

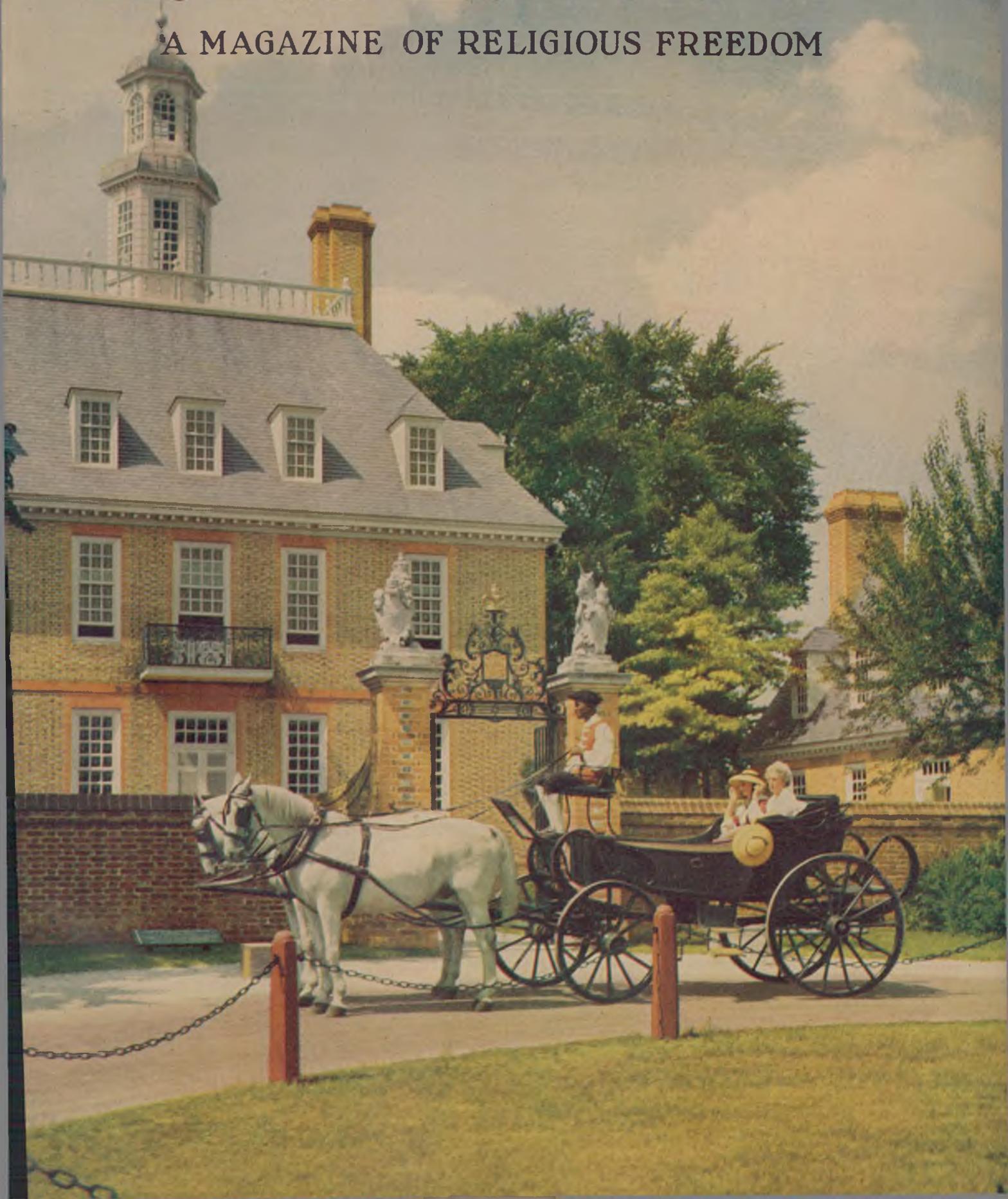
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LIBERTY

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A MAGAZINE OF RELIGIOUS FREEDOM





SIGNAL CORPS PHOTO

American Army Medical Corps Men Administering First Aid to Wounded Soldiers in the Initial Attack on a Beachhead Somewhere in Northern France

CITIZENSHIP and the Bearing of Arms

A RECENT COURT DECISION

SOME YEARS AGO, by a 5 to 4 decision, the Supreme Court of the United States held that no alien could be admitted to citizenship in the United States unless he was willing to declare that he would bear arms in defense of the country.

On January 12, 1944, in the United States District Court, Western District of Washington, Southern Division, Justice Charles H. Leavy granted citizenship to William Robert Kinloch and William McKillop, who had been classified by their respective draft boards as 1-A-O, and who had been drafted into the military service for noncombatant duty.

We believe all our readers will be interested in the full opinion in this case. To us it seems that Justice Leavy's conclusions are unassailable:

"These two applications are considered together since they present an identical question and were heard at the same time.

"Both applicants are British subjects, residing in the United States, who registered under the provisions of the Selective Training and Service Act of 1940 and the amendments thereto. Each filed his questionnaire with his respective draft board, and therein requested to be classified as 1-A-O, conscientious objector, for noncombat service.

"William Robert Kinlock was at all times herein mentioned a member of the Seventh-day Adventist Church, and William McKillop a member of the Plymouth Brethren

Church. Their respective draft boards, after consideration of their questionnaires, gave them the classification requested; that is, 1-A-O, for noncombatant military service. In the early summer of 1942 they were inducted into the Army under the classification given them, and assigned to a medical unit, ultimately arriving at Fort Lewis, Washington, where their applications for citizenship were filed and presented.

"The representative of the Immigration Service objected to their naturalization for the reason that they would not unequivocally state that they were willing to bear arms. This objection was considered by the court and overruled, and the applicants ordered admitted as citizens.

"It is the contention of the Immigration Service that these applications must be considered in light of the interpretation placed upon the statutory oath of allegiance, the form of which is provided in the Nationality Code of 1940, 8 U. S. C. A. 735. When interrogated by the examiner in open court, both applicants testified that if the oath of allegiance implied a willingness to bear arms and serve in combat units of the Army, they could not subscribe to such an oath without mental reservations, in view of their religious affiliations and convictions. When interrogated by the court, they stated that if to "support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; and bear tru

faith and allegiance to the same," meant to perform military duty, wear the uniform, take the oath of a soldier, and serve at any place, at any time, and in any noncombatant capacity, then they could freely and without mental reservation subscribe to such an oath.

"The oath required of a member of the military branch of the Government, which was taken by each of these applicants, is very comprehensive, and in many respects covers much of the ground covered by the oath of allegiance. It is:

"I, —, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all other enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War."

"The commanding officer of the unit to which these applicants were attached was present in court, and testified that such unit was composed almost entirely of soldiers who qualified for combat service. He further testified that no distinction whatever was made as between these two applicants and other members of the unit, in their training, qualifying, equipping, responsibilities, and duties assigned to them. It was further made clear to the court that these applicants, as members of a medical unit, were required to, and did take the basic training provided for such unit, and in all respects were soldiers assigned for duty in a medical unit of the Army in time of war.

"The court was further advised that by the terms of the Geneva Conference, officers and men who are a part of, and attached to hospital and medical units are prohibited from bearing arms.

"The evidence disclosed that the hazards incident to service in a detachment such as the applicants belonged to, are equal to those of the combat units, since their duties require them in time of battle to be at the front lines, under fire, in order that they may expeditiously and effectively care for their companions who are casualties, and that the same high degree of valor and courage demanded of soldiers who are a part of the combat forces and bear arms is required of them in the discharge of their duties as soldiers.

"It is contended by the Immigration Service that the interpretation placed upon the oath of allegiance by the Supreme Court in the cases of *United States vs. Schwimmer*, 279 U. S. 644, *United States vs. Macintosh*, 283 U. S. 605, and *United States vs. Bland*, 283, U. S. 636, definitely disqualifies these applicants from citizenship.

"The position of the representative of the Immigration Service must be well taken and sustained unless there be in the instant cases something that distinguishes them from the above cited cases.

"It is interesting to note that the aforementioned opinions are by a divided court; in the Schwimmer case the division being 6 to 3, and in the Macintosh and Bland cases, 5 to 4, and in all these cases there were reversals of the unanimous decisions of the circuit courts from which they came. This fact is mentioned, not as a basis to hold in the instant cases that the law is other than announced by the court of last resort, but rather to show that the question of what implications and inferences are to be drawn from the wording of the oath of allegiance, is not at all free from doubt. Unless the facts in the instant cases are clearly distinguishable from those in the cited cases, or there has been Congressional enactment of legislation permitting this court to grant citizenship to these applicants, their applications would have to be denied. This is particularly true, since Congress, by the Constitution, has the sole power of providing for the naturalization of aliens, and unless a distinction in the facts can be made, taking these applications out of the rule announced by the Supreme Court, or legislation has been enacted since those decisions that would distinguish these cases from those upon which the Supreme Court has spoken, it would clearly

be the duty of this court to grant the motion of the Naturalization Service to dismiss the petitions.

"The applications were granted and the applicants admitted to citizenship, based upon the fact that this court finds that by Congressional enactment subsequent to the decisions in the cited cases, Congress, with full knowledge thereof, provided that these applicants and all aliens similarly situated, are entitled to citizenship by virtue of becoming members of the armed forces of the United States, performing military duty, wearing the uniform, and taking the soldiers' oath.

"The enactment of the Selective Training and Service Act of 1940, with the amendments thereto, and the rules and regulations promulgated under said act, required all aliens residing in this country, who fell under certain age groups, to register for military service, and no exemption from such service by reason of alienage is granted. Following the enactment of the Selective Training and Service Act and the amendments, Congress, in March, 1942, enacted what is now entitled subchapter VI, dealing with the naturalization of persons serving in the armed forces during the present war, 8 U. S. C. A. 1001 to 1005, inclusive, and therein specifically provided for situations such as here presented.

"The Selective Training and Service Act permitted all registrants thereunder to be classified for service as follows:

1. General combatant service.
2. Noncombatant service.
3. Work of civilian importance in camps.

Those who were inducted and classified as 1-A-O were required to take the oath of a soldier, to live the life of a soldier, to wear the uniform, to assume all the hazards and responsibilities of a soldier, except to bear arms, as well as have the rights and privileges of a soldier, both during the period of service and after honorable discharge.

"There can be no question under the facts that these two soldiers are performing military duties and are honorably wearing the uniform of the United States. Congress expressly stated that aliens in this status, notwithstanding the provisions of Section 703 of the Nationality Act, which deals with race, and notwithstanding the provisions of Section 726, which deals with alien enemies, are entitled to be admitted to citizenship, regardless of age, and without the necessity of a declaration of intention, and no period of residence within the United States being required. It further provided that such a petition could be filed in any court having jurisdiction, irrespective of the residence of the applicant; that the petitioner be not even required to speak the English language nor to be able to sign his petition, nor to meet any educational test whatever, and that no fee should be charged or collected.

"Then, in Section 1004 of this act, there appears the express provision:

"That the Act shall not apply to . . . any conscientious objector who performed no military duty whatever, or who refused to wear the uniform."

"In *Luria vs. United States*, 231 U. S. 9-24, in interpreting naturalization laws, it was said,

"What is clearly implied is as much a part of the law as what is expressed."

"It seems to me there is no room for difference of opinion as to the construction that must be placed upon the quoted language of the act. If conscientious objectors, who are aliens, performing military duty, and wearing the uniform, are not granted the privileges of citizenship under this act, then the act would be meaningless. It would be so made if an applicant, being a conscientious objector, who has attained the status of a soldier, performs military duty, and honorably wears the uniform (as is admitted in the instant cases) is denied citizenship. If the oath of allegiance is to be construed as requiring such applicant to agree, without mental reservation, to bear arms, then the result would be a denial of citizenship, even though Congress has conferred such privilege upon him.

(Continued on page 17)



H. M. LAMBERT

★ LIBERTY ★

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C. S. Longacre, F. D. Nichol; Office Editor,
Merwin R. Thurber

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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 12, 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.



An Editorial on Freedom of the Press in Australia

WITH ALL THAT IS SAID about our present war's being fought to preserve essential freedoms, assaults upon these freedoms are not uncommon. Men with more zeal than knowledge continually ask that liberty be circumscribed in one place or another, and to a greater or less degree, so that the war effort may be advanced more rapidly.

We have the feeling that when liberties are lost they are not easily regained, and that it is better to preserve what we have than to trust to different conditions to restore them at some later time. Our own Supreme Court has done valiant service through a number of its decisions in upholding fundamental civil and religious rights.

From newspapers that have been sent to us, it appears that one of our allies has been facing some serious problems. The Sydney, Australia, *Morning Herald* and the *Daily Telegraph* have given much space to reporting the attempt of government censors to prevent the publication of certain material pertaining to war news. The minister for information "charged the chairman of the Australian Newspaper Proprietors' Association with inaccuracy and untruthfulness." When this gentleman "tried to reply by quoting specific examples of what he considered to be political censorship" the examples were censored, and one of the newspapers to which we have referred was ordered "to submit all page proofs to the censor." The gentleman eliminated one of the statements made and mutilated one of the articles. The paper then attempted to publish the article, leaving blank what the censor had taken out. This resulted in the Commonwealth Peace Officers' confiscating all editions.

This aroused all the newspapers of Sydney, and they entered a fight against what they believed was political censorship. When they attempted to print explanatory articles and editorial comments, censorship was again applied, and when the newspapers insisted on publishing the censored matter, a large number of papers were again confiscated. The matter was taken into the courts, and according to the *Daily Telegraph* of April 18 the following occurred:

"The Full Court of the High Court, by a majority decision, yesterday granted Consolidated Press, Ltd., publisher of the *Daily Telegraph* and *Sunday Telegraph*, an interim injunction against the Commonwealth of Australia, restraining the censor from preventing, or endeavoring to prevent by any means, the publication of an article and an editorial."

The court granted an interlocutory injunction, and some of the papers published the following day the matter that had been suppressed and used it as an inset. The *Daily Telegraph* gave assurances that no matter would be published that is prejudicial to the war effort or the defense of the commonwealth.

A working settlement was finally reached when Acting Prime Minister Francis M. Forde, speaking for the government, announced "New Australian censorship regulations which limit interference with publication to 'reasons of defense and security which cannot be exhaustively defined.'"

Under this arrangement we understand that "newspapers cannot be seized or suppressed except by court order unless the government acts under defense and security laws."

H. H. V.

Our Cover Picture

PICTURED on the cover this quarter is a recent view, taken by one of our own photographers, of the magnificent governor's palace in the old colonial capital in Williamsburg, Virginia. Seated in the carriage are two of the charming hostesses in costume who show visitors through the luxuriously furnished rooms and lovely gardens. In this bit of America of long ago one can see the streets, homes, and halls that knew the patriots who planned and fought for the Democracy of America.

The First Freedom

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

Professor Emeritus of History, Columbia University

WHEN THAT GREAT APOSTLE of religious liberty in America, Roger Williams, denied the right of the civil power to punish "the sins of the first table," he laid the foundation for President Roosevelt's assertion, three centuries later, of "freedom of religion" as the first of the Four Freedoms. By "the sins of the first table" Williams meant those of the first four of the ten commandments brought down by Moses from Mount Sinai. These "sins" were alleged offenses against God: the worship of idols, the profane use of the Lord's name, the failure to keep the Sabbath day holy. Such were matters, argued Williams, which concerned only the individual's private conscience, as contrasted with the sins of the second table, which are crimes against society, namely, murder, theft, adultery, perjury, and covetousness. Such offenses against society were properly within the sphere of the punitive power of the state, but a man's religious opinions and worship were not.

As Thomas Jefferson, a true disciple of Williams, remarked, it did not break a neighbor's leg or rob his purse whether a man believed in three gods, one god, or no god. That was simply a question of the weight of evidence presented to his mind. It was an act of heroic independence on Roger Williams' part to assert the incompetence of the state to punish the "sins of the first table" in the

sixteenth century, when every country in Europe except Holland persecuted dissenters from the prescribed orthodoxy, and his own colony of Massachusetts Bay was under the complete control of the Puritan "saints" who visited with scourging, exile, and execution the denial of their interpretation of God's will and purposes. And for his "obstinancy" Williams was driven out from his home in the midst of winter to seek refuge among the Indians of Narragansett.

Roger Williams' Rhode Island, despised and derided by the orthodox as a "nest of unclean birds," was the only colony in America in which complete freedom of religion prevailed. There was, to be sure, a large amount of toleration in Pennsylvania and Maryland, but it stopped short of absolute freedom. The "Great Law" of Penn's "holy experiment" in America guaranteed religious freedom only to those who "confessed and acknowledged the one Almighty and Eternal God"; and the Maryland Act of Toleration of 1649 embraced only "those persons in the province professing to believe in Jesus Christ." Because our national Constitution went far beyond the colonial and State provisions relating to religion, we are prone to forget the restrictions put by the latter on the freedom of belief and worship. The two pertinent clauses in the



PHOTO. COURTESY OF REPUBLIC STEEL, CLEVELAND, OHIO

DOUGLASS CROCKWELL. ARTIST

Where There Is No Union Between the Church and the State, Freedom of Worship Is Safeguarded
As A Man's Inherent Right

Federal Constitution are found in Article VI, paragraph 3: "No religious test shall ever be required as a qualification to any office or public trust under the United States"; and Amendment I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Note that it is only officials of the *United States* who are exempted from religious tests, and only *Congress* that is forbidden to establish or proscribe a religion. The State constitutions or laws were not interfered with, and in some States religious restrictions were kept well into the nineteenth century. For example, it was possible for a citizen of South Carolina to be eligible for the Presidency of the United States while being debarred from the governorship of his own State.

Over and over again history has demonstrated the evil effects of the connection of the civil power with ecclesiastical prescription. In the Middle Ages the church, claiming divine sanction for an authority superior to that of kings and princes, dictated political policies and brought monarchs like John of England and Henry IV of Germany to their knees before the threats of interdict and excommunication. Its famous doctrine of the two swords, announced by Pope Gelasius, taught that the secular sword in the hands of the lay ruler was at the service of the sword of the spirit entrusted to the hands of the Vicar of Christ. Thus princes were bidden even to make war on their own subjects at the behest of the pope, to crush out heresy; and the efforts of sovereigns to unite their peoples in national states were constantly hampered by the intervention of the church in secular affairs by the insistence on ecclesiastical courts, the exemption of church lands from taxation, the drainage of money to Rome, and the papal appointment of Italian officials to positions of influence in the countries north of the Alps.

The Protestant revolt of the sixteenth century freed northern Germany, England, Scotland, the Netherlands, and Sweden from this servitude to Rome. But the papal pretensions were not relaxed, and the long habit of recognition, compulsory or voluntary, of the claims of the church in secular affairs persisted in the countries which had broken away from Rome. In Lutheran Germany the princes, with Martin Luther's own approbation, assumed the right to dictate the religion of their subjects. Calvin in Geneva ruled with a rod of iron in the name of the Lord, and John Knox lectured the Queen of Scotland on her religious duties. In England the obese tyrant Henry VIII set himself up as head of the church and headed with equal zeal both those who acknowledged the authority of the Roman pope and those who denied the efficacy of the Roman sacraments. If the colonists who came to America revolted against certain *forms* of coercion of conscience by the state, they were nevertheless from countries so inured by century-long experience to the regulation of religious belief and worship by the secular power that the conception of full religious liberty was beyond their ken. This is amply proved by the history of every colony from Massachusetts to Georgia (Rhode Island alone excepted) and by an examination of our early State constitutions and laws.

Can it be truthfully said that we have even as yet attained the first freedom, freedom of religion? Judging from the guaranties in our Federal Constitution, quoted above, and from similar language in our present State constitutions, one would answer this question in the affirmative. But in actual disposition and practice the American people too often honor these guaranties of religious liberty in the breach rather than in the observance. Large areas of religious freedom have indeed been won. Every individual is free to worship as he pleases or not to worship at all; religious propaganda, so far as it is not detrimental to public morals, may be circulated at will; and one's religious convictions do not debar him from receiving equal justice in the courts of law. But no statute or constitutional guaranty can eliminate the poison of prejudice from the mind. In spite of the provision of the Constitution that "no reli-

gious test shall ever be required as a qualification to any office or public trust under the United States," the American people have in fact set up such a test in their tacit refusal to allow a Roman Catholic or a Jew to be elected to the Presidency. The defeat of Governor Smith in 1928 was due in no small part to the opposition of the strongly Protestant South, where four Democratic States deserted their ticket to vote for Mr. Hoover. Another manifestation of religious prejudice was the storm of criticism raised against President Taft in 1910 when he appointed the Catholic Edward D. White of Louisiana to the chief justiceship of the Supreme Court. We are still a long way from the realization of the ideal of political nondiscrimination on religious grounds as guaranteed in the official pronouncements of the Government.

When we speak of freedom of religion we are likely to think only of the individual's liberty to follow the dictates of his own conscience in belief and worship. But there is another equally important interpretation to put on that phrase. It means not only man's freedom in the practice of religion, but also the liberation of religion itself from inappropriate and embarrassing ties. The separation of church and state is a cardinal principle of our democracy. If taken seriously it means that the state has nothing to do with religion. Some good people have deplored this separation and regretted that "God is not mentioned in the Constitution." But the founding fathers were wise in discriminating between the things that are Caesar's and the things that are God's. They knew that the injection of pious phrases into political documents had no religious value, and that treaties concluded "in the name of the Holy Trinity" were no more faithfully kept than a medieval churchman's pledge made to a heretic.

If we think that just because the state does not prescribe a religion and punish those who dissent from it we have attained religious freedom, we are mistaken. That goal will not be reached until religion is freed from the patronage of the state as well as from the chaperonage of the state that is, until the state, recognizing that religion is a purely spiritual relationship between the individual and his God, keeps its hands off religion entirely. For wherever religious ceremony is mixed with public affairs both religion and politics suffer. The former is debased with the alloy of hypocrisy and the latter acquires a rather nauseating tinge of sanctimoniousness.

Take for example a national nominating convention. The sessions are opened with prayer. Minister, priest, and rabbi are invited in turn to officiate in order to show no discrimination between the sects. They read their carefully prepared prayers from the platform, asking God to enlighten and direct the minds of the delegates. Some of the delegates bow their heads and listen; most of them are absorbed in the calculation of the chances of their candidate for nomination. It is a pure formality, almost a farce.

We shall not have attained the first freedom until religion is freed from every lingering connection with the state. For official state action has never advanced the cause of true religion. Through the centuries it has produced either a more or less hypocritical conformity or a persecuted dissent, neither of which have been conducive to sincere worship. A wave of disgust must have swept over every non-Nazi mind in reading the statement of Goebbels following the attempted assassination of Hitler, that the Almighty would never reveal Himself more clearly than He had in the preservation of the life of the Fuehrer. It was, of course, an extreme and ridiculous example of the exploitation of religion for a political purpose; but, after all, was it much different in principle from the invocation of a heavenly power to endorse political action in this or any other land? We have passed, at least in the democracies, beyond the age of Augsburg when he who ruled the state dictated the religion (*cuius regio, eius religio*), but have not yet reached the age foreseen by Roger Williams and Thomas Jefferson when the state shall divest itself entirely of religious cere-

mony, leaving prayers, petitions, thanksgivings, and fastings to voluntary associations of like-minded individuals. For religion is a *social* and not a *political* function.

To some this counsel of complete separation of church and state, of the religious and political spheres, may seem like a plea for irreligion. Is not this a Christian country? they ask. Is it not fitting that official occasions like the sessions of Congress and conventions be opened with prayer? These questions must be answered in the negative. As early as Washington's administration an official pronouncement of the Government denied that this is a Christian country. There are millions of Christians in the country, and there are millions of non-Christians. In the eyes of the Government there is no discrimination between them; Trojan and Tyrian are treated alike. This is as it should be. For even if every person in the United States were a devout Christian, we should still be not a Christian country but only a country of Christians. The distinction may sound like a quibble; but it is real and important. So far from being a counsel of irreligion then, the plea for the complete separation of the state from religious ceremony of any sort is in reality a plea for the freedom of religion; for its liberation from the formalism, the hypoc-

risy, the inconsistency, the vulgar publicity with which the age-long connection between state and church has debased it.

Religion is man's most intimate concern. It is the integrating factor of his life. It is a relationship between himself and God, in whatever terms he conceives that supreme object of his devotion. It needs no patronage, much less prescription, by the civil power. Its nurture in the community and its expression in worship should be left wholly to the various religious organizations which have been voluntarily established for those ends. It is only when the last vestiges of official gestures of religion have been removed that the separation of church and state will be accomplished and religion will be set free, not only from persecution by the civil power (now fortunately attained), but also from appropriation by the civil power. Our Bill of Rights recognized certain areas of personal liberty which were to be immune from the interference of the Government. The list of the signs of "no trespassing" was headed by the guaranty of religious liberty. That guaranty we have yet to make good in the complete liberation of religion from the political functions of the state. The first freedom is still to be won.

Why Will Men Die for Religious Liberty?

By CLARENCE M. GALLUP, D. D.



AT THE PRESENT TIME it is clear that many persons are dying for the sake of liberty, political and civil—some under compulsion and some because of their personal idealism. Nathan Hale's declaration, before his execution, that his only regret was that he had but one life to give for his country (which was fighting for civil liberty) was the realistic expression of the idea shouted by Patrick Henry in Richmond: "I care not what course others may take, but as for me, give me liberty or give me death!"

The love of religious liberty springs from the same fountain as the love for civil liberty, with this difference only, that religious persons deem religious life to be even more important than civil life, since, while civil life concerns the contacts and contracts of many persons in the social order, religion primarily is a very intimate matter between the individual soul and its Maker; so that, while religious persons may associate together for practical purposes and advantages, this association should be voluntary and dissoluble, not compulsory or regimented. It is too personal, intimate, and sacred, in each soul, to be under the authority of anything or anybody but the individual conscience.

Since the foregoing is true, it is natural that all persons who have little or no subservience in their natures will be intensely affected by infringement of their civil liberties, except as limited by social contract, and will be more desperately affected by attempts to infringe on their spiritual freedom. Not all will have the sturdiness of character to pay the price of maintaining their liberties, for subservience and cowardice are found here and there on all moral issues; but a large number always will emerge in any test and be willing to make the supreme sacrifice, because they consider that soul liberty is a private, inalienable right

and is almost, if not wholly, the expression and motivating value of life itself.

Before further discussing the cause and reasonableness of dying for liberty, especially in its religious aspects, let us assure ourselves that this aspect of the subject is not fanciful; that those who thus have died have not been isolated fanatics, or, like John Brown, have thought themselves the specially ordained of God for martyrdom.

Passing over such cases as that of Socrates, who drank the fatal hemlock as the price of his insistence on the right to think for himself and to teach what he thought, and taking for granted that all understand that Jesus was a martyr to His revolutionary forms of faith as well as the liberator and redeemer of men's free spirits through His perfect unity with the infinite Spirit of the universe, and assuming that the slaughter of millions of Christians in the first two centuries of this era was the logical and inevitable outcome of the clash of the Christian faith with the Caesarian paganism—let us place ourselves in thought amid the Christian forces themselves in the late Middle Ages, when the Protestant Reformation, supposed to be the outcome of the widespread demand for Christian liberty, itself became so intolerant of any categories of interpretation except its own that the Reformers themselves required "reforming," because they wished liberty for their own opinions but not for those of others.

The Martyr Custodians of Religious Liberty

Martyrs for the cause of religious liberty, as well as pioneers in that cause, often are mentioned by historians as "custodians" of that freedom. This fact alone would indicate that religious liberty needed some safeguarding. The



PAINTING BY SIR JOHN EVERETT MILLAIS

term "custodian" would seem also to connote willingness to defend the treasure. There were plenty of such custodians.

In Zurich, Switzerland, the statue of Zwingli, erected there in 1885 in his honor, expresses the general spirit of the age in which this Reformer lived. Although the Reformation had released the Bible to the people, this release was only partly consummated. The church, although the custodian of the Bible, was not yet divorced from civil power. Persecution of Christian people by Christian people had not ceased. The sword in Zwingli's hand, in the aforesaid statue, was symbolic of the drenching of it in the blood, so these many times, of those who insisted on the right to freedom in religious faith and worship. That sword represented the repressive force of the church, backed by the state, to secure uniformity in religious practice, and, in some respects, belief; and so late in time did the doctrine of full soul liberty win its way that the leadership of even Luther, Cranmer, and Calvin was corrupted by the spirit of intolerance toward those who disagreed with them; and thus their great contribution to the cause of conscience-liberty of expression was tainted.

As the decades passed, intolerance more and more expressed itself in open, bitter, and cruel persecution. The persecutors evidently felt that they were the defenders of God's truth, judging themselves to be the only correct interpreters thereof. Lecky, the historian, in his *Rationalism in Europe*, declares, "There are no wild beasts so ferocious as Christians who differ concerning their faith!" Of course this attitude is an evidence of the value each side placed on individual conviction as such, but it also witnesses to the fact that the spirit of good will, patience, and tolerance had not taken hold of the consciences of those in power and authority. *The right of private judgment* was not yet deemed universal.

The Montanists, Novatians, and Donatists, who early resisted the evil assumptions of a corrupt church, were succeeded by the Albigenses and the Waldenses, who, daring to believe as God gave them light, paid the price of their temerity by death or exile; and such leaders of freedom as John Huss, Jerome of Prague, and Savonarola were burned to death because they would not recant or yield in

Episcopacy had come into power by the union of England and Scotland. In those days people generally were supposed to accept change of religion along with change of government. The people of Scotland, however, had Presbyterian convictions and refused to accept "prelacy." A solemn covenant was signed and approved by hearts over all the realm. Among those who would not attend the episcopal service was Margaret Wilson, a maiden of eighteen. Many were seized and condemned to death. This maiden, whose only crime was serving her God as her conscience dictated, was tied to a stake set in the sands of Wigtown in the mouth of the Solway. With the rising tide, another victim was added to the long list of those who have given their lives for the cause of religious freedom. She died in the attitude of prayer, reciting aloud some of the precious promises to those who remain faithful.

their mental and spiritual certitude. On all sides, in the late days of the Reformation era, men and women were "hewn down, burned, drowned."

As time went on the "reformers of the Reformers" became the advance guard of the crusade for religious liberty. The Anabaptists were especially prominent in this in great numbers, and might be called the "shock troops" of the crusading army. Hubmaier and his followers inspired and inflamed the devotees in Western Europe. But opposition, aroused, flamed in Holland and later in England. Their enemies charged the Anabaptists with gross crimes and abominable heresies as individuals, but the only crime charged against them as a body was the crime of advocating soul liberty; and large numbers of them were put to death by drowning or at the stake—a price they often cheerfully paid.

Every written confession of faith and every creed framed by the Reformers gave magistrates coercive power in religion and vented curses on resisting Baptists. The "confessions" of Reformers and the edicts of synods "poured out hot vials of wrath," says E. B. Underhill. The Augsburg Confession, in 1530, distinguished between church and state in this way: not allowing that the church should interfere in the affairs of state, but making no objection to the state's taking a hand in the affairs of the church. The French Confession, written by Calvin, declared, "God hath put the sword into the hands of magistrates to suppress crimes against the first, as well as against the second, table of the law of God."

A century or so of continuous persecution crushed the Anabaptist movement in Switzerland and Germany: it fled to the Netherlands and then to England; its consummate success occurred after it had sped across the ocean to America.

The Anabaptist movement was to the Christian religion what the American Revolution was to politics, says Henry M. King. "Purging the vision and making kingcraft and priestcraft and other ancient institutions unsafe, the Anabaptists were the forerunners of the American republic, where conscience is free."

The foregoing citations show amply, in a general way, that the torch of liberty was snatched from hand to hand and from land to land, almost as runners in a relay race take the carrier staff from one to another. It may be useful to notice a bit more concretely just what was happening about the beginning of the seventeenth century near the time or just preceding the flight from England of those who founded the Virginian and New England colonies. Under Charles V more than fifty thousand European Anabaptists paid penalty for their faith by death. Henry VIII of England issued several proclamations against them, authorizing persecution. Cranmer and eight other bishops and clerics proceeded against the heretics. Awful persecutions followed. One historian says, "Cruelty was pastime and festivity to the king." James I declared, "I will make them (the Anabaptists) conform, or I will harry them out of England." Even the saintly Richard Baxter and Jeremy Taylor abhorred full religious liberty, the one claiming he could prove it a great wickedness, the other declaring it was a pest and a nuisance.

So the religious revolutions in Holland, England, and America were one chain. The leaders of both Pilgrims and Puritans, in New England, were for only limited tolerance,

claiming that punishment should be meted out to advocates of freedom of faith and worship. The story of Roger Williams—his controversies with John Cotton, his trial at Salem, his banishment from Massachusetts, his sufferings and privations in Rhode Island—is too well known to need repeating. On Boston Common Obadiah Holmes was flogged to within an inch of his life, and his companions were fined for preaching and practicing religious liberty. John Hazel, an old man from Rehoboth, was badly whipped, and died in a few days.

In Virginia the opposition to Baptist, Methodist, and Presbyterian advocates of religious liberty was bitter and unrelenting. The Quakers also found the laws most severe which were passed against those who failed to have their children baptized. Baptists were imprisoned for refusing to refrain from preaching. Drummers were engaged to drown their words as they testified from their prison windows, and materials with suffocating fumes were burned near them. The Virginia Baptists had a good advocate in Patrick Henry, who, although a member of the Established Church, was a firm believer in soul liberty. Preachers of religious liberty were arrested by the score. At Culpepper, where Harris Ireland was imprisoned, his enemies tried to blow him up with gunpowder, suffocate him with sulphur, and kill him with poisoned food—all, however, without avail.

All the foregoing are not cited to enlarge the list or paint a gory tale. They are not cited to describe the cruelty which such issues can arouse in men's minds who mistakenly think they do God's will, as Saul of Tarsus thought concerning the stoning of Stephen. They are mentioned to indicate two things: (1) That there is a type of mind which thinks there can be no two opinions about any dogma, and that to differ is to commit an unpardonable sin, worthy of death; and (2) that there is another kind of mind which recognizes that truth comes through various

channels, perceptions, concepts, experiences, and alternatives; that no one human mind has all knowledge or correct interpretations thereof; and that certitude for society is found only when all pool their beliefs and test them by sincere application. One group thinks heresy should receive extreme punishment, while the other is convinced that no suffering is too great a price to pay for liberty of conviction.

Branching from these considerations are the following: (1) That truth is priceless. (2) That the possession of it is sacred. (3) That the expression of it as understood is an inalienable right. (4) That the human mind which apprehends it is a veritable "candle of the Lord," next door to personality itself, the most precious of human endowments, which no other man has any right, moral or legal, to snuff out or becloud.

"The mind is the measure of the man." It distinguishes him from even the noblest brutes; it makes him "but little lower than the angels." With it man thinks God's thoughts after Him. Of course, then, none but cowards, time servers, or worse are willing that their minds should be tampered with or stifled. Persecutors of dissenters seem not to know their psychology nor the sacredness of the inner sanctum of personality. Add to that a streak of cruelty or sadism cloaked with religion, and you have the perfect conditions for intolerance and jealous opposition.

Happily the doctrine of good will among men has been definitely, even if slowly, showing the better way. It should, however, be clearly understood by all who would preclude the thought or the action of those who differ, that the love of religious liberty is as fundamental as the love of individuality or life itself; and I believe that wherever intolerance may rear its head in a suppressive way, more men and women would immediately spring up to defend that liberty than ever were slain for so doing by the pagans of the earliest Christian centuries.

What of the Future?

By the REVEREND W. NORMAN PITTENGER

The General Theological Seminary, New York City

AS THE DAY of peace approaches, it is only natural that every thoughtful and far-seeing person will consider what are to be the conditions that will prevail in the days ahead, to give time and attention to those principles which will guarantee security and justice, and to lend his effort to the establishment in this temporal world of such understanding, sympathy, and expression of the spirit of righteousness as shall bring greater good to more men and women not only abroad but also at home. For those of us who are greatly concerned for the maintenance of religious freedom, there is a special necessity laid upon us to work thoughtfully and energetically for the growth of understanding at this particular point.

Much has been done, of course. Very recently—within the year—the Federal Council of Churches in America sent a delegation to the Secretary of State, to present Mr. Hull with a statement urging the utter necessity of the principle of religious freedom and declaring that "states should assure their citizens freedom from compulsion and discrimination in matters of religion." This principle was given very clear form, and it behooves us all to read and ponder it. But it is not only as a principle of international justice that the statement has merit; it should serve for us at home, too, since we in America must never allow our-

selves to forget that one of the fundamental elements in our national tradition is precisely that "freedom from compulsion and discrimination," in all religious matters, of which the delegation so eloquently spoke.

Again, in a recent address by Dr. Charles Clayton Morrison, editor of *The Christian Century*, it was pointed out that one of the remarkable phenomena in our time is that in company with the "awakening to the reality and depth" of the Christian church's unity, there is coming about an awareness "of its independence from political and secular control."

For those who are convinced that it is of the very nature of religion and, above all, of Christianity, to work by persuasion and charity rather than by coercion and governmental or any other authoritarian pressure, there is a tremendous task ahead. None of us need despair of the outcome; the virtue of hope remains, and we can feel that there is in our national life that strong current of freedom which will eventually win the battle. But this demands, on our part, endless vigilance and relentless insistence on the principle of "freedom from compulsion and discrimination."

In several preceding articles in this magazine, the writer has sought to present the specifically *theological* considera-

tions which lead him, as a theologian, to hold firmly to the principle of religious liberty. He has also tried to make clear that it seems to him, as an American, perfectly obvious that the "way of life" to which we as a people are committed is at this point (if at no other) in agreement



EWING GALLOWAY, N. Y.

Sincere Faith Is a Very Precious Thing. We Do Well Not to Offend Anyone Whose Way of Faith May Not Be Precisely Our Own

with the theological conclusion to which he has come. He would now wish to say that there are highly important practical matters which have their bearing on the principle of freedom in the exercise of religion.

The first of these is the very variety of our American religious life. While it is unquestionably true that variety can be overdone, so to say, it is also true that in this land there is at the moment a surprising number of ways of religious expression, held conscientiously by large numbers of loyal citizens who have every right to maintain and implement their convictions. It follows that the effort to enforce any *particular* religious idea, be it ever so significant and ever so true to those who accept it, will do damage to the sincere faith of those who do not accept it. Sincere faith is a very precious thing; we shall do ill if we offend "one of these little ones who believe," even if their way of belief is not precisely our own.

In the second place, it is practically a matter of truth, as of observation, that men are won to a particular religion by the soundness of its claims and not by the force which it can exert. "You can lead a horse to water but you cannot make him drink," says the familiar adage. Similarly, you can make a man go through certain external motions, say certain words, act in a particular way, but you can never make him really, in his heart, accept and believe that into which you have forced him. Human wills remain free; they do not need to, and they will not, consent to that which the mind does not freely accept. This is by no means to deny the place of emotion, the element of subtle influence, the pressure of environment; it is only to say that in the long run, as Milton so clearly saw and said, truth is mighty and will prevail. "Areopagitica" might well be re-

read in this latter time by those who are inclined to drive men against their reasoned and willing acceptance.

In the third place, the test of truth in any case is not the amount of unanimity of consent that can be found for a special proposition, which may at any given moment be deceptive; it is the long-range acceptance by men and women who have tested and experimented, who have thought through and thought out the proposition, which will point toward the likelihood that it is indeed *so*. And its continuing recognition as truth is based upon the fact that it continues to receive the *free* assent of men in succeeding ages. This we know to be the fact in the scientific realm, among others; it is equally the fact in the religious realm. Even for those who, like the writer, believe in a "revealed religion," the test of the revelation is always in its ability to commend its truth to the consciences of men over long periods of time, as they seek to live in its light and test its significance in their daily experience. If some church or state should make a certain belief compulsory, it would not thereby make it true!

A fourth observation, which seems pertinent today, is that when an effort is made to coerce men, their attitude changes quite markedly, and often strange results follow. To take a contemporary illustration, one might venture to say that the appalling (because so un-American and so uncalled for) refusal to allow liberty of conscience, in certain places, to those who feel that the salute to the flag is an interference with their religious conviction, may very well have the undesirable effect of assuring them that they are indeed what they previously knew they were not—disloyal citizens. In other words, the law of diminishing returns is at work. Men and women who have such pressure put upon them in those deep places where they really *live*, where their inmost convictions reside, may find themselves *forced* to become that which the whole operation was intended to end. Most tragic of all is the spectacle of persons who mean very well indeed failing so terribly to understand this principle of practical psychology, and so causing trouble where there was none. So far as the writer is concerned, he is frank to say that it is really only when some such incident occurs, and he reads about it in his newspaper or in some objective report, that he begins to doubt for himself, if only for a minute or two, how loyalty *can* be maintained when liberty is denied.

These are by no means all the practical considerations which might be adduced. But perhaps they will be suggestive. Precisely the same process is at work in attempts by government to abrogate religious freedom as was at work in the days of the persecutions by the Roman Empire and also in the days when a misguided church—which had forgotten the spirit of its Founder and Lord—sought to use the methods of inquisition to establish truth—a procedure which time showed, clearly enough, to be futile as well as blasphemous.

We are told—and told correctly—that there has been too much loose talk about freedom, as if "freedom of religion" meant "freedom from religion." But we can also have loose talk in another direction—loose talk which would suggest that you can guarantee religion by insisting upon its practice as a matter of state policy. You do not guarantee religion in this fashion; all you guarantee is tyranny. And while each of us who believes with conviction in a particular faith will certainly wish to win others to that faith, we all surely know that we must in fact *win* them, not *drive* them, or else we do not win them at all. And the attempt to bolster up our religion by force, or oppose another religion or belief by force, or interfere by force with the proper and responsible expression of religious conviction, is self-defeating. If practical experience proves anything at all in the sphere of things spiritual, it proves that. Let us take it to heart, and in the days to come let us see that we remember it. We are told that we fight for "freedom of religion." Very well; it is then our duty to make sure that we never lose at home that which we defend and seek to maintain elsewhere.

Religious Freedom Apart From Constitutional Restrictions

By E. F. ALBERTSWORTH, Ph. D.

IN PRESENT-DAY AMERICA many phases of the constitutionalism of the past are disappearing. This is due to the fact that our civilization of mechanized industrialism has resulted in enlarged governmental controls with a consequent loss of freedom and liberty in economic matters. In truth, the popular demand for economic security through government is rivaling the inherited belief in freedom against *too much* government. As constitutional restrictions operate only on acts of government, not on individuals, and as government has greatly widened its scope notwithstanding these constitutional controls, a fear has arisen that liberties and freedoms, both civil and religious, may be likewise imperiled. Fortunately, our Supreme Court, although recently reconstituted in its personnel to make it favorable to enlarged governmental action, has in the field of the Bill of Rights protected the individual against unlawful acts of government. But these are only judicial judgments and may not always be followed by the same court.

The inquiry becomes pertinent, then, What protections exist today in the event the constitutionalism now being formulated should jeopardize the religious liberties currently enjoyed? A number of factors may well be considered as safeguards against any sudden overturn of religious freedoms. Reflection upon them by those who may desire to destroy or modify them, or who seek power over religious minorities, may give pause to their attempts. And legislators, judges, and governmental administrators should ponder carefully their significance.

1. Influences of Great American Personages of the Past in Their Emphasis That Government Was Controlled by Providence

In the beginnings of our nation we as a people were fortunate in having as leaders men whose equals in matters of government have seldom been seen in history, and who also believed that Divine Providence guided their actions in founding a new nation. In his "First Inaugural Address," George Washington said:

"No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency. . . . We ought to be no less persuaded that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained."

In his "Farewell Address" in 1796 Washington further said:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. . . . Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice?"

Additional evidence of similar viewpoints might be marshaled from the writings of Washington's contemporaries, such as Jefferson, Madison, Franklin, Hamilton, Marshall, and others. For over a century their influence in our nation was far-reaching. And their influence is still widespread, not only in the United States, but abroad. However, in recent times there has been a deplorable neglect of American history and the development of American ideas in our colleges and universities, with a resulting ignorance of the true worth of our American ideals which have made us a great people. In consequence, our new American generation is not being nurtured in basic American ideals. A correction of this trend is desirable if we are to retain the liberties and freedoms with which we in America have been blessed.

2. The Christian Doctrines of Governmental Limitations in the United States in Preserving Our Liberties

A generation ago our Supreme Court stated ours was a "Christian" nation. I understand that the court meant our civilization was rooted in Christian principles. I do not understand that the court meant to say that in our land we had any particular national religion, or favored one creed over another. Church statistics of membership and affiliation of a majority of persons in America recently indicate that basically our civilization is rooted in the Christian religion. The Author of that religion taught that human governments must not, and cannot, invade the realm of liberty of conscience and freedom of religion.



Washington's Arrival in New York for His Inauguration as President

BENSON J. LOSSING, ARTIST

When questioned by those seeking to embroil Him with the Roman Empire, Jesus said that all persons should "render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's." Payment of taxes and tribute to government was a duty owed by all, which Jesus Himself practiced.

According to Saint Paul, certain wide powers are given to government. He said: "There is no power but of God: the powers that be are ordained of God." And in writing to the Christians at Rome, the apostle further stated that "rulers are not a terror to good works, but to the evil," and that they are "ministers" of God's service. Therefore, both the government and the church are instruments of the divine will, each in a separate and special sphere.

A difficulty lay in determining what were the exact spheres of "Caesar" and of God. Apparently, in the Christian conception, "love to God and love to man" were the two great commandments of the law which all believers were to follow, acts of government to the contrary notwithstanding. A further difficulty arose; namely, Who was to determine when the line of cleavage had been violated by government? Should it be the individual concerned or the body of believers, the church? In the history of the early Christian church ample evidence exists that the Christians placed the claims of religious conscience first, often suffering martyrdom, when they believed the claims of the state could not be reconciled with their beliefs.

While I have designated as "Christian" this teaching of governmental limitations in relation to the claims of religion, it must not be overlooked that the Jewish faith, illustrated in Old Testament narratives, likewise taught a similar doctrine. However, since America was largely settled by Christians, and the latter are still in the majority, I believe it is correct to assert that this teaching is Christian.

This belief has had a wide influence in America, whose government from early times recognized the claims of sincere conscientious objectors even in wartime. However, in other countries with a predominant Christian influence, the course of religious liberty has not been the same. This was due, I believe, to a union of church and state, which did not develop in American life because of constitutional inhibitions. And even under the conceptions prevalent in America, if acts criminal or licentious were perpetrated in the name of religion, government did not hesitate to punish the offenders. In such cases, government admitted its lack of power to invade the realm of belief, recognizing that it of necessity could deal only with external acts. Moreover, government was equally powerless to change the morals of a people by legislative enactments or to make them ethically better.

3. *Inherited and Basic Ideas of Freedom Prevalent in America From Earliest Times to the Present*

Every nation has its own peculiar heritage of national beliefs, traditions, and practices. They are reflected in literature, songs and ballads, historical documents, judicial judgments, orations, and other sources. America has hers. For example, the following judicial utterances taken at different periods of our national history, mirror the conceptions as to freedom of religion which the judges as human beings had inherited as Americans, and in which they had been nurtured:

"The crowning glory of American freedom is absolute religious liberty, and that every American has the unquestioned and untrammelled right to worship God according to the dictates of his own conscience, without let or hindrance from any person or from any source."—*Cline v. State*, 130 Pac. 510, at p. 512, 9 Oklahoma cr. 40.

Again:

"In this country [the United States] the full and free right to entertain any religious belief, to practice any religious principle, and to teach any religious doctrine which does not violate the laws of morality and property, and which does not infringe personal rights, is conceded to all. The law knows no heresy, is committed to the support of

no dogma, the establishment of no sect."—*Watson v. Jones*, 13 Wall. 679, at p. 728.

And finally:

"We sometimes hear it said that all religions are tolerated in Ohio. But the expression is not strictly accurate. Much less accurate is it to say that one religion is a part of our law and all others only tolerated. It is not mere toleration that every individual has here in his belief or disbelief. He reposes not upon the leniency of the government, or the liberality of any class or sect of men, but upon his natural, indefeasible rights of conscience. . . . We have no union of church and state, nor has our government ever been vested with authority to enforce any religious observance, simply because it is religious."—*Bloom v. Richards*, 2 Ohio State 387, at p. 390.

Great historical documents also perpetuate for posterity the basic ideals of American civilization. The Declaration of Independence states in imperishable language that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." And the American Constitution in its preamble declares that "to secure the blessings of liberty to ourselves and our posterity" had been one of the objectives in the creation of the American form of government in the Constitution. Many State constitutions employ similar language. That of California in 1879 states: "We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution."

Utterances of great historic personages have had deep influence upon our American national life, in keeping alive the belief in liberty and freedom. Patrick Henry's "Give me liberty or give me death"; Abraham Lincoln's "Gettysburg Address," wherein he said we were a "new nation conceived in liberty and dedicated to the proposition that all men are created equal," and that "this nation under God shall have a new birth of freedom"; Washington's "Farewell Address," in which he spoke of the "spirit of liberty" and warned against dictatorships—all these have deeply affected Americans in all walks of life.

Nor must the influence of certain of our national songs be overlooked in perpetuating the freedom concept. Our national anthem, "The Star-Spangled Banner," with its central theme of "the land of the free"; and another equally great inspirational lyric, "My Country, 'Tis of Thee," with its refrain "sweet land of liberty" and "freedom's holy light," have had wide influence in our national life. Although a rival concept to freedom has now put in an appearance—the urge to economic security through government—it has as yet not gained supremacy. As long as the basic ideas of freedom and liberty thus remain as I have indicated, I think we as Americans are safe in the hands of our legislators, judges, and administrators of government.

4. *Spread of Liberalism and Enlightenment in Present-Day America in Favor of Larger Religious Freedom*

Outside of religious circles in America today we find a prevalent belief that the puritanism of the earlier generations went to extremes in its insistence upon legalism and formalism in religion, and that to impose such strictness by religious or State authority is outmoded in modern thinking. The old "blue laws" are in disfavor in modern America by a majority of its people. And even in religious circles there is no dominant viewpoint that men can be made any better morally through legislative requirements; that, on the contrary, true religion is one of the heart and mind, and not of observance of credal requirements. Therefore the church as an organization has no prerogatives to unite with the temporal power, the state, in invading the realm of the individual's religious beliefs or his practices. These views are generally denominated "liberalism," and carry much weight today in America, not only in popular thought, but also among legislators, judges, and governmental administrators.

Perhaps some of this "liberalism" stems from the fact that in the United States today Protestantism is divided into numerous Christian sects, and that all combined are faced by Catholicism of approximately equal strength in influence and number of adherents. Therefore, as long as such a condition exists in our land there is no immediate likelihood that religious liberty will be suddenly overthrown.

5. *The "Little Foxes" in Religious Liberty's "Vineyards"*

The Scriptures warn men to be watchful of the "little foxes" that spoil the vines or vineyards. This is the general

theme I have endeavored to present. We find in our American civilization the basic factors that I have delineated, which, I believe, act as safeguards to any immediate and violent overturn of our religious liberties. But recent events have indicated that the "little foxes" of sly invasion, indirectly and slowly, are with us in America. Numerous decisions in our courts are immutable proof of this fact. And if a new and young generation is not nurtured in the basic ideals of liberty inherited by us Americans, we shall ere long find that only the houses remain to us, but they are left to us desolate.

Religious Liberty and "Marriage Banns"

By ERIC A. BEAVON

AN INTERESTING SIDELIGHT is thrown on the fight for religious liberty for all denominations by recent revisions effected in the marriage laws of two Canadian provinces—Nova Scotia and New Brunswick.

In many British countries the "proclamation of the banns" of an intended marriage during church service takes the place of the issuance of a marriage license, but betrothed couples of the Seventh-day Adventist faith in the above-mentioned provinces were, until recently, under the necessity of having "the banns" published in some Sunday-keeping church unless it happened that Sunday meetings were being conducted in their own church. This was because the provincial laws specifically required that the proclamation of an intended marriage should always be made on Sunday. This has now been changed.

The 14th edition of the *Encyclopaedia Britannica* defines "Banns of Marriage" as "the public, legal notice of an impending marriage." In Canada no license is required, and no government fee is necessary, provided "the banns" are duly published.

The word "banns" (formerly "bannes") comes from an Anglo-Saxon word "gebann," meaning "a proclamation." In A. D. 1200 the Church of England enacted that no marriage should be contracted without banns thrice published in the church, unless by special authority of the bishop. Then at the Lateran Council of 1215, the publication of banns was made compulsory on all Christendom.

The custom of having the minister announce a wedding beforehand in the church service—like the practice of solemnizing marriages in a house of worship—is a very ancient custom. With the growth of infidelity, civil marriages have become increasingly popular. As a concession to those who objected for any reason to having the banns published in church, the issuance of licenses for couples to get married without any announcement in church has usually been allowed, but the payment of a fee—usually around five dollars—has been required.

Until recently only one of the three Maritime provinces of Canada, namely, Prince Edward Island, permitted the publication of banns on any other day than Sunday. In Nova Scotia and New Brunswick, couples who observed the seventh day of the week had to either buy a license or have the banns of their intended marriage announced on Sunday in some Sunday-keeping church. The principle was clearly wrong. Though the majority of seventh-day observers were content to pay the price of a license, it meant that the provincial governments were taking it upon themselves to define on which day of the week the banns should be published.

Negotiations to effect changes in the law were begun

by the writer in 1942. There followed weeks of correspondence and personal contacts with government servants. A chance meeting on the train with one high government servant helped considerably. Promises were secured that a change would be made in the law. Valuable publicity was given to the Sabbath issue in government circles, and finally official notification was received that the laws of New Brunswick and Nova Scotia had been suitably amended.

The New Brunswick legislature were satisfied to add a "Subsection 3" to Paragraph Eleven of the Provincial Marriage Act dealing with marriage banns. Nova Scotia repealed the whole of Subsection (1) of Section 7 of the Marriage Act, and substituted an entirely new "Paragraph 7 (1)." Both governments went a step further than the Prince Edward Island legislature in that they specifically mention Saturday as a day of worship, but to Prince Edward Island goes the honor of first recognizing the possibility of another day than Sunday being a holy day.

The Prince Edward Island Marriage Act of 1940, Chapter 41, paragraph 4 provides that the "publication of the banns . . . may be made . . . by the officiating minister or clergyman . . . on a Sunday, or *Holy Day celebrated as a Sunday*, immediately before the service begins, or immediately after it ends, or at some intermediate part of the service."

The New Brunswick Act used to read: "The banns shall be published according to the usage of the denomination of the clergyman proposing to solemnize the ceremony of marriage and in any event during at least one *Sunday* service." To this has now been added the following: "When the practice, or faith, of any religious body *substitutes Saturday or any other day as the usual or principal day of the week for the celebration of divine service, the banns may be published on Saturday or on such other day* and the provision of this Act shall apply accordingly."

The Nova Scotia Act originally required that the banns should be published on at least "two several services held on two or more Sundays." This has now been changed to read: "at one or more services on each of two consecutive Sundays, or *where the practice or faith of any religious body prescribes Saturday or any other day as the usual or principal day of the week for the celebration of divine service, then on two consecutive Saturdays or other such days.*"

These changes are significant. They are something Maritimers are thanking the Lord for. They stand on the statute books of Nova Scotia and New Brunswick as a permanent witness to the existence of a people who keep holy the seventh day and as a bulwark to religious liberty in Eastern Canada.

• EDITORIALS •

Lutherans Withdraw From Federal Council of Churches

THE AMERICAN LUTHERAN CHURCH of the Ohio district withdrew from the Federal Council of Churches, giving "political meddling" as one of the principal reasons. The Lutherans also assigned three other reasons for their withdrawal from the Federal Council of Churches.

(1) They accused the Federal Council of attempting "a plan to unite all churches, regardless of faith, and even included unbelievers."

(2) "That the American Lutherans do not favor the international policy of the Federal Council to set up a super-government over all nations."

(3) "And that the American Lutherans do not approve the economic tendencies [of the Federal Council], which border on communism."

We wish to compliment the American Lutherans for their adherence to the fundamental principles upon which their church was founded originally, and for their advocacy of the original ideals and principles upon which the American Republic was founded.

The Federal Council of Churches has done a lot of "political meddling" in recent years, and as a result a number of Protestant denominations have threatened to withdraw from its fold. The Federal Council of Churches poses as being very liberal and broad-minded in its form of organization, being willing to take into its fold even unbelievers in Christ as the Redeemer of the world. For this reason it removed the name of Christ from its former title, "The Federal Council of the Churches of Christ." Yet the Federal Council of Churches advocates the enactment of compulsory Sunday-observance laws, even requiring those who observe another day than Sunday as holy time to also observe Sunday or go to prison. It is difficult to reconcile its broad-mindedness with this spirit of religious intolerance and persecution.

How can the Federal Council of Churches square her position for the creation of a supergovernment over all nations as a means of establishing a permanent reign of peace, when the sacred Scriptures contain a fiat from the Almighty that such a world power shall not succeed until Christ Himself comes to take the scepter to reign? How can it hope for a reign of peace to be established by creating a supergovernment that relies upon military force to maintain peace, when all history demonstrates that such experiment always leads to the downfall of the supergovernment? A supermilitary force is not a basis for permanent peace but a source of permanent trouble and provocation. That the churches of Christ should advocate military force as the basis of peace is beyond our comprehension.

Of course, any citizen has a right to profess any political faith he chooses, but for the Federal Council of Churches to advocate economic policies that are akin to that of communism is another mystifying and inexplicable enigma. We are not surprised that the American Lutherans were not able to go along with the Federal Council on the lines which are so contrary to the doctrines and ideals held by the Lutherans in America.

C. S. L.

Two Extremes

THE REV. CHARLES P. CRESSMAN suggested that churches hold Sunday night dances in Philadelphia, Pennsylvania, to provide wholesome recreation for the youth. This is quite a departure from the extreme position taken by some clergymen of Philadelphia back in the days when the United States mail was carried between Boston, New York City, Baltimore, and Washington in coaches drawn

by four horses. The clergymen of Philadelphia protested to the Government against the carrying of the mail on Sundays. The Government ignored the protest and hauled the mail on Sundays the same as on the other days.

The clergymen of Philadelphia organized a vigilance committee, and this committee erected heavy posts and suspended heavy iron chains across the main thoroughfares of the city to stop the mail coaches on Sunday from passing through the city. But the Government authorized the chains to be cut and removed so that the mail could make its schedule on each day of the week without any hindrance from any source.

There is a wide difference of opinion among clergymen as to the manner of Sunday observance. Some want to forbid by law all kinds of recreation and amusement on Sunday, whether the people are church members or not. Other clergymen are so liberal and broad-minded, as they are wont to call themselves, that they are willing to encourage cocktail parties, card parties, bingo games of gambling, poolrooms, tenpin alleys, and dancing parties in church recreational centers on Sunday afternoons and nights.

It is hard to tell which of these two extremes does the more harm. One thing we do know, that religion by law, administered by the police power of the state, begets meanness and hypocrisy and drives more people out the back door of the church than the clergyman can bring in the front door by preaching the gospel. Converts to religion are not made by law.

On the other hand, the clergymen who are so broad-minded that they are willing to give their sanction to all conduct, both good and bad, while they are not driving their members out of the church, are not doing them any good when they bring them in. Certainly there ought to be a difference between a church member and an ungodly, worldly person who never experienced any change of heart.

One thing is certain: whoever is wrong, the religious persecutor of dissenters never is right. The misguided zeal for religion, when it appeals to force, brooks no opposition and frequently resorts to the most cruel forms of persecution. The misguided judgment of the liberal may lead him far astray from the path of rectitude and accepted standards of proper conduct, but he never becomes a persecutor. Of the two kinds of citizens, the latter is by far the least dangerous.

C. S. L.

Cardinal O'Connell on Religious Liberty

IN 1912 the Charitable Irish Society had President Taft as its guest of honor. The toast was on the subject of "Civil and Religious Liberties." The late Cardinal O'Connell, who was archbishop of Boston at that time, responded to the toast in these words:

"Civil and religious liberty—well are they thus united, for unless both are secure, neither is safe. Wherever the state has sought to enslave religion, making her a servant in bondage instead of a sacred guide, the liberty of the state itself was soon a mere myth. And wherever a false interpretation of religious freedom has led to encroachments upon the well-defined domain of civic rights, religion soon lost her hold upon the souls of men.

"Liberty of the soul to worship God, to obey His commands, to follow His divine guidance, that is the noblest right of man, and the assurance of it is the strictest duty of the state.

"Where the true meaning of freedom is understood, there is the widest liberty of soul and body—of divine and human law. Divine and human law—these are the only true foun-

dations of any liberty. The permanency of religion is the only guaranty of the stability of law. And where law is unstable there results ultimately only tyranny.

"Remove the eternal foundations which the laws of God support, and you pull down the structure upon which civil law rests. For these permanent principles are not founded upon the momentary whim of the people, but upon the eternal justice of the universe—the expression of God's relations to His sublime edifice of all creation with man as its pinnacle.

"Man did not make these eternal relations. They made man. And no matter what the passing passion of minorities or majorities, they stand forever. Justice is not founded upon votes, but upon principles. The fact that the form of government is popular franchise can no more change the origin and foundation and genuine interpretation of law than a plebiscite can banish God.

"'Long live the people.' No man raises that cry with more sincerity than I and all here. But the very life of the people's liberties, religious and civil, is always in danger when the foundations of law and the independence of judges, be they civil or ecclesiastical, are imperiled. The law is not the people—the people is not the law. The law is the principle of justice governing the people. And its application to individuals, to associations, to business, to every relationship of civil life must be so hedged around with reverence and security that the civil courts may in moments of popular passion save the whole people from the tyranny of lawless majorities.

"God and our country—that phrase expresses it all. Liberty, founded upon the eternal principles of divine justice, interpreted and applied in civil life by God-fearing magistrates, untrammled and unfettered, and unafraid of passing popular passion; that, in a word, is the guaranty of what alone has made this country great—perfect security of civil and religious liberty to all. While that lasts, while the people themselves realize its value beyond price, this land is safe.

"My words are the clear expression of the unbiased principles of all those patriots who have lived and died for the glory and permanency of this great Republic. They have no aim but to repeat those sentiments, sanctified by the lives of our great statesmen, to whose sagacity we owe our happiness. And among all these no one has voiced these sacred principles so clearly, so fearlessly, so uncompromisingly, whatever the results, as the great, judicial, impartial, bighearted, and cool-headed statesman who now presides over the destinies of the United States of America, our President."—*Our Sunday Visitor*, May 7, 1944.

The great principles of civil and religious liberty cannot be too often stressed. Some of the world's greatest orators have exhausted their powers of speech in attempts to express the glories of soul liberty. But no one has ever been able to worthily define or to adequately declare the beauty of the freedom of the soul which has come to man as a gift from his Creator.

H. H. V.

The Essence and Teaching of True Religion

CHRISTIANITY TEACHES that all men are equal and none are masters. It gives the rich no advantage over the poor, but requires both to enter the pearly gates through the needle's eye.

The rich who treat workmen like slaves out of whose blood and muscle they can coin silver and gold for their selfish gratification, have the condemnation of High Heaven. The government which looks upon its people as mere cogs in the wheel of a political machine to serve the ends of the state as a mere physical force at the sacrifice of human rights and individual convictions, is set down in Holy Writ as a ferocious beast trampling all things under its feet. Christianity does not approve of charity and benevolence when the benefactor has wrung his riches out

of starvation wages and the oppression of the poor. The Almighty has decreed the downfall of every government that disregards the rights of men and treats its subjects as so many pawns upon the chessboard which it can move about at will for its own advantage. True religion teaches us that justice is above law, right above authority, honor above fame, and that truth is mightier than power.

God made the conscience supreme in the sphere of religion, and no government has the right to challenge the supremacy of the conscience of the individual in this domain, provided the free exercise thereof does not lead the individual to inflict an injury upon another or violate the commonly accepted moralities. No man is wise enough to sit in judgment upon the motives of another man's heart. No conscience is enlightened enough to become the criterion for another man's conscience. No man's superior qualities ever entitle him to make a slave out of his less fortunate brother. The only power that should ever dominate the heart of another human being is the power of love.

Human nature is naturally selfish, covetous, self-assertive, and intolerant. The spirit of intolerance and the animus of the mob, seeking revenge, lies smoldering and innate in human nature, and a slight wind of adversity and prejudice, under provocation, may at any time suffice to fan it into a raging inferno of uncontrollable passion which will never be satisfied until it has burned its victim at the stake or bathed its sword in the blood of the slain.

The only remedy for the ills of this sin-cursed earth and the evil tendencies inherent in human nature is not a reformation based upon legal exactions to control the outward conduct of mankind, but a new spiritual birth of the individual resulting in a change of heart and a regeneration of the carnal mind wrought by the power of the Spirit of God, "pulling down of strongholds; casting down imaginations, and every high thing that exalteth itself against the knowledge of God, and bringing into captivity every thought to the obedience of Christ." This is God's remedy for selfish man and constitutes the essence and teaching of true religion.

C. S. L.

Separation of Church and State Not Agnostic

ONE OF THE JOURNALS which comes to our desk has an article entitled "Moral Agnosticism No Base for Peace Plans," which begins thus:

"Legal and political instruments are no place for the mention of God and the moral law. This has been the prevailing opinion and practice of lawyers for decades past. Even though men in their personal lives venerated the moral law and the sovereignty of God, they still regarded this topic as alien to juridical language.

"If there is any proof needed that this is still the opinion of the great majority of legal thinkers of the Anglo-Saxon world, sufficient evidence is at hand in current draft proposals purporting to provide the bases for the coming world organization for the restoration of law between nations."

Charging that the separation of religion and legal matters is an "attempt to apply a strictly European and Anglo-Saxon technique," the writer resorts to some curious argument, saying "the Arabian Mohammedan, the Chinese Confucianist, the Indian Brahman, have no inhibitions such as those carried from the legal history of European thought. The non-European mind does not commit the incongruity of separating law from morality."

Regardless of the theory of the Mohammedans, the Confucianists, and the Brahmans, we hardly think anyone acquainted with the history of the mixing of religion and state by these peoples would care to live under their rule.

The whole history of the world is open to us these days, and there can be no excuse for anyone pining for anything that might be called a benefit which would accrue from mixing church and state.

If the representatives of the nations which gather at the peace table are careful to apply those principles of government which rightly belong to the state, and leave entirely untouched all those things that pertain to man's relationship to God, they will avoid untold ills. The fact that men do not bring the name of God into their civil laws is no evidence at all of "moral agnosticism." A title to an article sometimes leads to unjustifiable conclusions. There can be no such thing as "national morality," or "international morality," except as the officials of nations practice morality in dealing with their fellows in their own governments or in international relationships.

What the writer of the article to which we are referring apparently wants is not the recognition of morality, but what he calls "moral law." In Christian lands the ten commandments are commonly considered the "moral law." With respect to the first four of these, the state has no right to interfere whatever. With respect to the last six, the state cannot pass upon their spiritual application. It can only have to do with the overt acts that men may commit which are in contravention of their explicit prohibitions. The state may enact a law against murder, but the state cannot successfully prosecute a man for hating his neighbor, which the Founder of Christianity calls murder. The state may punish adultery, but it cannot punish the lust of the heart, because it cannot read a man's mind or determine his motives.

Let the representatives of the nations which form the peace be as careful to keep church and state separate as the individual nations must be to preserve individual rights, and some hope may be found in the peace which ensues.

H. H. V.

Newspaper Editor on American Democracy

IN SPEAKING of the Preamble to the Declaration of Independence, the editor of the *Washington Post* said on July 4, 1944:

"It is here we find that statement of general principles, which Jefferson and the other signatories affirmed to be 'self-evident,' that is, axiomatic, or as much beyond inquiry or argument as the self-evident mathematical truth that the whole is greater than the part or that the sum of two and two is four. These are the first principles under which the leaders of the American Revolution insisted that their cause should be judged by a candid world. They are also the first principles by which we ourselves should judge the subsequent course of American history. This was the formulation of the philosophic creed of American democracy.

"The Declaration says that the political rights of men are part of the natural law, in other words, part of the general arrangement or order of the universe. Thus they exist for all men in all times and under all conditions, and wherever they are denied an unnatural society exists. Governments are legitimate only where there is full and free exercise of these rights, since governments derive authority solely by the consent of the governed. Political rights are therefore inherent, not conferred or delegated. This creed, of course, was not an improvisation of the committee authorized by the Continental Congress; it had a long and slowly developing tradition behind it, traceable back as far as Aristotle.

"Americanism, then, as the signers conceived it, means the doctrine that law is superior to power, and authority superior to law, and that by nature and by divine ordinance, the essence of authority lies in the consent of those upon whom it exercised. Today, when we see in the hands of individuals greater concentrations of power than the signers could have dreamed of, it is well that both we and the wielders of this power should be reminded of these, our articles of faith."

It is well to review often the fundamental principles set forth in our Declaration and Constitution. There are many strange winds of doctrine blowing today. The men who founded our nation studied long before they took the step that separated them from the mother country and adopted the charter of our freedom. What they taught is not old-fashioned; it is the embodiment of eternal truth.

H. H. V.

"Observance of Sunday— Stamping on Mail Proposed"

IN THE *Congressional Record* of March 22, 1944, under remarks of Hon. Arthur Capper, Senator from Kansas, and under the above caption, the following statement of Rev. Harry L. Bowlby, general secretary of the Lord's Day Alliance of the United States, was printed:

"Observe Sunday

"The return of the Lenten season each year emphasizes the fact that Christianity is the religion of the Republic of the United States and so declared to be by its highest judiciary, the United States Supreme Court, having on February 29, 1892, handed down an obiter dicta opinion that this country 'is a Christian nation.' (*The Church of the Holy Trinity v. The United States* (145 U. S. 227).)

"It is likewise an interesting fact that the Constitution of the United States, Article 1, Section 7, paragraph 2, has incorporated the first day of the week, Sunday, and so recognized it as a civil institution.

"In view of these facts recognition of Sunday by the Postal Service of the United States would be most appropriate, and eminently in order would be the stamping on all pieces of mail the words 'Observe Sunday' for a period of two weeks previous to and including Easter Sunday, to remind the people of the United States that Sunday is the national weekly rest day, the friend of the toiler, a principle embedded in the Constitution of the United States, and that Christianity is the friend of every person within the nation who believes that it is his duty to this country 'to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies.'

"The President of the United States has expressed himself in favor of such a purpose. It is hoped the Congress of the United States will favor and enact legislation to that desired end and do so promptly in this critical period of our nation's history.

"The Lord's Day Alliance of the United States, New York 10, New York, representing twenty-two religious bodies whose communicant membership is above 20,000,000 with upward of 10,000,000 adherents, makes this earnest appeal, and for the introduction of a bill embracing the said purpose of the movement."

This proposal, made by the secretary of the Lord's Day Alliance and introduced into the *Congressional Record* by a United States Senator, if it were not so serious would be funny. The Reverend Mr. Bowlby suggests in this statement that the Congress of the United States should "favor and enact legislation" to stamp "on all pieces of mail the words 'Observe Sunday,'" on the basis of "the United States Supreme Court, having on February 29, 1892, handed down an obiter dicta opinion that this country 'is a Christian nation.'"

First, let us examine the value of "an obiter dicta opinion." *Corpus Juris* says of an "obiter dictum":

"Such an expression, while entitled to respectful consideration as expressing the view of the judge by whom it was uttered, is not binding as authority within the *stare decisis* rule, even on courts inferior to the court from which such expression emanated, no matter how often it may be repeated. So also the reasoning, references, illustrations and analogies contained in the opinion are not precedents for while the opinion announces the decision of the court

it does not follow that each member has arrived at his conclusion by the same reasoning or bases it on the same principles."

Corpus Juris further says an obiter dictum is "a statement in an opinion not necessary to the decision of the case, or an opinion of a judge which does not embody the resolution or determination of the court, and made without argument, or full consideration of the point, not the professed deliberate determination of the judge himself."

All legal authorities are agreed that an obiter dictum has no authority in law, that it is merely the private opinion of the judge who made it, that it "lacks the force of an adjudication" and cannot be regarded as "a legal precedent." It is merely a remark made by the judge, "not necessary to the decision of the case," and "on a point not necessarily arising in a case."

The above version of an obiter dictum as having no legal value has been sustained by the Supreme Court of the United States many times, as well as by the state supreme courts. In fact, the state supreme courts in obiter dicta have repeatedly denied that the United States is "a Christian nation," but these obiter dicta of the State supreme courts have no more legal value than such a statement made by a judge of the Supreme Court of the United States.

There is a pronouncement, however, made in the Treaty of Tripoli with the United States in 1797 on this subject that does have weight in law and in court decisions. Article XI of the Treaty with Tripoli expressly states, "The Government of the United States of America is not, in any sense, founded on the Christian religion."

What legal value has this statement in this treaty between the United States and Tripoli? According to Article 6 of the Constitution of the United States, "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges of every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Italics mine.)

Chief Justice Marshall in a Supreme Court decision said, "Our Constitution declares a treaty to be the law of the land." It has the same force as the Constitution itself.

The founding fathers of the American Republic never established the Christian religion as the legal religion in the United States. James Madison, in his celebrated "Memorial and Remonstrance" of 1785, asked, "Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish, with the same ease, any particular sect of Christians, in exclusion of all other sects?" And Thomas Jefferson asserted that those who framed the Constitution and the Bill of Rights "meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination." All citizens of the United States stand equal before the law and the bar of justice, irrespective of their religious or non-religious faith. Freedom of religion in this land is based upon the proposition that there shall be no legal ascendancy of one particular religion over another. All religions as well as all citizens enjoy equal rights before the law without special privileges being granted to any.

It seems strange, therefore, that so well informed and so capable a Senator as Mr. Capper should seek to promote legislation in behalf of a sectarian doctrine upon which there is so much divergence of religious opinion. All letters mailed by private citizens of the United States are still considered the private property of the citizen in peace times even though the United States Government acts as an agent in carrying the mail. What right has the government to stamp an exhortation concerning a religious obligation upon the letter of a citizen without his consent? A citizen who conscientiously believes that he ought to observe some other day than Sunday as holy time certainly has a right to protest when an action of the Government compels him, contrary to his religious convictions, to preach and teach a religious dogma to the public in violation of his faith.

FOURTH QUARTER

The Lord's Day Alliance may reply that the Government and not the citizen is preaching and teaching a particular religious dogma. That makes it still more reprehensible, for two reasons. First, the Government is not ordained to teach and preach religious dogmas under a separation of church and state. Second, the Government has no more right to stamp such a message of religious import upon a citizen's letter than upon a citizen's automobile that travels on the public highway.

Our Government is supposed to be neutral upon all religious questions. Public officials may not take advantage of their official positions to promote their own religion or religious views. Public officials should do nothing to offend or discriminate against any religion.

C. S. L.

Citizenship and the Bearing of Arms

(Continued from page 3)

"The language employed by Congress, as quoted above, is stated in the negative; that is, 'that it shall not apply—' etc. This language, by any theory of construction, must, therefore, imply the affirmative; that is, that a conscientious objector performing military duty and wearing the uniform, if he be an alien, is, upon application, entitled to citizenship, even though he is a conscientious objector. Otherwise the language of the act would be of no purpose.

"I, therefore, find that Congress has specifically covered the situation here presented, and provided for the naturalization of applicants such as these. If expression be given to Congressional enactment, it cannot be held that alien applicants for citizenship, who are performing military duty and wearing the uniform, must have read into the oath of allegiance administered to them their willingness to bear arms, which is contrary to their religious convictions, since it is only by reason of such convictions that they find themselves serving in the armed forces in their present status of noncombatants, who are conscientious objectors.

"The motion of the Immigration Service to dismiss the petitions of the applicants must be denied."

NEWS NOTES

THE CHICAGO *Tribune* of July 28 carried a story from a correspondent in Lake County, Indiana, telling of a campaign against indecent literature. The prosecutor of Lake County said, according to the *Tribune* correspondent, "The yardstick to be used will be the monthly list of immoral magazines published by the National Organization for Decent Literature, headed by Bishop John F. Noll, of the Fort Wayne Catholic diocese."

"Nuf sed."

WHEN THE LORD'S DAY ALLIANCE brought a suit against the promoters of a football game played in the Yankee Stadium on a Sunday as being "Sabbath law violation," Judge William C. Dodge stated that the law does not prohibit a "ball game" started after two o'clock, and dismissed the case by saying, "The next thing they'll do is to take away our birthright."

Whether a person abstains from eating flesh on Friday or from going to a ball game on Sunday is all a matter of conscience and not a subject for legislation.

IT IS REPORTED that "the Memphis Youth Service Council, sponsored by local religious and civic organizations, is asking mothers and fathers to sign a 'promissory note' pledging themselves to give a certain number of hours

weekly to their children for the purpose of "recreation, reading, discussion, and association together, looking to closer family life and mutual benefit." The Memphis Ministerial Association approves, and we learn that the American Legion is considering making this a nationwide crusade."

This appeals to us as likely to bring good results. It calls upon parents to do what parents should do, instead of trying to lay their God-given responsibility for their children upon the teachers in the public schools and such religious teachers—state-supported or otherwise—as may be added to the regular school staff.

There is a right way of doing things, and only this way promises any real results. We fear that a good deal of juvenile delinquency begins with parental delinquency.

IN DECEMBER, 1943, the Southern Baptist Convention appointed a committee to report at the next meeting of the convention on the best method "to develop, clarify, and mobilize the sentiment of Southern Baptists for a righteous and lasting peace." A paragraph or two of this report will interest our readers:

"The cherished position of Baptists in regard to the separation of church and state demands that we disavow any desire to be officially represented at the peace table, and we challenge the right of any other ecclesiastical group to such representation. . . .

"Every principle of Christianity and democracy demands the right of every individual to freedom of worship and the right to follow the dictates of his own conscience in respect to religion. The historic position of Baptists requires that we shall in all ways and at all times be apostles of absolute religious liberty for all mankind. This includes both the right to worship and also the right to evangelize and teach. Religious liberty is an inherent right and is not a privilege granted by governments. We must continue to insist that either toleration or restricted freedom of worship is a denial of this right. We earnestly contend that no peace terms will be adequate which either deny or obscure the principle of true religious liberty."

THE NEW YORK *Sun*, Tuesday, August 22, 1944, carried the following:

"FORBIDS GROUP TO EVANGELIZE

"Court Bars Jews' Plan to Spread Christianity

"In an unusual case in the Supreme Court in Brooklyn, Justice Frank E. Johnson has just denied certificates of incorporation to two organizations, the American Jewish Evangelization Society and the American Jewish Missionary Society, which the justice said were formed to spread the gospel of Christianity to members of the Jewish faith.

"In denying the petitions for incorporation Justice Johnson said:

"No citizen ought to ask the State to give its endorsement to any corporate effort which is bound to result in an attempt to persuade citizens of a particular faith to abandon their faith for another. In that process, it seems to me, there is an inevitable interference with that freedom which is guaranteed by both constitutions (Federal and State)."

"The five signers of both petitions were J. Hoffman Cohn, of 268 Ashland Place, and Solomon Birnbaum, of 574 Fifth Street, both of Brooklyn; Daniel Fuchs, of 3149 Perry Avenue, the Bronx; Roland Cole, of 38-13A 147th Street, Flushing; and Bernhard Schatken, of 801 West 181st Street.

"The only signer who could be reached immediately was Mr. Cohn, who is general secretary of the American Board of Missions to the Jews, at 27 Throop Avenue, Brooklyn. Through his secretary he said that he had no comment to

make. The secretary said that Mr. Cohn was a Jewish Christian. She added that Mr. Cole was not a Jew.

"The purpose of the first corporation, as set forth in the papers, was 'to spread the gospel among the Jews, to evangelize those of Jewish faith, and to do missionary work among the Jews in the United States and other parts of the world.' The second had as its purpose the spread of the gospel among 'the Jews in the United States of America and in all parts of the world.'

"Commenting on the petitions, Justice Johnson said:

"Our State constitution says: 'The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State to all mankind.'" It might fairly be said that that is a guaranty that no group shall seem to be the object of a State-approved or State-endorsed movement to persuade that group to change its religious beliefs. It is true that the Supreme Court of the United States has gone very far in support of the right of Jehovah's Witnesses to try to convert others, and has even failed to come to the rescue of those who do not want to be converted and who insist that they are being annoyed by persistent, inconsiderate, and fanatical missionaries who have no respect for privacy and who insist on interviewing people who do not want to be interviewed, in trying to interest them in religious propaganda that they are bitterly opposed to being approached about."

We agree with the *Sun* that this is "an unusual case."

SIX VERY PROMINENT ITALIANS, some of whom are naturalized American citizens, but who naturally still have some love in their hearts for the land of their birth, issued what *Life* termed "An Italian Manifesto." The larger part of the document deals with purely civil matters and, because of the policy of this journal, really has no place for consideration here. But three paragraphs in particular treat the theme that furnishes the basis of all the articles and editorials of this journal—religious liberty:

"Freedom of worship, along with the other freedoms, must be given to the Italians, unadulterated. This means that the governments and military authorities of the great democracies should desist, the sooner the better, from interfering in the ecclesiastical policy of Italy in the remaking. Their support of a clerical regime which monopolizes the thought and educational system of the whole nation, meanwhile implementing that monopoly with economic privilege, is not desired by the large majority of the population. Nor is it accepted without misgivings by the more watchful elements of the Catholic Church. These elements recognize that foreign support of domestic clericalism is the only present occasion from which aggressive anticlericalism can spring, sooner or later, with accumulated resentment.

"Otherwise, no sensible observer of past and present anticipates that the Italians will cap their heap of miseries with the curse of religious civil war. They certainly are not planning to storm Vatican City, to persecute the Roman church, to curtail its freedom. Everything points to a regime of separation that should be ushered in by a transitional procedure smoothing the liquidation of vested interests and paving the way for peaceable relations. 'Our duty,' so wrote Mazzini in 1849, 'is to maintain our rights as Italians without using violence against the Catholic faith.'

"The principle of separation, as the one that fulfills democracy and is the most profitable to state and churches alike, is embodied in the very first paragraph of the American Bill of Rights. There are Italians who have read it. Any different advice imparted to them from English-speaking pulpits is misleading. Any attempt, by force or bribe, at 'an establishment of religion' in Italy is invasion and tyranny, not liberation."—*Life*, June 12, 1944, p. 99.

The whole manifesto, which *Life* calls "the anguished voice of Italy," cannot be lightly dismissed, for the signers

are Giuseppe Antonio Borgese (University of Chicago), George La Piana (Harvard), Colonel Randolph Pacciardi, Gaetano Salvemini (Harvard) Arturo Toscanini, and Lionello Venturi (New School for Social Research)—all men of ability and standing. None of them can be accused of personal or political ambitions, we think.

We are sure that all Italy will benefit by a separation of church and state. The experience of all nations which have tried it warrants such a prophecy. Every Catholic in Italy should be guaranteed protection in his worship; but all dissenters should be given equal rights.

ACCORDING TO THE *Religious News Service* of June 27, 1944, the General Council of the Congregational Christian Churches has decided to enter the field of politics.

"The council in biennial convention approved a program which will provide information to church members on important issues in public life and will supply facts about candidates and their records. . . .

"The old New England custom of 'election sermons' will be revived in Congregational Christian churches throughout the country. Ministers will be asked to preach on the relationship of politics and Christianity. . . .

"Every political action in town and city and State must be brought to judgment in the light of the moral and religious truth at the heart of the Christian gospel."

We think our Congregational Christian friends are inviting trouble. It is our opinion that it would be better to confine their sermons to something besides elections.

IN EARLY AUGUST, the *Boston Post* carried the following news item:

"Arrested for Singing Hymn

"Protest to Be Made in Coastguardsman's Case

"The arrest of a coastguardsman by a shore patrol detail in Scollay Square, last night, because he was about to join in the singing of a hymn with a group of religious workers conducting services at the foot of Pemberton Hill, will be protested to naval authorities today by the Rev. Oswald A. Blumit, director of the Brookline servicemen's center.

"The young coastguardsman, son of a Louisiana clergyman, was about to join in the singing of a hymn with others when a member of the shore patrol stepped forward and beckoned to him. 'You can't do this,' the patrol officer is reported to have said. 'Come with us.'

"A patrol wagon was called and the young sailor was taken to the Joy Street station."

This is the strangest thing of its kind we have ever read. We have seen servicemen taken in hand by military police and shore patrol members for disorderly conduct. We have seen others admonished and turned loose. But to arrest a man for joining in singing a hymn is certainly an inconceivable thing. We would like to think that some mistake has been made in reporting.

THE SAN FRANCISCO *Examiner* of August 2, 1944, gave a recommendation of the superintendent of schools, Curtis E. Warren, "that the controversial proposal to release children from their classes one hour a week to attend religious schools be tried out on an experimental basis in the fourth, fifth, and six grades."

Evidently Mr. Warren was seeking some kind of compromise, for the district attorney and the chief of police had hailed the plan "as an aid in eliminating juvenile delinquency." Agreeing with these gentlemen were the rector of St. Luke's Episcopal Church, and Mr. Harold R. McKinnon, a Catholic layman.

Against the plan were Mrs. Emma Dacre, secretary of the Public Education Society, and Mrs. George A. Hindley, director of education for the second district, Parent Teachers Association. Mrs. Dacre declared that the plan offers "no solution to juvenile delinquency. It will take the children

away from their public schools one hour a week, and they may or may not attend the religious classes. If they don't they will be exposed to all the influences of a port city in wartime." Speaking for her organization, Mrs. Hindley said, "The executive board of our organization objects to any action that would interfere with the school day. There are entirely too many interruptions in the school day now." Speaking for herself alone, she further said, "We shouldn't segregate and divide our children, making them more aware of their religious differences, when you can have religious training just as well after school and on Saturday and Sunday."

We agree with the women.

IN A SPECIAL DISPATCH to the *New York Times* from New Haven, Connecticut, under date of July 6, President Charles Seymour of Yale, in speaking of the danger of government grants to private institutions, is reported to have said:

"Contributions from outside mean ultimate control from the outside. When that happens liberty will have disappeared and authority will be supreme.

"We know what happened in Germany when the free local institutions, the universities, the charitable federations, lost their independence, when public funds were substituted for private endowments and gifts. Government support brought political control; the state monopolized the functions and activities heretofore in private hands. The basis of totalitarianism was laid."

LIBERTY has been teaching this doctrine for years. Some have been unkind enough to think that we press this matter too far. It is naturally flattering to have a man of President Seymour's standing agree so wholeheartedly.

One does not have to be a college president, however, to see the danger in private institutions' accepting government funds. All he needs is an acquaintance with what has come from such gifts in the past. What the government pays for, the government controls, or should control. Government funds that are given without strings attached are wrongfully appropriated. Careful citizens will insist that their money be spent only under the most careful supervision.

THE HAMILTON (OHIO) *Journal-News*, in early April, carried a proclamation by Mayor Leo J. Welsh concerning the observance of Good Friday. The first three paragraphs are as follows:

"WHEREAS, all people of the Christian World will observe April 7, 1944, as Good Friday, the anniversary of the day Jesus Christ, the Saviour of the world, was crucified upon the cross, and,

"WHEREAS, that peace only comes when God is recognized, and,

"WHEREAS, the stations of the cross are an eloquent plea for peace. . . ."

There are then given the fourteen stations of the cross. The proclamation then closes with these two paragraphs:

"Now therefore, I, Leo J. Welsh, mayor of the city of Hamilton, Ohio, do hereby appeal to all citizens to observe Good Friday, April 7, 1944, between the hours of twelve noon and three o'clock P. M., with prayers and meditation, recalling the supreme sacrifice made by the Saviour that men might be saved, and peace reign among men and nations.

"In witness whereof, I have hereunto set my hand and caused the seal of the city of Hamilton, Ohio, to be affixed this third day of April, in the year of our Lord, nineteen hundred and forty-four."

We have no hesitation whatever in saying that Mayor Welsh got entirely outside the proper sphere of a civil officer. How can he, a public official, elected to serve all

the citizens, appeal to the Jews and the skeptics, for instance, to observe Good Friday? It is our belief that a man can be a perfectly good citizen without ever giving a thought to Good Friday. Of course, if he is a Christian, he will often meditate upon the sacrifice of the Son of God for the sins of the world. This he would do as a follower of the Nazarene, not as a citizen of Hamilton or the State of Ohio or the United States.

When Mayor Welsh affixed the seal of the city of Hamilton to his proclamation on the "third day of April, in the year of our Lord, nineteen hundred and forty-four," he was guilty of a violation of his duties as a civil official. As a matter of simple fact, he affixed the seal of the city to a lot of Roman Catholic doctrine. We do not care how many of the citizens of Hamilton are Catholic, we do not care how many misguided Protestants may have approved the mayor's action, it was entirely contrary to and in violation of the doctrine of the complete separation of church and state. It is appalling that any man could be elected to office in the sovereign State of Ohio who would have such a poor understanding of the principles upon which this nation rests.

IN *Our Sunday Visitor*, July 16, 1944, there is presented a list of charges against the Catholic Church and the answers to them. One of the charges is, "The Catholic Church believes in union of church and state." In answer, "Father Quiz," who handles this section of the paper, says: "Where? In the United States or England? No, she does not. She believes in it only where the majority of people of a country are Catholics. Don't you believe in a rule by the majority, when minority rights are properly respected?"

Our Catholic friends want for themselves in England and America all the liberties that other citizens enjoy, and they have a right to have them. Thank God that under our American Constitution men of all creeds and no creed enjoy equal rights before the law.

If there were no higher reason than love of fair play, it seems that the Catholics should be willing to grant to Protestants in countries where the Catholics are in the majority the same rights and privileges that they ask for themselves in England and America where Protestants are in the majority. It is a poor rule that does not work both ways.

If some enemy of Rome had told us that the answer given by "Father Quiz" was her teaching, we would have found it hard to believe. But when it is in one of the leading missionary papers of the Catholic Church in the United States, we must accept it.

The best "Father Quiz" can offer to dissenters in Roman Catholic lands is "toleration," and that is as far from liberty as the poles are apart.

AT A CONVENTION held by the National Association of Evangelists, claiming a national membership of 800,000, Dr. Clarence H. Benson, of Chicago, founder of the Evangelical Teacher Training Association, stated that in his

opinion the Protestant Sunday schools would be extinct within fifteen years, and in order to save the Sunday schools he "favored legislation requiring children to attend Sunday school."

We do not question the good motives of Doctor Benson, but evidently his zeal for the Sunday school has led his good judgment astray. The apostle Paul in speaking of the misguided zeal of the Israelites, said, "I bear them record that they have a zeal of God, but not according to knowledge."

The remedy suggested by Doctor Benson is not a new one. It was tried by the Puritans in New England when they fined and imprisoned people for nonattendance at church on Sundays. Did it save the Puritan religion? A legal religion proved the very undoing of the Puritan church. A clergyman who advocates force instead of faith, and the club of the policeman instead of the cross of Christ, will soon find his pews empty.

The remedy is not legislation but regeneration. Such a preacher needs a new vision of the power of the love of God for sinners, and an endowment of power from on high; then his pews will be filled, and the children will flock into his Sunday school as they did into the arms of Christ who loved and wooed the children. No, preacher, you do not need more force nor more legislation to fill your Sunday school with children, but more faith and more love.

AN ASSOCIATED PRESS DISPATCH from Montreat, North Carolina, reported that the "permanent committee of the Sabbath" of the General Assembly of the Presbyterian Church in the United States, at its eighty-fourth meeting, asked the Assembly to "respectfully protest against our Government—Federal, State, county, and municipal—ordering and encouraging violations of the fourth commandment, as, for example, holding the 'I Am an American' exercises on the Sabbath instead of on a weekday, conducting military maneuvers and drills unnecessarily on the Sabbath, the seven-day week for work, collecting scrap, and doing much other work unnecessarily on the Sabbath, which are not in keeping with the intent and spirit of the fourth commandment."

Of course this religious committee meant Sunday when it spoke of "Sabbath." The editor of the paper from which we have a clipping headed the report "Ban on Sunday Work Proposal Before Church."

It has always been a little difficult for this writer to understand how anybody can make the first day of the week fit the fourth commandment, which makes the seventh rather than the first, sacred time. It is even more difficult to understand how anybody who appreciates the form of government which we have in America can ask that any religious dogma or doctrine be enforced by the civil power. It may be all right for our good Presbyterian friends to ask as a health measure that nobody be required to work more than six days a week. But to ask the Government to pick out any particular day and set a seal upon it is to depart far from the principles of complete separation of church and state which have made this nation what it is.

EQUALITY and LIBERTY

By a divine paradox, wherever there is one slave there are two. So in the wonderful reciprocities of being, we can never reach the higher levels until all our fellows ascend with us.

There is no true liberty for the individual except as he finds it in the liberty of all. There is no true security for the individual except as he finds it in the security of all.
—Edwin Markham (1902).