

CENTS
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LIBERTY

WASHINGTON
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM



RIGHT BY ERNEST N. RYDER

J. L. G. FERRIS, ARTIST

HOME FOR THE HOLIDAYS

What more joyous experience can there be than to welcome the safe arrival of loved ones at Christmastime? This is true today, and it was true back in Colonial times in old Philadelphia at the close of the eighteenth century, when the holiday coach united families at a festive occasion.

Declaration of Principles

INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right of freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.



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6840 Eastern Avenue, Takoma Park, Washington 12, D.C.

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A MAGAZINE OF RELIGIOUS FREEDOM

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OUR COVER PICTURE: In line with the best of tradition and in keeping with the season, our cover pictures the arrival of a Christmas Coach at High (Market) Street at Second, in Colonial Philadelphia. "The coach is a composite type which first appeared in 1773, when the first stage-coaches were instituted, and is an evolution from the old stage-wagon, previously in use. There was no door; the passengers gained ingress and egress from the front, as shown."

"The old Court House, forerunner of Independence Hall, stands exactly as it appeared at this time, in the middle of High Street. This diminutive and honored building was the largest endeavor of the Philadelphia city fathers. Here sat the Colonial assemblies, and here were cherished the principles of civil liberty which matured into our national independence.

"This hallowed building was demolished in 1837 with far less expressions of regret than could have been wished."

The whole scene, naturally English in sentiment, breathes the holiday spirit of America nearly two centuries ago.



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THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION, organized in 1888, teaches only one doctrine—the doctrine of soul liberty, as indicated in the Declaration of Principles on the preceding page. The Association advocates no political or economic theories. Its officers are Alvin W. Johnson, Ph.D., secretary, and Aubrey H. Rulkoetter, Ph.D., John C. Thompson, Ph.D., Frank H. Yost, Ph.D., associate secretaries.



CHARLES EDOUARD DELORT, ARTIST

LIBERTY, 1956



J. E. GUSE PHOTO

SHIPS FROM MANY NATIONS DO BUSINESS AT AMERICAN PORTS

The United States of America from its beginning had the good fortune of heterogeneity. Our nation stemmed from settlements and traders who came from Great Britain, France, Spain, Holland, Germany, and Sweden, and before long it was to welcome representatives from scores of other nations.

Ships and Freedom

By C. EMANUEL CARLSON

[Treaties are agreements between political bodies in international relationships, as to how peaceful relations may be safeguarded. Dr. Carlson, Executive Secretary of the Baptist Joint Committee on Public Affairs, presents here the advantages of the interchange of nations under treaty guarantees. Note should be made of the distinction between treaties of commerce and navigation, and treaties of friendship, commerce, and navigation. The proposals for a new treaty with Haiti lend point to Dr. Carlson's analysis.—Ed.]

FOR the king's ships went to Tarshish with the servants of Hiram: every three years once came the ships of Tarshish, bringing gold, and silver, ivory, and apes, and peacocks" (2 Chronicles 9:21).

The ships of Tarshish contributed rare beauty and interest to the grandeur of the Temple of God. In

a setting made magnificent by all the finery of the earth, "all the kings of the earth" sought the presence of Solomon to explore the depths of his mind. The free exchange of both materials and ideas was widely practiced in that ancient realm.

The Enrichment of Life

A way of life that supports itself with local products is never the richest or fullest life possible for a people. Trade enlarges the range of commodities that can be enjoyed, it makes specialization possible and so increases the volume of goods produced, and it brings together widely separated raw materials and so expands productive operations.

Apples, oranges, and bananas; iron ore, aluminum, zinc, and copper; pearls, diamonds, and rubies; wool, cotton, linen, and silk; coal, oil, uranium; wheat, corn, barley, and rice; cement, marble, and glass; these, and many, many more are the basic commodities that sustain our modern high standard of living. But these are scattered far and wide. For every pro-

Trade sends people abroad. It throws people together for mutual benefits. As they share their wares they also share ideas, and man comes to live in a larger world than he had previously known. The Marco Polos and the Columbuses, the East India Companies and the Fuggers, though selfishly motivated and sometimes unethical, have nonetheless broken down barriers and pushed back horizons.

ductive effort they must be assembled so as to meet the particular need.

Is it coincidence that these materials are so scattered? Is this an instance of poor planning by the Creator? Does the structure of the universe prescribe that some should eat fish, others rice, oranges, or coffee?

If all our desires were met by the commodities at our own back door, we would smugly settle down to a provincial existence, forgoing contacts with other communities and with other peoples. Trade sends people abroad. It throws people together for mutual benefit. As they share their wares they also share ideas, and man comes to live in a larger world than he had previously known. The Marco Polos and the Columbuses, the East India Companies and the Fuggers, while selfishly motivated and oftentimes unethical, have nonetheless broken down barriers and pushed back horizons.

The long-run results of trade, however, are not automatically good. In this activity, as in others, human relations can be either benign or malignant. When traders lack broad humanitarian interest and become narrowly materialistic, imperialism and oppression are the normal results. In this spirit wars are engendered, and human suffering rather than well-being is magnified. If trade is to be beneficial, it must be based on respect for people as God's highest value, and it must be carried out in a spirit of confidence and good will. Unless the right spiritual foundations are present, trade degenerates into mammon's search for "filthy lucre."

The sound promotion of trade, then, must stand on worthy moral foundations. If the exchange of goods is divorced from the exchange of ideas, there is reason to believe that the needed respect for the dignity of man has been lost in the operation. Trade is then malignant, and before long the materialism of

those human relationships will fester into sores in the social structure.

The Roots of Misunderstanding

"Foreign ideas" have often been viewed as dangerous. Indeed, they have been looked upon as being so dangerous that it is better to forgo the foreign commodities rather than to risk the contamination of the national mind. Such fears are not irrational. Rather they spring from well-conceived plans by political, economic, or ecclesiastical leaders to spare themselves the competitive appeal of someone else's thoughts. In the interest of entrenchment and control, ignorance becomes desirable, and narrow provincialism becomes sacred loyalty.

When the leadership of a culture pattern desires to close the door to "foreign ideas" it usually enshrouds its own culture in a set of religious sanctions, quite unaware that it is being prepared for demise. Usually, the nations who dare not welcome the foreigner to let him live freely in their midst are nations whose culture is religiously dominated. For these, right thinking means simply conforming, and conformity means uniformity.

When cultural differences are vested with the significance and authority of established religion it becomes most difficult to recognize our common humanity. Then the superficial differences of color and dress, of language and the arts, of taste and habit, are magnified into great barriers to communication and understanding. The shade of the shawl or the cut of the coat then becomes cause for suspicion and the ring of the name or the vocabulary of the creed becomes the basis for persecutions and executions.

The American Good Fortune

The United States of America from its beginning had the good fortune of heterogeneity. Our nation stemmed from settlements and traders who came from Great Britain, France, Spain, Holland, Germany, and Sweden, and before long it was to welcome representatives from scores of other nations.

The Dutch at New Amsterdam, the Puritans in New England, the Swedes on the Delaware, the Roman Catholics in Maryland, and Anglicans in many States, all coming from more or less closed culture patterns in Europe, found themselves thrown together on the trading frontier. Here the grip of the old institutions of social control was reduced and a freedom of communication and understanding was possible. Toler-

CUNARD STEAMSHIP CO.

Our Department of State has sought to include religious liberty in our treaties of trade whenever possible.





PAN AMERICAN WORLD AIRWAYS PHOTO

In this modern age the airplane has in many instances augmented the ships of the sea in bringing people and commerce together, and in bringing into being treaties of friendship and commerce.

ation was natural and easy, in the absence of an "establishment of religion." It is understandable that the proscribing of such an establishment should become the first point in the safeguarding of their liberties.

The New World had its institutional zealots, to be sure. No doubt many shared John Cotton's feeling that it was toleration that made the world anti-Christian. But toleration grew, and the fears that social disorganization would result from disestablishment of religion soon subsided. Even Maryland under its Roman Catholic proprietors broke the spirit of a long tradition and made splendid contributions to American freedom.

How freedom-minded that generation was may be judged from a letter written by Charles Carroll, the one Roman Catholic signer of the Declaration of Independence, to John Stanford, a Baptist minister in New York. In 1827, looking back over events, Carroll said to his Baptist correspondent:

Your sentiments on religious liberty coincide entirely with mine. To obtain religious, as well as civil liberty, I entered zealously into the Revolution, and observing the Christian religion divided into many sects, I founded the hope that no one would be so predominant as to become the religion of the State. That hope was thus early entertained, because all of them joined in the same cause, with few exceptions of individuals. God grant that this religious liberty may be preserved in these States, to the end of time, and that all believing in the religion of Christ may practice the leading principle of charity, the basis of every virtue.¹

In 1776 religious liberty was well on its way to becoming a positive principle, a commitment based on a national philosophy. As the new nation began to make its own trade arrangements with foreign powers, the negotiators wrote the principle into the treaties, and so confirmed the necessary priority to human rights and values over the materialistic considerations in trade.

Treaties and Toleration

At a time when toleration was very scarce in England, the British Government gave the Roman Catholic institutions in Quebec full protection by the Quebec Act of 1774. On the St. Lawrence and on the Mississippi the British Government's concern was more for furs than it was for faith. The colonists to the south were worried and distressed. Nevertheless, in October of that same year the first Continental Congress adopted a letter addressed to the inhabitants of Quebec, inviting them to join with the colonies of the south, and urging the importance of freedom of conscience. Hence, the first foreign contact of the embryonic nation based its appeal on religious freedom.

In October, 1782, a month before Great Britain conceded independence, the new nation signed its first peacetime treaty of friendship and commerce. In this historic treaty with the Netherlands it was agreed, among other things, that—

there shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to

their families; and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country.²

This very significant statement was subsequently included in treaties with Sweden and Prussia, and in modified form in many later treaties. There is no way of knowing whether these early statesmen saw the full institutional implications of "an entire and perfect liberty of conscience." Obviously they saw that commercial and intellectual intercourse is possible between peoples of good will without there being need for religious uniformity. They saw that it is not dangerous to have foreigners come with different religious ideas and patterns of expression. And yet we must remember that each of these treaty powers had an established church.

As the old Spanish Main began to crumble in the New World it became possible for the United States to negotiate treaties of friendship and commerce with the new countries taking shape in Latin America. From 1824 to 1870 a dozen and a half treaties were negotiated with these countries, all of which made provision for "security of conscience" and guaranteed residents of the other country against molestation because of religious belief.

A treaty with Venezuela in 1836 was the beginning of a trend toward spelling out the meaning of the broad guarantees that had become customary. This formula was then used in a number of treaties:

The citizens of the United States residing in the territories of the Republic of Venezuela shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages, and customs of the country.³

More Detailed Liberty

The preceding formula did not state who should designate the places for worship. The treaty with China, 1844, gave the right of hiring sites from the inhabitants on which to construct churches. By 1853 this problem was handled more specifically in the treaty with Argentina. The contracting powers then guaranteed to each other's residents—

the proper exercise of their peculiar worship, either within their own houses or in their own churches or chapels, which they shall be at liberty to build and maintain, in convenient situations, to be approved of by the local Government. . . .⁴

The opening of the Far East to American commerce, in the 1840's and 1850's, raised a great many problems of interaction between widely different cultures. As our negotiators sought to sustain the freedom of Americans abroad they negotiated for justice and moderation on rents, fees, and sites. That religious tensions should appear in static societies like those then current in China and Japan is understandable, and particularly so when conversions to Christianity began to occur. Article 29 of the treaty with China, 1858, seems to be the first to consider the convert's rights. Recognizing Protestant and Roman Catholic churches as teaching men "to do good" and "to do to others as they would have others do to them" the treaty said:

Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested.⁵

The same year we mutually agreed with Japan "not to do anything that may be calculated to excite religious animosity," and note was made that the



Even the islands receive their share of the commerce of the world by the visits of the ships that sail the seven seas.

Japanese Government had abolished the practice of tramping on religious emblems.

The problem of what to do with the dead foreigner was also receiving diplomatic attention. Peoples that equate religion with society, and society with the native soil, might well be concerned lest foreigners contaminate the pure soil of the established faith. The privilege of burial was a significant concession. "Perfect and entire freedom of conscience and worship, with the right of sepulture according to their creed shall be enjoyed by citizens or subjects of either of the High Contracting Parties within the jurisdiction of the other," said our treaty with Tonga in 1886, therein restating a provision that had frequently been included.

The missionaries also created diplomatic problems. A new treaty with China in 1903 spelled out their opportunities by adding to the clause of 1858 the following:

No restrictions shall be placed on Chinese joining Christian churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China; and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before or may commit after their admission into the church, or exempt them from paying legal taxes levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects; nor shall the native authorities make any distinction between converts and non-converts, but shall administer the laws without partiality so that both classes can live together in peace.

Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire for missionary purposes and, after the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.⁶

After World War I a new high liberality was attained in the treaties of friendship and commerce negotiated. In the 1920's and 1930's Germany, Hungary, Estonia, El Salvador, Honduras, Austria, Latvia, Norway, Poland, and Finland agreed to formulas that respect the competence of the people to judge for themselves in matters of religion, thereby essentially relinquishing religion as a tool for social control. The treaty with Honduras, for instance, reads as follows:

Article 1. The nationals of each of the High Contracting Parties shall be permitted . . . to exercise liberty of conscience and freedom of worship; to engage in . . . religious . . . work of every kind without interference; . . . to own, erect or . . . lease lands for . . . religious . . . purposes; . . . and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.⁷

The Modern Scene

One of America's best answers to the charge of being materialistic lies in her diplomatic negotiations in behalf of religious liberty. Since Americans generally have valued their freedom highly, they have not been disposed to go abroad in pursuit of the almighty dollar if in that venture they would be compelled to accept a less favorable situation in terms of liberties. Accordingly, our Department of State has sought to include religious liberty in our treaties of trade whenever possible.

Such clauses have usually been included as part of the "friendship" aspects of treaties of "friendship, commerce and navigation." When dealing with closed cultures where this kind of friendship and confidence are not available, our treaties have, with a few exceptions, turned out to be simply treaties of "commerce and navigation." We have had considerable "commerce" without "friendship" or "amity."

Several new treaties of "friendship, commerce and navigation" have been negotiated between the United States and other countries since 1946. In most of these, religious liberty has been spelled out in greater detail than was customary in the past. In other situations the making of the "friendship clauses" have proved to be very difficult.

Many new nations have come into being in the last ten years. They are now in the process of finding their places in the world's market places of wares and ideas. In this same decade the world has experienced a new trend toward curtaining off people so as to insulate their minds. Curtains of iron and silk, curtains in red and in purple, have become commonplace in our modern world affairs. Some have borne the sign of the swastika, others the sickle, and yet others the cross, but curtains they are nonetheless.

The international situation which is posed for the future by these circumstances may well be viewed as crucial. If religion is equated with a national culture, or a thought pattern, and those cultures and patterns accordingly become the absolutes in the lives of their people, we must expect peace to be impossible and the future dark. On the other hand, if national cultures can be seen as being on the human level, while people in spite of ethnic and geographic differences learn to share with and to benefit from peoples around the globe, respecting the human person and his relationship to his Creator, the future can be the brightest that man has yet known.

¹ Anson Phelps Stokes, *Church and State in the United States*, (New York: Harper and Brothers, 1950), 3 vols., vol. 1, p. 464.

² William M. Malloy, et al., *Treaties, Conventions, International Acts, Protocols, and Agreements Between United States of America and Other Powers* (Washington: Government Printing Office, 1910-1938), 4 vols., vol. 2, pp. 1234, 1235.

³ *Ibid.*, p. 1835.

⁴ *Ibid.*, vol. 1, p. 24.

⁵ *Ibid.*, pp. 220, 221.

⁶ *Ibid.*, pp. 268, 269.

⁷ *Ibid.*, vol. 4, pp. 4306, 4307.



Separation of Church and State

Why I Believe in It

By MRS. JAMES L. CRIDER

I BELIEVE in separation of church and state primarily because its very institution is just another manifestation of the true nature of God.

God's innate character was revealed when freedom was first extended to man with the privilege of free moral choice in the world. Although this God-given right to choose good or evil is truly a blessing, history has shown that man has too often chosen the way of force and coercion. Nevertheless, we can readily appreciate what a veritable benefit this right of choice is, when we consider the alternative of living as puppets manipulated by God.

I believe in separation of church and state because I can only conceive of God as wanting the church to be a living, vital fellowship from which spiritual power can emanate to meet the needs of the community or state.

"In some European countries where the churches are supported by governments, church members have little or no understanding of the word 'stewardship.' It is not necessary for them to give to support the churches. We hear echoes of many such churches in these countries where interest in the church is at a very low ebb. The reason for the vigor of the so-called 'free' churches in many instances is because the members must of necessity give their lives as represented by their money, in support of the living church." *

Without separation of church and state, I cannot conceive of the kind of living church I believe it would be God's purpose to propagate.

Since the church and state are separate entities, it is logical that the activities of each existing body be separate. If either body infringes upon the rights of the other, the freedom God intended each to have is endangered.

For more than one thousand years Christ's church was dandled in the lap of the state. But ever the fire of apostolic zeal continued to burn on the altars of

religious liberty. From the sixth to the fifteenth centuries many valiant men dared to contend for liberty of conscience amid perils. Among these were Peter Waldo, John Wycliffe, John Huss, and Martin Luther. Roger Williams completes a rather special list of apostolic witnesses who moved toward separation of church and state. As Americans we should ever be thankful that men like Roger Williams stood for this cause in the crucial days when our nation was being established, and that at that time in history the forces of freedom were mightily exercised.

It may be a trite statement to repeat that America has always been a haven for the oppressed of other lands, but one of the contributing factors was the dauntless spirit of men who dared to suffer for what they believed. It is often when men of good will have had to live in an atmosphere of compulsion that the significance of freedom has been most valued.

Finally, the most important reason why I believe in separation of church and state is because God works through the lives of individuals. How, then, can a church supported by the state possibly be the most effective agency for God's work, when there is no longer the stimulus for individuals to build God's church? Writers, philosophers, and others who have theorized on the predicament of man through the years have generally concluded that any transformation that is realized in the community, state, or world, has its beginning in the individual life.

Just as it would be hard to imagine a violin capable of producing music without strings, so would it be difficult to visualize a living church without men and women from all walks of life as living instruments. I believe that separation of church and state is a mighty bulwark in the preservation of the living and vital church.

* Paul Shelford, in the *Baptist Bulletin*, published by Council on Missionary Cooperation, American Baptist Convention, July, 1955.



B. BISHOP—DON KNIGHT

A Summation of the Bradfordsville School Case

By JESSE K. LEWIS

[Mr. Lewis is an attorney at law practicing in Lexington, Kentucky. Formerly an Assistant Attorney General of Kentucky, he collaborated with Congressman Eugene Siler in presenting the plea of the citizens of Bradfordsville for a court injunction against the closing of the Bradfordsville High School. The case has been decided in favor of the protesting Bradfordsville citizens.—ED.]

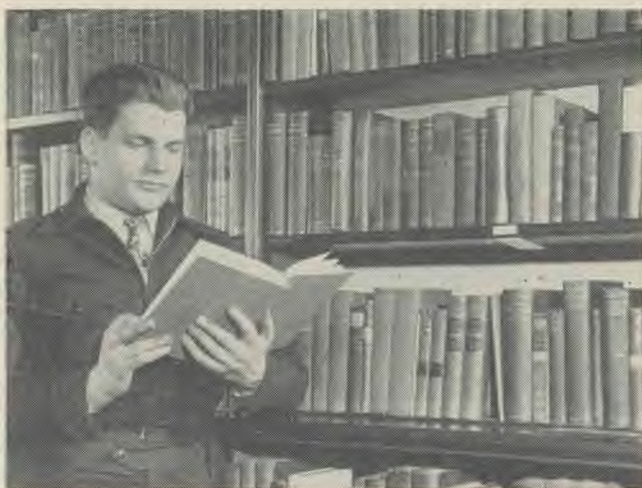
THE CITIZENS OF BRADFORDSVILLE, KENTUCKY, have waged a valiant fight to regain their high school, which has been ordered closed by the Marion County Board of Education.

The Bradfordsville problem cannot be correctly analyzed without considering the religious factors involved. And in discussing the religious phase, it is essential that the distinction be made between the rank and file members of the Catholic Church—in other words the laymen—and the Catholic hierarchy. In a government like ours the *quid pro quo* that the Catholic hierarchy has to offer to government officials and political bosses is Catholic votes. Therefore, the reason why the public officials of Kentucky have been violating with impunity the Constitution and laws of Kentucky in hiring the Catholic Church through its nuns to teach in certain public schools, is the fact that the hierarchy has been able to make a trade with the politicians. I am confident

that there are intelligent Catholic voters who do not approve.

Some two years ago Rev. J. C. Rawlings, of Bradfordsville, filed suit against the State Superintendent of Public Instruction and six county boards of education in Kentucky, wherein he challenged the right of Catholic nuns to teach in public schools. The attorney for Rawlings was the Honorable Eugene Siler, now serving in the Congress of the United States from Kentucky. This case lay dormant in the court of appeals for over a year. In view of the public importance of it, as well as the mandate laid down in our Constitution relating to speedy trials, this case should have been decided much sooner.

Marion County, Kentucky, is an agricultural county. The population in the western part of the county is largely Catholic. The population in the eastern end of the county is predominantly Protestant. The population of each section is approximately the same. Under the school program adopted by the department of education in 1937, high school centers were established at Bradfordsville in the eastern end of the county and at St. Charles in the western part of the county. At this time Bradfordsville had the largest high school enrollment in the county outside the high school at Lebanon, the county seat.



EWING GALLOWAY

"Neither a state nor the Federal Government can openly or secretly participate in the affairs of any religious organizations or groups, and vice versa."

The chairman of the county board is also a Catholic, and he has admitted that the St. Charles High School, the so-called public high school in the western side of Marion County, is a Catholic school.

Some ten or twelve years ago this Catholic superintendent and the Catholic-controlled board of education began to deviate from the policy and program of the State Department of Education of Kentucky in building up these two large schools. One of the main reasons for this was that there were some fifty Catholic high school students living nearer to Bradfordsville than they did to the St. Charles High School where the nuns taught. Because of this religious factor the Board adopted the policy of giving the students a choice as to where they would go to school, and of course, this was done so that the Catholic children could be taken to schools taught by the nuns. This was in violation of Kentucky law. About this time a Catholic priest in this section of Marion County proposed that he should come into the grade school attended by Catholic and Protestants alike and teach the Catholic catechism. Of course, this aroused the opposition of Protestants, and the plan fell through. The Catholics then built a school only two miles from this public school and installed nuns as teachers, transferring the Catholic children from the grade school to this Catholic school. The county board then put on another bus at public expense in order to transport these Catholic children to this new school, which the county board had rented from the Catholic Church.

During this time the county board was expending large sums of public funds to equip the St. Charles High School, attended by the Catholics and taught by the nuns. The board built a new agricultural shop building, purchased fine equipment, and did everything to make the school attractive to the farm boys and girls, including the teaching of home economics and commercial courses. At the same time, the county board discontinued vocational agriculture

and home economics courses at Bradfordsville, and refused to offer commercial courses. This was discrimination of the worst kind, making the school unattractive to the farm boys and girls. The citizens of Bradfordsville soon sensed that the Catholic-controlled board of education had set out to destroy the Bradfordsville High School, and this was accomplished in four principal ways: (1) refusal of the board to furnish the necessary curriculum and courses of study as recommended by the State board of education; (2) routing of the school buses so as to take the high school students of the eastern section of Marion County either to the St. Charles High School or to Lebanon Independent High School, longer distances and at greater public expense; (3) discouragement from attendance at Bradfordsville of students from an adjacent county, who had no other high school to attend; (4) segregating the Catholic from the non-Catholic students.

Although the population of the eastern section of Marion County was as large as that of the western section, from 1937 to 1953 the high school attendance at Bradfordsville shrank from 97 to 62, whereas the high school attendance at St. Charles increased from 70 to 256, and the number of high school students transported from the eastern section of the county to the Lebanon Independent District increased from 60 to 142. During this period of time the board had made capital outlay expenditures of approximately \$650,000. However, the only money expended at Bradfordsville was to convert the agriculture workroom into an addition to the cafeteria, and to convert the home economics room into another grade school room. Of this capital outlay expenditure, none of which was expended at Bradfordsville, approximately \$400,000 was for new grounds and new buildings, \$90,000 for new furniture and equipment at the other schools, \$40,000 for improvements of the other schools and approximately \$60,000 for new sites and additions to old sites.

In other words, and as testified to by a former county school board member: "We spend all our time voting this for St. Charles and this for Glasscock and when we get through there is nothing left for Bradfordsville." Thus the board "starved" the Bradfordsville High School to death in the manner in which I have related, but at the same time built up the St. Charles High School, attended by the Catholic children and taught by the nuns, to the place where there was nothing to be desired in the matter of equipment and curriculum. May I point out that the county board violated the school laws of Kentucky in transporting students in the eastern end of the county over longer distances to other schools and away from Bradfordsville; in failing and refusing to maintain a uniform system of public education at Bradfordsville; in expending public funds disproportionately and lavishing them upon the school at-

tended by Catholic students; in failing to give the Protestant students equal curriculum and equipment; in cutting off the students from other counties who had a right as a matter of law to attend school at Bradfordsville; in arbitrarily closing the school in 1954 when it had been approved and accredited by the State department of education. And to show the arbitrary manner in which the school buses were routed to take the high school students away from Bradfordsville, we were able to prove by the official records from the office of the county superintendent that of the twenty-five bus routes operated in the county to transport students, nine operated from all sections of the county to take students to the St. Charles High School in the western part of the county, fourteen operated from all sections of the county to take county students to the independent school at Lebanon, the county seat, but only three were routed toward Bradfordsville, and of these three, two routes continued on from Bradfordsville and therefore took students from that school. Only one bus was routed directly to Bradfordsville. By this calculated and deliberate policy effectuated in the manner described the school officials not only violated Kentucky law but they violated the equal protection clause of the Fourteenth Amendment to the Constitution of the United States.

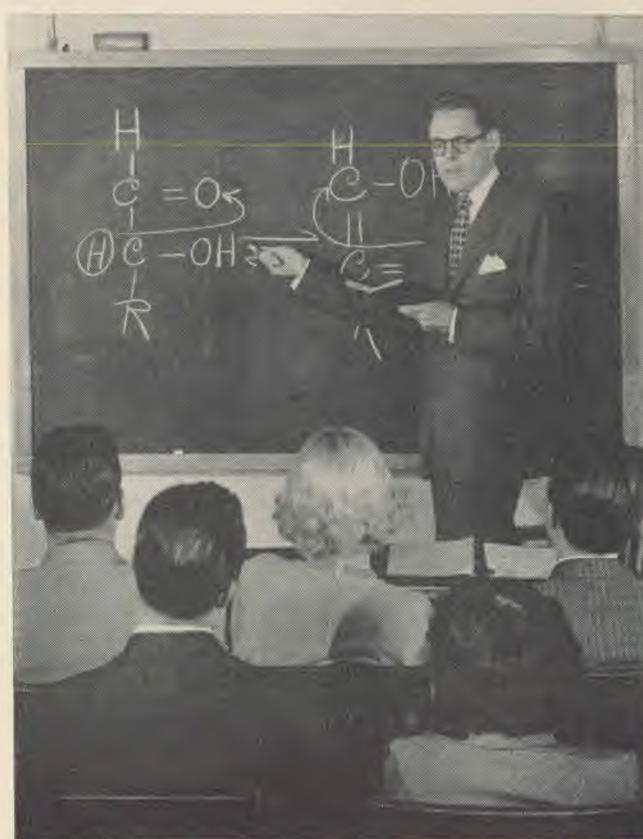
I shall now briefly refer to the violation of our State and Federal Constitutions by the school officials of Kentucky in paying public funds to the Catholic Church for the rental of buildings and the hiring of nuns as teachers. Some seven or eight buildings, in most instances adjacent to a Catholic church, were rented from the Catholic Church, and some forty nuns were installed as teachers. We were able to establish in evidence by some of the nuns, high school students, and other officials that within the schools taught by the nuns, training was given in the Catholic religion during school hours and was also given one hour a week by the priest at the adjacent Catholic church. The nuns actually taught Catholic catechism to the students in the schools, and they regularly purchased at public expense Catholic literature, which was distributed to the children by either the priest or the nuns. Printed Catholic prayers were handed to the students by the nuns, and thereafter each morning they were required to read these prayers in school.

It was disclosed from the records that the Ursuline nuns solicited money from the students for Catholic mission work. Out of these public funds the sisters purchased punch boards and sold chances thereon to the students, who received prizes on the lucky numbers. Under the Kentucky Constitution, Section 226, this constituted a lottery and gift enterprise and under the Kentucky statutes was a felony. In other words, the high school at St. Charles is used as a training ground for the Catholic high school students

to engage in lottery and gift enterprises in violation of the criminal laws of Kentucky. Out of these public school funds sums of money were regularly paid to Catholic priests, and money was solicited from the students and donated to Catholic priests. The nuns were continually conducting drives among the students for Catholic purposes.

Also in 1951, and while pursuing its unlawful policy of discrimination against the Protestant section of Marion County, the county board of education established another high school in the western and Catholic section of the county, and only six miles from the St. Charles High School. The Catholics had constructed a new high school building at a cost of \$212,000 in the village of Loretto, and instead of conducting a private parochial school, the Catholic Church leased the building to the county board of education for the nominal sum of \$450 per annum, and the county board installed nuns as teachers. Thereby and to all intents and purposes the school was a parochial school operated at public expense, and with the salaries of the nuns as additional income to the Catholic Church.

All these facts were established in the evidence in the Bradfordsville case handed up to the court of appeals, with the conviction that the Federal Constitution and the Kentucky Constitution had been violated in the expenditure of public funds in the



EWING GALLOWAY

"No tax in any amount, large or small, can be levied to support any religious activities or institution, whatever they may be called, or whatever course they may adopt to teach or practice religion."

manner proved. As stated in both the Everson and the McCollum case by the Supreme Court:

No tax in any amount, large or small, can be levied to support any religious activities or institution, whatever they may be called, or whatever course they may adopt to teach or practice religion. Neither a state nor the Federal Government can openly or secretly participate in the affairs of any religious organizations or groups, and vice versa.

The favorable decision made in the case on 22 June, 1956, by the Kentucky Court of Appeals was therefore most gratifying to the appellants. The court said that the Marion County Board of Education in closing the Bradfordsville High School in 1954, and ordering its pupils to attend school in Lebanon, acted "arbitrarily, capriciously, and in excess of its lawful powers."

The court of appeals ordered the Marion County School Board to—

1. Stop violating the State law that prohibits books and literature of the Roman Catholic Church to be distributed in the public schools.

2. Stop placing sectarian periodicals in and about the libraries of the county schools.

3. Stop spending public school funds for religious purposes.

4. Maintain school-bus runs on Catholic religious holidays that are not also legal State or national holidays.

The Court added:

It seems to us that the entire county system of schools should be reorganized so as to produce substantial equality of the several sections of the county and to abolish sectarianism in all parts thereof.

The Marion County School Board was also ordered by the court to set up again, and as promptly as practicable, a four-year high school in the Bradfordsville area of the county, or else to establish one centrally located union high school for the entire county. The court also ordered the school board to give adequate courses in the high school to be opened in the Bradfordsville area and to rearrange the school bus routes on a rational basis.

The court's decision is a sweeping condemnation of biased handling of school facilities by the Marion County Board of Education, constitutes a new cornerstone in the structure of freedom in public education.

Southern Baptists and Government Funds for Hospitals

By DR. A. HAMILTON REID

[Dr. Reid has set forth in the following article a survey of how funds granted to hospitals under the Hill-Burton Act have been allocated, and states very clearly why Southern Baptists have declined to accept government funds for their denominational hospitals. He also appends at the end of his article a concise statement showing why, under separation of church and state, property belonging to churches and used for a religious purpose should not be taxed. Dr. Reid's article first appeared in the Montgomery, Alabama, "Baptist Informant," and was reprinted in the Appendix of the "Congressional Record" for July 12, 1956. Dr. Reid has given permission for the republication of his article in LIBERTY: A Magazine of Religious Freedom.—ED.]

I do not find where Southern Baptists as a denomination have ever definitely expressed their approval of the use of Federal tax funds as made available by the Hill-Burton Act of 1946 for the building of church owned and controlled hospitals. In this article I do not propose to speak for Southern Baptists or Alabama Baptists, but with a feeling that many Baptists and others are confused as to the Baptist position on this issue, I am writing in an effort to clarify the Baptist position.

The 79th Congress, on August 13, 1946, passed the Hospital Survey and Construction Act, commonly

known as the Hill-Burton Act, appropriating \$75 million annually for 5 years to assist the several States in the building of public and other nonprofit hospitals throughout the Nation. The 81st Congress amended the act extending its duration, increasing the annual appropriation to \$150 million, and setting up more liberal terms for grants. The original act provided \$1 in Federal funds for every \$2 provided locally. The amended act provides a maximum of \$2 in Federal funds for every \$1 provided locally. The 83rd Congress further amended the act extending the expiration date to June 30, 1957. The 83rd Congress also passed the Medical Facilities Survey and Construction Act of 1954, providing a somewhat similar program of assistance for the construction of diagnostic or treatment centers, hospitals for the chronically ill and impaired, rehabilitation facilities, and nursing homes.

The purpose of the Hill-Burton Act as set forth in section 601 of the act is: "To assist the several States (a) to inventory their existing hospitals, to survey the need for construction of hospitals, and to develop programs of construction of such public and other nonprofit hospitals as will, in conjunction with



CAREY PHOTO

To grant tax money taken from the pockets of citizens of all religious faiths or no religious faith to any church group for any purpose is a violation of the great American principle of separation of church and state.

existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all their people; and (b) to construct public and other nonprofit hospitals in accordance with such programs."

Federal Tax Money Expended Under the Act

As of April 30, 1956, the Federal Government had made grants to the various States totaling \$752,847,000 under the Hill-Burton Act for the building of hospitals and other related medical facilities. Of this amount \$140,180,000 went for the building of non-public and church owned hospitals. Of the \$140,180,000 granted to such nongovernment organizations, \$112,591,000 or 80 per cent of the total went to one church denomination for the building of hospitals owned and controlled by that denomination. Of the total amount expended by the Government under this act throughout the Nation, 14.9 per cent went for the building of hospitals owned and controlled by this one denomination.

FOURTH QUARTER

As of July 30, 1955, the Federal Government had granted to Alabama under the Hill-Burton Act a total of \$22,390,204.82 for the building of hospitals and other medical facilities. Of the amount granted to Alabama by the Federal Government for construction of hospitals, one church group, which is a minority group in the State, received \$4,915,000 or 22.9 per cent of the total including all grants made to city, county, and State hospitals and medical facilities.

Religious Freedom and the First Amendment to the Constitution

Baptists and others came to this country in the early colonial days fleeing from religious persecution at the hands of state-favored and tax-supported churches. They did not immediately find religious freedom. They found it after much struggle and suffering. As a result of their valiant struggle and persistent efforts, the First Amendment was written into the Constitution of our Government. This Amendment reads:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to as-

semble, and to petition the Government for a redress of grievances."

Our Government from the time the First Amendment was enacted has interpreted its Constitution as granting freedom of religion to all of its citizens without special favor or restraint, and has not extended tax support to any church or to all churches. Each religious group has been left free to practice and propagate religion in its own way without special favor or hindrance from the Government. The Government has not recognized any state church, or the dominance of any church over the state. Religious freedom and separation of church and state is one of the fundamental principles that has made for the greatness of our American democracy.

The Supreme Court of the United States has consistently interpreted the First Amendment as granting religious freedom to all citizens and special favors to no religious sect or group. As late as 1952 this Court rendered the following decision which came out of the *McCullum* and *Zorach* cases:

"Government may not finance religious groups nor undertake religious instruction, nor blend secular and sectarian education, nor use secular institutions to force one or some religion on any person. . . . Neither a State nor the Federal Government . . . can pass laws which aid one religion, aid all religions, or prefer one religion over another. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may take to teach and practice religion."

Baptists Stand on the Constitution

Southern Baptists own and operate many hospitals, schools, and other institutions. There are one or more Baptist hospitals in most of the large cities of the South, and in some of the smaller cities. Many new hospitals have been erected by Baptists in recent years, and others are in the process of being erected. There are 3 Baptist hospitals in Alabama—2 in Birmingham that are owned and operated by Birmingham Baptists, and 1 in Gadsden, owned and operated by the Baptists of Etowah County.

Baptists, as a denomination, have not accepted Federal tax money grants under the Hill-Burton Act, or tax money from any source for the building of their hospitals or any other institutions. It is the accepted position of Southern Baptists that it is a violation of the First Amendment to the Constitution for the Federal Government to make tax money grants for the building of hospitals, or any other institutions, when such institutions are to be owned, controlled, and operated by a church group. Southern Baptists also take the position that it is a violation of the Constitution of this great democracy that grants religious freedom to all of its citizens, for any church group whether it be Protestant, Catholic, or



Southern Baptists as a denomination do not favor the use of Federal tax funds toward the building of church owned or church controlled hospitals.

Jewish to expect special favors from the Government and accept tax money for any purpose. To grant tax money taken from the pockets of citizens of all religious faiths or no religious faith to any church group for any purpose is a violation of the great American principle of separation of church and state. In our democracy, men of all religious faiths and no religious faith constitute our governing bodies, and the Constitution demands of them that they recognize the freedom of all the people in matters of religion and make no laws favoring any religious group or groups, or restraining any religion.

Church Hospitals Are Religious Institutions

It is argued that hospitals are humanitarian service institutions. It is true that they are humanitarian service institutions, but it is also true that they are religious institutions when they are owned and operated by a church body. Denominational hospitals are built and maintained with a service motive, but like all other church institutions they are built and maintained for the development of the church's influence in society, and to propagate the teachings and practices of the religious group. It is true that all hospitals admit patients of any or all religious faiths, but it is also true that a certain amount of religious influence is found in every church hospital. Some churches assert this denominational and religious influence more definitely than others. It is well known

that the church group that has received more tax money for the building of hospitals than all other church groups combined has medical codes that are narrowly denominational and discriminatory. This denomination systematically promotes one sectarian faith through the environment and personnel of its hospitals. Furthermore, through its canon laws it denies certain freedoms to patients, doctors, and nurses which are commonly found in other hospitals. Any institution that places the canon law of the church above the laws of the State, is not a public institution, and should not be built by public tax money.

Amendments to the Hill-Burton Act

The Hill-Burton Act will expire on June 30, 1957. A bill to extend the act has been introduced in the Senate by Senator Lister Hill, of Alabama, and in the House of Representatives by Representative Percy Priest, of Tennessee.

Doubtless the majority of the American people would favor an extension of the act, but with amendments. The act, if extended, should first be amended and made to conform to the Constitution of our Government and the American principle of separation of church and state by discontinuing Federal Government grants to church bodies for the building of hospitals and other related facilities, when such institutions are to be owned and controlled by a church body.

At this time in our national economy when Federal security of loans is the prevailing principle and practice, the act might be further amended making it possible for church bodies and private groups to borrow money for the erection of hospitals on Federal approval of such loans. This would greatly help to meet the need for more hospital facilities in our country by making it easier for private and church owned hospitals to borrow money for the erection of buildings. This would not be a grant, but a loan to be paid with interest like other loans. Such loans with Government endorsement are now being made to colleges and universities throughout the country for the erection of income-producing buildings on college campuses.

A Step Toward a Wider Breakdown of the Constitution

For the Federal Government to subsidize a church body by granting tax money to that body for the building of hospitals to be owned and controlled by that body, and for a church body to accept such a subsidy, is, in the opinion of Baptists and many other American citizens, an entering wedge for a further and larger breakdown of the Constitution of our Government, and the great principle of religious freedom.

A pressing issue before the Congress at this time is that of Federal aid to schools. One of the main issues

that has prevented the passage of such legislation in the past has been the contention of some that such aid, if granted, should include nonpublic schools along with public schools. It is argued that a Federal school aid bill should be modeled after the Hill-Burton Act, and nonpublic schools included along with public schools. Should the Congress pass such a bill making public tax money available to church schools along with public schools, it would place both the Protestant denominations and the public schools in a very unfavorable position. It would give Government recognition and assistance to two school systems in this country—the public school system under the control of the State, and the parochial system under the control of the church.

The Protestant Church groups have encouraged and supported the public school system in this country from its beginning, and in the main retired from the field of elementary and secondary education in favor of the public school system. If the Federal Government should pass an aid to education bill making tax funds available for the building and support of church schools of any and all religious faiths, it would force the Protestant denominations in America to rethink their educational program and re-enter the field of elementary and secondary education as a necessary protection.

The Protestant churches throughout the Nation have erected educational buildings in connection with their churches which are now being used for Sunday School and other church purposes. Many Protestant churches would feel forced to convert these buildings into parochial schools and claim Federal funds for the support of their school programs. This would lead to the weakening or destruction of the public school system in America, as has happened in many other parts of the world. In turn this would lead to the failure of this great democracy.

Without a democratic education of all the youth in a common school system, it is doubtful if a democracy can maintain its unity and strength.

Church Property and Taxes

Baptists not only take the position that it is unconstitutional for churches and church owned institutions to receive public tax support in any form, it is likewise unconstitutional for churches and church owned institutions to be subject to taxation when such institutions are used wholly for religious, educational, or benevolent services. The power to tax carries with it the power to control. If the Government has power to tax properties used wholly for religion, it has power to control religion.

In America there is freedom of religion and separation of church and state. There is no state supported and controlled church, and neither is there a church dominated state. An American citizen has freedom of soul and conscience in the matter of reli-

gion. At the same time, Baptists in general take the position that any and all properties owned by a church or a denominational group, and not used wholly for religious, educational, and/or benevolent purposes, but which are rented or used for a profit in any way should be taxed like all other personally owned properties even though the earnings from such properties may be used for religious purposes.

[Religious News Service, under date of June 22, 1956, reports the Southern Baptists "have petitioned Congress to end Federal grants to hospitals operated by religious groups." The petition of the Southern Baptists follows.

["I. That the executive committee of the Southern Baptist convention petition the Congress of the United States through the Labor and Public Welfare Committee of the United States Senate and its chairman, the Honorable Lister Hill, of Alabama, and through the Interstate and Foreign Commerce Committee of the United States House of Representatives and its chairman, the Honorable Percy Priest,

of Tennessee, to take appropriate legislative action to amend the Hospital Survey and Construction Act, as amended, so as to discontinue and prohibit Federal Government grants for the construction of hospitals and other related medical facilities, when such institutions are to be owned, controlled, or operated by a religious body.

["II. That the executive committee of the Southern Baptist Convention petition the Congress of the United States through the Labor and Public Welfare Committee of the United States Senate and its chairman, the Honorable Lister Hill, of Alabama, and through the Interstate and Foreign Commerce Committee of the United States House of Representatives and its chairman, the Honorable Percy Priest, of Tennessee, that provision be made through appropriate legislative action, whereby long-term, Government-secured loans may be made for the construction of hospitals and other related medical facilities to be owned, operated, and controlled by a religious body or a public or private corporation."]

"Establishment of Religion"

By **LEO PFEFFER**

[This is the second installment of Dr. Pfeffer's Statement intended for oral presentation before the Senate Subcommittee on Constitutional Rights. The third and last installment will be published in the next issue.—ED.]

2.

IN 1786, BUT ONE SHORT YEAR before the Federal Constitutional Convention met in Philadelphia, these two forces, the religious leaders and the humanists, joined in defeating a bill introduced in the Virginia Legislature whose purpose it was to provide tax funds for the teaching of religion. This bill represents the closest approximation in American history to absolutely nonpreferential government aid to religion. It is difficult to conceive of any measure that adheres more closely to the requirements of nondiscrimination and equality among sects.

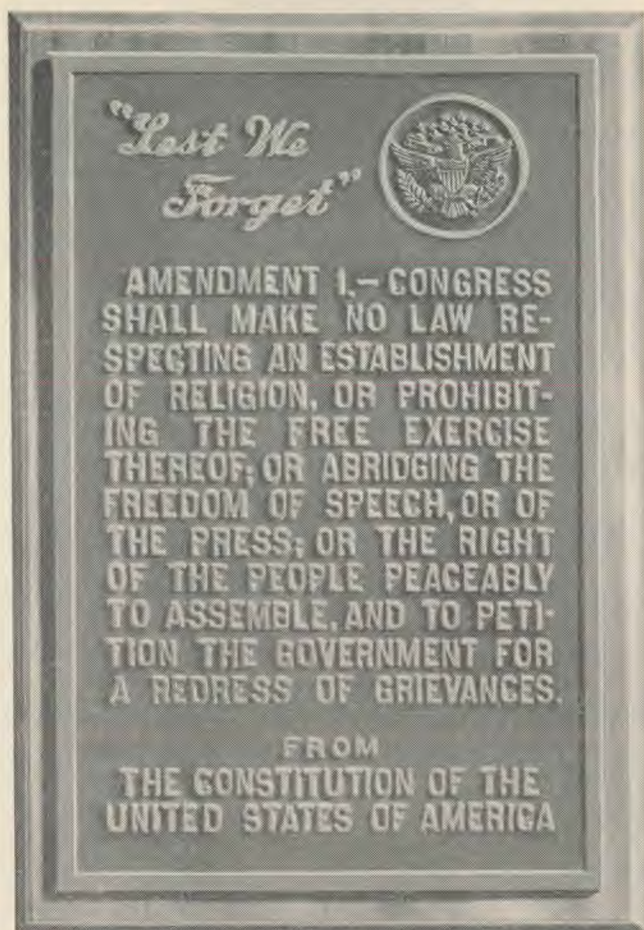
In the first place, the preamble to the bill specifically stated that its purpose was not to counteract "the liberal principles heretofore adopted and intended to be preserved by abolishing all distinctions of pre-eminence among the different societies or communities of Christians." (At that time there were no non-Christian societies or communities in Virginia.)

In the second place, the bill provided that every taxpayer should have the right to designate which

sect or denomination should be the beneficiary of his payment. To the hypothetical argument that the bill made no provision for nonexistent "Jews, Turks and infidels," George Washington, who favored the bill, replied that should Jews or Mohammedans or other non-Christians ever come into Virginia, they could declare themselves as such and "obtain power relief." Thus, the bill had not even a hypothetical discriminatory aspect.

Finally, the bill went further in seeking to insure equality and nonpreference than any measure before or since proposed, in that it made provision for the nonreligious. The bill provided that those who did not wish to support any religion could so indicate to the collector of the tax, and their taxes would, in such cases, be used for general nonreligious educational purposes.

Despite the fact that the bill was nonpreferential, it was defeated as a result of the combined efforts of the religious and humanist groups. The major factor in the defeat of the measure was Madison's monumental Memorial and Remonstrance, one of the great documents in the history of American freedom. In this Memorial, Madison set forth fifteen arguments against government support of religion. These arguments basically fall into two classes: those pred-



The First Amendment to the Constitution.

icated on the concept of voluntariness in matters of conscience, and those predicated on the concept that religion is outside the jurisdiction of political government—the two aspects of what five years later was to become the religion clause of the First Amendment. For these reasons the Supreme Court has held that Madison's struggle against the Virginia bill is an important part of the legislative history of the First Amendment.

It has been argued by some that the fact that Madison, who was to draft the First Amendment, opposed nonpreferential aid to religion by the Virginia Legislature is no indication that he opposed nonpreferential aid by the Federal Legislature, and therefore his opposition to the Virginia bill is not relevant to a consideration of the meaning of the First Amendment. There are two fundamental objections to this contention. In the first place, the fifteen grounds for opposition to the Virginia bill set forth by Madison in his Memorial are almost all equally applicable to any measure for government support of religion enacted by any legislature. The principal reasons for Madison's opposition—that religion is not within the cognizance of political society and that support of religion must always be voluntary—are equally applicable whether a State or a Federal government is involved. In the second place,

acceptance of the argument would mean that a stream can rise higher than its source. For, as is well known, Madison believed that the Federal Government has only such powers as are delegated to it by the States, and if the States themselves did not possess the power to use tax funds for religious purposes, the Federal Government certainly could not do so.

The defeat of the Virginia bill in 1786 was followed by the enactment of Jefferson's great Virginia Statute Establishing Religious Freedom. This law, too, reflected the dual aspect of what was later to be the religion clause of the First Amendment—voluntariness and separation. The act forbade the use of tax funds for religious purposes, whether on a preferential or a nonpreferential basis, and prohibited such use even if a taxpayer's money were to be paid exclusively to the religion of his own choice.

3.

When, therefore, shortly after the Virginia statute was enacted, the constitutional delegates met in Philadelphia to establish an organic law for the United States, no one proposed that the new government should have power to intervene in religious affairs or to use tax funds for religious purposes, whether preferentially or nonpreferentially. On the contrary, the constitutional delegates deliberately omitted any reference to God from the document they framed. This omission later became the cause of criticism from some sources, particularly those committed to the few remaining established churches. These critics agreed that the new government should have no power to establish a particular sect or to prefer one sect over others. But they argued that an invocation to God or an acknowledgment of His aid would not be preferential, and therefore appropriately belonged in the Constitution. For example, a delegate to the Connecticut ratifying convention (Connecticut at that time still had an established church) urged inclusion of "an explicit acknowledgment of the being of God, his perfections and his providence." This criticism was met by the reply, asserted both by the religious leaders and the humanists, that religion must be free and voluntary and that it is not within the cognizance of political society.

Not only did the Constitution emerging from the Philadelphia Convention contain no invocation to God, but its one reference to religion was the negative one, prohibiting any religious tests for Federal office. This too was a deliberate act, and this too was a subject of some criticism. In a number of States the fear was expressed "that the Constitution by prohibiting religious tests opened a door for Jews, Turks and infidels." It was urged that even if the Federal Government could not prefer a particular sect or denomination, at least inquiry should be made if a nominee for public office "believes in a Supreme Being and in a future state of rewards and punish-

ment." This, it was argued, was nonpreferential and did not favor any particular religion.

This criticism, too, was met on the dual ground of freedom from coercion and absence of jurisdiction. In Connecticut Oliver Ellsworth, later to become Chief Justice of the United States Supreme Court, replied to this criticism by stating that "the business of civil government is to protect the citizen in his rights, to defend the community from hostile powers, and to promote the general welfare. Civil government has no business to meddle with the private opinion of the people."

Isaac Backus, Baptist leader of Massachusetts, likewise defended the prohibition on the ground that "nothing is more evident both in reason and the Holy Scriptures, than that religion is ever a matter between God and individuals." Even a minister of the still established Congregational Church, who was a delegate to the ratifying convention, agreed with the ban on the ground that "God alone is the God of conscience, and, consequently, attempts to erect human tribunals for the conscience of men, are impious encroachments upon the prerogatives of God." (Note again the concept of encroachment upon God's domain.)

4.

Thus it is clear that even before the First Amendment was added to the Constitution, it was universally accepted that the Congress established by the new Constitution would have no jurisdiction in religious matters. As Madison, father of the Constitution, forcefully put it, the Constitution did not create "a shadow of right in the general government to intermeddle with religion." As is well known, the people were not satisfied with the Constitution because it did not contain a specific and express bill of rights. In order to obtain ratification, the leaders of the Constitution promised to draft and obtain enactment of a bill of rights as amendments to the Constitution. Recognizing the paramount importance of religious liberty and the separation of church and state, the very first words of the bill of rights thereafter adopted in accordance with this promise were the guarantee of religious freedom and the separation of church and state.

The late Charles A. Beard, probably the foremost historian of the Constitution, in his book *The Republic*, explained the relationship of the religion clause in the First Amendment to the Constitution itself. The "Constitution," he said, "is a purely secular document." It "does not confer upon the Federal government any power whatever to deal with religion in any form or manner. . . . The First Amendment merely confirms the intentions of the framers."

What this means practically and specifically, Beard said even before the *Everson* and *McCullum* decisions, is this:



Congress can make no law respecting an establishment of religion. This means that Congress cannot adopt any form of religion as the national religion. It cannot set up one church as the national church, establish its creed, lay taxes generally to support it, compel people to attend it, and punish them for nonattendance. *Nor can Congress any more vote money for the support of all churches than it can establish one of them as a national church. That would be a form of establishment.* (Italics supplied.)

The First Amendment, of course, does not expressly use the term "separation of church and state." That phrase was coined by Thomas Jefferson when he explained the reasons for his unwillingness as President to proclaim religious days of fasting or thanksgiving. Convinced that such action on his part would violate the First Amendment, he said:

Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinion, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between church and state.

In 1878, a unanimous Supreme Court, speaking through Chief Justice Waite, quoted this statement and declared that "it may be accepted almost as an authoritative declaration of the scope and effect of the Amendment." Madison, too, in his official acts as President, had occasion to state how he interpreted the amendment that he himself had drafted. (This statement accords completely with his views as expressed in the *Memorial and Remonstrance*.) In vetoing a bill to incorporate the Episcopal Church in the District of Columbia, he said in his veto message to Congress:

The bill exceeds the rightful authority to which governments are limited by the essential distinction between civil and religious functions, and violates in particular the article of the Constitution of the United States which declares that "Congress shall make no law respecting an establishment of religion. . . ." This particular church, therefore, would so far be a religious establishment by law, a legal force and sanction being given to certain articles of its constitution and administration.

It is important to note that here again the concept that religion is outside the jurisdiction of government is stated as the foundation and basis of the First Amendment, and that intervention by Congress in religious affairs exceeds its rightful authority and constitutes an act of usurpation.

A week later Madison vetoed a bill giving certain land to a Baptist church. His veto message said:

The bill in reserving a certain parcel of land of the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article in the Constitution which declares that "Congress shall make no law respecting an establishment of religion."

Thus Madison made it clear that an "appropriation of funds of the United States for the use and support of religious *societies*" would violate the First Amendment, whether or not some or all religious societies were the beneficiaries.

The language chosen for the First Amendment well reveals the philosophy and purpose of the framers. It must be realized that the term "establishment of religion" had a much broader meaning in 1791 than it has today in common parlance. It meant much more than merely establishing a particular religion as the official state church, in the sense that the Anglican Church is the official state church of Great Britain, Lutheranism the official state church of Sweden, and Roman Catholicism the official state church of Spain. Those who urge the narrow interpretation of the establishment clause recognize this, for they admit that under that clause preferential state aid to a church is unconstitutional even though it is merely financial aid and does not establish that church as the official state religion.

Actually, the framers of the First Amendment used the term "establishment of religion" as meaning "religious establishment." Madison, who drafted the amendment and therefore knew better than anyone else what it meant, used the terms interchangeably. Religious establishment meant institutional or formal religion; it was synonymous with the term "church" as used today in the general sense of the institution of religion and as used by Jefferson in his phrase "separation of church and state." The framers of the amendment did not content themselves with saying that Congress shall not establish a church. Convinced that Congress had no jurisdiction at all to legislate in the area of religion, it decreed that Congress shall make no law respecting religious establishment, i.e., respecting institutionalized religion.

5.

That is how the generation that wrote the religion clause of the First Amendment interpreted it. To that generation, the Constitution and the First Amendment meant that as far as humanly possible, the ex-

ercise of religion shall be absolutely free; and as far as humanly possible, religion shall be outside the cognizance of political government.

The American people and the American governments, Federal and State, have willingly accepted this interpretation and policy. The astute observer of the American scene, Lord Bryce, may again be quoted as to the universality of this interpretation. Said Lord Bryce:

It is accepted as an axiom by all Americans that civil power ought to be not only neutral and impartial as between different forms of faith, but ought to leave these matters entirely on one side, regarding them no more than it regards the artistic or literary pursuits of the citizens. *There seems to be no two opinions on this subject in the United States.* (Italics supplied.)

Our government has been faithful to this tradition.

Toleration

IN DISTRICT COURT, a suit involving several thousand dollars in damages was in progress. About 5 P.M. on Friday, a juror, during a lull, addressed the judge substantially as follows:

"Your Honor, from all indications we shall be unable to finish this case today. I am an Adventist and could not, in good conscience, serve after sundown today nor tomorrow. Is there any way in which this case might be continued until next Monday?"

The Judge declared a recess, after which he addressed the jurors:

"Gentlemen, the litigants, as well as counsel on both sides, have agreed that Mr. Blank be excused from further service in this case, provided that you eleven agree to dispense with his service and render a verdict herein as an eleven-man jury. What say you?"

Being polled, each of the eleven signified his satisfaction with the arrangement, whereupon the one who was excused, who, with becoming respect and dignity, thanked all concerned and bowed himself out.

An incident of small note, some might say. By this witness of the episode it is regarded as one of the finest displays of religious tolerance and freedom of conscience imaginable.

It is highly probable that not another in the courtroom shared that one man's convictions as to which day is the Sabbath and how it should be observed, yet all acknowledged that high ideal: the right of each man to worship as his conscience dictates.—O. E. ENFIELD, M.M., County Judge, Arnett, Okla. Reprinted from *The New Age*, official organ of the Supreme Council, Scottish Rite of Freemasonry, Southern Jurisdiction, U.S.A.

The fight for freedom is an endless battle. Its victories are never final, its defeats are never permanent. Each generation must defend its heritage.



CAREY PHOTO

Picturesque section of the older part of Frankfurt am Main. It was in this city the Protestant "Church Day" was held.

The New Freedom in Western Germany

By HAROLD E. KURTZ

[This report on the recent German Church Day, from LIBERTY's German correspondent, will be useful in comparing American and Central European freedoms.—ED.]

Religious Liberty in the Federal Republic

BY ASSIGNING SOME STATES of the German Reich to the sisterhood of the nations of the West on the one side, and the others to the Eastern bloc on the other side, the ill-fated conference tables of World War II wrote one of the more tragic chapters in the history of Western politics and religion.

Politically, the participants at these conference tables have deplored this division of Germany. The vacuum thus created in central Europe has had to be filled with the conferees' own flesh and blood, both West and East.

The German states under the Eastern bloc were organized politically under the name *Deutsche Demokratische Republik*. The states on the Western side were nationalized under the name *Bundesrepublik Deutschland*, spoken of as Western Germany.

Western Germany consists of eleven states and the west-sector of Berlin. The executive branch of the government consists of a chancellor and his cabinet of ministers. The legislative branch is composed of two bodies of elected representatives from the various states.

Western Germany has assumed the responsibility for Germany's war deeds and does not recognize the *Deutsche Demokratische Republik* as a sister nation, at the time of this writing.

In Western and Eastern Germany combined there

are approximately 42,500,000 Protestants and 24,000,000 Roman Catholics, according to the 1950 census.¹ Western Germany is 51.1 per cent Protestant, 45.2 per cent Catholic, and 3.7 per cent of other denominations, free thinkers or nonmembers. Eastern Germany is 82 per cent Protestant, 12 per cent Catholic, and 6 per cent others.²

The fact that the sister nations of the West at the conference tables of World War II delivered a section of central Europe, which is 82 per cent Protestant, into the control of the East, is an episode very serious to the Protestant cause.

Western Germany does not have a state church, according to Article 140 of the Constitution.³ The government, as an entity, does not participate in church matters, elections, or appointments. However, there are church taxes imposed by the various states from which the recognized Evangelical and Roman Catholic churches derive their financial support. The Free Churches, consisting of Baptists, Methodists, Mennonites, and others do not receive major financial support from the various states.

Article 4 of the Constitution of West Germany guarantees absolute freedom in belief and practice of religion. There is no reprisal for membership or non-membership. An individual may not be questioned by anyone regarding his membership or the nature of his belief. Prospective civil servants may not be tested in matters of religion. No one may be conscripted to bear arms against his conscientious convictions.⁴

Yet there is an imbedded prejudice on certain levels. In a Catholic community, a Protestant of a larger or smaller communion may face insurmount-

able but nonofficial difficulty in attaining public office. The same may be true in a Protestant community where a Catholic seeks office.

The Evangelical Church has long been recognized. It considers itself, along with the Roman Catholic Church, in very good standing. But these two larger groups tolerate the Free Churches with some reservations. Occasionally the Free Churches still find themselves regarded as *sects*. The Free Churches are, therefore, concerned that they be properly distinguished from other small groups that are considered to be of an admittedly lower order.

But on the individual, private, and personal level, the people of Western Germany, including the clergy, appreciate and practice the freedoms guaranteed in their constitution to the extent which their ingrained conservatism will permit. Nationalism has given way to individualism, a change accelerated by total defeat in war. Individualism has expressed itself in four fields. In the economic area, capital and labor have established an unparalleled record. Both have earned and reaped profits far surpassing the dreams of the Third Reich. In respect to traditional militarism, the average German has done an about-face. While not desiring to be classified as a pacifist, the average German citizen continually flees for refuge to Article 4 of the Constitution, which declares his right to conscientious objection to training with and to the use of arms.

The Kirchentag

The new individualism has found its greatest outward expression in the spiritual life of the people. As



Present Parliament Building of Western Germany, in Bonn.



HANS LAUMANN

At the 1956 Church Day street preaching: a new thing in Germany.

Western Germany has assumed the political responsibility for World War II, so the laity of the church has assumed the blame for the sins of the nation. There has been a seeking for reconciliation with conscience and a searching for inner peace. This has resulted in a layman's movement known as the *Kirchentag* (Church Day). The *Kirchentag* is a year-round endeavor to create a Christ-centered program of local activities in which the average person may learn to live a better life. Biennially the *Kirchentag* swells into an event similar to the old American frontier camp meeting. It is here that conservatism disappears and the personal rights of free speech and free assembly come into their full expression.

The 1956 Protestant *Kirchentag* was held in Frankfurt am Main, August 8-12. Of the 300,000 people who were present, 70,000 were regular delegates. Of the 23,000 who came from East Germany, 15,000 were regular delegates. They brought with them Dr. Otto Nuschke, representative of the president of East Germany. He attended as a private citizen delegate of the *Kirchentag*.

The first mass meeting took place in a square made famous by numerous royal court sessions of past centuries. Some of these by-gone occasions had been graced by the presence of Charlemagne. Here in

the opening meeting, under the motto *Be Ye Reconciled to God*, statements were made in expiation for national sin.

Group workshops gave the 70,000 delegates fullest opportunity for public expression.

The motto was interpreted to mean essentially a reconciliation with one's fellow men on earth. In this vein the problems that confront the individual in a complex and sinful society were discussed. The relation of the individual to the church, to the state, to the local community, and to the employer, received hours of attention. Women's right to work was strongly defended. Their general position in society was discussed. It was conceded that in the future the voice of the women in central Europe will have a strong new influence in politics and religion. The unanimous opinion prevailed that the state, the church, and the community must function for the benefit of the individual, and that the individual must be granted reasonable freedom in making decisions that involve matters of faith and belief.

Street Preaching

Clergymen with bands of music and public address systems stood on the busy street intersections preaching the gospel message to casual listeners. In one day

10,000 listeners were reached in this way at the *Kirchentag*. In the era that found its close eleven years ago, such a public action would have been unthinkable, either because of absolute intolerance or because of the fear of disapproval by the ultraconservatives of that time.

Enforced Freedom

Not without a far-reaching effect has been the presence of the occupying powers of the West, which have during the past decade guarded the fundamentals of freedom in Western Germany. German policemen have studied and to a great degree learned the art of being kind and casual. Any speed reasonable and proper is the rule on the *Autobahn*, which is being successfully operated without an arbitrary speed limit. Bigotry and conservatism have, in a good measure, given way, under the encouraging eye of the occupying armies, to tolerance and understanding.

The new German freedom and individualism again found an opportunity for expression when Western Germany received its national sovereignty. On May 5, 1955, Western Germany ceased to be an occupied country. The troops of the West remained as guests by special invitation of the Western German government. Yet on this day there was no celebration, no shouting, no singing, not a single note of joy. In a

country that celebrates all mildly important events, this is most astonishing. The new freedom that had been encouraged, almost enforced, by the occupying powers was indeed a grand thing; it was a balm to the regimented mind. And this period of guaranteed freedom was not to be closed in a great storm of revelry. Rather, there was a note of apprehension; there was a fear of what the future might hold in store. The first anniversary of Sovereignty Day, May 5, passed by unnoticed in 1956. The average German was too busy being free!

The problem that confronts the citizens of Germany is how to retain in their own hands the wheel that guides the nation, as they step out in their own strength. The responsibilities of self-government and the presence of a standing army will again bring opportunities of exploitation by the few at the expense of the masses. Will the new freedom prevail?

If the average German citizen has his way, the answer will be a positive Yes.

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- ² PRES. DR. BRUNOTTE, *The Evangelical Church in Germany* (Hannover: Verlag des Amtsblattes der Evangelischen Kirche in Deutschland, 1953), p. 15.
- ³ FRIEDRICH GIESE, *Grundgesetz für die Bundesrepublik Deutschland vom 23. Mai, 1949* (Frankfurt a. M.: Verlag Kommentator GmbH, H., 1953), p. 212.
- ⁴ *Ibid.*, p. 17.
- ⁵ HANS LUCKEY, *Free Churches in Germany* (Bad Nauheim: Christian Verlag, 1956), p. 9.

AS THE EDITORS SEE IT

Jesuits in Switzerland

[We present with pleasure a guest editorial by H. Evard, a clergyman of Bern, Switzerland.—Ed.]

SWITZERLAND HAS BEEN SPARED many of the late convulsions, as well as the impact of some of the political currents, of the time. It has also enjoyed a relative religious peace, which, however, is being somewhat jeopardized at the present time. By a special provision in the Swiss Constitution of 1848, the Jesuits were banned from that country. This decision was reaffirmed in 1874.

Recently, however, the Jesuits are being given, seemingly, another chance to return officially. A bill has been introduced in the Upper Chamber of the Swiss Parliament recommending that the Executive reappraise the situation with a view to a possible revision of that article in the Swiss Constitution. If the government should endorse this move, the Swiss people will be asked to express by vote as to whether such a constitutional revision is in order at this time.

While this issue is still in the stage of debate, the entire question of the legal status of the Society of

Jesus causes a fair amount of concern. Among Protestants, of course, there is a movement under way by which any attempt to permit the Jesuits to return will be counteracted. However, there are some Protestant circles that are not averse to the revision. In the name of fair play, they seem to favor a return of the Jesuit Order to Switzerland. Apparently they overlook the fact that if Jesuits are given a legal status in Switzerland, the religious as well as the political peace would be in the same peril as it was before; in fact, before the Jesuits were ousted they created such disturbances that they led to a civil war.

It is significant also that not all the Swiss Catholics favor a legal return of the Jesuits to Switzerland. One Catholic paper reminds its readers of the fact that Spain was "absolutely dominated by the honorable and devoted Company of Jesus and what appears in Spain is hardly reassuring to us [in Switzerland]."

It will be of interest to watch the events as they are unfolding even in the little country of Switzerland, so that we may gain an even more accurate view of religious trends and how they may affect the politi-

cal stability of a small nation. A nation at peace and in security may be imperiled by that very state of feeling overly secure, as Vinet warned over a century ago.

H. EVARD
Bern, Switzerland

Let the Church Do Its Work

WITH THE OPENING OF THE SCHOOLS after the summer vacation, there is agitation anew for the teaching of religion in the public schools. When this involves more than the routine presentation of religion in history, music, et cetera, it involves serious questions of human rights.

It is a fact that the teaching of religion, in the sense of tenets or beliefs or practices, in the public school inevitably results in trespasses upon the freedom of mind and soul of many pupils in the public schools, and through them of their parents. Children of all faiths and of no faith are in the public schools under compulsion of law. To impose the teaching of religion upon these children of differing religious backgrounds is obviously unfair and intolerant. To escape this obvious injustice many who have taken the responsibility of teaching religion in the public school have engaged in a process of segregation. This has resulted in undemocratic emphasis of religious differences among the children and has too often resulted in ridicule being leveled upon some.

Actually, separation of church and state in the United States is a legal fact, arising out of the solemn experiences of history, and based on sound constitutional grounds. When the public school, an agency of the state, is required to become a vehicle for instruction in religion it is opening the door to a more or less theocratic state. The Protestant churches surrendered a century ago the schools they had established, in which their particular tenets had been taught. They made this surrender in favor of the public school. They should not now try to force the public schools to be agents for teaching that which the churches should not be neglecting. The teaching of religion is the business of the church. The very successful Vacation Bible Schools prove that the churches can teach religion on other days of the week than the one weekly day of worship.

Let the children be taught religion. With it, let them be taught morality and discipline, which make life orderly and harmonious. But let this be done in the home and in the church. Let the state attend to its police functions.

F. H. Y.

Truman-Vatican Envoy

THE STATEMENT OF FORMER PRESIDENT HARRY S. TRUMAN to newsmen shortly after his arrival in Rome from Paris, "I always favored diplo-

matic relations between the United States and the Holy See," shows a cynical contempt for the vigorous opposition expressed by the citizens and press of this country when he appointed General Mark W. Clark as the first ambassador to the Vatican. The letters and telegrams that poured into the White House in November, 1951, were six to one against the nomination, and resulted in General Clark's withdrawal.

In *Time* magazine of October 29, 1951, the statement was made, "The President's [Truman's] announcement brought 'the utmost joy at the Vatican.'" It also stated that "Truman had kicked up the hot ashes of a long smoldering controversy." The *Chattanooga News-Free Press* of October 22, 1951, made this comment: "In appointing an ambassador to the Vatican, President Truman has committed an unpardonable offense against the 50 million Protestants of America and has done the nation as a whole a grave injury." "By his precipitate appointment of an Ambassador to the Vatican—the first in the nation's 162 years—President Truman has set off a controversy of incalculable proportions," was the observation made by the *St. Louis Post-Dispatch* of October 22.

Whether former President Truman's recent statement made in this election year is one of attempted political finesse, or is just another ineptitude, it is unnecessary to determine. It is definitely an offbeat note. It expresses a concept repugnant to the American Constitution, in that it favors a fusion of church and state. The appointment of diplomatic representation to the Vatican is contrary to the pragmatic American idea of the state and its functions. It is the right and duty of the United States through ambassadorial representation to recognize other states. However, our government has no right or obligation to recognize through such official appointment any religious body, whether it be Christian, Jewish, or Mohammedan. The question is in reality not a religious one, but one of statecraft. During the past century and a half the United States has demonstrated to all nations that church and state can be successfully operated separately; that when faith and patriotism are allowed to stand on their own feet each is stronger. Some of the most gruesome pages of history are those showing the unhappy consequences of the union of church and state.

We have enough faith in the loyalty and common sense of the American people to believe that regardless of religious affiliation, they will preserve the freedoms that have made this country "the land of the free, and the home of the brave."

A. H. R.

"The Blessings of Liberty"

THE TITLE "The Blessings of Liberty" is in quotes because we are thinking of a phrase in the Preamble of the Constitution of the United States. We shall not dissect this liberty. But we would call

attention to how many facets of liberty have been ignored, flouted, and well-nigh destroyed in our world during almost a half century of military domination and political dictatorship.

To recover liberty now is a Herculean task, and we are reminded by some spots of tyranny of the Augean stables, which challenged the industry of the ancient mythical hero.

But to do any cleaning up for freedom's sake, we must ourselves be free, and stay free. The danger to freedom in these United States is not that some power, or some bloc, shall immediately overwhelm us, and make of us cringing suppliants for the mere privilege of living. We have something else in mind—the personal traits and lack of positive character that make us inherently liable to loss of freedom.

There is intolerance and bigotry. This begins as a personal thing, before it afflicts a mass. It occurs when a man knows he is right, is sure that all who disagree with him are wrong, and then would deny others the right to disagree. This is bad in the political arena. It is dangerous in the field of religion. We call to mind the Holy Office of the Inquisition.

There is selfishness. A man who is out to get all he can for himself, regardless of how he gets it, cannot

have respect for the rights of others. He is potentially an enemy of freedom, needing only an opportunity to deny or crush the liberty of those around him.

There is cynicism. To the cynic nothing is ideal, altruistic, or noble. Virtue is a pretense, and liberty a euphemism for license. Talk to the cynic of freedom, and the answer is, "So what?"

There is indifference. Someone has said, "If God abhors one sin above another, . . . it is doing nothing in case of an emergency." Indifference is bad because it is negative, and because it is too often rooted in selfishness and cynicism.

What do "the blessings of liberty" mean to the intolerant, the selfish, the cynical, the indifferent? What do they mean to you and to me?

It is the tolerant and considerate man who knows that liberty is blessed and brings its train of happiness, and who, while insisting on rightful freedom for himself, will grant it to others. Let intolerance yield to understanding, selfishness to regard for others, cynicism to a practical idealism, indifference to resolution, and let the whole be infused with courage for the right, and determination to grant to all the right to be self-respecting men, free to make of themselves the best that each one is able to accomplish.

F. H. Y.

BOOKS

A Democratic Manifesto, by Samuel Enoch Stumpf

Nashville, Tennessee: Vanderbilt University Press, 1954. 168 pages. Price, \$2.75.

Samuel Enoch Stumpf is both lawyer and theologian, a rather happy combination for the task he sets himself in his *Democratic Manifesto*. He begins his book with the familiar plea that faced as we are with Communism's challenge, it behooves us to make a positive statement of our democratic convictions.

Dr. Stumpf performs this assignment by subjecting the Communist thesis to searching analysis and then setting alongside it democracy's faith. The author's analysis of Communist morality is as good as I have seen. His point is not that Communist morality is relative but that it is *necessarily relative*. Despite the seeming vehemence of its pleas for "justice," Communism leaves itself without any real moral dynamism. What it says, basically, is that because things are going to go a certain way anyhow, people might just as well go along with them.

While the author is well aware of the Christian

conception of man's sinfulness, I do not think he too clearly delineates the consequences of this for democracy. The Christian basis for democracy is not that all men, being created in the image of God, are persons of dignity and worth and therefore entitled to govern themselves. The idea is, rather, that since all men are sinners, no one of them, or any group of them, can be trusted to rule over the rest.

The relevance of Protestantism to the rise of capitalism receives a clear statement based on Tawney (and Max Weber?). The author understands the significance of the sectarian aspects of the Reformation in the development of democracy. The depiction of human motives in a democracy is most helpful. In a discerning paragraph Dr. Stumpf points out (page 153), "Frequently men are not able to distinguish between their wants and needs and in pursuing only their wants they obstruct the fulfillment of their needs." How could it be said any better than that?

It is perhaps captious to speak of omissions in so short a book purporting to cover so much. It does seem strange, however, that in any *Democratic Manifesto* the importance of church-state separation in American democracy should not be rather heavily

stressed. The principle is mentioned, to be sure, in connection with Rhode Island, and mentioned with approval. But the immense significance many observers have seen for it in the development of American democracy is not here recognized.

The book closes with a moving plea for Love, in the Christian sense, as the master motive for democratic action.

C. STANLEY LOWELL
Washington, D.C.

History of the Moravian Church, by Edward Langton

New York: Macmillan Company.

In the mountain-girt Val Pellice in northern Italy, in the fourteenth and fifteenth centuries of our era, the church of the Waldenses was consolidated despite the fierce opposition of Rome. Almost contemporary with this earliest Protestant church in Western Europe, an equally courageous body of Christian reformers in Eastern Europe established themselves in the Valley of Kunwald, Bohemia, overshadowed on all sides by the Glatz Mountains, and approached, like the Waldensian stronghold, by only a narrow gorge. These formed the Church of the United Brethren.

Scattered by subsequent persecutions, a little remnant of this ancient Protestant church found shelter on the estate of Count Zinzendorf at Berthelsdorf in Saxony and in due time developed into the Moravian Church, of which Zinzendorf himself became the spiritual leader.

The story of this noble-spirited movement, which next year will celebrate its beginnings at Kunwald in old Bohemia, is concisely yet thrillingly retold by Dr. Edward Langton.

Being a Methodist, the author naturally gives considerable prominence to the formative influence upon the Wesleys of their contacts with the Moravians in Georgia and in Europe, and the close association of these two Christian movements in the early days of Methodism in England.

As a strong contender for freedom of conscience Mr. Langton stresses the fact that no Christian group that emerged from the Dark Ages of persecution in Europe taught more purely nor exemplified more perfectly the principles of religious liberty. In their beginnings the Kunwald Brethren separated from their Taborite fellow-reformers because they refused to invoke the use of force for the establishing of religious freedom and insisted on the separation of church and state. All through its history, the church that traces its ancestry to Kunwald has suffered persecution and exile rather than seek the aid of the secular arm in its defense.

However, in some ways the Moravians carried their high doctrine of liberty too far, for it led some communities almost to a neglect of the outward forms of

religion, to a frivolous use of the lot to reach decisions, and to a deprecation of any attempt to regard works as a test of faith. Paul, the apostle of true liberty, would certainly have taken exception to Zinzendorf's dictum: "We reject all self-denial. We trample upon it. We do as believers, whatsoever we will." It was mainly on the relation of practical holiness to liberty in Christ that the Wesleys and the English Moravians eventually parted company.

Nevertheless, the story of the Moravian Church is one of dedication and high endeavor, and in the proclamation of the gospel of Christ and the struggle for liberty of conscience, both in the Old World and the New, it has played no inconsiderable part.

W. L. EMMERSON
London, England

Religious Freedom in Spain, by J. D. Hughey, Jr. *Nashville, Tenn.: Broadman Press. 211 pages. Price, \$3.00.*

The author of *Religious Freedom in Spain* was a man of wide experience before he lived in Spain, as a representative of the Southern Baptists, from 1947 to 1950. During his residence there, Dr. Hughey compiled from original sources the valuable historical data undergirding his review of more than 500 years of the "ebb and flow" of religious liberty in Spain. Brief, factual, and yet comprehensive and well-documented, his treatise lets the protagonists themselves tell us from the Spanish arena what it means to live under a regime of political ecclesiasticism.

The so-called Catholic unity of Spain began when King Ricared I, in A.D. 586-601, gave up the Arian for the papal faith, and sought to impose the latter upon the nation by means of the civil power. Dr. Hughey's narrative begins with the breaking of the grip of political ecclesiasticism upon the Spanish people when large sections of the country came under the dominion of the Moslem Moors from the eighth to the fifteenth century. During this period Judaism flourished there also, the Jews having become dominant in finance and commerce.

The advocates of political ecclesiasticism rallied the Spaniards in a crusade to drive out both Jews and Moors as enemies of church and state. The infamous engine of iniquity, called the Holy Office of the Inquisition, was set up under the bloody Torquemada for the purpose. Judaism in Spain was almost obliterated by one of the cruelest persecutions in the annals of the union of church and state. The last Moorish stronghold, at Seville, fell shortly before Columbus sailed west to find America in 1492.

The tide of political and social liberalism that swept Europe from the sixteenth to the eighteenth century was felt finally in Spain, bringing the revolu-

tion of 1868 and the adoption of the liberal constitution of 1869. During the long and bloody struggle leading to this triumph for freedom, and in spite of the vigilance and terrors of the Inquisition, many a churchman in high places in Spain embraced with open heart the truths of the Protestant Reformation, some at the cost of great suffering and life itself.

Reactionary forces restored the Bourbon dynasty and the old state church to power in Spain in 1874, though with considerable concession of tolerance for minority groups. Thereafter, until 1930, the state was alternately managed by conservative and liberal leaders. The establishment of the Republic in 1930, with the separation of church and state in 1931, brought to Spain the brightest period of civic progress and religious liberty in all its history.

In 1936 General Franco, with the support of Hitler and Mussolini, and abetted to the fullest extent by the old state church, overthrew the Republic and quenched the lamp of religious liberty for the Spanish people. Though some few concessions have been grudgingly made in recent years because of the universal frown of civilized nations upon the intolerance of the present regime, minority religious groups still suffer heavy restrictions in Spain. The ideals of the oppressor, and yearnings of the oppressed, find expression in their own words in Dr. Hughey's contribution to the cause of religious liberty in this critical hour of human history. The thoughtful lover of freedom will find this book well worth reading.

ROBERT L. ODOM
Washington, D.C.

Politics for Christians, by William Muehl

New York: Association Press. 181 pages. Price, \$3.00.

As a lawyer and instructor in the Yale School of Divinity the author is uniquely equipped to have a clear understanding not only of proper political procedures but also of the need of Christian influence in politics.

Dr. Muehl reminds his readers that many times Christian people are reluctant to mix directly with the worldly interests of politics. When the Christian thus withdraws his influence he leaves a vacuum that must be filled by another. There are those of high moral appreciations who will meet this need on behalf of their fellow men. Too often, however, there are those who are willing to compromise principle and yield to the pressure of special interests.

Muehl's thesis can be summarized with this statement, "Men often make the mistake of assuming that power can be dissolved by ignoring it, that if you just pretend it is not there, it will go away. This is wholly false. Power that is ignored will find its way into the hands of those who are most able and willing to use it. Men who think they serve democ-

racy by denying the existence of power-creating activities do grave disservice to the very cause they think to advance."—Pages 57, 58.

We cannot anticipate a "Christian community." Nevertheless, it is possible with the application of certain principles to make our social structure "more Christian" than it is in most instances. This can be accomplished, Muehl points out in his closing chapter, without interfering in any way with the historical separation of the church and the state. Preferential state religions are established rather when there is a failure on the part of the traditional religions to apply themselves vitally to the real social problems of the hour. A vigorous interest in public affairs on the part of all Christians will preserve the American way.

The book is very readable with ample illustrative material to give it appeal.

STANLEY M. JEFFERSON
Los Angeles, California

Democracy and the Churches, by James Hastings Nichols

Philadelphia, Penna.: The Westminster Press. 298 pages. Price, \$4.50.

This is a study of the relationship of the churches to political and social freedom; and how the churches affect, and are affected by, democracy.

Mr. Nichols' book deals with a topic that has been approached before, but this investigation is based on the experience and erudition of a church historian. The responsibility that the churches had in the formation of liberal governments and how they have opposed that form of government is made clear. While the author does not by any means conceal his sympathies, he is scrupulously honest, and refuses to by-pass any information even though it might appear paradoxical. He also displays intellectual courage in discarding well-rooted and popular theories such as the usual ideas on the American Revolution and the Constitution: the author is of the opinion that the American Revolution and the Constitution are not creative in comparison with the French Revolution (page 29). From the outset the author admits that there is a subjective element in his study. He declares that he is both a Christian and a liberal, but he wants to make it clear that he does not prize Christianity simply because it has made a contribution to liberal democracy, but because he believes that the Christian gospel is true (page 9). Full credit is given to the influence of teachers such as Troeltsch.

The study is well thought through, but is somewhat heavy with an informative erudition that will hardly be appreciated by the public at large. The author agrees frankly (and apologetically) that his style is quite cumbersome (page 12).

His study warns against a superficial generalization by which Christianity and democracy are identified;

most Christians, he states, are not democrats, nor is there even a Protestant basis for democracy (page 17).

Of great interest is the tracing of the two-party system relationships; the effort to determine why there is less atheism in English-speaking countries (page 61); the defining of the threefold church-state relationships—clericalism, Erastianism, coordination of jurisdiction (page 27). In discussing “divine right” the author reminds us that some Protestants endorsed that principle at least as much as Catholics.

The principle of separation in America is intelligently discussed as well as defined (page 36), as are the basic motives of Puritan democracy (page 37). Of importance is the discussion of the French religious experiment, with well-chosen quotations, such as the one by Bryce (page 40), contrasting skillfully between the French and the American Revolutions. But of greater importance is an examination, too often overlooked, of the important contributions of Lamennais, who attempted to liberalize Catholicism (page 55).

The struggle between Lamennais, through his paper *L'Avenir*, and Pope Pius IX is developed and portrayed ideologically (page 58). But our author is not naïve. He states that Lamennais' efforts were to serve in the last resort papal interests, which may be true. However, full credit is given to Montalembert's “ecclesiastical neutrality” (page 92). Catholicism was as liberal as it would ever be in the thinking of Montalembert, who courageously and generously gave credit to Protestant efforts such as the Edict of Nantes, and called that period the best for the church. But all these efforts were promptly shelved by the Vatican, first in *Mirari Vos* and especially in the *Syllabus* of Pius IX (page 95). Church-state relationships in Europe are traced down to our own time, when Pius XI “deliberately sabotaged democracy” in Italy (page 186).

Written under the sponsorship of the committee on Religious Tolerance of the National Council of Churches, this study may be a revelation to those who are unfamiliar with the historic background. To all readers it conveys a better idea of the church's

position in its relationship to liberal forms of government.

DANIEL WALTHER
Washington, D.C.

Our Long Heritage, by Wilson O. Clough

Minneapolis: University of Minnesota Press, 1955.
297 Pages. Price, \$4.50.

Anthologies are as interesting and sometimes as artistic as the floral bouquets from which, through the Greek, we borrow the name, and are of far more practical value. The present subject of review is both pleasing and useful.

Our Long Heritage is a gathering of excerpts from writers from the fifth century before Christ to the eighteenth century of the Christian Era, who were read by the men who formed the thirteen British North American colonies into the United States of America. The American patriots, the “provincials” of George III's Tory government, were thoughtful men, and well-read men who steeped themselves in the literary product of the great minds anterior to their day. The principles of freedom and republican democracy that Jefferson, Madison, Washington, the Adamses, Franklin, *et al.*, maintained, argued, fought for, and incorporated in the basic documents of American political life, were not original with them. They took them from a rich past, adapted them to current needs, and built them into the foundation of American national philosophy.

The method of preparing the anthology was to examine the library lists of the founding Americans, and their extant writings, and note what authors appear, or were referred to. Hence the writers excerpted are valid as our intellectual heritage. They were known and read by our forebears. The things those men wrote were what the makers of America read, pondered, digested. Wisely, too, the compiler has as far as possible used for his collection the translations and editions read by our forefathers.

These forebears of ours had a good heritage, a heritage which was the product of strong and fertile minds, and one of which they made good use. A good heritage is worth using and maintaining.

FRANK H. YOST
Washington, D.C.

IT SO HAPPENED —

UNITED STATES

Education

At a meeting of the Connecticut Association of Independent Schools, Richard J. Smith, a member of

the State Board of Education, urged that parochial and private schools be supported by State as well as local financial aid. In addition to the fringe benefits, such as health service, bus transportation, and free textbooks, he proposed the plan of constructing build-

ings housing health units, and the payment of tuition fees.

Evangelist Billy Graham is quoted as being opposed and in disagreement with the Supreme Court's decision in the *McCollum* case. The press quotes him as saying "unless we bring God into the classroom and make Him the center of education, we are not preparing our young people for their roles in a Christian society." He is confident that a way can be found under the Constitution in which religion may become a part of the public school curriculum.

Vermont's attorney general, in a petition filed with the Supreme Court, contended that there is "neither legal nor constitutional authority" for making state grants for tuition of students attending nonpublic schools.

Dr. R. L. Hunt, executive director of the National Council of Churches Department of Religion and Public Education, recently said religion has become "firmly embedded" in the nation's public school system. He is of the opinion that it is so integral a part of education that any discussion can involve only extent and emphasis. As a personal opinion he said "Absolute separation of education and religion is possible only in a place which has neither."

The Kentucky Court of Appeals has been asked to review its decision of February 10 allowing Roman Catholic sisters to wear their religious garb when teaching in the public schools of the State so long as they did not inject sectarian views into their classwork. The contention is that the religious habit of the teacher violates the principle of separation of church and state. "Impressionable young minds are bound to be subjected to a sectarian influence, unintentionally and indirectly, by the daily display of ecclesiastical garb and insignia and the use of a religious name."

Union Issue

Two railroad workers, who have been dismissed from their position because they have refused to join a union on religious grounds, have asked the Supreme Court to rule on the constitutional rights of the case. The two Plymouth Brethren members are appealing from an adverse decision in the Federal District Court of Los Angeles, on the contention that the Railway Labor Act has operated to deprive them of freedom of religion. They also assert that it deprives them of property without due process of law by compelling them to pay money to a labor union as a condition for continuing railroad employment.

Miscellaneous

Three taxpayers have filed suit in the Lake Circuit Court, to remove a 20-foot crucifix that has been erected in Wicker Park in Highland, Indiana. The plaintiffs charged that the erection is a sectarian symbol and is in violation of the principles of separa-

tion of church and state as defined in the Federal and State constitutions.

The plan to install a three-foot bronze cross in the Iowa State House was dismissed after the issue of separation of church and state was raised. Numerous telephone calls had been received objecting to the installation.

A circuit judge has declared void and unconstitutional the State law that prevents the expansion of the Hutterite colonies in South Dakota. The court test of validity began when the colony purchased 80 acres of land to add to their present holdings of 4,600 acres. The attorney general has expressed his intention to appeal the case to the South Dakota Supreme Court.

Haiti Treaty

The highly controversial new treaty between the United States and Haiti has been pigeonholed by the Senate Foreign Relations Committee. Because of a recent concordat with the Vatican, Haiti refused to allow the friendship clause to be embodied in the treaty. The friendship clause has been a part of practically every foreign treaty the United States has made. This ensures to missionaries and others from the United States the courtesies and consideration that are given to local citizens.

The National Association of Evangelicals is asking the Secretary of State to withdraw the treaty. According to present practice, treaties do not die with the end of Congress, but remain on the Senate's calendar of pending business until they are either ratified or withdrawn by the President.

HAWAII

Church Zoning Amendment

Honolulu's City Planning Commission is considering a proposed zoning ordinance for churches that would require a public hearing and written notice to all property owners within a 750-foot radius before church construction in a residential area could be approved. The clergymen of the city are vehemently opposing the proposal, catechising it as un-American and a violation of religious freedom. They maintain that this is placing the churches in a class with those who seek licenses to run a tavern or a beer joint.

ARGENTINA

Education

At a mass meeting in Buenos Aires recently 30,000 Catholics demanded the reinstatement of religious instruction in Argentina's public primary and secondary school system.

EGYPT

The Protestant and Roman Catholic mission schools have been notified by the Egyptian Ministry of Education that it will be necessary for them to provide instruction in the Koran to all Moslems who attend their schools, and also to offer courses in Egyptian history, geography, and civics to all their students. Confiscation will be the penalty for refusal. The United Presbyterian Mission has announced that its eleven schools will comply with the new requirement. The schools have been given assurance that it will not be necessary to construct mosques for the Moslem students, nor will it be necessary for the schools to recognize Friday as the Moslem Sabbath. Because of the problem the new law poses for Catholic schools, it is expected that it may necessitate the release of all Moslems from those schools if the new law is pushed to the limit.

ENGLAND

A full-time official of the Jehovah's Witnesses was denied exemption from military service in an appeal made to the British House of Lords. Several lower courts had dismissed his contention. The Lord Chief Justice said that it was a person's pastoral status and not the performance of functions that gave the right to exemption from military service.

GERMANY

Pastors Enter Politics

The Synod of the Evangelical Church in Hessen-Nassau, West Germany, at its regular session adopted legislation giving clergymen wide freedom to engage in politics. Other churches in West Germany require that clergymen may not identify themselves as adherents of a political party. Pastor Martin Niemoeller is president of the church that now permits pastors to take part in political life at all levels. However, the restriction is imposed that a clergyman must take leave of absence when running for state or federal parliament, and be on inactive status if elected to a federal responsibility. Election to a state responsibility will leave enough time for a clergyman to carry on his pastoral duties.

Vatican-German Concordat

The Premier of Lower Saxony has contested the right of the federal government to negotiate with the Holy See an agreement governing such matters as education, "which are strictly within the province of the German States." This statement was made in the

Federal Constitution Court at Karlsruhe, where hearings were being held on a suit brought by the government against the state of Lower Saxony for an alleged breach of the 1933 concordat between Germany and the Vatican. Lower Saxony had passed a bill abolishing state subsidies to denominational schools, and this action violates the guarantees in the concordat.

GREECE

Proselytizing

The Greek Orthodox Church, with the aid of the state, plans drastic measures to stop proselytizing by foreign churches. Modifications of constitutional privileges of religious freedom together with legislative and police action to effect curtailment are contemplated. The Minister of Cults said proselytizing may be carried on among unbelievers but not among Greek Orthodox members.

HOLLAND

Bishop's Citizenship

The City Council of Rotterdam, Holland, rejected a demand by a local judge who spoke as a private citizen, that the newly appointed Roman Catholic bishop of that city be deprived of his citizenship rights. The request was made on the grounds that his appointment meant entering the service of a foreign state. The council, however, was of the opinion that in making the appointment Pope Pius XII acted in his capacity as head of the Catholic Church and not as sovereign of the Vatican City State.

IRAQ

For the first time this year Petroleum Sunday was observed in Baghdad. The religious observance of the day was begun by an American Roman Catholic oil company worker in 1941. Catholic executives and workers in the oil industry first attended a special Mass in the chapel of the Baghdad College, a Jesuit institution, and then joined in a social get-together in the college garden.

ISRAEL

The two chief rabbis in Jerusalem have opposed the holding of any Reform service in Israel. The question arose when the head of the Hebrew Union College in Cincinnati, Ohio, expressed the intention of establishing a seminary in Jerusalem, includ-

ing a synagogue. If such institution is built, the students desiring to pray must go to an established synagogue outside the seminary. They may not even use their own library for such ritual. Observers have pointed out that if the chief rabbis are successful in influencing the Municipal Building Commission to deny a construction permit for the proposed seminary an appeal can still be made to the Interior Ministry who would in all probability approve the action.

ITALY

The Constitutional Court—recently established as the country's highest tribunal—ruled that churches may put up signs or posters in Italy without first obtaining police permission. The case before the court was that of the Evangelical Church of Christ, which had frequently been raided by the police and repeatedly found guilty of the offense from which this decision acquits them.

Religious Liberty

Italy's new Constitutional Court has received its first case involving a religious liberty issue. An Assemblies of God minister ignored a police order to leave Aleamo where he was working. Under the police laws, enacted in 1931, a person considered "dangerous to public order and security or public morals" may be deported by police to his home town. The case is expected to become a basis for resolving disputes arising from the conflict between guarantees of religious freedom embodied in Italy's constitution of 1948 and the police laws that date back to the Fascist regime.

A high appellate court—the Council of State—has ruled that it is not necessary for a non-Catholic clergyman, who is an Italian citizen, to obtain government authorization for the performance of ministerial functions. This freedom, however, does not permit the performance of a social ceremony such as marriage.

The Federal Council of Italian Evangelical Churches has denied the accusation that it ever requested the state to grant to Protestant ministers subsidies similar to those given to Roman Catholic priests. The denial by the council was issued after an article had appeared in several Italian papers stating that the Protestant churches had requested special subsidies for their clergymen.

LEBANON

Education

The Roman Catholic hierarchy has been ordered by the Lebanese Government to reopen its primary and secondary schools in that country. The Catholic

Church had closed 525 of its schools in protest against the government's decree ordering private schools to raise teachers' salaries. The raise was ordered without a corresponding increase in government assistance to these schools.

PHILIPPINES

Restriction of Church Influence

A Philippine Senator sought to limit the function of the Papal Nuncio in Manila to that of a diplomatic representative, without authority over the Catholic population. The assertion was made that the Papal Nuncio had influenced the Philippine hierarchy to aggressively attempt to influence and shape the policies of the state and affairs of the nation.

POLAND

Religion in Education

Roman Catholic parents, encouraged by priests, are demanding the restoration of religious instruction in the primary schools of Poland. Children are bringing long-disused and hidden books to their teachers with the request that they be explained. Several hundred parents in one community were said to have signed petitions for the reintroduction of religion courses. It is also reported that similar demands were made in other localities.

SOUTH AFRICA

Education

The House of Assembly was told by the Minister of Native Affairs, Dr. H. F. Verwoerd, that Bantu parents may be solicited for contributions but not coerced by charging fees to pay regular mission school expenses. His ruling has had considerable opposition from the churches that previously had received state subsidy.

SPAIN

Protestant activities are an increasing threat to Roman Catholic unity in Spain, is the accusation brought by Bishop Zacarias de Vizcarr, spiritual adviser to Spanish Catholic Action. He claims that the large quantity of material that is being brought into the country by the Protestants, the Bible in particular, violates Article 6 of the Spanish constitution, which forbids "exterior manifestations" of any religion except Catholic.

General Francisco Franco has been implored by the leaders of Spanish Protestant communities to have government authorities manifest "a more tolerant attitude" toward Protestants.

Bibles Confiscated

The police of Madrid seized 30,000 Bibles and devotional books at the office of the British and Foreign Bible Society. Everything was taken in the raid, including Bibles that were in the process of being bound. Just a few days prior to this incident, police suddenly entered the press service of the Spanish Evangelical Church, impounding such religious literature as could be found, and then sealing the door of the printing establishment.

Protestant Difficulties

An appeal has been made by Bishop Otto Dibelius, Chairman of the Council of the Evangelical Church in Germany, to Joseph Cardinal Frings, Archbishop of Cologne, to help remove the difficulties that are being experienced by Protestants in Spain.

SWITZERLAND

Equal Rights for Protestants

The voters in Schwyz, Switzerland, upheld a decision of the Grand Council to give Protestant parishes equal juridical, financial and other rights with Catholic parishes. There are less than 5,000 Protestants in the canton and more than 71,000 Catholics. The Swiss Roman Catholic News Agency expresses the hope that Protestant cantons, particularly Zurich, will reciprocate.

MISCELLANEOUS

An open bid for a Vatican seat in the United Nations was recently made by Cardinal Valeri who is Prefect of the Congregation of the Religious in Rome. The Belfast Weekly Telegraph quotes the Cardinal as having said: "A greater contribution to world peace might be made if its voice were allowed to be heard more fully in the international bodies."

Colombian Persecution

According to the World Presbyterian Alliance 30 Evangelical churches in Colombia were closed, and 7 Protestant ministers jailed during the last half of April. The alliance has issued a call urging Protestants throughout the world to join in a day of fasting and prayer to end "religious persecution." The situation is described as being the most serious to confront the Protestant churches since 1948.



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Religion and Election Day

ELECTION day is nearing. As this is written, on a hot, rainy summer day in Washington, D.C., the nominating conventions of the political parties have not yet been held. But as the words are read, the first Tuesday after the first Monday in November is on the horizon. So we write before the conventions have made their selections, to those who are about to vote.

There are various qualifications which a candidate for political office presents. Some qualifications will commend him to certain voters. Some will disqualify him with others. But there is one element which is in a sense no concern of the voters—the candidate's personal religious belief. This is a part of American thinking. The Federal Constitution provides, wisely and wholesomely, that "no religious test shall ever be required as a qualification to any office or public trust under the United States."

On the other hand, every candidate owes it to the electorate that he himself shall not make a test of religion. He may expect—indeed, it is his duty—to bring to his office, if elected, whatever benefit to character and whatever inspiration to sound ethics his personal religion may have granted him. But here religion should stop with the officeholder. No religious allegiance ought to be brought with him which will direct his political functions.

As an officeholder he owes his allegiance to the people who have elected him. No other allegiance is to govern him. Personal loyalty to his God, if any, must ever be first in his life. But his churchly responsibility is on the human level, and ought not to vie with his political allegiance, nor shape his official acts.

If a candidate cannot divorce himself from competing allegiances he should not offer himself for public office. This is particularly true of churchly allegiance in a country where church and state are separate by law. If a candidate confuses these allegiances he is himself making religion a test, and thus disqualifies himself.

FRANK H. YOST



LUOMA
PHOTOS

A Pioneer Family of the Northwest

This republic was founded by the sturdy liberty-loving men and women of many nations. Their heroism has been eulogized time and time again in story, song, and painting. Sculptors have carved their forms in enduring stone to memorialize forever their dauntless spirit and indefatigable labor as they have plowed the land and erected their humble homes on the prairies.

On the capitol grounds in Bismark, North Dakota, is seen this statue of a pioneer family of long ago, typical of the many who have helped to build the great Northwest. May the energetic courage represented by this group continue to play a dominant part in the life of every American family today and keep ever alive and strong the freedoms that have made America great.