their Five Colleagues

JUSTICES BLACK, DOUGLAS AND MURPHY REVERSE THEMSELVES:

THE opinion of the court sustains a device which in our opinion suppresses religion practiced by a minority group. This is but another step in the direction which Millersville Board District vs. Gobitis took against the same religious minority and in a logical extension of the principles upon which that decision rested.
None we joined in the opinion in the Gobitis case, we think that we now believe that decision is still valid. Certainly our devotion to state that we now believe that it was also strongly doubted. Certainly our democratic form of government functioning under the historic Bill of Rights has a high responsibility to accommodate however unpopular and unpopular those views may be. The first amendment does not put the right freely to exercise religion in a subordinate position. We fear, however, that the opinion in this and in the Gobitis case do exactly that.
Underlying freedom of speech and free-
-dom of religion against discriminatory at-
-tempts to wipe them out. On the contrary
-the Constitution, by virtue of the first a-
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-to cases "Mar-

JUSTICE MURPHY, IN WHICH JUSTICE STONE AND BLACK AND DOUGLAS CON- WHEATHEVER THE AMOUNT, THE FREEDOM OF RELIGION AND FREE SPEECH ARE SERIOUSLY IMPAIRED BY ACTION OF THE GOVERNMENT, AS TO TIMES, PLACES, OR MANNER, WHICH, IN VIEW OF EXISTING ECONOMIC CONDITIONS, ARE NECESSARY TO THE PRESERVATION OF THE ORDER.

Three test cases all involving the sect called Jehovah's Witnesses, are treated variously in Alabama, Georgia and Arizona on charges of religious literature without a license. In all probability, historic, decisions in these instances, Justice Reed and his colleagues appear to have established or restricted activities of religious organizations by the all-too-familiar vice of taxation. It seems implicit in Justice Reed's reasoning that the other provisions of the Bill of Rights may be similarly restricted.
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Decidedly unjust is the technique sometimes employed to "get rid" of a troublesome man or a "nuisance" movement by an indirect attack which avoids a head-on conflict over the main issue. Some years ago the House vigorously protested against an action whereby a minister in the West who was "too radical" was disposed of on a technicality that had nothing to do with his "dangerous views."

We certainly do not accept the teachings of Jehovah's Witnesses, and regard them as harmful to the cause of true religion as we interpret it, but we live in a country which, theoretically at least, guarantees freedom of conscience and religion. We therefore again protest and register the conviction that a great wrong has been done to the cause of liberty by the effort to tax the Witnesses off the street and thus prevent their canvassing for the sale and distribution of their books and pamphlets. Furthermore, we are deeply pained over the recent five-four decision of the United States Supreme Court upholding the right of town and city officials to force these Jehovah's agents to pay a prohibitively high license fee for the distribution of their literature. We are glad, however, for the vigorous minority dissent and for the discerning words of Chief Justice Harlan Fiske Stone, a New Englander of the best tradition, who declared:

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the town governments had the right to license peddlers of religious literature as well as peddlers of dry goods, notions, clothes.

"Associate Justice Stanley Reed delivered the majority opinion. It was concurred in by Associate Justices J. F. Byrnes, Felix Frankfurter, R. H. Jackson and O. J. Roberts. We may be dumb, but the reasoning unrolled by these gentlemen in the majority opinion is too vague, spun, and hairsplitting for us to grasp.

"Chief Justice Harlan F. Stone, on the other hand, ripped out a sizzling dissenting opinion, one which we have no trouble understanding. The Chief Justice stood squarely on the Bill of Rights and roared for its preservation as written. He was joined in this opinion by Associate Justices H. L. Black, W. O. Douglas, and Frank Murphy.

"We were particularly surprised to see Justice Frankfurter, long known as a liberal thinker, line up for partial suppression of freedom of the press—anybody's press, no matter how offensive it may be to some people, so long as it stays within libel and obscenity limits. We were gratified to see Justices Murphy, Black, and Douglas stand up with the Chief Justice for freedom of the press.

"We think Congress had better change this piece of judge-made law. This decision can open the way to governmental licensing of the entire American press. That would give the Government power to kill off any publication the Government happened not to

FOURTH QUARTER

like. And that, of course, would destroy the freedom of the press in this country."—Washington Times-Herald, June 12, 1942.

"In a 5-to-4 decision handed down on Monday the Supreme Court declared that 'courts are competent to adjudge the acts men do under color of a constitutional right, such as that of freedom of speech or of the press or the free exercise of religion, and to determine whether the claimed right is limited by other recognized powers, equally precious to mankind.' As the summaries of the case show, the 'other recognized powers, equally precious to mankind,' include the power of local authorities to impose prohibitive taxation upon members of religious sects distributing literature and soliciting contributions. The sect in question is the one called Jehovah's Witnesses. . . .

"We can see this case in its right light only if we try to imagine one of our established religious groups penalized in the same way. We know it could not be so penalized, because its methods of appeal would not offend people and because it would have a following capable of effective protest. Jehovah's Witnesses suffer because they are a small and, to many, an obnoxious sect. The minorities whose civil rights are threatened are always small and, to many, obnoxious. They may or may not be unworthy. Yet their treatment is the test, and will always be the test, of the sincerity with which we cling to the Bill of Rights. If those of us who belong to the larger groups do not

defend the rights of persons with whom we disagree, and whom we may actually detest, we are confessing that we hold our own rights on sufferance, or by our numbers, or by our political or other power.

"It seems to us that the majority opinion in this instance lends itself to the whittling down of freedom of speech, freedom of religion, and freedom of the press."—*New York Times*, June 10, 1942.

"At a time when the American people are fighting a war based by their President on the need to extend the four freedoms throughout the world, it is important that citizens know that a limitation upon religious freedom has been sanctioned by their highest court, even if by the narrowest possible margin."—*St. Louis Post-Dispatch*, June 12, 1942.

"The United States Supreme Court has handed down a very dangerous decision in upholding the right of municipalities to require the payment of city license fees by members of Jehovah's Witnesses, a religious sect, if they wish to collect funds or sell religious pamphlets. If this can be done to members of Jehovah's Witnesses, it can also be done to the members of any church.

"Even more dangerous than the decision itself is the philosophy of the majority of the Court in using the word 'privileges' to apply to freedom of the press, freedom of the speech, and freedom of religion. If these freedoms are 'privileges,' they are not 'inalienable rights,' and the very essence of our constitutional protection is destroyed.

"The Supreme Court holds that freedom of the press, freedom of speech, and freedom of religion are not absolutes, but can be restricted by legislation. That is true, and there is already restrictive legislation. Freedom of the press is restricted by such legislation as that against libel. Freedom of the press is restricted by such legislation as that against slander and calumny. Freedom of religion is implicitly restricted in all legislation preventing one man's exercise of his rights in such manner that he injures the same rights of another man. . . .

"If a religious group through some idiosyncrasy of belief thinks that it is necessary for individuals to kill others in order to attain personal salvation, the expression of that belief can be handled by our laws against murder. If a member of Jehovah's Witnesses is guilty of an illegal act, he can be tried and punished on that basis. There ought not to be indirect means of attaining desired ends—indirect means which jeopardize the protection of rights afforded by the Constitution.

"The Supreme Court in its decision declares that neither courts nor constitutions 'can intrude into the consciences of men or compel them to believe contrary to their faith or think contrary to their con-

victions, but courts are competent to adjudge the acts men do under color of a constitutional right.' In no country, thank God, can any human institution control what men may believe. Even Hitler and Stalin cannot do that. Our acknowledgment of that fact constitutes nothing. It is true that courts have a right to adjudge the acts men do under color of a constitutional right, but only in an effort to sustain those constitutional rights, not to destroy them or to interpret them as 'cherished privileges' only."—*Fort Wayne (Ind.) News-Sentinel*, June 10, 1942.

"Jehovah's Witnesses are a religious sect whose teachings and beliefs not many of us subscribe to. They have been cantankerous in demanding their rights. Some communities have been exceedingly intolerant in dealing with them.

"One of their methods of propaganda is handbills. . . .

"When Jehovah's Witnesses began to besmirch the fair landscape with their circulars, old intolerance broke loose with demands for suppression. All through the country wherever the Witnesses appeared, the handbill ordinance followed and with it, arrests and litigation.

"One of these suppressive ordinances reached the Supreme Court of the United States. Five out of the nine justices upheld it. . . .

"If the unlimited, unrestricted authority which this decision gives to city governments and probably by inference to State governments, to adopt and enforce this kind of legislation, is used, as it is bound to be used, no religious denomination can regard itself as safe from persecution.

"This authority can be extended to every religious, fraternal, or civic organization that might find it necessary to appeal to the public through handbills. There is no extreme to which intolerants may not go with immunity under this decision.

"It is inconceivable that there are five justices on our Supreme bench who could not see the danger into which they are letting the country. Surely, some way will be found to challenge this decision. Both religion and free speech are seriously attacked in the very house of their friends."—*Illinois State Journal-Register*, July 12, 1942.

"Decidedly unjust is the technique sometimes employed to 'get rid' of a troublesome man or a 'nuisance' movement by an indirect attack which avoids a head-on conflict over the main issue. . . .

"We certainly do not accept the teachings of Jehovah's Witnesses, and regard them as harmful to the cause of true religion as we interpret it, but we live in a country which, theoretically at least, guarantees freedom of conscience and religion. We therefore again protest and register the conviction that a great wrong has been done to the cause of liberty by

the effort to tax the Witnesses off the street and thus prevent their canvassing for the sale and distribution of their books and pamphlets. Furthermore, we are deeply pained over the recent five-to-four decision of the United States Supreme Court upholding the right of town and city officials to force these Jehovah agents to pay a prohibitively high license fee for the distribution of their literature. . . .

"In an hour like this, it behooves every good citizen to be greatly concerned over any infraction of the freedoms guaranteed by the Bill of Rights."—*Zions Herald*, June 24, 1942.

"In the recent five-to-four decision handed down by the Supreme Court of the United States, the important declaration was made that 'courts are competent to adjudge the acts men do under color of a constitutional right, such as that of freedom of speech or of the press or the free exercise of religion, and to determine whether the claimed right is limited by other recognized powers, equally precious to mankind.' The statement was made in relation to a case concerning a sect called Jehovah's Witnesses, whose activities have been of a nature to stretch the principle of religious toleration to the utmost. The action arose out of the imposition on the part of local authorities in Opelika, Alabama; Fort Smith, Arkansas; and Casa Grande, Arizona, where it seems that it was intended to impose prohibitive taxation upon members of religious sects distributing literature and soliciting contributions. The decision of the Supreme Court practically empowers local police and all city authorities to impose restrictions and expenses almost without limitation in a licensing process regarding activities of religious sects.

"We have no sympathy with the beliefs and practices of the sect known as Jehovah's Witnesses, but we see no reason why they should be penalized to the point of persecution because they are a small and, to many, obnoxious sect. We can see this case in its right aspect only when we trace back our own Baptist history to the days of Obadiah Holmes and his fellow sufferers, as well as to Roger Williams, to see what happened to our spiritual forefathers because they happened to be a small and, to many, obnoxious sect. The principle of religious freedom must protect the rights of minorities as well as those of the larger groups. Minorities whose civil rights are threatened are generally small and, to many, obnoxious. They may or may not be unworthy, yet the sincerity with which we uphold the Bill of Rights is tested by the treatment we accord them. If those of us who belong to the larger groups do not defend the rights of persons with whom we disagree, and whom we may actually detest, we are confessing that we hold our own rights on sufferance, or by our numbers, or by our political or other power.

FOURTH QUARTER

"The majority opinion of the Supreme Court in this instance sets a limit to our exercise of religious freedom. It carries with it also judicial authority to limit freedom of speech, as well as freedom of the press. While the youth of America are dying on the battlefields of the world, or falling to death out of the air, or perishing in the sea to secure for the world the four freedoms and other freedoms mentioned in the American Bill of Rights, it is nothing short of tragic that the Supreme Court should give its august authority to the suppression of a small and obnoxious sect and in so doing undermine all the freedoms. We would do well to give heed to the warning voiced by Chief Justice Stone in his opinion: 'If the present taxes, laid in small communities upon peripatetic religious propagandists, are to be sustained, a way has been found for the effective suppression of speech and press and religion despite constitutional guarantees.' All who love liberty in this land of freedom have a right now, we believe, to raise their voice in protest against the majority decision of the Supreme Court. It is the only way the Court may learn that it has gone contrary to the wishes and traditions of the American people."—*The Watchman-Examiner*, July 2, 1942.

"We are fighting a global war, as the Roosevelt Administration which appointed a majority of the present Supreme Court justices keeps telling us, to bring the 'four freedoms' to the whole world. One of these freedoms is freedom of expression, a term which includes freedom of the press as guaranteed by our Bill of Rights. Another is freedom of religion.

"Yet five out of the Supreme Court's nine justices saw fit recently to hand down a decision curtailing somebody's freedom of both press and religion. True, the somebody was nobody but the small and cantankerous sect known as Jehovah's Witnesses. But this decision, which held that town governments can force this sect's tract pushers to pay license fees as peddlers, can be used to legalize the licensing of producers of any publication sold on streets or newsstands.

"The license fees can be of any size. That means that any publication or tract-spreading religious group whom the licensing power happens not to like can be driven out of business in the licensing power's bailiwick by fees placed prohibitively high.

"This decision's threat to religious and press liberty in this country is real and urgent. These two freedoms can be wiped out if this decision stands. The decision was handed down by Associate Justices Byrnes, Frankfurter, Jackson, Reed, and Roberts, with loud and vigorous dissents from Chief Justice Stone and Associate Justices Black, Douglas, and Murphy.

"While freedom of religion and of the press are

being done to death in this country, our boys will be fighting to bring those blessings to the rest of the nations of the world. There is some discrepancy somewhere in all this.

"We have a suggestion. Here it is: Let one or more of the big, powerful, well-organized, and well-financed churches challenge this decision. Let one of these organizations, or a group of them if they feel so minded, turn loose some 'peddlers' of religious literature in two or three towns which insist on licensing such persons; let these 'peddlers' refuse to pay the license fees; let them be arrested; let the case be

fought through the courts on the constitutional issue involved. And see how soon the Supreme Court finds that it erred when it sought to water down the Bill of Rights in these particulars.

"Unless press and pulpit want their liberties whittled away by virtue of this Supreme Court decision, they had better get together now to carry this fight to a reversal of the decision. If those liberties go by the board, most of the things that make life worth living in the United States will go with them."—*Collier's*, July 18, 1942. Used by special permission.

H. H. V.

Polluting the Fountain of Democracy

by DON MCGLOTHLIN, M.A.

[Mr. McGlothlin, at present employed by the War Department in Washington, D. C., received his Master of Arts degree from Ohio State University. Shortly thereafter he became the principal of a high school in Calhoun County, West Virginia. In February, 1942, the Calhoun County Board of Education asked him to resign "for failure to dismiss a student who failed to give the civilian salute and pledge of allegiance to the American flag," because of the conscientious conviction that such a salute is an act of worship, and contrary to Scriptural teaching.

The strength of Mr. McGlothlin's belief is shown by the monetary sacrifice he was willing to make for it. He gave up his post rather than attempt to interfere with the conscience of one of his students. Many talk glibly of the principles of liberty that have made our nation great. Too few are willing to back their words with self-sacrificing acts.—EDITORS.]

TOUCH HIM in the Indies and you touch him in the apple of the eye," said a famous Englishman concerning the best way to strike at Spanish colonialism. If someone should phrase a comparable statement about striking at American democracy, he would say: "Banish freedom of thought in the common schools and you touch democracy in the apple of the eye."



In setting up their democratic experiment in the later eighteenth century, our founding fathers had the vision to see that if the experiment was to be successful, the masses of the people must not be hampered in the free acquisition of knowledge. Since the people were to be the masters rather than the servants of the state, they must be given the privilege of criticizing the state as long as such criticism remained wholesome. They must learn the art of wholesome criticism while they were still in the public school. This policy has been recognized as the soul of the American school system from the days of the founding fathers.

In the totalitarian states the antithesis of the American school system prevails. Children are taught to conform to a pattern of thought that is presented to them ready made. They are trained to be willing and efficient servants of the state rather than the intelligent and informed masters of it, as is supposed to be the case in America. The dictators claim that this makes for greater solidarity and adds to the chances of national survival.

History has not proved this theory to be true. In fact the story of the successes of freedom-loving people in struggles against great odds seems to prove the contrary. Switzerland at the time of Arnold Winkelried, Scotland at the time of Robert Bruce, America at the time of George Washington, the Allies in World War I, and the United Nations in the



PHOTO BY J. C. ALLEN

"Banish Freedom of Thought in the Common Schools and You Touch Democracy in the Apple of the Eye"

slowly turning tide of World War II seem to bear out the argument that freedom has greater survival value than regimentation.

Totalitarianism Enters American Schools

Democracy tends to break down in times of crises. It is absolutely essential that many privileges it gives must be temporarily given up in order that the nation which supports it may be preserved. There is a tendency, however, to confuse the benefit accruing from the temporary adoption of seeming totalitarian methods in order to strengthen the national fiber and the danger of the adoption of fascist measures that do nothing but undermine the democratic way. Limiting criticism of the government that might give aid and comfort to the enemy in time of war, is an example of the former; regimenting school children into giving lip service to an ideal, as a prerequisite to the opportunity of learning the nature of that ideal, is an example of the latter.

A fascist measure of the first water has entered many of our public schools. Boards of education in widely separated communities have adopted measures requiring all children in their schools to give the civilian salute and pledge of allegiance to the American flag or to get out of school immediately. Though five of the nine members of the United States Supreme Court still hold that such measures are constitutional, what could be farther from the ideals of Jefferson and the other founding fathers as to the nature of developing patriotism in the schools?

In the first place, the measure bears the bona fide stamp of totalitarianism in that it is a dictate handed out by the master (government) to the servant (citizen).

No End Served; Hypocrisy Encouraged

Second, the measure serves no conceivable end as an aid in preserving the nation or its ideals. If it were a measure forcing a child to help build guns or tanks

or airplanes, even though it was against his conscience to do so, it might be argued that his freedom was being temporarily suspended in order to save it from permanent destruction through defeat of the United States by a totalitarian country that was outstripping her in the production of war materials. There is even some plausibility in the contention that the Government should not recognize any "conscientious objection" as a means of being excused from military service, since victory by a power that did not recognize any freedom of religion would be worse for the "objector" in the long run than temporary coercion for his own benefit. But how is the military might of our country increased by forcing children to go through a specified ritual in order to enjoy the privilege of attending a public school?

Third, it is a tailor-made builder of hypocrisy. The pledge of allegiance is such a solemn promise to an abstract ideal, which so few of us fully understand, that there is conceivably a measure of hypocrisy in all of us who give it. Let's see just what we are pledging when we give the civilian flag salute. These are the words we repeat: "I pledge allegiance to the flag . . . and to the Republic for which it stands, one Nation indivisible, with liberty and justice for all." What one of us never violates that pledge? What one of us always strives to the utmost of his ability to do his part to make the United States a country of "liberty and justice for all"? If any thinks he does, I should like to meet him. He is a rare specimen indeed. If the giving of the pledge helps the person giving it to try harder to bring about our democratic ideal of liberty and justice for all, it has a distinct advantage. But if it means nothing to the giver except a lot of jumbled words, and bears no relation to his future actions in the direction of aiding his country, it is useless. And if he does not mean what he is saying, the exercise is not only useless but hypocritical.

Two Opposite Injuries

Fourth, the thrill that comes from voluntarily giving the pledge (the American thrill of freedom) is taken away by the fact that it is no longer a privilege to be enjoyed, but an order to be carried out.

Fifth, a very small group of people hold religious views against saluting the flag. Members of this group often give up such views after they have received a thorough grounding in American history and civics. Others continue to hold them indefinitely, but are otherwise patriotic and co-operative. Is it in accordance with the ideals of the founding fathers to deny either group the right to attend the public schools? It seems to the author that these groups are the ones most in need of the services of our schools if the schools are to serve as the source of our democratic form of government. Is not expulsion from school a most illogical way to meet the problem that these nonconforming students present? Three things may conceivably happen to a "conscientious objector" to the flag salute when the salute is made a requirement for public-school attendance. In the first place, the student may become a hypocrite in order to stay in school. In the second place, the student may remain true to his conscience, be forced out of school, and thus be deprived of any opportunity of receiving systematic guidance in the matter of preparing him to fit into our democratic pattern. In the third place, the coercion forced upon him will enlighten him, so that he will change his views. In only the third instance could there be any conceivable advantage to the forced salute, but quite unfortunately for the idea of coercion, history has no record of a person's view of right and wrong being changed by the application of force.

Sixth, a regulation requiring all children to give the salute to the flag or be denied the privilege of attending the public schools is extremely dangerous because the majority of the American people approve it—swallow it, hook, line, and sinker—without realizing that it is one of the best weapons possible for the overthrow of democracy. While it is promoted as a defense measure, it cannot be shown to help the cause of patriotism, democracy, or national safety in the least. It has the most clever disguise of all the wolves that ever paraded in sheep's clothing.

And it is a very dangerous wolf. It attacks the stream of democracy at its fountainhead, the public school. It stops up the veins of the pure water of freedom and opens into the spring the onrushing muddy tide of Fascism.

Will the Wolf Be Detected in Time?

Will this subtle threat to democracy be seen for what it is, soon enough for the American people to save themselves? The author is none too hopeful, though the signs along the highway are not all dark.

When the flag salute question first reached the Supreme Court in early 1940, only one justice expressed any alarm over the dangers of such a measure to our American ideals of freedom. Two years later, three other members joined in the alarm he expressed. The vigorous reversal of position of these three justices is quoted by a leading national daily as being "one of the most violent in the Court's history."

To sound out the opinion of the leaders in higher education, the author approached some of the leading professors at a great State university. Without exception these professors felt that the compulsory flag salute regulation was not only unwise, but should have been declared unconstitutional by the Supreme Court. One, a famous educational philosopher, seemed immeasurably depressed by the Supreme Court's view, and especially disappointed that one Court member, who was supposed to be a liberal, had concurred in the majority opinion. "This is one of the strangest decisions in the history of the Court," he sighed.

Though there is some reason for hope in the vigorous fight some great individuals make against the destruction of our democracy from within (and in this connection I must not forget the determined attitude of many of our newspapers such as the *New York Daily News* and the *Washington Times-Herald*), the attitude of the masses makes the picture look dark indeed. Most of the American people are behind the compulsory flag salute regulations. One great reason is, I think, that we still do not have the tolerance that we think we have. Jehovah's Witnesses are very unpopular, especially in wartime. The compulsory salute seems to have been aimed at them in practically every case of which I have any knowledge, and the bulk of the American people seem to enjoy seeing these people "put on the spot."

Can it be that we are merely reverting to the traditional Puritan philosophy: We want the right to worship as we please and to make everybody else worship the way we do? If so, the American ideal of freedom is purely visionary, and the seeds of intolerance among us already have ideal growing conditions.

We would not think of submitting to a freedom-destroying doctrine that a foreign foe might try to bring, but we seem to swallow a homemade duplicate of one quite easily. For maximum effect in the shortest possible period, the best place to start such a doctrine is in the public school. The best time is during an emergency. To make it palatable and pleasing, call it "patriotic." The compulsory flag salute fulfills all these requirements, and so far it has received but very minor opposition in fastening its totalitarian tentacles around the public school. Will America awake in time to unfasten these pincers? The present outlook is none too hopeful.



PHOTO BY H. A. ROBERTS

The State Should Protect All Its Citizens in the Free Exercise of Conscience, and the Church Should Teach All Its Members to Recognize Their Obligation to Civil Authorities

How the Church Serves the State

by C. B. GOHDES, Litt. D.

BY GRANTING the Christian church and all other religious associations the utmost freedom under the Constitution, the state has made possible the unhindered application of Christian truth to society at large. And the church has reciprocated so freely that the liberal institutions of America, which are the hope of the world now more than ever, would be inconceivable without its influence.

"Render to Caesar the things that are Caesar's, and to God the things that are God's," is the Master's injunction. Altar and government supplement each other. Reverence for authority is an element of worship. Authority itself hardens into tyranny where reverence is withheld. That the church engenders reverence for authority is one feature of the requital made the state for its broad grant of freedom.

When a nation unfolds under the vitalizing influence of the Christian religion, it deserves reverence. The worship of the God of Christ by the citizenry flowers in a moral grandeur and a general atmosphere of good will unknown where that God is unknown. Let a people recognize as a characteristic symbol of divinity not the Fatherhood of God, not the brotherhood of man, not the spirit of humility, of self-abnegation, and of the sacrifice of the Christ, but the raging torrent, the destructive earthquake, the searing drouth, and the authority to which it bows

will be that of the despot who exults in arbitrary power and rejoices in the supine submission of the subject. Where men may never make the Valkyr flight of freedom, the delights of the senses are likely to become their goal. The sensual Rubaiyat very logically originated in Persia. On the other hand, it is inconceivable that the Declaration of Independence could have become freedom's palladium save where the true God was known. Mohammed struck from his creed the fact that the one God of heaven and earth became manifest in the Virgin's Son and the spirit of Pentecost, and man's insensate lust for power and gratification externalized itself in the degradation of womanhood, the spread of the faith by the sword, the enslavement of the conquered. How history repeats itself today! Woden supplants Christ, and the race from which Christ sprung is sentenced to execution!

It is worth while to study political science and comparative religion just in order to appreciate the transcendent value of our American heritage. No sectional or periodic miscarriage of justice, no occasional triumph of mob passion, can black out the glory of the Bill of Rights in our national and State constitutions. While that obtains, Americans need fear no Gestapo, no Inquisition, no rise of sect to political dominance. Now, when we view the temple of American freedom

not only in the majesty of its greatness, but also in its constituent details, we make the observation that three salient principles pervade the American soul. The first is the value of human personality. The dominance of that principle results in the American ideal of government as a responsible agent rather than a capricious master. The second is the dominance of moral over material force. That accounts for the growing conviction among Americans that material advantage should ever and everywhere yield to moral right. The third principle which has helped to condition the American soul is the faith that man's welfare, national and individual, can be realized only through conformity of the human government to the principles of the divine. That accounts for truth and righteousness rather than expediency and opportunism's being upheld by governmental decisions and sustained by the bulk of the American people. Because God loves men, our government is humane.

Whence these lofty principles that largely direct our national history in its successive phases, our national life in its multitudinous aspects and forms? They are the reflex of the Christian faith. The occasion for their incorporation in law, government, and social behavior has no doubt been a reaction against the injustice due to the frequent operation of their opposites. The memory of the rack as a remedy for heresy, of the subjection of the alleged traitor to hanging, evisceration, and quartering, may have occasioned the prohibition in our Bill of Rights of "cruel and unusual punishments." Its real explanation, nevertheless, is the regnancy in our life of the principles of divinity which bid the strong to be the guardian of the weak. Oriental despotism never did, European totalitarianism never will, originate a Bill of Rights. Christ makes service the hallmark of greatness. Our Government is great because it serves the people, and means to serve the world.

Another service rendered to the nation by the Christian religion is that the latter tends to neutralize the vicious effect of naturalism by supplying a key to the understanding of nature. To ascribe the terrorism of totalitarian governments to the caprice of a brutal mentality would be oversimplification. We have to look deeper for its true rationale. Totalitarian terror claims to be an imitator of the laws and ways observable in the processes of nature. So was the savage, typified by the head-hunter of the South Seas and the Apache of the Texas plain. Discarding the Christian interpretation of nature, the totalitarian essays a scientific one and uses the scientific knowledge at his command for a diabolical supplementing of the processes of nature. Like the savage, the totalitarian despot takes pride in being at one with nature. And he is. But it is nature in a state of vanity with which he is in harmony—nature in the grasp of evil.

The picture from which both the savage and the totalitarian derive the incentive to their respective *modus vivendi* is indeed puzzling and confusing to anyone lacking spiritual understanding. Remorseless cruelty appears to be the law of life. The small fish feeds on the minute marine organisms abounding throughout the seven seas. The minnow becomes the prey of the larger fish. The shark becomes the harrier of the seas, where no life is safe that is not buttressed by superior ferocity. It is the same on land. The squirrel feeds among the huckleberries where the rattler lies in ambush. The musician of the meadow, the quail, is seized by the hawk. Man slays the lower animals to obtain raiment and food. Warfare, often marked by remorseless cruelty, pulses through the whole of creation. The weak are helpless in the talons of the strong. The strong are ever ready to inflict teeth and talons upon the quivering flesh within their grasp. Such is nature, or seems to be.

The savage and the totalitarian are a unit with nature. Both are enmeshed in the destructive process which they witness. The integration of the former is spontaneous and unreflecting; that of the latter, scientific. He has observed, analyzed, classified the laws of nature; he has learned to integrate their workings with his brutal purposes. The totalitarian is a savage with a college education, in line with the tiger, the jackal, the shark.

Not that his philosophy is ultramodern. Machiavelli, the scientific historian of the Renaissance, anticipated totalitarian philosophy. Suspension of the moral law—murder, trucebreaking, perjury, ruthless destruction in whatever form expediency might suggest—was the technique he counseled the builder of the state to follow, and ruler after ruler applied in politics and strategy the counsel in which Machiavelli mirrored the law of animate nature, destruction.

Is it surprising that a false interpretation of nature finds its transcript in despotism and cruelty? Both science and philosophy are marred by superficial, false interpretations of nature. To many scientists and philosophers and, quite naturally, to students, the beginning of the world is not found in the God of light and might, but in physical force. Life is disposed of as the product of molecular force. God, by such a massive intellect as Julian Huxley, is defined as the sum total of all the forces of nature. A poor God to invoke in the last heartache of heartbreak!

And there have been philosophers whose wisdom has been no more promotive of a regime of righteousness and love than that of the mechanistic or deistic scientists. Darwin denied the goodness of the divine government. Nietzsche, the German philosopher, postulated the superman, advancing the cause of humanity without ruth, remorse, and compassion,

through blood and tears, over broken homes and hearts, past mountains of corpses, over the graves of nations too dull to understand the superman's philosophy. The Germans have that superman now, the incarnate faith which patterns conduct upon the apparent remorselessness of nature.

Hitherto, the church teacher or interpreter of God's revelation to man, has succeeded in empowering our American Government to draw upon a higher source of truth to explain the enigma of nature.

If our America is what Lincoln called "the last, best hope of the earth," let us not forget that it has been molded under the influence of Christianity. This does not mean that the Christian citizen is to have advantages not granted to his Jewish fellow citizen. It does not mean that the state should attempt to teach religion or show special favor to any particular religious group. It simply means that those who laid the foundations of the American Government recognized and followed the teachings of Jesus Christ with respect to man's relationship to his fellow man, and strictly refrained from any attempt to direct citizens with respect to their duty toward God.

They knew that force could never convince the mind. They knew that many of the earth's most bloody wars had been fought in the name of religion—even the Christian religion. They undertook to show the world a better, a "more excellent," form of government. As the basis of this they planned for a complete separation of church and state. Time has shown that their plan is good. Here the state protects all in the free exercise of conscience, and the church teaches all its members to recognize their obligation to civil authorities.

"O soul, could you and I with *God* conspire
To grasp this sorry scheme of things entire,
Would we not shatter it to bits, and then
Remold it nearer to our hearts' desire!"

Dangers in Sunday Legislation

(Continued from page 16)

stitution upon Congress does not apply to State and municipal legislative bodies, yet the principle laid down for Congress to follow is a good one for the others; otherwise our religious rights and liberties could be taken from us by action of the various State legislatures and municipal governing bodies.

These are matters which are of concern to every American of whatever religious faith, and also those of no religious belief. And should laws of this type be passed, they would adversely affect all. Freedom of conscience and worship would soon be a thing of the past in America. Let us be extremely careful in

this matter. There is at stake a vital American principle. In order that a man may make a living, must he submit to such an inquisition as is provided in the two measures mentioned? When governments start legislating on matters of this nature, they tread on very dangerous ground. It becomes easy to follow a wrong course. In fact it becomes almost impossible to keep from infringing upon religious beliefs and rights of the people. Such legislation is always dangerous. It should be left strictly alone.

Supreme Court Decision on the Opelika, Fort Smith, and Casa Grande Cases

(Continued from page 6)

tinguished from the present reasonings of the majority decision of the Court. The present decision of the majority members of the Court is a complete nullification of the Bill of Human Rights as guaranteed under our matchless Constitution, and as the Chief Justice said, this decision will "perpetuate the evils at which the First Amendment was aimed" if it is permitted to prevail in the future. He further pointed out, "The only condition and purpose of the licenses under all three ordinances is suppression of the specified distributions of literature in default of the payment of a substantial tax fixed in amount and measured neither by the extent of the defendants' activities under the license nor the amounts which they receive for and devote to religious purposes in the exercise of the licensed privilege." The direct purpose of these ordinances was the "suppression of the specified distributions of literature," if the license was not obtained and the tax not paid, and that places the freedom of the press in the absolute control of city municipalities, especially when public officials can revoke those licenses "at will without cause."

That is exactly what public officials did back in the days before we had a Bill of Human Rights written into our Constitution. That is exactly what public officials did in medieval times. These public officials, through a licensing system, determined not only what could be printed and circulated as literature, but who had the right to print and circulate. Minority groups which dissented from the opinions of the majority had their literature suppressed by a denial of a license or by excessive taxation.

If taxation can be applied to the dissemination of ideas, then the right to promulgate ideas may be completely destroyed. If the licensing power can be applied to the promotion of religious or political

ideas, then both religious and civil liberty can be completely denied.

In a previous decision the Supreme Court ruled that "if the state may tax the privilege, it may fix the rate of tax and, through the tax, control or suppress the activity which it taxes." *Magnano Co. v. Hamilton*, 202 U. S. 40, 45. The dissenting Justices held that "the constitutional protection of the Bill of Rights is not to be evaded by classifying with business callings an activity whose sole purpose is the dissemination of ideas, and taxing it as business callings are taxed. The immunity which press and religion enjoy may sometimes be lost when they are united with other activities not immune." The Supreme Court has always made a sharp distinction between the right to tax commercial corporations organized for private profit, and religious, charitable, educational, and eleemosynary corporations which are organized to disseminate ideas solely to foster education and to promote the general welfare of society. These latter corporations have always been exempt from the general taxing system of the Government. It seems strange that the Supreme Court should suddenly and unexpectedly change this fundamental American principle of government by classifying these religious, charitable, educational and eleemosynary corporations in the same category with commercial corporations that are expressly organized for business and for profit.

As Chief Justice Stone said: "The First Amendment is not confined to safeguarding freedom of speech and freedom of religion against discriminatory attempts to wipe them out. On the contrary the Constitution, by virtue of the First and Fourteenth Amendments, has put those freedoms in a preferred position. Their commands are not restricted to cases where the protected privilege is sought out for attack. They extend at least to every form of taxation which, because it is a condition of the exercise of the privilege, is capable of being used to control or suppress it."

"When applied as it is here to activities involving the exercise of religious freedom, its vice is emphasized in that it is levied and paid in advance of the activities taxed, and applied at rates well calculated to suppress those activities save only as others may volunteer to pay the tax."

It was exactly by resorting to such methods that the freedom of the press was denied and destroyed in past ages, as well as the freedom of speech in religious matters. Are Americans prepared to surrender their blood-bought liberties and return to the old order of things as administered in medieval times?

The Chief Justice expressed the American principle of jurisprudence correctly when he said: "The taxes are insupportable either as a tax on the dissemi-

nation of ideas or as a tax on the collection of funds for religious purposes. For on its face a flat license tax restrains in advance the freedom taxed and tends inevitably to suppress its exercise. The First Amendment prohibits all laws abridging freedom of press and religion, not merely some laws or all except tax laws."

He stressed the point that "it seems fairly obvious that if the present taxes [as much as \$10 a day], laid in small communities upon peripatetic religious propagandists, are to be sustained, a way has been found for the effective suppression of speech and press and religion despite constitutional guaranties. The very taxes now before us are better adapted to that end than were the stamp taxes which so successfully curtailed the dissemination of ideas by eighteenth century newspapers and pamphleteers, and which were a moving cause of the American Revolution." And the Chief Justice might well have added that the Dred Scott decision of the Supreme Court was "a moving cause" of the great Civil War between the States as it related itself to the slavery question.

Unless the Supreme Court changes its attitude on the Bill of Rights in our Constitution, and upholds its former decisions, it is difficult to predict what calamities may ultimately come. It is almost universally hoped that the Supreme Court will find some way to alter its stand on this question. Perhaps the majority members can find a way to change their minds as did the three minority members of the Court, when they said, "Since we joined in the opinion in the *Gobitis* case [compelling all school children to salute the flag], we think this is an appropriate occasion to state that we now believe that it was also wrongly decided." Yet the *Gobitis* case was cited by the majority members as the basis for their decision in this case. This is a striking illustration of how one wrong is made the basis for other wrongs, and how difficult it is to rectify a wrong. Justices Black, Douglas, and Murphy, who agreed with Chief Justice Stone in his dissenting opinion, well said in their combined argument:

"Certainly our democratic form of government functioning under the historic Bill of Rights has a high responsibility to accommodate itself to the religious views of minorities however unpopular and unorthodox those views may be. The First Amendment does not put the right freely to exercise religion in a subordinate position. We fear, however, that the opinions in these and in the *Gobitis* case do exactly that."

Since it does do that, the grandest and noblest thing the majority members of the Court can now do is to follow the example of the minority with respect to the *Gobitis* case, and acknowledge that they "wrongly decided" these cases.

• Editorials •

Religious Broadcasters and Free Speech

SOME TIME SINCE, a committee which was evidently appointed by a gathering of religious broadcasters, sent out a series of recommendations concerning religious broadcasts. The signers of the recommendations were Louis Minsky, director of public relations, The National Conference of Christians and Jews, chairman; Edward J. Heffron, executive secretary, National Council of Catholic Men; Henrietta Harrison, radio director, National Council of the Y. M. C. A.; Rabbi Saul B. Applebaum, Union of American Hebrew Congregations; Frank C. Goodman, Department of Radio, Federal Council of the Churches of Christ in America; and John G. Becker, president, Bible Magazines, Inc.

The first recommendation says:

"That religious radio programs, received in the homes of individuals of differing religious faiths, should be addressed to a cross section of the public—to Protestants, Catholics, Jews, and nonbelievers—and not to members of any one faith. Exceptions to this recommendation are special-event religious programs, such as denominational conventions, eucharistic congresses, and Passover services."

The second reads thus:

"That religious programs should not attack beliefs of members of other faiths. When religious doctrines are expounded on the air, the presentation should be strictly affirmative."

The third:

"That the broadcasting of religious programs should be provided by radio stations in keeping with their responsibility to serve the 'public interest, convenience, and necessity.' Religious programs, like educational broadcasts, should be presented on a sustaining basis, without payment for time."

The fourth:

"That time available be allocated by networks or local station management in co-operation with advisory committees from the various faiths, in order to ensure fair treatment of the various religious bodies seeking representation on the air. Also, that time for religion on the air should be provided in accordance with (a) the merit of the program for which time is sought; (b) the numerical strength of the various religious faiths within the service areas of the networks or local stations."

The fifth:

"That regular religious radio programs should not appeal for contributions either directly or indirectly,

for the support of the radio program itself. Nor should a charge for sermons, pamphlets, or religious objects, distributed through religious programs, be used by the sponsor as a means of raising funds."

We have no disposition to question the motives of those who prepared these recommendations. But we see in the recommendations possibilities for very great evils. The whole plan seems to call for a regulation by the Federal Communications Commission that in its application would work to the decided advantage of certain classes, and to the great detriment of others.

This magazine has no sympathy with bitter, vitriolic attacks upon the adherents of any faith. But the right to point out error in doctrine, to refer to unscriptural teaching, is the very heart of the propagating of truth.

It is a sad reflection upon us Americans if we cannot hear any belief that we hold discussed with emphasis, and even with some understandable heat, without trying to prevent freedom of the air to those who disagree with us.

Perhaps recommendation four is the most objectionable of the lot. Who is to decide about "the merit of the program for which time is sought"? Who is to be the censor? If the Federal Communications Commission, a governmental agency, must decide what religious subjects the nation may hear, and what ones cannot be discussed on the air, will its members be trained in theology? Or will they follow the suggestion that programs be approved by considering "the numerical strength of the various religious faiths within the service areas of the networks or local stations"? This suggestion strikes directly at minorities. If any such idea had been applied to the work of the apostles, Christianity would have had small chance of survival after the crucifixion. Many a worthy cause since then would have also been killed at birth.

To limit broadcasting privileges is on a par with striking at the freedom of the press. We confess to some alarm at the tendencies of our times, and we hope that the Federal Communications Commission will give no encouragement to the procedures proposed by the committee that has suggested things so foreign to the real conception of freedom of thought and freedom of expression in America.

To preserve liberty it is always necessary to early recognize and guard against encroachments. The fact that a proposal has the support of well-meaning men is no guaranty of its harmlessness.

H. H. V.

Fundamental Rights Are Universal

ONE PRINCIPLE of government which many nations fail to recognize is that fundamental principles are of universal application. Fundamental principles constitute the natural rights of men, which are God given and inherent in every human being. No government has a right in justice to deprive any man of these natural rights unless it is for the commission of crime and then only after due conviction by his peers.

It makes no difference what form of government the people of a nation choose for themselves, whether it is a monarchy, a democracy, or any other form. That is their own business and nobody else's business.

But when any government fails to recognize fundamental principles and the natural rights of men and nations in the administration of the functions of government, and tramples not only upon the inalienable rights of its own citizens, but upon the rights of citizens of other nations, that government not only forfeits its right to the recognition and respect of other nations, but it deserves the censure and disapprobation of all right-thinking people.

C. S. L.

Persecution Aids the Persecuted

ONE THING IS TRUE, whoever is wrong, the persecutor is never in the right. We need to pity the persecutor more than the persecuted, because the persecutor is hurting himself spiritually more than he is injuring the persecuted. As has been said, the blood of the martyrs is the seed of the church. The persecutor always aids the cause of the persecuted when he indulges in his intolerant work.

We have a striking illustration of this principle in the persecution of William Lloyd Garrison. When a mob of "gentlemen of property and respectability" with proslavery sentiments, dragged William Lloyd Garrison through the streets of Boston, with a rope about his neck, because of his views against slavery, Wendell Phillips sat as a lawyer in his little law office and witnessed from his window the crowd shouting and hustling Garrison down the street with the rope around his neck, ready to lynch him. Phillips was electrified, and rose from his chair to the defense of Garrison, his friend. He at once decided to forsake the practice of law and take up the defense of the cause of freedom in behalf of the Negro. Instead of getting rid of a champion of freedom, the mob added a still more eloquent and powerful champion to the cause of antislavery.

Not only did it awaken Wendell Phillips, but this

incident inspired Whittier, the poet, to consecrate his pen to the cause of abolition. When Whittier was attacked by the mob, and his newspapers were destroyed and his office in Philadelphia wrecked, for expressing his antislavery sentiments, Henry Ward Beecher and Harriet Beecher Stowe took up the cudgel. Beecher rang out his protests against slavery from the pulpit, and Mrs. Stowe used her pen in driving home the glaring cruelty and injustice of slavery in "Uncle Tom's Cabin," which story aroused the conscience of the nation.

Mobs represent a shallow type of patriotism. They are the ones who shout the loudest on the Fourth of July and spend the most money for booze and fireworks. They wave the flag, beat the drum, and shout, Hip! Hip!! Hurrah!!! when the crowd moves in their direction, but are as silent as the grave when the rights of the individual are trampled underfoot by the tyranny of the majority and the selfishness and covetousness of injustice and greed. Patriotism is not influenced by sordid motives, personal appetites, or inflamed passions when the multitude are bent on doing wrong.

True patriotism is a sincere love for the ideals and fundamental principles upon which the Republic is founded. What makes a country great is not its square miles of territory, not its mines and rivers, not its harbors and battleships, not its climate and treasures, but the character of its people. Whenever a people lose their love of liberty—liberty in its true sense—for all men under all circumstances, whether they agree with their opinions or do not, the glory of their nation has departed.

The spirit of persecution is a morbid passion to have our own way and to have all others bow to our authority. It is the spirit of intolerance, of misguided devotion, of zeal without knowledge, of dangerous emotions, of mistaken virtue and a bogus loyalty in a worthy cause. The work of persecution is not infrequently carried on in the name of God, for the good of religion and of country. Truth never persecutes. It can afford to wait. The more truth is persecuted and rubbed the brighter it shines. Error alone is intolerant. It cannot afford to wait to be scrutinized and investigated. It must blind the eyes of its opponents. It must strike them down in the dark lest they see the light of day and discover the hideousness of its deceptions. But "truth crushed to earth will rise again," and one drop of the martyr's blood inspires ten more martyrs to make the supreme sacrifice.

Persecution may win a battle, but it loses out in the struggle. Liberty is destined to triumph over bondage, justice over injustice, truth over error, righteousness over unrighteousness, light over darkness, and charity over intolerance.

C. S. L.

Who Has a Right to Right Wrongs?

PEACE AND GOOD ORDER forbid that individuals shall right their own wrongs. The individual has no right to take the life of a murderer, or to punish a wrongdoer for his wrongs. The state is ordained to exercise authority and to punish evil-doers for the injuries they inflict upon society. The state is authorized to punish the murderer by depriving him of his life, when he is duly convicted of murder. The state officials are not guilty of committing murder when they are authorized by the state and by a legally constituted jury and court to mete out capital punishment to a murderer who is duly convicted.

If an individual smites you on the cheek, that is an assault for which the offender can be brought to justice by the state authorities. You are not justified in punishing the offender. When Christ admonished His disciples not to retaliate if someone smote them on the cheek, He was giving instruction to the individual with respect to his behavior toward the offender, but that instruction did not apply to the functions of the state in matters of offenses committed against individuals whom the state is pledged to protect in the enjoyment of their rights.

As an official of the state, when duly authorized I have the right to punish an individual who smites another upon the cheek. But as a Christian and a member of the church, I have no such right.

Many fail to draw a distinction between what an individual can do as an individual, what a Christian can do as a Christian, and what the same individual and Christian can do as a state official, or as a servant of the state in a civil capacity.

C. S. L.

“The King Can Do No Wrong”

THE KING can do no wrong” and the doctrine of the divine right of kings are legal fiction.

This legal fiction did not originate in the Bible. It was an invention of arrogant and totalitarian rulers who set themselves up as absolute in authority in all things both temporal and spiritual.

According to the Scriptures, both the high priest and the chief ruler of the people among the Israelites were regarded as sinners, the same as the common people.

In Leviticus the fourth chapter we learn: “If the priest that is anointed do sin according to the sin of the people; then let him bring for his sin, which he hath sinned, a young bullock without blemish

FOURTH QUARTER

unto the Lord for a sin offering.” Again, “When a ruler hath sinned, and done somewhat through ignorance against any of the commandments of the Lord his God concerning things which should not be done, and is guilty, . . . he shall bring his offering.”

“God is no respecter of persons.” He makes no distinction between the high priest at the altar and the king upon the throne and the common people. “All have sinned, and come short of the glory of God.” All must plead for God’s mercy.

“The king can do no wrong” and “the state can do no wrong” are vicious doctrines and untrue to fact. They are merely legal fictions which were exploded when the founding fathers conceived the American Republic and framed the two immortal documents, the Declaration of Independence and the Bill of Rights in the matchless Constitution of the United States.

According to the Scriptures, a king does not reign by divine right or in perpetuity. This was made evident when Israel chose their first king to rule over them. The Lord finally rejected him as king and chose David in his place as his successor. A king, if he ruled by divine right, would rule in perpetuity. A king is subject to removal from office through malfeasance. According to the fundamental law of the American Republic, “governments are instituted among men, deriving their just powers from the consent of the governed.” This is a “self-evident” truth. The liberties of the people can be safeguarded only on the basis of popular sovereignty.

C. S. L.

NEWS NOTES

THE Louisville *Courier-Journal* of August 7 contains a rather extended account of a blue-law agitation that is going on in Louisville. It appears that “a number of small grocery and meat store operators” have been arrested and charged with the violation of a Sunday work statute that Louisville has. While those who sell staples are being arrested, “soft drink stands” and “a variety of other enterprises” are allowed to carry on as usual.

The magistrate from whose court the warrants are being issued “has asked that attorneys involved file a declaratory judgment suit and name him a defendant for the purpose of having the higher courts rule on the legality and extent of the law.”

The prosecutions are being promoted by a union of the Amalgamated Meat Packers and Butcher Workmen of North America. The union claims that it is interested in the welfare of the members and eager for them to have one day off.

There is a religious element in the whole controversy, and the union which is pressing the matter

may be faced with the necessity of deciding "whether it would agree to proprietors' running stores on Sunday who keep them closed on the Jewish Sabbath."

It appears that most of the places which stay open on Sunday are small, and are operated by the members of the owner's family.

Usually these blue-law prosecutions are fostered by some overzealous religionists, but this time apparently the union is leading in the prosecution. In an editorial in the same issue of the *Courier-Journal* reference is made to the fact that "there are hundreds of violators of the Sunday-closing law," but that those who are pressing for closing the small stores have been careful to pick on people "too small to fight back."

The whole agitation may result in a squabble between union leaders because some of the officials of the American Federation of Labor in Louisville, besides the two who are actively engaged in spying on small grocery stores, allege bad faith and highhanded methods, and are calling for an investigation of their conduct by members of the Central Labor Union.

Religious laws on civil statute books are always bad, and are the source of untold misunderstandings between citizens. Let the state always look after the purely civil interests of its citizens by the enforcement of properly enacted civil laws, and avoid all religious legislation.

ACCORDING to a dispatch from Jefferson City, Missouri, to the *St. Louis Post-Dispatch* of July 15, 1942, Governor Donnell summoned the sheriff and the prosecuting attorney of Pemiscot County to appear before him to answer charges that they had refused to grant the right of appeal to two members of Jehovah's Witnesses who had been sentenced to jail for violations of a local ordinance prohibiting the sale of literature without a license.

Claude F. Cooper, an attorney of Blythesville, Arkansas, is reported to have said that he "went to the police judge who fined the pair, and that the judge told him it would not be safe for him to take any action toward an appeal, and that if he did so, the authorities could not protect him. Cooper said he then went to Sheriff W. A. Thomas, who told him it would be dangerous to take the Adairs out of jail for an appearance in court, and that Prosecuting Attorney Robert W. Hawkins expressed a similar view. The officials, Cooper said, also told him that he, Cooper, would not be safe if he took legal action in behalf of the prisoners."

It appears that Mr. and Mrs. Adair were fined and committed to jail on June 11 after street crowds in Caruthersville stopped two men who were members of Jehovah's Witnesses and who were in the company of the Adairs, and demanded that they salute and kiss

the American flag. When they refused to do so they were knocked down and bruised. The news item in the *St. Louis Post-Dispatch* concludes thus: "The Caruthersville incidents occurred a few days after the United States Supreme Court's 5-to-4 decision which held that local ordinances taxing distribution of religious pamphlets were not an infringement of the First Amendment to the Constitution."

That the Court's opinion can be used effectually to throttle the freedom of the press is evident, for in Caruthersville the cost of a peddler's license is \$4 a day.

Pemiscot County is at the southeastern tip of Missouri, across the State from Jasper County.

ROBERT TATE ALLAN, church editor of the *Washington Post*, wrote a little time ago that "Uncle Sam soon may go on the air with a factual program designed to re-emphasize religion's importance in the democratic way of life, it was learned yesterday.

"Officials of the committee on religious life in the nation's capital have been conferring with officials of the Office of Facts and Figures regarding the program, which may be heard on Sunday mornings, according to one informant.

"Leaders of the committee on religious life and Federal officials declined to reveal much about the plans for the broadcasts. . . .

"An official of the Office of Facts and Figures said high-class dramatic talent is expected to be used in the radio programs."

This whole business looks to us like a bald attempt to unite church and state. If it goes through, we will have the fine spectacle of a civil official deciding who shall speak for Protestantism. Will he debar minorities? What will he do about the Jews? Will the Orthodox or the Reformed group have the air for broadcasting?

Church and state should be kept forever separate.

ACCORDING to a dispatch to the *Cleveland Press*, East Liverpool, Ohio, faces a "general 'blue law' fight" at the November election. It appears that Sunday movies were sanctioned by a referendum some ten years ago, and beer taverns are allowed to operate on Sunday. But some time since, the council banned Sunday roller skating. Apparently there will be an attempt to legalize baseball, football, bowling, roller skating, and ice skating.

The situation in East Liverpool is much like that which generally occurs when civil authority attempts to regulate religious matters. Doesn't it seem strange to approve movies and beer taverns and forbid roller skating or ice skating?

A HEARTENING decision has been given by the Kansas Supreme Court. According to an Associated Press dispatch from Topeka, under date of July 13, "The Kansas Supreme Court has held unanimously that school children who are members of Jehovah's Witnesses, a religious sect, could refrain from saluting the flag without jeopardizing their rights to public education.

"The Kansas bill of rights guarantees the conscientious exercise of religious beliefs, including the right to refuse to participate in the flag salute, the court decided."

THE Presbyterian Church in the United States, which adjourned its eighty-second annual assembly on June 3 last, adopted a resolution "to call upon the Federal Government for stricter observance of the Sabbath."

The Sabbath commandment is a part of the moral law of Jehovah. Its obligation is commanded in the Scriptures, and we cheerfully concede that all who profess to be Christians are subject to the obligations of the commandment. Just how the Federal Government can keep the Sabbath is a mystery to us.

What the Presbyterian Church needs to do—in fact, what all church bodies need to do—is to preach and practice through their individual members the teaching of the Word. We are afraid that our Presbyterian friends do not mean that the Federal Government should observe the Sabbath, but rather that the Federal Government should punish those who do not observe the Sabbath as the Presbyterians think it should be observed.

It is always good to keep our reasoning straight and make our real wishes clear. It is sad when the church fails in her opportunities and obligations and has to call upon the secular power for help.

ONE of our readers has sent us a letter addressed to the editor of the St. Louis *Post-Dispatch* and signed by Thad Snow, of Charleston, Mississippi County, Missouri, which was published in that paper on July 22. We don't know Mr. Snow, but our hats are off to him as one who understands some of the principles upon which the American Government was founded. His letter to the editor of the *Post-Dispatch* is written in a whimsical, half-humorous style, but contains a lot of sound sense.

It appears that one Barns was selling literature on a street in Charleston, Missouri. He was arrested. He had no money to give bond for an appeal to the circuit court and was therefore to be taken to jail. Snow says he had never before seen a member of the sect of Jehovah's Witnesses, but he was somehow impressed by the sincerity of the man who was in trouble and offered to furnish bond for him. Of the

incident and of his attitude, he says: "I've been asked to explain why I wanted to keep that queer fellow out of jail. I told my questioners that if they started putting queer people in jail they wouldn't go very far, I was afraid, without getting around to me. I wasn't serious about that, of course, but one can't be too sure what may happen in the madness of wartime.

"To be honest about it, I think I was doing my patriotic duty in bailing out Barns. Serving on the home front, you might say. Unfortunately I'm too old to go to far places all over the world to fight for our four freedoms. So I have to be content to stand up for them at home. And I shall do that, so far as I am able, as occasion may arise."

In these days when too many folk use the guise of patriotism for real intolerance, it would be a fine thing if we had more Thad Snows. It doesn't take much brains or much moral fiber to run with the crowd. But the Good Book says, "Thou shalt not follow a multitude to do evil."

THE *Evening Press* of Carthage, Missouri, of June 17, 1942, carries an account of the arrest of five women charged with "peddling without a license. . . . They were arrested a week ago by police for selling pamphlets in the Carthage business district."

The city attorney of Carthage "read news dispatches of a recent Supreme Court decision" as a response to the contention of the defendants that their liberties were being circumscribed contrary to the provisions of the Constitution of the United States.

Carthage is located in Jasper County in the southwestern part of the State of Missouri.

INDIANA has been very much stirred lately over the attempt of the State superintendent of public instruction to have "religious education" made a part of the training in public schools. It appears that this gentleman formed a committee to study the problem of religious education, and gave places on the committee to members of a lay organization which was already committed to his program.

As the Indianapolis *Times* of June 4 well says: "Some of the most ardent advocates of the program would be the first to scream protests if their children were to be taught a different dogma than they learn in their own church."

This short paragraph points out the dangers of any attempt to teach religion in the public schools.

In 1937 the General Assembly of Indiana provided for character teaching in the schools "to promote and develop an upright and desirable citizenry," but refused to approve of the idea of teaching religion. The Indianapolis *News* of May 23, 1942, well said:

"There is no question about the value of cultivating a habit of Bible reading. But there is a serious question of whether the Bible can be taught in the public schools without an implication of indoctrination that is bound to infringe the right of the people to protection from a state religion."

It has been charged that at least half the 30,000,000 people in the United States between the ages of five and seventeen receive no form of religious training. This is an appalling condition. What it shows is that both parents and the churches have been grossly remiss. It can never be corrected by mixing religion and government. Those who are primarily responsible—the parents—cannot escape their God-given obligations by attempting to transfer them to the schoolteacher. The church cannot rid itself of its duty by trying to hire the work done by civil employees of the government. Someone has well asked, "If government undertakes the training, who can say where government will stop? Who can say how long it will be until the politician storms the pulpit?"

Some time since, the Philadelphia *Evening Bulletin* had an item entitled, "Religion Is Called Vital in School," in which was reported a part of an address by Dr. Luther A. Weigle, president of the Federal Council of Churches, and dean of the Yale Divinity School. Doctor Weigle said in part:

"A godless philosophy of education is contrary to the spirit of democracy, and to the religious affirmations of the Constitution. The separation of church and state is popularly misunderstood. It neither means nor implies a complete separation of the state from religion, or that the state acknowledges no God."

Doctor Weigle has got a long way from Jefferson, who, in his "Autobiography" when speaking of the Virginia Act for Establishing Religious Freedom, said:

"The bill for establishing religious freedom, the principles of which had, to a certain degree, been enacted before, I had drawn in all the latitude of reason and right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that its protection of opinion was meant to be universal. Where the preamble declares that coercion is a departure from the plan of the holy Author of our religion, an amendment was proposed, by inserting the word 'Jesus Christ,' so that it should read, 'a departure from the plan of Jesus Christ, the holy Author of our religion;'; the insertion was rejected by a great majority, in proof that they meant to comprehend within the mantle of its protection the Jew and the Gentile, the Christian and Mohametan, the Hindoo, and infidel of every denomination."

Doctor Weigle disagrees with Madison, who asked, "Who does not see that the same authority which can establish Christianity, in exclusion of all other re-

ligions, may establish, with the same ease, any particular sect of Christians, in exclusion of all other sects?" And from Washington, who said this in a letter addressed to the Hebrew Congregation of Newport: "Happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection shall demean themselves as good citizens in giving it on all occasions their effectual support."

We know of no more pathetic thing than the spectacle of a minister of the gospel calling upon the state to do the work of the church, and yet newspaper dispatches continually reveal agitation in high places for this very thing.

At the risk of being boresome we will have to repeat, when the church does its duty as it should, it will not have to be calling upon the state for help.

SPARKS

PRETENSE of patriotism is political hypocrisy.

THE invisible arbitrator of the destiny of all nations is God.

A CHURCH creed which sanctions the use of force in religious matters belongs to the synagogue of Satan.

ONE who does not claim infallibility can always save his face by correcting his blunders instead of defending them.

NO one knows the true meaning of religious liberty who believes that religious freedom is for his own faith only.

THE free expression of the opinion of others who differ should never be denied if we are devoted to the principles of truth and justice.

INTOLERANCE always begins with the important perpendicular pronoun "I" which is the source of nearly all the ills we suffer because of the spirit of the big "I."

WE need to protect the weak; the strong can care for themselves.

THE best governed nation is the least governed.

EQUAL laws create equal opportunities, equal justice, and equal liberty for all.

TALENT and virtue left unfettered will produce a real man to whom the government need give no bounties.

THE temptation exists among those who are blessed with numerical strength, with wealth and power, to expect the minority to submit to the majority in all controversial matters, whether the majority is in the right or in the wrong. C. S. L.

Safeguard the Rights of Minorities

by **THE HONORABLE WENDELL L. WILLKIE**

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HARRIS & EWING

Wendell L. Willkie

IT has always impressed me that, quite apart from any reasons of humanitarianism or justice or any sentiment regarding the protection of the weak by the strong, it is only common sense to safeguard jealously the rights of minorities. For minorities are rich assets of a democracy, assets which no totalitarian government can afford. Dictatorships must, of necessity, fear and suppress them. But within the

tolerance of a democracy, minorities are the constant spring of new ideas, stimulating new thought and action, the constant source of new

vigor. To suppress minority thinking and minority expression would tend to freeze society and prevent progress. For the majority itself is stimulated by the existence of minority groups. The human mind requires contrary expressions against which to test itself.



PHOTO BY LEEI BROS. WASH. D. C.

The Capitol—Symbol of the Republic

BY THE EDITOR

THOUGH the cornerstone of the national Capitol was laid on September 18, 1793, by President George Washington, it was not until 1800 that the north wing was completed and Congress removed from Philadelphia. In 1807 the south wing was finished, and the two wings were joined by a wooden arcade where the rotunda now stands. During the War of 1812 the British set fire to it, and not until 1819 could Congress use the building again. In 1850 the construction of two extensions was authorized. Finally, on December 2, 1863, the Statue of Freedom was placed at the top of the dome, completing the structure.

But it is not the building alone in which Americans have interest and pride. Other structures may be found with greater architectural beauty, with more graceful lines, but to citizens of the Republic the Capitol is not a pile of stone and steel and mortar. It is a symbol of liberty. Here laws for the nation are enacted. Here the President takes his oath of office. To this place he may come in person to deliver his most important messages.

In the minds of all citizens the Capitol stands as the emblem of a free people, who elect their lawmakers; who may with propriety petition them for redress of grievances; who may approve or disapprove through their franchise the acts of their Representatives or Senators.

The Capitol stands as an outward symbol of an idea of government—of the "American way of life." More than ever, as the nation struggles to preserve what the President has called the "four freedoms," the hearts of our citizens will turn toward the Capitol.