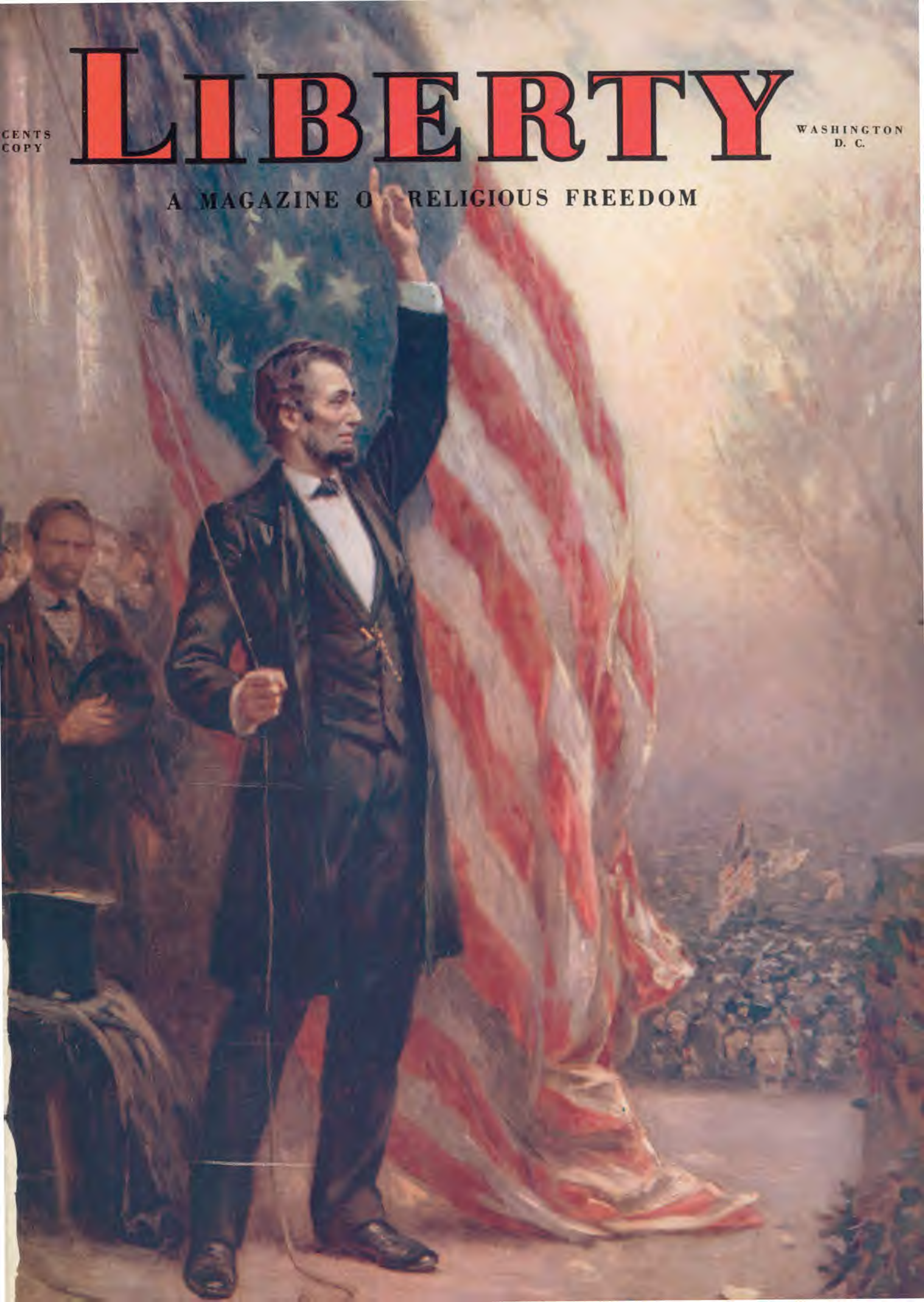


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LIBERTY

WASHINGTON
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM



DECLARATION OF PRINCIPLES

*of the 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.

*International Religious Liberty Association
6840 Eastern Avenue
Takoma Park, Washington 12, D.C.*



35 CENTS
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LIBERTY

WASHINGTON
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM

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OUR COVER PICTURE: We go back into history nearly a century for our cover picture this quarter. We find Abraham Lincoln at Independence Hall on Washington's birthday, February 22, 1861. He was escorted to a platform in front of the building and the cord was placed in his hands. As he related later, "The beautiful flag rose to the top of the staff, and floated gloriously to the wind without an accident in the bright glowing sunshine of the morning."

Lincoln was on his way to his inauguration and had stopped at Philadelphia by invitation to raise a flag over Independence Hall. A bronze tablet now marks where he stood. He had been informed that a plan had been laid for his assassination, and so was attended by Allen Pinkerton, a skilled police detective (behind Lincoln in the picture), and by his advice left Philadelphia and passed through Baltimore that night on his way to Washington, thus evading the conspirators.

It is interesting to note that besides Washington and Lincoln there are eight other Presidents whose birthdays fall in this quarter. The list includes James Madison, Andrew Jackson, William H. Harrison, John Tyler, Willard Filmore, Grover Cleveland, William McKinley, and Franklin D. Roosevelt.



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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., Frank H. Yost, Ph.D., associate secretaries.



EWING GALLOWAY

Church-State Separation Has Advantages

By GLENN LEROY ARCHER

[Mr. Archer is executive director of Protestants and Other Americans United for Separation of Church and State, with headquarters in Washington, D.C., and chapters over the nation.—Ed.]

THIS ARTICLE STRONGLY ADVOCATES the separation of church and state, not because of hostility to religion, but because of hostility to the enemies of religion. Dr. Joseph M. Dawson, the modern-day Roger Williams of religious liberty, has observed that "if religion is to guide and control the state in any acceptable way, it must do so morally and spiritually rather than officially." DeTocqueville, Bryce, and many political authors have frequently noted that religion in America has more real power, wider influence, and healthier outcomes than religion officially united with the state.

Today a very subtle argument for the union of church and state is being advanced in the United States. It begins with complete capture of the proponent of religion by urging that religion is vital to man and the state. Here there is truth and agreement. But watch the next step! "Religion is so vital to the welfare of the state that the state should and must support religion." Having agreed fully with the importance of religion to the life of the state, it is easy to accept without critical judgment the state support of religion. Acceptance raises many problems and difficulties.

In the first place, what does support mean? State support means a variety of things to different people. It may mean to some a kind of general endorsement of religion by the state without a bill of specifics. To some it may mean money for sectarian hospitals. Others argue that support includes state subsidies to parochial schools. Or why not broaden support to mean—and this view is favored by many—all-out state financial support to all the activities connected with the institution known as the church? "Support" is a tricky word when linked to the state in reference to religion.

When the state supports religion with tax dollars, other questions arise. What and whose religion is to

be thus supported? Shall we subsidize all 257 religions in the United States? Shall we support only those religions with large political influence? Will the tax dollars go to all the activities of every church, or to specified activities like hospitals and schools? How is the tax dollar to be divided? How may the tax dollar be divided so as not to discriminate among churches and creeds? How may such division be made without religious antagonisms and without political reprisals to churches and political leaders? If only "the true religion" is to have state support, who will determine which is "the true religion"? What will political parties of persons who vote for church subsidies expect from their beneficiaries? Will church groups deliver bloc votes to those who favor church support, and against those politicians who oppose it? How will the public schools be affected by the state support of a multitude of sectarian schools? What effect would a scramble for public funds by churches have upon the power and spirituality of religion itself? These are but a few of the questions that will arise in case the Government of the United States enters the field of state support of religion. They are questions not easily answered.



A. DEVANEY

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"The person who makes a financial sacrifice for the support of his church develops a greater interest in and a deeper loyalty to the church of his choice."

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"The separation of church and state enables church leaders to preach their messages without regard to political opinion. . . . The American minister is free."

But these questions are not new. They were asked and answered following a period of trial and error, in the early days of this Republic when there was a state church, and later when there was a multiple establishment of churches. These questions were resolved by a complete separation of church and state.

Separation by tradition and law has come to mean in the United States: (1) No church shall be officially established by the state. (2) No man shall pass a religious test to hold office. (3) No church shall use tax funds for its activities. (4) No church shall be favored over another by the state. These wise provisions have made churches free of state controls, and the state free of clerical controls. They have forced churches to rely upon themselves, and self-reliance has made the church strong and vigorous. These legal concepts have reduced religious antagonisms, and have almost eliminated religious discrimination in public life.

Kings and monarchs have yielded to representatives in government elected by the people. Constitutions have replaced concordats. Absolutism in religion has given way to democracy in religion. The Bible is above dogma. Personal religious experience has vitalized religious form and ceremony. These are but a few of the desirable outcomes of America's separation of church from state. These advantages flourish in communities and states where maximum separation exists, and they are impaired in areas where minimum separation obtains in practice.

The very fact that government in the United States has refused to establish a single church or several churches with public taxes has forced churches to look to their own members for the financing of religious activities. The shifting of financial support from the state to the individual membership of churches has, in our opinion, deepened the spiritual life of the people embracing the many churches within the United States. The person who makes a financial sacrifice for the support of his church develops a greater interest in and a deeper loyalty to the church of his choice.

It is an old saying that a man's heart follows his money. The truth of the adage applies with peculiar

relevance to private support of religion. Nearly all churches teach the blessings of tithing one's income. The Bible points out the benefit of the tithe to the individual. Something of this blessing is missed by those who need it most, when financial responsibility of religion is shifted to either the State or to the Federal Government. What a beautiful and delightful picture comes to mind when Father, Mother, brother, sister—the entire family, fully dedicated—come bringing in their tithes for the advancement of God's kingdom on earth.

Somehow I feel that this is God's plan for the support of His work of salvation of sinful men and women. I have few memories of my youth more precious than that of Father and Mother dedicating not only their lives but the lives of their children, and moreover the means of their entire family, to God's work as carried on by the church. The emotional response, the faith, that accompanied these dedications at the family altar or in the Sabbath service constitute for me, as they must to the reader, an experience too uncommon in lands of state-supported churches. The point I wish to make is that a call to God's service is a call to support that service by all that the individual possesses—his abilities, his talents, his devotion, and his finances. A religion that is real, deep, vital, and personal will find its support, not from public taxes, but from personal tithes and contributions. Only a formal, dead, and dogmatic religion must have public money for its perpetuation.

The separation of church and state affords free opportunities for evangelization. When our Lord was on earth He admonished His disciples to go preach the gospel. The message that Christ gives to His followers is to be shared with others. Can there be any doubt that the greatest freedom to share this precious message obtains in those lands where the state concentrates on civil matters? In those unhappy lands where the state pre-empts all the activities of man, including the religious, freedom to evangelize is too often impaired, and the masses may not know the glad tidings of God's redemptive plan. Although there are strong forces at work to guarantee religious freedom, the ideal of freedom in religious expression comes far short of attainment in many lands. Restrictions are invoked. Preference for one religion obtains at the expense of others. Downright denial of religious freedom exists elsewhere. Frequently, too frequently, these denials, restrictions, and preferences are the result, directly or indirectly, of church-state tie-ups and the state support of religious establishment. Americans have been for the most part free of these disadvantages only because of the First Amendment, which guarantees freedom of religion to every man and to every church. Those who yearn for public support of religion would do well to appraise carefully all the advantages and disadvantages

Separation by tradition and law has come to mean in the United States that no church shall be officially established by the state, that no man shall pass a religious test to hold office, that no church shall use tax funds for its activities, that no church shall be favored over another by the state. These wise provisions have made churches free of state controls and the state free of clerical controls.



D. W. CONSON, FROM A. DEVANEY

The Bible is above dogma. Personal religious experience has vitalized religious form and ceremony.

before pressing for a union of church and state in the United States.

The growth and development of religious associations in the United States under the legal guarantees of freedom is a phenomenon of our day. Here 257 creeds have financed the building of churches, schools, hospitals, colleges, and universities. Despite soft spots here and there, our churches, in the main, have served well their 120 million adherents. The churches have kept close to the people, and the people have enjoyed an active participation in the many affairs of the churches. The idealism of these churches finds expression in courts, Congress, the market place, the home, the community, the State, and the nation. The entire world looks to America's moral and spiritual leadership, as well as to its economic assistance. This is high testimony indeed to a nation with a free church and a free state.

There is no evidence in the United States that any church needs state funds for expansion and growth. I have traveled extensively in every State and have spoken to nearly every denomination. Not one church or denomination anywhere in the country is without a program of advancement and expansion. New churches, orphanages, hospitals, administrative buildings, and ministers' residences are springing up everywhere in one of the greatest building programs ever to be launched by religious groups—and all by means of individual and group financing—adequate proof that churches may flourish without public aid.

The separation of church and state enables church leaders to preach their message without regard to political opinion. Not a single minister in our 257 denominations need ever have one eye cocked upon Congress while he delivers a sermon. The American minister is free. He enjoys a free pulpit as well as a free conscience. It would be otherwise if our ministers depended upon Congress for their pay, or upon the state for an annual subsidy to their churches. This is so, because the state-subsidized church or minister might offend some government official or representative, who could easily make a mighty stir in the legislative halls where appropriations are initiated.

The state control of a church dependent upon a state appropriation is not a fiction, but a fact. For instance, let us assume that a Christian minister or a Jewish rabbi believes that our government policy with respect to the Suez situation is not compatible with Christian or Hebrew justice. Visualize the embarrassment, perhaps intimidation, that might obtain to said minister or rabbi were he to speak out against the policy of the very government that pays his salary and finances his church schools or hospitals. The only clergyman that is free indeed is one who is free from government largess. His is a freedom that comes only when church and state are separate.

What we contend for in this article (and the reader may multiply the illustrations) is for that full freedom of religious expression that is the very heart of

religious faith. So standing, we must oppose all who would unite the church and state under whatever pretext, however plausible. We strive to keep church and state separate so that the evil forces of oppression that have cursed other continents shall have no chance to wreak their havoc here. We must strive to keep religion clear of the blight of the state's dictatorship. We must strive to keep forever free that last citadel within the soul of man. Only with united action of all religions and freedom-loving Americans everywhere, and with the help of God, above all,

can we hope to succeed. Succeed we must! For separation is basic to spirituality—a spirituality without which a church or religion is dead and formal.

The future of America depends not upon a state religion but upon a religion that is real, vital, deep, spiritual, personal; upon personal religious experience that enables one to attune with the eternal and thus achieve life's noblest estate, a man made in the image of God—a rich, glorious estate that neither government nor state church can will or bequeath. God—only God—can make sinful man Godlike.

Green River Ordinances and Religious Liberty

BY ALVIN W. JOHNSON, Ph.D.

THE TERM "GREEN RIVER" has come to be applied to that type of ordinance that provides in general that no person may call at any home for the purposes of displaying, taking orders for, or selling any form of merchandise without a previous invitation from the owner or occupants of the home. In some States the courts have held such legislation unconstitutional, while others have upheld this type of legislation when applied to purely commercial transactions.

Encouragement was given to this type of legislation when on June 4, 1951, the United States Supreme Court upheld a Green River ordinance of the city of Alexandria, Louisiana.¹ Jack H. Breard, a regional representative of Keystone Readers Service, Inc., a Pennsylvania corporation, went from door to door in the city of Alexandria, soliciting subscriptions for such nationally known magazines as the *Saturday Evening Post*, *Ladies' Home Journal*, *Country Gentleman*, *Holiday*, and *Newsweek*. Breard was arrested under the charge that he had not obtained the prior consent of the owners of the residences solicited, as provided by the city ordinance. It should be noted that the publications sold were nonreligious, and the transaction purely commercial.

The Supreme Court held for the ordinance as a valid exercise of the police power in regulating commercial canvassing, including the selling of periodicals. There was no question on the sale or distribution of religious literature.

The question remains whether the United States Supreme Court, or any State court, will uphold a Green River ordinance when such ordinance is applied to the sale and distribution of religious litera-

ture. For the most part, cities have not applied the Green River ordinance to religious activities. There have, however, been exceptions when city officials have interpreted their ordinance as applying to any type of activity, whether religious or secular in nature.

In *Martin v. Struthers*,² an ordinance forbidding the summoning of home occupants to the door to receive advertisements was held invalid when applied to an advertisement for a religious meeting.

In *Murdock v. Pennsylvania*, the court said:

The fact that the ordinance is "non-discriminatory" is immaterial—such equality of treatment does not save the ordinance. Freedom of the press, freedom of speech, freedom of religion are in a preferred position.³

Discussing the matter of religious freedom in connection with the matter of door-to-door canvassing, the same court said:

This form of evangelism is utilized today on a large scale by various religious sects whose colporteurs carry the Gospel to thousands upon thousands of homes and seek through personal visitations to win adherents to their faith. It is more than preaching; it is more than distribution of religious literature. It is a combination of both. Its purpose is as evangelical as the revival meeting. This form of religious activity occupies the same high estate under the First Amendment as to worship in the churches and preaching from the pulpits. It has the same claim to protection as the more orthodox and conventional exercises of religion.⁴

In *Valentine v. Chrestensen*⁵ the court upheld a

¹ *Breard v. City of Alexandria*, 341 U.S. 622; 95 L. Ed. 1233.

² 319 U.S. 141; 87 L. Ed. 1313 (1942).

³ 318 U.S. 105, 115; 87 L. Ed. 1292 (1943).

⁴ *Ibid.*, pp. 108, 109.

⁵ 316 U.S. 52; 86 L. Ed. 1262 (1942).



D. W. CORSON, FROM A. DEVANEY

The giving, selling, and distributing of religious literature, when done as part of the method of spreading the distributor's religious beliefs, is an exercise of religion within the meaning of the First Amendment of the United States Constitution.

United States Supreme Court held under the Fourteenth Amendment that:

The state can prohibit the use of the street for the distribution of purely commercial leaflets, even though such leaflets may have a "civil appeal, or a moral platitude" appended. *Valentine v. Chrestensen*, 316 U.S. 52, 55. They may not prohibit the distribution of handbills in the pursuit of a clearly religious activity merely because the handbills invite the purchase of books for the improved understanding of religion or because the handbills seek in a lawful fashion to promote the raising of funds for religious purposes.⁹

The United States Supreme Court pointed out further in *Murdock v. Pennsylvania*:

But the mere fact that religious literature is "sold" by itinerant preachers rather than "donated" does not trans-

⁹ 316 U.S. 413, 417; 37 L. Ed. 869 (1943).

municipal ordinance forbidding the distribution in the streets of printed handbills containing commercial advertising matter. But the following year, in the case of *Jamison v. Texas*, where the distribution of handbills was in pursuit of clearly religious activities, the

form evangelism into a commercial enterprise. If it did, then the passing of the collection plate in church would make the church service a commercial project. The constitutional rights of those spreading their religious beliefs through the spoken and printed word are not to be gauged by the standards governing retailers or wholesalers of books. . . . It should be remembered that the pamphlets of Thomas Paine were not distributed free of charge. . . . It is plain that a religious organization needs funds to remain a going concern. But an itinerant evangelist, however misguided or intolerant he may be, does not become a mere book agent by selling the Bible or religious tracts to help defray his expenses or to sustain him.⁷

Numerous State courts have applied this same distinction between religious and purely secular or commercial transactions when interpreting this type of ordinance. In *People v. Barber*, the New York Court of Appeals declared:

The words of the ordinance do not dictate, and perhaps do not permit a construction which would bring the scope of the ordinance solicitation, by an unpaid solicitor, of contributions for the work of a religious society of which the solicitor is a member, or the sale of the Bible or religious tracts to cover the cost of production, or to raise funds for the purpose of the society. The ordinance can be given its full intended effect without such construction.⁸

In *Commonwealth v. Akmakjian* the Supreme Court of Massachusetts stated:

In the present cases we are of opinion that the ordinance in question applies only to those engaged in the pursuit of commercial enterprises and not to those engaged like the defendants in religious activities.⁹

In Traverse City, Michigan, where the city officials interpreted their Green River ordinance as applying to religious activities as well as to those secular in nature, two young men engaged in the sale and distribution of religious literature were arrested on June 13, 1950. They were charged with having gone to a residence without having been requested or invited to do so, in violation of the city ordinance. The municipal court convicted the men, but upon their appeal, the circuit court of Michigan held the ordinance unconstitutional when applied to a colporteur engaged in the sale and distribution of religious literature: "The Court has carefully examined the testimony given in the case in this court, and concludes that the ordinance is invalid, and unconstitutional in so far as it relates to these defendants."¹⁰

In the case *City of Shreveport v. Teague*, the defendant was charged that—

"he did go upon private residences in the City of Shreveport without having been requested or invited so to do by the owner or occupant, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same."

Reversing the conviction of a Jehovah's Witness in that case, the court stated:

It seems quite obvious to us from a mere reading of the above quoted section that the acts done by relator do



A. DEVANEY

Discussing the matter of religious freedom in connection with the matter of door-to-door canvassing, the United States Supreme Court said:

"This form of evangelism is utilized today on a large scale by various religious sects whose colporteurs carry the Gospel to thousands upon thousands of homes and seek through personal visitation to win adherents to their faith. It is more than preaching; it is more than distribution of religious literature. It is a combination of both. Its purpose is as evangelical as the revival meeting. This form of religious activity occupies the same high estate under the First Amendment as to worship in the churches and preaching from the pulpits."

not constitute a violation of the ordinance. Relator is neither a solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise. He is admittedly an ordained minister of a religious sect, who, instead of voicing his views from a pulpit, travels as an itinerant preacher from house to house. . . . Relator cannot, by any stretch of judicial interpretation, be placed in the category of a peddler, hawker or solicitor since it is perfectly plain that he did not enter the premises of any of the householders in Shreveport "for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same. . . ." To hold otherwise, we would be compelled to attribute to the City Council of Shreveport the intention of declaring that the visitation into homes (without previous invitations) by priests and ministers of all religious denominations, accompanied by the sale of Biblical literature, constitutes a nuisance and a misdemeanor. This we will not do.¹¹

It is significant that this decision was rendered by the Supreme Court of Louisiana, the same court that rendered the Breard decision, which was affirmed by the United States Supreme Court. The Supreme

⁷ 119 U.S. 105.

⁸ 289 N.Y. 378 (1943).

⁹ 316 Mass. 97 (1944). See also *Seevers v. City of Somerset*, 295 Ky. 595; 175 S.W. 2d 18 (1943); and *State v. Woodruff*, 147 Fla. 299; 2 So. 2d 577 (1941).

¹⁰ *Traverse City v. Swett and Thorsen*, No. 573 (1951).

¹¹ 200 La. 679; 8 So. (2d) 640 (1942).

Court of Louisiana, while upholding a Green River ordinance when applied to a purely commercial transaction, reversed the opinions of its lower courts when applied to transactions religious in their nature.

The United States District Court of Alaska, involving the activities of Jehovah's Witnesses in the case *City of Anchorage v. Berry*, held that going from home to home in a religious endeavor and the sale of religious literature was not a violation of the Green River ordinance adopted by the city of Anchorage, Alaska. The Federal Court held that "the transaction only augmented the religious message and oral sermon which the witnesses testified he gave. Appellant was not peddling, hawking, nor was he an itinerant merchant and vendor of merchandise."¹²

On October 8, 1956, in the case *Wyman v. City of Gresham*, Oregon, the circuit court of the State of Oregon held that a Green River ordinance that had been adopted by the city of Gresham could not be applied to the sale and distribution of religious literature, and permanently enjoined the officials of that city from enforcing the provisions of its ordinance "against the plaintiff and all other persons engaged in the same activity." Wyman was a Seventh-day Adventist engaged in the sale and distribution of religious literature. The court pointed out that although the Oregon Supreme Court, as well as the United States Supreme Court, has upheld the Green River type of ordinance as a valid and reasonable exercise of the police and general welfare powers with respect to commercial endeavors, such as house-to-house solicitations of subscriptions to nationally known magazines, the selling of electric vacuum cleaners, et cetera, there was a distinction between those acts and the work Wyman was doing. The court held that plaintiff—

charged with the religious duty of preaching the gospel of God's kingdom by going from house to house in accordance with the dictates of his own conscience, made visits in a courteous, friendly, and orderly manner to private residences in the City of Gresham who had not previously indicated or expressed a desire not to receive such calls, and as a part of said house call plaintiff gave, sold, and distributed religious literature. It is the opinion of this Court that this type of house-to-house visitation and conduct is distinctly a religious activity and not a purely commercial activity or commercial solicitation as is contemplated in *Breard v. City of Alexandria*.

The giving, selling, and distributing of religious literature, when done as a part of the method of spreading

the distributor's religious beliefs, is an exercise of religion within the meaning of the First Amendment of the United States Constitution. . . .

This type of activity, when performed in a courteous, friendly, and orderly manner by priests, ministers, or members of a religious group, is, in the opinion of this Court, a distinct exercise of religion, and any ordinance or statute which declares such activity to be a nuisance and punishable as a misdemeanor is unconstitutional because its enforcement is a deprivation of the rights and privileges secured by the Constitution of the United States and the Constitution of the State of Oregon.

The court went on to say:

If such conduct as was practiced by the plaintiff in this case is considered by some to be an intrusion and invasion of their privacy, then it is the opinion of the Court that this is a part of the price that must be paid for the free exercise of religious liberty. The Court is of the further opinion that plaintiff and persons engaged in like activity as that of the plaintiff, although considered by some to be misguided or intolerant, have a constitutional right to make calls on private residents who have not previously indicated or expressed a desire not to receive such calls, and in connection with said call give, sell, and distribute their religious literature. This activity by the plaintiff is not motivated by the desire for profit, but by a deep religious concern which the framers of our Constitution desired to protect. This concept of religious freedom finds its highest expression and protection in our American democracy. The generation that wrote the religious clause of the First Amendment of our Constitution meant that as far as humanly possible the exercise of religion shall be absolutely free.¹³

In harmony with the above decisions, a number of lower courts have held that the Green River type of ordinance does not apply to the sale and distribution of religious literature. Where local officials have failed to distinguish between commercial transactions and those that are religious in nature, the courts have declared such ordinances unconstitutional in that they deny the guarantees of religious freedom as set forth in the First and Fourteenth Amendments to the Constitution of the United States.¹⁴ Thus it appears that in the decisions that have been rendered by the courts, both State and Federal, there is unanimity of agreement that Green River ordinances are not to be applied to religious activities, including the sale and distribution of religious literature.

¹² Opinion No. A-9414, filed May 11, 1956.

¹³ Opinion No. 228-677.

¹⁴ See, for example, *State of California v. Parkinson*, Justice Court of the Concord Judicial District, County of Contra Costa, Opinion No. 13,558, June 29, 1956; also *City of Winters v. Abbott*, Winters Judicial District Court, Calif., June 4, 1955; and in the United States District Court, the case of *Donley v. City of Colorado Springs*, 40 Fed. Sup. 15.



A. DEVANEY



NATIONAL ARCHIVES PHOTO

In this special room in the National Archives building the nation's most precious documents are securely preserved.

The Constitution and the Bill of Rights

By CHARLES S. LONGACRE

THE GREATEST AND MOST IMPORTANT LEGAL STATEMENT in the United States is the Bill of Rights incorporated in the Federal Constitution. The Bill of Rights is the sheet anchor of all our liberties and inalienable, God-given rights, and it makes our matchless Constitution the greatest document ever struck off by the hand of man.

The honor and credit of the Bill of Rights, as conceived by the founders of the American Republic, belong to the American people. The States hesitated to ratify the Constitution until the national lawmakers gave them a definite promise that their right to practice their religious faith, as well as their civil liberties, would be protected in the Constitution by a statement of inalienable rights.

Rhode Island and North Carolina steadfastly refused to ratify and come into the Union until a definite promise was made by the stalwart founders of the new government that such a Bill of Rights would be incorporated into the Constitution at the earliest opportunity. The Rhode Island charter from the days of Roger Williams made provision for the protection of the conscience of the individual in re-

ligious concerns and in his exercise of political freedom. These freedoms appear in the Virginia Bill of Rights, from which they were incorporated into our present Bill of Rights, particularly in the First Amendment. This Bill of Rights enumerates certain fundamental principles, which Jefferson called inalienable rights, meaning that no government on earth had a right to abridge them, or to deny them to the individual. These natural, inherent rights were given legal standing in the American way of life.

We might define the true meaning of Americanism embodied in the Bill of Rights as a way of life in accordance with the ideals and principles of liberty and justice—a way of life unique in that it recognizes the equality of all persons before the law and the bar of justice, with special privileges to none. It grants equal protection under the law to all religions, with no legal sanctions or pecuniary favors to any. It recognizes that every person is free to worship God, or not to worship God, in harmony with his own conscience, under the separation of church and state. In the realm of religion and of faith it recognizes the conscience of the individual as being

supreme over the exercise of civil authority, so long as the individual respects the laws of morality, decency, and the equal rights of his fellow men.

True Americanism as conceived by the Bill of Rights enumerates certain fundamental rights as superior to governmental authority: free speech; a free press, including the freedom to circulate literature; the freedom to propagate one's religion or to change one's faith; the freedom to worship unmolested; the freedom to assemble; the right of dissent; the right of petition against grievances; the right of trial by one's peers; and the right of sovereignty as a people, under a republican form of government. The Government can exercise only such powers as are delegated to it by the people.

All these liberties and inalienable rights set forth in the Bill of Rights are constitutionally recognized as belonging to the people instead of to government, and government is seen as ordained by divine arrangement through human agencies to protect the people in the free exercise of their inalienable rights and to correct only such abuses as would invade or nullify these inherent, natural rights of mankind.

True Americanism stands for the equal right and opportunity of all to acquire property, to enjoy the fruits of one's labor and enterprise, to contract for labor without interference or denial of the right to work, and to aspire to any public office as a loyal citizen of the State. The Bill of Rights recognizes the right to criticize abuses in government, to disagree with political policies, to differ in religious ideas and modes of worship, and to tolerate opposing opinions whether right or wrong, so long as there do not result harmful acts or the violation of common decencies.

True Americanism recognizes the Constitution of the United States as the supreme law of the land, to which all three branches of the Government are subject, and which every public official is oath-bound to defend and preserve inviolate in peacetime and wartime. The Republic which the Constitution undergirds is a government of law and not a government of men. A republic is a representative form of government in which the Constitution puts a check by its limitations on the lawmaking power, thus prohibiting the government from invading the inalienable rights of the individual. The lawmakers and the administrators of the law are themselves subject to the fundamental law of the land, and can exercise only such powers as are consistent with the Constitution.

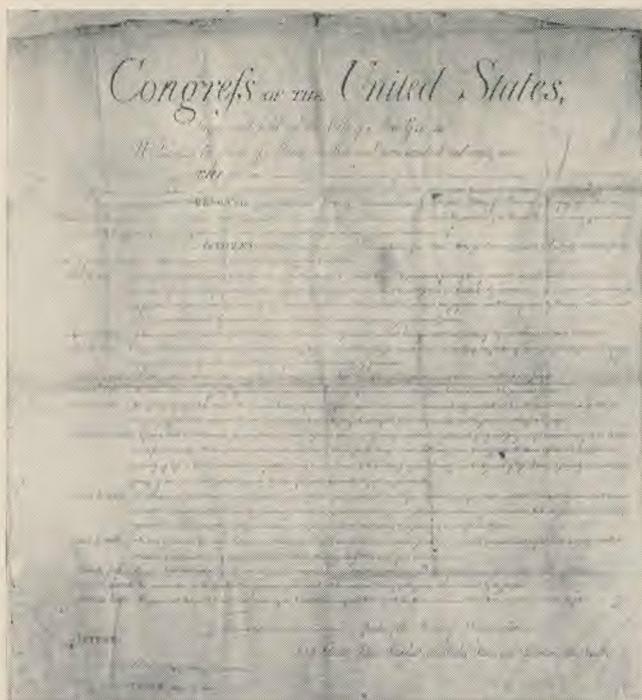
But a warning must be given. Our Republic is fast drifting. Here is a real, and not an imaginary, danger that Americans are facing. We are not enjoying the liberties and privileges under the Constitution that we enjoyed several decades ago. Most human activities and enterprises are controlled, regulated, restricted, and regimented. Many of the civil rights

guaranteed to the individual under our Constitution have already been undermined and overridden by the delegation of legislative and judicial powers to the Chief Executive and his appointive bureaus. In times of stress, attempts have been made by executives, by legislatures, and by the courts of States and municipalities to violate the constitutional rights of individuals. Attempts have been made to penalize individuals for exercising free speech; to impose censorship over the press; to make unlawful search and seizure of private papers; to place individuals twice in jeopardy for the same offense; to subject men to imprisonment at hard labor without indictment; to compel a person to support religious institutions not of his faith, and to observe religious customs, religious days, and religious usages contrary to his belief; to compel the teaching of the Christian religion in our tax-supported public schools; and to establish the Christian religion as the national religion of the United States, and by law to make all citizens conform to the laws and usages of the Christian religion.

In all these areas the Constitution and the Bill of Rights were invoked to protect the individual, and the courts—ordained to defend and preserve the Constitution with the Bill of Rights—have in most cases held the freedom-endangering laws and ordinances enacted by Congress, State legislatures, and city

The Constitution of the United States of America is perhaps the oldest Federal constitution in existence. It was framed in Philadelphia in May, 1787, by a convention of delegates from twelve of the original States. Rhode Island failed to send a delegate. George Washington was a deputy from Virginia and presided as president of the convention. The draft was submitted to all thirteen States and was to become effective when ratified by nine States. It went into effect on the first Wednesday in March, 1789, after having been ratified by New Hampshire, the ninth State to approve, on June 21, 1788. The States ratified the Constitution in the following order:

Delaware	December 7, 1787
Pennsylvania	December 12, 1787
New Jersey	December 18, 1787
Georgia	January 2, 1788
Connecticut	January 9, 1788
Massachusetts	February 6, 1788
Maryland	April 28, 1788
South Carolina	May 23, 1788
New Hampshire	June 21, 1788
Virginia	June 25, 1788
New York	July 26, 1788
North Carolina	November 21, 1789
Rhode Island	May 29, 1790



LIBRARY OF CONGRESS

The Bill of Rights, along with the Declaration of Independence and the Constitution, is safely protected in the United States Archives Building in Washington, D.C. There these precious documents may be seen by the thousands of visitors to the nation's capital.

municipalities, and rules adopted by commissions, to be null and void.

The gravest danger our Republic faces today is public apathy and indifference toward the precious

heritage of the liberty that our forefathers handed down to us at the cost of infinite sacrifice, suffering, treasure, and blood. We take our liberties too much for granted, in the same way that we take for granted the air we breathe and the water we drink. We do not sense their worth until they are gone. We must never forget that liberties once surrendered for the sake of temporal benefits are exceedingly difficult to regain. We must "take alarm at the first experiment on our liberties." Any first step in a wrong direction sets a dangerous precedent, which can be followed with more dangerous precedents, resulting in the final extinction of all our liberties. Eternal vigilance now as never before is the price we must pay to preserve our precious heritage of civil and religious freedom. The most precious boon among all our temporal blessings upon this earth is the cherished gift of civil and religious liberty. Our greatest security and anchor of hope for the future of America is to preserve inviolate our matchless Constitution and our Bill of Rights, as conceived by the founding fathers of our Republic.

Judicial Applications of the Separation Doctrine

By LEO PFEFFER

[This is the third and last installment of Dr. Pfeffer's statement intended for oral presentation before the Senate Subcommittee on Constitutional Rights.—ED.]

FURTHER EVIDENCE OF THE UNIVERSALITY, until recently, of the interpretation of the First Amendment contended for in this statement is found in the relevant decisions of the United States Supreme Court. These have been few—an indication of the secure status of religious freedom and the separation of church and state in the United States. But the few decisions which have been handed down by the Supreme Court are all, without exception, consistent with the view that nonpreferential governmental aid to religion is unconstitutional and inconsistent with the contrary view.

... [In] the 1878 case of *Reynolds v. United States* ... a unanimous Supreme Court stated that

Jefferson's description of the First Amendment as creating a wall of separation between church and state constituted "an authoritative declaration of the scope and effect of the Amendment."

The next relevant decision was in the case of *Cochran v. Louisiana State Board of Education*, decided by the Supreme Court in 1930. There the Court upheld the constitutionality of a Louisiana statute providing for use by children in all schools, whether under public or church auspices, of secular textbooks purchased with tax-raised funds. The statute was completely nonpreferential; it encompassed church schools of every denomination without preference and without discrimination.

In arguing in support of the statute, the Louisiana attorney general did not contend that it was constitutional because it was nonpreferential and be-

cause all church schools were aided without favor or discrimination. On the contrary, he conceded that if the beneficiaries of the State aid were the church schools, the statute would be unconstitutional. His argument for validity was based exclusively on the claim that the statute did not aid church schools but only the children.

The Supreme Court, in upholding the statute, likewise did not do so on the ground that it provided nonpreferential aid to church schools, but on the ground that the aid was to the children and not to the schools. The Court carefully emphasized that the books supplied to the children were secular textbooks, not religious textbooks; if the books had been religious, the statute would undoubtedly have been declared unconstitutional. Thus it is clear that the Court did not accept the proposition that nonpreferential aid to religion is constitutional.

The next relevant decision of the Supreme Court is the famous 1947 parochial school bus decision, *Everson v. Board of Education*. In that case the attorney general of New Jersey, in arguing for the validity of a statute providing reimbursement to parents for the expenses of transporting their children to public and parochial schools, did not do so on the basis that the aid was nonpreferential. His argument was exclusively based on the contention that the children and not the church schools were the beneficiaries of the law.

In its 5-4 decision sustaining the validity of the statute, all the nine justices of the Supreme Court agreed that if the State aid had been given to the church schools, the statute would have been unconstitutional. All agreed that nonpreferential govern-

mental aid to religion is as violative of the First Amendment as is preferential aid.

In its decision, the Court set forth clearly and specifically the meaning of the First Amendment:

The Court said:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, *aid all religions*, or prefer one religion over another. Neither can force nor influence a person to go or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. 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 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*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state." (Emphasis added.)

None of the nine justices expressed disagreement with this interpretation of the First Amendment. It was the fruit of long and careful historical research into the evolution and meaning of the religion clause of the Amendment, and since its announcement it has become the most authoritative exposition of that meaning.

Within a year after the *Everson* decision was

A unanimous Supreme Court stated that Jefferson's description of the First Amendment as creating a wall of separation between church and state constituted "an authoritative declaration of the scope and effect of the Amendment."



HORYDCZAK PHOTO

handed down, the Court was called upon to repudiate this interpretation of the First Amendment. In *People ex rel. McCollum v. Board of Education*, the Court passed upon the constitutionality of a system of released time religious education in effect in the public schools of Champaign, Illinois. Under this system ministers and religious teachers of the different faiths came into the public schools for one hour a week to teach their respective religious doctrines to the children adhering to that faith.

The argument in support of the constitutionality of the program was based upon the claim that it was completely nonpreferential and nondiscriminatory. Recognizing that the law was unconstitutional if the Court adhered to its interpretation of the First Amendment set forth in the *Everson* case, the attorney for the Champaign public school system urged the Court to overrule the *Everson* decision and to interpret the First Amendment as banning only preferential aid to religion.

This the Court refused to do. On the contrary, it went out of its way to repeat in full the detailed meaning of the Amendment set forth in the *Everson* case. It reaffirmed that interpretation and held the Champaign released time program unconstitutional because it constituted state aid to religion, and it expressly stated that it made no difference that the aid was nonpreferential and nondiscriminatory.

In *Zorach v. Clauson*, decided in 1952, the Court in a 6-3 decision upheld the New York system of released time religious education under which children enrolling for religious instruction are released from public school for an hour each week to receive such instruction under church auspices outside the public school building. The validity of the program was sustained because the public school system did not finance its operation nor was it in any way involved therein, but simply adjusted its own schedules to accommodate the religious needs of the children.

The court went out of its way to reaffirm its adherence to the *McCollum* decision and specifically stated that "government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian instruction. . . ." By expressly and unambiguously stating that "government may not finance religious groups," the Court thus made it clear again that it interprets the First Amendment as barring governmental aid to churches, whether preferential or nonpreferential.

In *Burstyn v. Wilson*, decided in 1952, the Court struck down a New York statute which authorized the denial of a motion picture license to a film deemed "sacrilegious," i.e., one that treated any religion with contempt, mockery, scorn, or ridicule. The statute, as interpreted by the New York courts, was completely nonpreferential; it treated all religions exactly alike and accorded no preference to

any of them. Yet the Supreme Court held that under the First Amendment "the State has not legitimate interest in protecting any or all religions from views distasteful to them which is sufficient to justify prior restraint upon the expression of those views." (Emphasis added.)

The latest relevant case is *Kedroff v. St. Nicholas Cathedral*, decided in November, 1952. There the Supreme Court held that under the First Amendment's ban on laws respecting an establishment of religion or prohibiting its free exercise, a State may not intervene in the internal affairs of a religious organization, as by deciding which of rival factions represents the true church and the true faith.

To complete the account of Supreme Court cases, two other decisions should be mentioned. These are completely consistent with the interpretation urged in this statement but are also consistent with the narrow interpretation of the clause. In *Bradfield v. Roberts*, decided in 1899, the Court upheld a grant of Federal funds for the benefit of a hospital controlled by a corporation organized by nuns. The Court held that a corporation is a secular entity, that hospital services available to persons of all faiths and of no faith are not religious, and that aid to the hospitals is not aid to religion in violation of the First Amendment. Implicit in this decision is the holding that the Constitution would be violated by a grant of Federal money for religious purposes or to an institution controlled by a religious organization.

The same holding is implicit too in the case of *Quick Bear v. Leupp*, decided in 1908. There the Court held that treaty funds held by the Federal Government as trustee for Indians who were in fact its real owners could be distributed to private religious schools at the designation of the Indians to pay the cost of their tuition. The decision was based on the holding that the money expended belonged not to the Government but to the Indians. Had it belonged to the Government there is little doubt that the decision would have been the other way.

These are all the decisions of the Supreme Court that shed light on the meaning of the establishment of religion clause in the First Amendment. From the first to the last they have been consistent—a consistency, I may suggest, rare if not unprecedented in constitutional law. This consistency on the part of the Court, combined with the unbroken record of Congress in refraining from enacting legislation granting direct governmental aid to churches even on a nonpreferential basis, and combined with the universal illegality of such grants-in-aid in the forty-eight States, establishes, I submit, that from the very inception of the Constitution and the First Amendment it was American principle and policy to keep church and state separated by prohibiting governmental aid to churches, preferentially or nonpreferentially.



Television's Experiment in Freedom

By HOWARD B. WEEKS

DAVID B. LANNES

THERE IS WHAT THE CATHOLIC CONGRESSMAN said: "Well, almost every major country has representation at the Vatican—why shouldn't the United States have those benefits too?"

"What benefits?" the Protestant editor shot back. "If it is the benefits of contact with a religious group, that would violate our Constitution; if you're thinking of the Vatican as a political power, then its adherents confess allegiance to a foreign government and we ought to consider that."

The Baptist jumped into the fray: "You can't look at the Vatican as a political power. My father was a farmer and had three times as much land as the Vatican has. Nobody sent representatives to him!"

Then the Lutheran pastor: "Congressman, you aren't answering the question. Just name some benefits."

Congressman: "The question is, Will representation be helpful to our country somehow? That would be for the State or the Defense Department to decide."

Editor: "That is a viewpoint of pure expediency. We've got to stick to the principle."

State university professor: "Whose principle? In politics we have also to think of expediency—what has to be done. You're completely wrong."

"Representation would be just the starting point for full recognition of the Pope—establishment of clericalism." That was the Episcopalian rector.

Professor: "I'm as much opposed to clericalism as you are!"

This exchange could sound like a free-for-all in some ecclesiastical back room, but it isn't. It is live-action religious debate in front of television cameras and beamed into living rooms all over America.

It is the American Religious Town Hall telecast, brain child of five ministers of divergent faiths. Four years ago, in St. Paul, Minnesota, these ministers made a covenant to demonstrate to the world that differences on even the most delicate and controversial religious subjects could be discussed constructively, in fellowship and tolerance.

By this time their point has been well proved.

Methodist, Baptist, Episcopalian, Jew, Catholic, Lutheran, Seventh-day Adventist, Assembly of God, Congregationalist, and others have laid their viewpoints in regard to a host of issues right on the line, with no compromise, but even more important, with growing respect for the other man's right to believe as he does.

Organized as a panel discussion featuring five regular and two guest panelists, the half-hour telecast began on one station in Minneapolis in December, 1952. It now appears on seventy-one stations throughout the United States, with new stations regularly being added to the chain.

How do viewers react to a free-swinging discussion of such subjects as "What Is Heaven Like?" "Should Religion Be Taught in Public Schools?" "Is the Devil a Real Person?" "Is the Bible the Final Authority on Religion?" or "What Can We Do About Racial Problems?"

While the mingling of half a dozen differing opinions on a subject is not meant always to bring forth specific solutions or suggestions, most viewers apparently feel that they themselves have been made to think more constructively about the problems at hand.

Little groups may be spotted now and then on a street corner after a telecast vigorously carrying on

the discussion. More than seven hundred viewers a week take the trouble to write comments like "Thank God that we live in a country that has freedom of speech. Your program is most educational and inspiring. It makes us all *think!*"

No compliment could be more rewarding to the panelists or to the one man most responsible for the birth of the program and for its successful operation, A. A. Leiske, a Seventh-day Adventist pastor in St. Paul.

Leiske lays no claims to being more of a prophet than any other preacher, but he and his fellow panelists agree to a common feeling that Providence had a hand in the beginning of America's Religious Town Hall.

"God works through men, you know," the energetic, broad-faced minister says. "I believe He worked through me that day. It was on the night of November 30, 1952, at two o'clock in the morning, to be exact, that I awoke suddenly from a sound sleep with the whole idea clear in my mind. I saw the studio, the panel representing many different denominations.

"It was forceful and exciting—a regular weekly television panel, all having their say on points that today concern us so deeply. I saw the whole thing as a means by which the American people could do so much to help preserve our American way of life—our democracy, our spirit of tolerance, and our freedom."

What Leiske had in mind was a demonstration of a basic principle. "We want to show the world that in a truly free nation men may disagree, but those same men will stand together to preserve their right to disagree. This is the great American principle that was impressed upon me that night in November. It is the principle on which the success of the American Religious Town Hall is based," the persuasive Adventist preacher declares. His persuasiveness went to work the next morning when Leiske, apprehensive but sure he was on the trail of something great, called on Robert Ekstrum of WCCO in Minneapolis.

"A television program with preachers from opposing churches having it out on 'untouchable' religious issues?" There must have been considerable doubt in the mind of this realistic TV sales manager who had before seen such exchanges degenerate into ruffled feelings all around.

But somehow Leiske's conviction that people could sit down together and discuss their differences in an atmosphere of mutual respect was contagious enough to get through.

"All right, Leiske. It sounds good. Go ahead and see what you can do with it," the WCCO executive said.



DAVID B. LANNES

What Leiske did with it probably surprised even Ekstrum. In a whirlwind tour of the Twin Cities area he found four articulate pastors who said they would be willing to go along with the idea: Lloyd R. Gillmett, rector of the Episcopal church of St. John the Evangelist, in St. Paul; Ira B. Allen, of Central Park Methodist church; Clifford A. Nelson, of Gloria Dei Lutheran church; and Mahlon W. Pomeroy, of Park Baptist church.

The five clergymen got together, drew up a statement of aims, purposes, and procedures, and the next thing Ekstrum knew, his cameras were recording an impressive signing of the pact, a ceremony witnessed officially by both of the Twin City mayors and by State Treasurer Val Bjornson, representing the governor.

This unity of purpose has strengthened, and the admiration and appreciation of leader and layman alike has grown from week to week as these dedicated men have widened the influence of their living demonstration of democracy at work.

Two additional members have been added to the original regular panel: Rabbi Bernard S. Raskas, of St. Paul, and Dr. Frank H. Yost, Editor of *LIBERTY*:



Seated: Dr. Clifford Ansgar Nelson, Lutheran; Hon. Timothy H. Sheehan, U.S. Congressman; Bishop A. A. Leiske, Seventh-day Adventist, moderator; Dr. Leo Pfeffer, American Jewish Congress; Dr. Frank H. Yost, editor of "Liberty"; Horace J. Shaw, announcer; back row, standing: Rev. Mahlon W. Pomeroy, Baptist; Lea McConconchie, secretary; Dr. J. Ernest Somerville, Presbyterian; Dr. John B. Wolf, professor of history, University of Minnesota; Dr. Lloyd R. Gillmet, Episcopalian.

A Magazine of Religious Freedom. Also, the Board of Directors has been enlarged from five to twenty-one, and to broaden the scope of the American Religious Town Hall Meeting telecast and to make it effective as a national educational program for civil and religious freedom, members of university faculties, as well as professional and businessmen from all parts of the nation, have been added to the churchmen on the Board of Directors. Guest panelists include educators, statesmen, and professional men. Ministers, rabbis, and priests on the panel run virtually the entire scale of religious belief and are usually leading figures in their organizations. Occasionally a guest panel of laymen will fire questions at the "experts." The guests from the universities, the public officials, and professional men are selected for

the panel by the moderator, but the guest clergymen, from every part of the nation, are selected by city television program directors or through local ministerial associations.

Neither the regulars nor the guests receive any remuneration for their services on the program. In fact, the regulars have often dug into their own pockets to pay the steep costs of providing film copies for distribution to stations all over the country.

But not a one has questioned its worth. Their feeling of dedication is more than sustained by the confidence and support they now enjoy in their unique American experiment. Dr. T. Otto Nall, editor of the influential *Christian Advocate*, who has been a guest panelist, has called the American Religious Town Hall one of the greatest telecasts before the American public today. A commendation has come from the Social Science Research Center at Columbia University. The Voice of America has been looking and listening with interest.

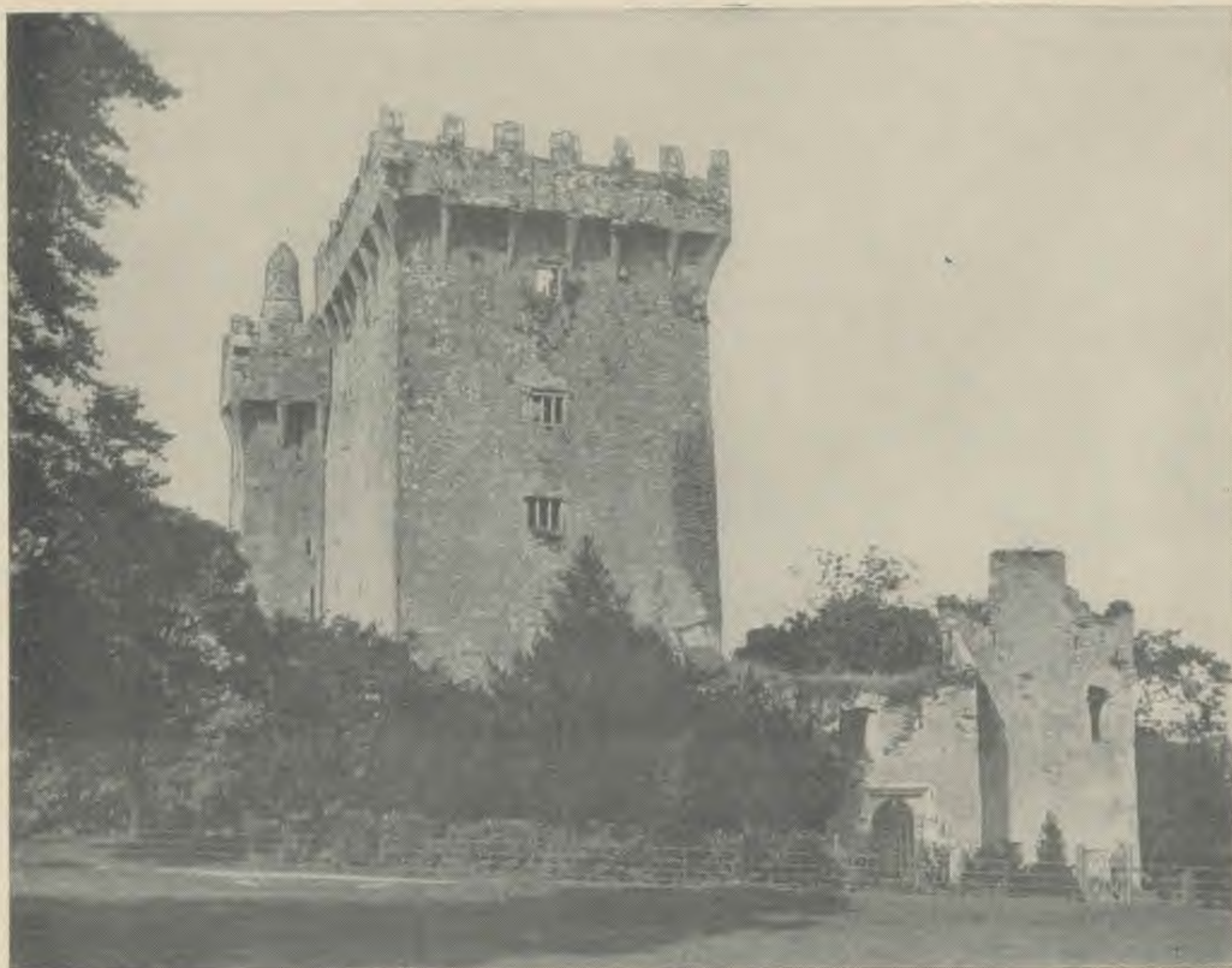
But more important than any official recognition is the agreement of many among the millions of everyday people who make up the viewing audience that the program is an encouraging sign of the times, a living witness to the vital truth that in disagreement there can be strength.

By the thousands, expressions of gratitude and hope for the continuance of this broad approach to civil and religious freedom come to the offices at 1615 Scheffer Avenue, St. Paul. Last year the group received more than \$10,800 in dollar bills from all over the nation to help make film copies not only for television use but also for circulation among churches and colleges.

It is no wonder that as Leiske sounds the gavel each week and declares the American Religious Town Hall in session, the panel members feel they are touching again a responsive chord in the hearts of fellow Americans. It is an ideal and an objective aptly expressed in the program's motto, seen framed by the flags of many nations as a backdrop for the panel discussion: "That Freedom Shall Not Perish."

Person to person after a telecast, Leiske conveys the same fervent, humble conviction that has won him the respect and support of the other panel members, whose own churches may tower above Leiske's in numerical strength.

"At this confused moment in history especially," he says, "we need to show the world, and ourselves too, that we can sit down together—all denominations—and talk over problems with a religious depth without anger or bickering, but with tolerance and humility. If we can't find ourselves, how can we find God?"



EWING GALLOWAY

A view of Blarney Castle in Ireland taken from a meadow nearby. This building contains the well-known Blarney Stone, bearing the date of 1703, which attracts visitors from all over the world.

Jehovah's Witnesses Case in Ireland

A Newspaper Report

[We reprint here a report in the Dublin, Eire, "Irish Press," for July 28, 1956, of the trial and sentencing of two men, attacked by a group of citizens because they were distributing religious literature.—Ed.]

TWO MEMBERS OF THE JEHOVAH'S WITNESSES, who stated that they were assaulted by a group of men in Clonlara, County Clare, were bound to the peace in Limerick Court yesterday. They were Stephen G. Miller (36), of 7 Abbey Avenue, Lanahrone Estates, Corbally, Limerick, and Henry Bond, of Castlepark, Limerick. District Justice Hurley dismissed the charges "in view of the provocation offered."

Before the court were Rev. Patrick Ryan, C.C., Truagh, County Clare, and nine others charged with

causing malicious damage to books, magazines, papers, and other articles valued at £3, the property of Miller.

The nine lay defendants were also charged with assaulting.

They were: John Nihill, Doonass; Joseph Mescall, Erinagh, Clarina; Patrick Sheehy, Coonass House; Christopher McNamara, Summerhill, Clonlara; Brendan Burke, Clonlara; Brendan Flannery, Clonlara; Michael McNamara, Clonlara; Edward Monaghan, Newtown, Clonlara; and Seamus McCormack, Cappavilla, Ardnacrusha.

Stephen G. Miller, who described himself as a minister of Jehovah's Witnesses, and Henry Bond were both bound to the peace for three months.

The courtroom was packed for the hearing, which lasted for two hours. Among the attendants was the Bishop of Killaloe, Most Rev. Dr. Rodgers.

Mr. Miller said he and Bond were in the Clonlara district going from house to house "preaching the Gospel" on May 13. They were received very well by quite a number of people, who made no objection to what they were doing, he said.

While motor-cycling, with Bond riding pillion, a car, which had been in front of him, suddenly pulled across the road and blocked it with another car, a mile from the Angler's Rest.

A crowd of men then appeared on the scene and Bond and he had to push them away to escape from them. One man tried to pull Bond from the motor bicycle. He and Bond entered the Angler's Rest to phone the gardai, but there was no phone there.

When they came out of the Angler's Rest, Miller continued, the first person they saw was Father Ryan. The priest, he said, told him that he was selling heretical books and instructed the men to take the books away.

"I protested to the priest," said Miller, "and said I would call the gardai, but he told us we did not need a garda. One of the men in the group added that they had their priest and there was no need for a garda."

Miller added that he was then struck on the chin by "a little man in a blue suit." He was also knocked back and somebody grabbed his arms and held him. One man holding a hurley said to him, "Take your glasses off."

Miller said he asked Father Ryan if he approved of the men's conduct. When Father Ryan said they could leave, the road block was removed and they returned to Limerick. Before they left, said Miller, the literature he had with him, "including 30 books dealing with the Scriptures," was taken away from him. He learned "from newspaper reports later that the books were publicly burned" in Clonlara.

Some of the men, he said, objected to the way he addressed Father Ryan. He believed he must have addressed the priest as "My dear fellow." He was pleading with him at the time, however, and he did not wish to be disrespectful.

To Mr. Ignatius Houlihan, for defence, he said he was "ordained by God to preach the Gospel. God had informed him of this through the Spirit." He agreed that the Jehovah's Witnesses organization had published a booklet entitled *Let God Be True*, and he agreed also that the members distributed that booklet.

Mr. Houlihan—In this booklet, you say there is no Blessed Trinity?

Miller—I think the doctrine of the Blessed Trinity is of pagan origin.

Mr. Houlihan—In fact, you believe that Satan is the author of the doctrine of the Blessed Trinity.

I believe Satan is the author of all things which cannot be proved to have come from God.

Mr. Houlihan said that the Constitution of the country, and the laws of the land, had been formed under the authority and authorship of the Blessed Trinity. If that were true, people like Miller believed that the Constitution and the country's laws were "under the authority and authorship of Satan himself." Miller said he believed the Blessed Trinity was of pagan origin: It was his duty to honor God.

Mr. Houlihan—Do you also claim that Our Blessed Lady is not the Mother of God?

—I believe Mary is the Mother of the Son of God as the Scripture says. I believe that Jesus is the Son of God. He is a God but not the God.

Asked by Mr. Houlihan if he had heard of Pastor Russell, founder of the Jehovah's Witnesses, Miller replied that Pastor Russell was "a very clever man."

Mr. Houlihan—I could not agree with you more. Until the time of his death he denounced all organized religions, churches, and clergy.

Miller replied that they were denounced only because they were "not in accordance with Scripture." He agreed that Pastor Russell had produced "some scandalous cartoons" about the Catholic religion, but said he "commended the cartoons if they were going to help people to see the truth."

Mr. Houlihan said that an Anglican Bishop had condemned the literature of the Jehovah's Witnesses as "dangerous and misleading" because of Judge Rutherford's ignorance of theology. They were so dangerous and misleading that the Anglican Bishop felt "they should be destroyed."

Mr. Houlihan—Do you know that Pastor Russell was divorced for infidelity?

Pastor Russell is a man of dignity, legally he has nothing against him.

Mr. Houlihan—He sold "miracle" wheat to farmers and was later prosecuted by the American Federal Court. He sued an American newspaper saying he was misrepresented, but lost his case.

Questioned about his means, Miller said his occupation was a minister of religion. He did not get paid. His house and food were paid for and he received a nominal sum "to keep myself in blades and things like that."

Mr. Houlihan—Do you agree that the laws of England have decided that you and your equals are not ministers?

I claim to be a Christian and lover of Jesus.

Henry Bond said he had been a Jehovah's Witness for the past three years. Before becoming one he had been a Catholic. He said he saw Miller "being pushed around" but could not say who did it. He heard some of the men in the crowd say they would burn the literature he and Miller were carrying.

He did not say "Look here, my dear chappie"

to Father Ryan, but he believed that Miller said something like that to the priest.

Elizabeth O'Donoghue, Angler's Rest, said she saw Mescall, Sheehy, Flannery, and Christopher McNamara among the crowd which gathered at the Angler's Rest, but she did not see Miller being assaulted. She heard him address Father Ryan as "My dear fellow."

Sgt. Patrick Lewis said he interviewed Father Ryan on May 13. The priest told him that the Jehovah's Witnesses had been in the Clonlara district the previous year and he warned them to leave the parish, which they did. He also warned his parishioners to tell him if they returned.

On May 13 when he heard that they had returned, he collected some men and intercepted Miller and Bond at the Angler's Rest.

They took literature away from them and later burned it. He did not assault either of the men nor did he see anybody else assault them.

The sergeant said he later interviewed the men involved and Sheehy told him that he would be "delighted to be brought to Court on the matter." He admitted assaulting Miller when he heard him address Father Ryan as "my good chappie."

Mr. Houlihan said it was the law of the land that blasphemy was punishable by statute and at Common Law. What they had heard was "most unusual and wholly unprecedented." A witness saw nothing wrong in telling the court that Satan was the author of the doctrine of the Blessed Trinity. He, therefore, committed blasphemy in open court against God and His Blessed Mother.

He also said in effect that our Constitution was of pagan origin and he had "done everything possible to dishonor our Christian religion."

Mr. Houlihan said that a judge from the Bench of a British Court had described the Jehovah's Witnesses as "a band of humbugs who had commercialized religion."

"This case is so serious," added Mr. Houlihan, "that the Bishop of Killaloe has instructed me to state that any penalty you impose, your Worship, will be accepted readily. The people in Court today are defending themselves against the most arrant blasphemy started by a person of ill repute."



Shipquay Gate, Guildhall, in Londonderry.

It was his considered opinion that the Attorney General had "no idea of what filth and blasphemy the Jehovah's Witnesses were selling for their livelihood." The natural law gave people the right to protect themselves against "such evil in their midst." When the Attorney General learned what was being done by the Witnesses he would "have to take action to protect the people from them."

Justice Gordon Hurley said it was the duty of the court to maintain law and order and to be impartial and non-sectarian. Persons had a right of personal liberty but no man had absolute liberty, which was a "much-abused word."

There should be religious tolerance but did that tolerance extend to accepting the gospel disseminated by "persons like Miller and company"? he asked.

Persons like Miller had set out to attack and outrage that religion which was held dear by the people of the country, he said. Treating the case on its broadest basis, were the people of Clonlara, he asked, to lie down and put their hands to their ears when Miller and his friends came in their midst?

Miller and his friend had "escaped very lightly."

The Justice said he found the charge of assaulting Miller had been proved against Sheehy but he proposed to dismiss the charge under the Probation Act in view of the provocation offered. He also proposed to dismiss the charges against the others.

"I have come to the conclusion that it is my duty to ensure that this sort of thing does not happen again," said the Justice. "Therefore I propose to bind both Miller and Bond to the peace in their own bond of £100 and two sureties of £100. In default they will go to prison for three months."

Mr. G. Goldberg, who at the outset of the case said he was holding a "watching brief for an interested party," asked the Justice if he proposed to bind Miller and Bond to the peace, despite the fact that they had attended as witnesses and not as defendants. If that were to be done, he asked the Justice to fix recognisances in the event of an appeal.

The Justice refused. "You have no right of audience in this Court," he told Mr. Goldberg.

Miller then said that Mr. Goldberg was representing Bond and him.

Mr. Goldberg said that the Justice's refusal to fix recognisances was "unprecedented, and obviously biased" against the men for whom he appeared. "I submit that to your Worship whatever the consequences," he said.

Later Mr. Goldberg returned to the Court, and apologized to Justice Hurley for alleging that the decision of the Justice in refusing to fix recognisances was biased.

The Justice said he was glad that the allegation had been withdrawn. He then fixed recognisances in the event of an appeal against his decision to bind Miller and Bond to the peace.



WIDE WORLD PHOTO

Freedom and Public Education

By WILLARD E. GOSLIN, Ph.D.

[It is a privilege to publish here in shortened form an address given by Dr. Goslin, chairman of the Division of School Administration and Community Development, Peabody College, Nashville, Tennessee, at the Eighth Annual Conference of Protestants and Other Americans United for Separation of Church and State, in Constitution Hall, Washington, D.C., January 26, 1956.—Ed.]

AMERICA CAME INTO THE STREAM OF WESTERN CIVILIZATION on the crest of great movements through which the common man was reaching for a greater measure of liberty and justice. The early settler citizens to the new land brought the roots of our American freedoms from their centuries-long background of experience. They plucked these roots from the Reformation, from the movements toward political freedom in France and England, and from the rapidly spreading industrial revolution. They nurtured their developing concepts of religious freedom, political freedom, economic freedom, and civil liberties with dedication and sacrifice.

If our nation is distinguished among nations—and I believe it is—I think it is so because these early citizens gave it a deep-rooted orientation in terms of freedom and democracy. This orientation gave us a sense of direction which we have held to this hour.

The colonial citizens experienced, and the world observed, an expansion of freedom in the new land that was not experienced elsewhere. Religious freedom became a reality instead of a dim light beyond the horizon. Free speech became the order of the day. Political freedom was given substance by Roger Williams and others. Williams went so far as to propose a government under which a citizen who was a heretic would have both freedom and protection. Economic freedom loomed with the resources of the frontier and an untrammelled opportunity to choose what one wished to do.

I believe we would do well to examine into the reason for our national success. We have had the benefits of great natural resources. We have had the

stimulation of temperate climate. We have had the enabling atmosphere of democracy. We have had the guidance of a great religious ethic. We have had the strength of a varied people. We have had the benefits of a free economy. We have had freedom to learn.

By the time we reached the period surrounding the adoption of the Constitution we had in effect made one of the most important policy determinations of any nation in all history. It was not only important in our own nation, but it has had far-reaching consequences throughout the world. We had decided that this was to be a nation where every man would count. It was at this point that we evolved our concept of equal opportunity for all. It was with this policy of determination made and lying before us that we asked Thomas Jefferson to write the Declaration of Independence. These beliefs were still before us when we wrote and adopted the Constitution of the United States. They surged to the foreground again when we developed and adopted the Bill of Rights.

One hundred and seventy-five years of experience in the frontier had given the development of freedom a tremendous boost. When we wrote the Constitution and the Bill of Rights we set the fences far back so that there would be room inside for citizens of many beliefs. According to these basic documents a citizen could be a Protestant or a Catholic or a Jew, or an adherent to another of the world's great religions, or a nonbeliever. There was no orthodoxy established for social, economic, political, or religious views. No *classes* of citizens were established. In other words, we began to put into practice, at the polls, before the bars of justice, and in our classrooms, our emerging concepts of equal opportunity for all.

With the young nation established and the colonies placed within the framework of a single Constitution, they turned as States to the development

of their own constitutions and legal systems. Over a period of time these State documents were brought into general conformity with the concepts that had pervaded the nation and which were represented in the basic documents of the Federal Government. The school system offered both a problem and an opportunity. There was a deep and abiding commitment of the American people to their schools which had developed during the colonial period.

Religion was also a matter of foremost importance in the colonial era. During that period citizens of different religious beliefs had learned how to live together, colony by colony, and community by community, throughout the land. As member States in the young republic turned to the task of making provision for their own school systems they faced the question of the relationship of religion and education. As these States hammered out the constitutional and legal provisions for their school systems, they were guided by the general commitments that had emerged in the nation and which in certain instances had been incorporated in the Constitution of the Republic.

The distinctly American pattern of citizenship established at the Federal level, where opportunities and guarantees were given to citizens of all kinds of beliefs, was applied in the development of constitutional and legal provisions for the emerging American public school system. The reasoning of that time was to the effect that if the public schools were to serve to develop citizens for a nation where all kinds of beliefs were to be acceptable, then the school system would need to be one without orientation in terms of the particular beliefs of any group. The school system would have to be free to serve all of the children of all of the people without religious or political bias.

Therefore the American public school system was established as an institution on exactly the same pattern as that upon which American citizenship was established through the Declaration of Independence, the Constitution, and the Bill of Rights. The fences of the school system were set back as were the fences of the Constitution and Bill of Rights so that children from all kinds of homes committed to all kinds of religious and political beliefs would be acceptable as students in the public schools. The American public schools were never, and they are not today, a Protestant institution, a Catholic institution, or a Jewish institution. Neither are they an institution for nonbelievers. The doors of the American public schools have been opened, they are open now, and as long as America is free they will need to continue to be open, to children of citizens of every conceivable religious and political orientation.

If it is the business of the school system, and it is in this country, to develop citizens with the capacity to participate in the on-going processes of de-

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moocracy and representative government, then I submit that the experience and success of this nation, for 175 years since the adoption of the Constitution, is eloquent testimony to the contributions of the public schools. If it is the business of education—and I believe it is—to contribute to the effectiveness of each citizen as a member of the economic community, then I submit that the production record of the United States is irrefutable testimony to the effectiveness of public education in this country. If it is the business of education so to prepare citizens that they are able when the call requires it to defend their nation, then I submit that the record of this country is convincing testimony to the effectiveness of the American public school system. If it is the responsibility of education to help develop sensitivity to human need—and I believe it is in a free country—then I submit that the extraordinary participation of American citizens in great humanitarian programs, both at home and abroad, is testimony of the effectiveness of the American public school system.

I believe the American public school system is basic to the welfare of this nation. If that is so, then we need to turn our attention to the welfare of the public schools.

As a people we have said that education is so fundamental to the welfare of our nation that we are unwilling to run the risk of leaving the decision as to whether or not children shall attend school to individuals. Without exception, the States in the United States require parents to send their children to school. We have, however, left each individual family in the United States with the privilege to choose the kind of school they prefer for their children. I wish to defend this policy. There are undoubtedly some disadvantages to dividing American children and youth among several school systems. However, these disadvantages are more than overcome, as I see it, by our need to maintain the broadest possible latitude for individual liberty and freedom. Maintaining the freedom of the individual family to send their children to a school of their choice in no way absolves such individuals from meeting their responsibilities to the American public schools. A citizen cannot buy immunity from his responsibilities for public education by paying his way into a private school. Those of us who wish our

"I believe it inescapable that if we change this basic policy and make public funds available for the support of private and parochial schools, in any form, we will witness during the ensuing century the establishment and expansion of a whole welter of parochial school systems and schools for other special interests groups."

children in a school where a particular religious approach is used cannot as responsible citizens shirk our obligations to public education.

Historically in America we have withheld public funds from the support of private and parochial schools. There are growing demands in the United States for a reconsideration of this policy. Some contend that being required to support public education at the same time that their beliefs require them to support private or parochial schools subjects them to double taxation. As American citizens they have a right to such a view and to proclaim it and to work for its acceptance. Because it affects public policy, however, it becomes a concern of every American, many of whom will contend that the establishment and maintenance of private and parochial schools in the United States is a privilege extended to citizens and one that must be paid for by those that choose it. The suggestions and most of the discussion on this proposed change in basic policy has centered on aid for Catholic parochial schools. I believe it inescapable that if we change this basic policy and make public funds available for the support of private and parochial schools, in any form, we will witness during the ensuing century the establishment and expansion of a whole welter of parochial school systems and schools for other special interests groups.

In connection with the whole problem of adequate finances for public education, it seems to me that as American citizens, the Catholic bishops in the United States and their spokesmen would want to consider seriously their statements, through which they have seemingly convinced so many of their fellow Americans, that they are opposed to adequate finances for the public schools. If they are in reality for adequate finances for the public schools, as some insist, then it would seem a fairly simple matter to prepare a statement without reservations and circulate it among the American people. I estimate that such a procedure would not only benefit public education but would improve the climate of relationships throughout the United States.

The only school system in America that is subject to the will of the people is the American public school system. What we teach, how we teach it, whom we teach it to, and when, is at the very root and core of our potential success as a free nation. Those who

are afraid of freedom, those who wish to stop its advance, those who wish to withhold it from additional individuals and groups, try to limit education. Those who believe that there is still a horizon for freedom and democracy, those who believe that all kinds of citizens have a right to be informed, and then stand and make their own decisions on social and economic and political matters, envision an educational program that is broad in scope and available to all kinds of children of all kinds of families. Therefore, in our time when freedom is under fire in many quarters we debate and argue and contend over what to teach. Make no mistake about it—this is a decision that is fundamental to our welfare. This decision will be best made when the greatest possible number of American citizens participate in the process.

I believe there is a growing concern in the United States about the relationship of organized religion to other phases of our organized life. This concern is frequently reflected in disagreement and tension. Most of it is centered on the relationship between religion and education. During the decades following the birth of the Republic, the original States, and then later ones that were brought into the Union, almost without exception made a clear-cut determination in their basic documents about the relationship of religion to education. The determination was one of separation. As the States followed the American concept expressed through the Federal Constitution, which set the limits of citizenship so that individuals with all kinds of religious beliefs or no religious belief could hold acceptable membership as citizens, they applied that same point of view to the development of the American public school system. State after State across the nation set the limits of the public school system so that any child from any family, Protestant, Catholic, Jew, or nonbeliever, or adherents of other religions, could enter school and be a member in good standing without any infringement or embarrassment because of the nature of his religious heritage.

This separation has been impaired in some instances and avoided in others. Those of our citizens whose beliefs are such that they are unable to accept the separation of religion and education have, in numerous instances, gone their own way and established their own schools. The tendency to separate ourselves into parochial school groups is only one of the points at which we have breached our concept of separating education and religion. We have arranged programs of released time from public schools for religious instruction. We have introduced worship services into public school classrooms and assembly programs. We have even gone so far as to permit teachers in public schools to check up on which children attended Sunday school.

I do not say that religious instruction or worship services are bad practices. On the contrary, I have

personally lent myself to such activities throughout my life. That is not the question. The question is, Do they belong in the public schools? Do such activities infringe on the religious freedom of some child or some group of children? The truth of the matter is that we are so divided in our religious beliefs and practices that it is next to impossible to find a classroom of children in a public school where such exercises will avoid infringement of the rights of some American child. We set up the United States so that any citizen could hold any religious belief that was acceptable to him. We set up the American public school system and opened it to the children of all people to help uphold our system of liberty. An American child's rights are infringed if religious activities are carried on in his classroom that are outside the limits of the beliefs that have been taught in his home and church. It should be remembered that most of the practices to which I am presently referring are Protestant innovations practiced in predominantly Protestant communities. Some Prot-

estants find it easy to get excited about the insertion of Catholic practices into public schools in predominantly Catholic communities. Such practices by Protestants or Catholics represent an impairment of our American guarantee of religious liberty.

Public schools in the United States are not Protestant schools, or Catholic schools, or Jewish schools. They are the schools of all of the people. Their doors are open to all children. I would estimate that the best chance of each to remain free, whether we are Protestant, Catholic, Jew, or nonbeliever, lies in the maintenance of public education at the highest possible level in this country.

We need finally to understand that much of the genius of America lies in the fact that our forefathers staked out our claim to such a great cluster of freedoms. The American people built an institution—the American public schools—and charged these schools with the responsibility of undergirding these freedoms by developing citizens who can carry the load of liberty and justice for all.

AS THE EDITORS SEE IT

Editorial Staff Changes

WITH THIS ISSUE we bid farewell to a member of our staff who has for half a century contributed much to the success of *LIBERTY: A Magazine of Religious Freedom*. Sanford M. Harlan is a man of God and a lover of religious liberty, and he embodies an unusual gift—the combination of literary and artistic talents. The colorful covers and appropriate and striking illustrations that have brought so much favorable comment have been largely his work. So were many of the inspirational themes on religious liberty, brief and pointed, that enriched the cover pages of the magazine. We regret to lose Mr. Harlan's services, but we wish him happiness as he retires to take a well-earned rest.

We welcome in his place as art editor T. K. Martin, with his distinguished artistic skill and years of experience. We know that the readers of *LIBERTY* will appreciate Mr. Martin's work.

But we have another farewell to bid. Dr. John C. Thompson has resigned as associate editor of *LIBERTY* to take up other responsibilities. We shall miss his helpful counsel and friendly cooperation. Our loss is tempered by the fact that he has promised still to contribute to the columns of *LIBERTY*. The sound principles of religious liberty to which he subscribes, and the lucidness with which he expresses them, will continue to attract the readers of *LIBERTY*. We ex-

tend to Dr. Thompson our sincere good wishes in his new field of activity.

F. H. Y.

A Mayor Stands Pat

A SUNDAY BLUE LAW came recently for re-study before the town council of the metropolis of North Carolina, the city of Charlotte, because of an amendment presented to liberalize the town's Sunday closing ordinance. The council found itself deadlocked in a 3-3 tie over the amending proposal. Mayor Phil Van Every broke the tie with a ballot for repeal. The practical result was to do away with Charlotte's Sunday law. The action brought a protest from the Charlotte Ministerial Association. A number of the ministers waited upon the mayor, claiming the repeal was a step toward secularism and paganism. In response the mayor issued a public statement setting forth the reasons for the action taken.

It is our feeling that Mayor Van Every's statement is a straightforward exposition of the principles of separation of church and state and of true Americanism. It rings true to what has come to be recognized as America's great heritage and the American way of life. Statesmen have come to recognize that this principle of separation of church and state with its guarantees of religious freedom constitutes Amer-

ica's greatest contribution to the science of government, and that it has served to make America the great nation it has become. We think the people of Charlotte are fortunate in having a mayor such as Phil Van Every, who recognizes so clearly these principles and who does not hesitate to come out and take his stand for them. Believing that his statement is worthy of careful consideration, and that it will be appreciated by every liberty-loving American, we are quoting it in full, as reported in the *Charlotte Observer* of September 13, 1956:

Religious freedom is one of the main pillars upon which our institution of government rests. This does not mean that the government should be an instrument to channel our people into one religious belief or another but simply means that one should be free to believe or not believe as his conscience dictates concerning any religious teaching.

Sunday observance is a matter of religious conviction and not one of government. The law should deal equally with all people regardless of their religious beliefs, if any.

I believe it is wrong for the City Council to enact ordinances designed to compel one to observe the Sabbath according to the teaching of his own church or that of another.

Strange as it may seem, we ordinarily do not give much thought and consideration to religious beliefs and convictions of others. So long as we are satisfied with our own beliefs, we see no reason why the government should not enact legislation to sanction what we believe.

In fact, it rather makes us feel good that the government has put a stamp of approval on our way of believing and we may actually hope that it will help to bring others around to our way of thinking. This manifestly is wrong and not in keeping with the American concept of religious freedom.

As Americans we believe that matters of government and matters of church teaching should not be joined; that the church should not call upon the government to pass restrictive laws with the thought of leading the people to observe certain religious holidays in the way it thinks is Christian, Jewish, or otherwise.

Nevertheless, some may say that the government has already enacted laws in words similar to the Ten Commandments so why should it not enact laws calculated to result in directing the people to observe Sunday in the manner it thinks the Ten Commandments mean.

But thoughtful consideration of this circumstance leads one to the inescapable conclusion that while the civil law in a great many cases coincides with the rule of the Commandments, the approach of the government is not the same as that of the church even though they do reach the same high moral plane.

They at no time join or co-mingle. They are and must be under our system of government kept separate and apart.

The civil law says, with the Commandments: "Thou shalt not kill. Thou shalt not steal. Thou shalt not commit adultery."

The law makes these provisions for the protection of our society and preservation of our civilization and not for the

purpose of indoctrinating the citizenry with religious beliefs.

Sunday observance is certainly a teaching of the Christian church and I am sure that all sincere Christians are observing it as their conscience dictates, for which they are to be commended.

But should the government endeavor by restrictive laws to have all the people do likewise irrespective of their religious beliefs, if any, the answer must be an emphatic NO!

A. W. J.

Mandatory Church Attendance?

AN ORDER making church attendance mandatory was recently amended by Major General Thomas M. Watlington to one encouraging church attendance. The commanding general of Fort Carson, a 30,000-man post near Colorado Springs, Colorado, is to be commended for this significant change. Failure to comply with a camp order to perform a religious act could have resulted in military discipline. Would such discipline have strengthened or weakened respect for military orders? General Watlington's action is certainly in keeping with the freedoms assured by the very Constitution he and his men are trained to defend. It would be most inconsistent to expect the men under his command to defend what they do not have.

The General is reported to have said, "We are just as responsible for the spiritual welfare of the young men sent to us by the American people as we are for seeing that they are well trained." By his order the General recognizes and gives respect to the distinction that exists between the responsibility of the armed services for seeing that the young men are well trained in military discipline, and the responsibility for the development of their spiritual welfare. The first is physical. It involves group action. Immediate and strict compliance must be given to all military orders. But spiritual welfare is strictly personal and is based on the individual's conscience. The spiritual experiences of life deal with the heart, and are the responses of the individual to the appeals of the Divine Spirit and not to military orders. Regimentation in military training is a necessity, but in the religious life its absence is imperative.

It should be clear to anyone familiar with Scripture that no obedience could be acceptable to God that is inspired solely by the fear of punishment that might be executed by a civil power. God gave ample instruction to the initial parents of mankind, but did not force their compliance or prevent their non-compliance. They were to choose, but were responsible to Him for their choice.

To assume prerogatives that God has not chosen to employ, and has not commissioned anyone to use in His behalf, is a dangerous presumption.

A. H. R.

What Kind of Country?

WHAT KIND OF COUNTRY would this be if the American Bill of Rights, the first Ten Amendments to the Constitution, were to read the exact reverse? The Office of Armed Forces Information and Education of the United States Department of Defense, in its brochure *We Hold These Truths* . . . , has reworded the Bill of Rights in such a way as to cancel out every one of the liberties provided by our Constitution. There are actually countries today where this Bill of Rights in reverse would be applicable. The United States is not this kind of country. We have a Bill of Rights. Let Americans live accordingly. Notice:

Guaranteed by the Government in our Bill of Rights are the major "unalienable rights" of life, liberty, and property. These rights are often best appreciated by people who have lived under governments that ignore such rights.

Imagine, then, for a moment how it would be to live under such a tyranny. Imagine how life would be under a government that decreed:

I. The religion of the State will be the religion of the people, and all will take part in it; the press, radio, television, the arts and sciences and education will be State-directed, and no opposing opinion will be tolerated; no group of people may meet together without State permission; no person may ask the Government to correct mistakes or injustices.

II. No person may keep or bear arms, except by authority of the State.

III. Troops and State police will be quartered in any person's home when the Government so chooses.

IV. A person or his home may be searched by the Government at any time it chooses, and his property may be seized for any reason.

V. It is not the business of the State to guarantee a fair trial to anyone. If necessary, a person may be tortured in order to make confessions that will be used as testimony against him for the good of the State; and he may be deprived of life or liberty or property when the State so desires.

VI. A person accused of a crime will be tried by one or more officials, in secret and without being informed of the nature of his alleged offense; he will not see the witnesses against him nor be provided with a lawyer for his defense.

VII. No jury will be used in deciding noncriminal cases of any kind.

VIII. There is no limit as to amount of fines or the kind of physical or mental punishment to be meted out to a lawbreaker.

IX. Rights not listed in this document do not exist.

X. All power rests in the hands of the national Government.

Of course, this imaginary "Bill of Rights" does not contain any of the guarantees of freedom that are in our real Bill of Rights. You can see how unbearable life would be without the rights and privileges recognized by our Constitution. You can understand better why Americans have so long been determined that "government of the people, by the people, for the people, shall not perish from the earth."

F. H. Y.

Dangers to Freedom in Church Unity

ANOTHER STEP toward the hoped-for union of Protestant churches will be attempted at an Oberlin (Ohio) meeting in September, 1957. At this conference church representatives from the United States and Canada will focus their thinking on "the nature of the unity we seek." For more than a quarter of a century similar meetings have been attempting to forge an organic federation or "spiritual union" of the churches. The sincerity of such aims perhaps springs from a desire to fulfill the Saviour's request for unity as expressed in His prayer recorded in John 17.

If an organic union of churches was the unity desired by the Saviour, He could easily have outlined a program for that purpose. If the union for which He petitioned was a spiritual one that could be accomplished by federation, then it would have been unnecessary to petition His Father as He did.

According to history, an organic union of the churches was accomplished in the fourth century. The union of the local congregations at that time resulted in the mightiest church force ever organized. The apostle Paul not only gave prophetic mention of its development but outlined some of the spiritual and physical consequences of the union. For centuries that religious colossus swept everything before it. There was no political or ecclesiastical power that could successfully oppose it. In the historical record of that union are some of the darkest years in the annals of the human race. Dissenters and non-conformists were obliged to seal the testimony of their loyalty with their own blood. Lives were sacrificed at the stake, on the rack, and under the executioner's ax.

It was from organic church unity and theoretical spiritual union that the founders of this nation fled from the shores of Europe. It was here that they sought to establish the divine right of dissent. Vague and misshaped at first, their concept continued to grow until manifested in its more mature form in the Declaration of Independence and later in the Constitution of the United States with its Bill of Rights. The Constitution is more than an ideology; it is the symbol of historic experience. To re-establish what our forefathers sought to escape would be heading the ship of freedom into the Dark Ages of the past instead of keeping it in the light disseminated by the sun of freedom. It is a regrettable historical fact that when the church has lacked the power of the Spirit, it has sought, as a substitute, federation or legislation. Such attempts have invariably resulted eventually in coercion and the loss of the right to dissent. If attempted again today, the same results will follow, for time has brought no changes in human nature. Men are just as selfish, covetous, and

susceptible to an abuse of power as they have ever been. Lord Acton's words are still parity: "Power tends to corrupt, and absolute power corrupts absolutely."

Centralized religious power is as inimical to a Christian democracy as totalitarianism is to a political democracy. Innocent suggestions of today can easily evolve into mandates of obedience tomorrow.

A. H. R.

National Conference on Citizenship

ANYONE BEWAILING THE DECLINE of the democratic processes in this country, which is so meaningful to religious liberty through the separation of church and state, should have attended the sessions

of the National Conference on Citizenship, held in the Statler Hotel in Washington, D.C., September 17-19, 1956. The problems of citizenship—particularly, in this election year, the getting out of the vote—were freely discussed. As befitted citizens who enjoy freedom of speech, all kinds of opinions were expressed and remedies proposed. The panel discussions bored into the issue.

In the closing feature of the conference, for which Judge McGuire, of the United States District Court of the District of Columbia, moved his nationalization court into the President's Room at the Statler, a free country offered liberty to sixty foreign-born petitioners.

Carl Hyatt, dedicated executive director of the conference, deserves fullest cooperation from friends of religious and political freedom.

F. H. Y.

BOOKS

Church and State: The Struggle for Separation in New Hampshire, 1630-1900, by Charles B. Kinney, Jr.

New York: Teachers College, Columbia University, 1955. 198 pages.

It is good to see that at long last research work in the universities is finding in the struggle for the separation of church and state in the American regional scene that fresh and dramatic material that makes history come alive. Dr. Kinney has chosen one small segment of the struggle, New Hampshire from 1630 to 1900, for his case study, and he has succeeded in packing a great deal of informative and interesting history into a small compass.

The major fact that emerges from this study is that church-state separation has always been a hot issue in New Hampshire, and there is no immediate prospect for the settlement of conflicting policies. The First Amendment to the United States Constitution, which forbade Congress to pass any law establishing religion, did not soak into New Hampshire consciousness until the nineteenth century; it was not until 1819 that the State abandoned a tax-supported Protestant ministry. After that, for almost a century, the spirit of the First Amendment was pretty consistently evaded in the public schools by a dominant Protestantism that incorporated into school life Protestant-slanted generalities. The State constitution still contains some pro-Protestant language.

During the nineteenth century there came the great Catholic tide of immigration, mostly Irish and French, and today the children and grandchildren of those immigrants have made the State at least 37 per cent Catholic. New Hampshire is now a continuing battle front in the fight over tax-fund aids to schools. The grievance of the Roman Catholic bishops against what they call "double school taxation" is ventilated at every opportunity.

Dr. Kinney pleads for understanding between religious sects, and for cooperation in education among people who "are willing to set forth the basic principles that are common to all these great religions and that can be taught to all of the children of all of the people." But unfortunately, "common element" religion is anathema to the Papacy, and until New Hampshire Catholics control their own educational policies, they are not in a position to effect a genuine compromise even with a chastened and conciliatory Protestantism.

PAUL BLANSHARD

Thetford Center, Vermont

Nine Men, by Fred Rodell

New York: Random House, 1955. 338 pages. Price, \$5.00

Reminiscent of the days when the late President Franklin D. Roosevelt launched his attack on the U.S. Supreme Court, the assault subsequently being taken up as the theme song by stalwarts of the New

Deal, Prof. Fred Rodell, of Yale University Law School, jumps feet first into the latest Supreme Court discussion with an extremely biased book entitled *Nine Men*.

His handling of the Court does not stand alone. Politicians, segregationists, and a miscellaneous collection of others unhappy with a varied assortment of high court decisions have recently unleashed a barrage of criticism at the Court and its power.

Former Justice James F. Byrnes, one of the two living ex-justices, has written a dignified though unofficial dissent to the Court segregation decision. Professor Rodell is not content with that type of criticism. He rips the judicial robes from the Court, leaving the reader somewhat amazed and probably confused.

However, the reader who glances at the foreword before reading cannot say he was not warned, for Professor Rodell admits at the start that he is prejudiced. In fact, as one reads the book he realizes this admission is an understatement.

He begins his treatment of the Court by saying that "the nine men who are the Supreme Court of the United States are at once the most powerful and most irresponsible of all men in the world who govern other men."

He continues his criticism through the whole 332 pages, sounding more like a Brooklyn big-leaguer carrying on a rhubarb with an umpire than a law professor discussing "a political history of the Supreme Court of the United States from 1790 to 1955," which is the subtitle of the book.

Professor Rodell views the Supreme Court through the years as a hodgepodge of lame-duck Senators named to the Court to pay a political debt, a querulous attorney general kicked upstairs to the Court, and lawyer-politicians who happened to be friendly with

the appointing President. In his thinking, for every Marshall and Holmes who have worn the robes of the highest court, there have been scores of others on the bench who have ranged from barely competent to quite inept justices.

While claiming to trace the history of the Court from its inception, the author takes the position that the origins of the Supreme Court are of little import and that no delving into its roots can refute or reverse his contention that "the justices have been both agents and exercisers of sheer political power."

The author carries his theme down from Justice Marshall, the majority of whose decisions, he says, reflected the jurist's strong concern for a powerful central government, to recently appointed Chief Justice Warren, who is given a tongue-in-the-cheek pat on the back for his conduct to date, particularly in the segregation case, and earlier, in handling loyalty oaths for teachers when he was governor of California.

The book will cause patriots to cringe and left-wingers to applaud, and will perhaps raise the eyebrows of some legislators as to whether the Supreme Court does have too much unbridled power. Since the author admits being prejudiced, there is little wonder that some justices, past and present, have won his praise and others his condemnation.

For those familiar with our judicial process, the book will at least make interesting reading on a rainy night, but for the person taking his first bite of the "political history" of the U.S. Supreme Court, it would be well to have also on the menu the writings of other less biased students of the judiciary, in order to have a more nourishing diet.

WILLIAM H. HACKETT
Washington, D.C.

IT SO HAPPENED —

[For those items of news bearing upon questions of religious liberty or relations between church and state, LIBERTY is indebted to Religious News Service specifically, and to normal news channels and our correspondents generally. Comment is in the editorial columns.—Ed.]

UNITED STATES

Bus Transportation

As a result of the controversy over public school bus transportation for parochial school children in Rumson, New Jersey, Father Joseph A. Sullivan,

pastor of Holy Cross Church, announced that he would close the parochial school and that it would be the responsibility of the public school to accept the children on the following Monday morning. The increasing public school enrollment has already exceeded the capacity of the only elementary school in the town, and the 467 Holy Cross parochial school

students would have a chaotic effect on the public school facilities, especially on such short notice.

Education

At its 101st annual convention in Wichita, Kansas, The Catholic Central Verein of America adopted a resolution asking for "legal remedies" permitting income tax deductions for "payments made by parents to accredited private and parochial schools for the education of their own children." All "fair-minded fellow citizens who must pay a double tax for their children's education" were urged to assist in discovering "equitable legal remedies for this manifest injustice."

The Vermont State attorney general's decision barring payment of State tuition for students attending private and parochial schools was upheld by the Vermont Supreme Court. The court declined to act on the request of the South Burlington School Board that it rule on the constitutional aspects of the case. The decision affects 96 Vermont communities. The attorney general's position has been that no private group has a constitutional right to have children educated in its schools at public expense.

A portion of a contract of many years' standing between the Menifee County Board of Education in Kentucky and the United Presbyterian Church of North America has been ruled invalid by the attorney general's office. Under the contract, public schools in Frenchburg, the county seat, have been conducted in property owned by that religious body. A clause in the contract permits only teachers "agreed upon and approved" by the church to teach in the schools. It also provides that both teaching and student activities are to be under the "exclusive discipline, management, and control" of the church. The assistant attorney general said "school authorities have no right to surrender to a private religious organization control over the teaching profession or children attending public schools."

Sunday Closing

Ten downtown clothing and furniture stores in Colorado Springs were ordered by the police to close their doors on Sunday. Police Chief I. B. Bruce based his action on a city ordinance that prohibits the operation of certain types of business on Sunday.

Municipal Judge Milton McLees suspended the \$25 fines he imposed upon nine North Little Rock grocers who had challenged a Sunday closing ordinance. Because the State blue laws are not being generally enforced, he ruled invalid the new local ordinance to force closing. The judge was of the opinion that any sentence would be discriminatory, because other businessmen in the State, whose shops were opened on Sunday, were not being apprehended.

Tax

The California Taxpayers Alliance has appealed to the United States Supreme Court the 4-3 decision of the California Supreme Court that upheld the legality of property-tax exemption of nonprofit private and parochial secondary schools in California. The appeal is based on the contention that the State statute, passed in 1951 and approved by voters in a Statewide referendum, is discriminatory, is class legislation, and is a violation of the separation of church and state as provided under the Federal Constitution. Prior to the enactment in 1951, California was the only State in the Union that did not provide for property-tax exemption of nonprofit private and parochial secondary schools.

Miscellaneous

Three lobbying religious organizations operate in Congress. They are the Friends Committee on National Legislation, the National Woman's Christian Temperance Union, and the Christian Amendment Movement. Five other religious agencies employ registered lobbyists, although the organizations themselves are not so registered: the National Catholic Welfare Conference, the Catholic War Veterans of America, the Anti-Defamation League of B'nai B'rith, the American Jewish Committee, and the National Council of Jewish Women.

The Montgomery County Court, at Norristown, Pennsylvania, reversed the Cheltenham Township Zoning Board of Adjustment refusal to allow the congregation of B'nai Israel to erect a temporary tent in suburban Melrose Park during the Jewish high holy days. It was to meet an inadequate housing condition that permission for temporary use of the tent was sought. Judge E. Arnold Forrest held that the refusal to grant the request in a residential area "bears no substantial relation to the public health, safety, morals, or general welfare, and is unreasonable, arbitrary, and capricious." It was pointed out by the judge that "there is no greater protector of public morals than a religious institution. Every endeavor should be made to foster and promote them."

The Garden City (New York) Board of Zoning Appeals refused a Jewish congregation the right to convert a large residence it had bought into a house of worship and religious school. The supreme court of the State has ruled that the local board had "no right" to consider whether the synagogue would depreciate property values. The court also held that the local zoning board members were not justified in basing their objection on requiring excess parking facilities at the present time to take care of the future growth. To do so "would restrict freedom of worship by denying the right to establish a church, not

because facilities are presently inadequate, but because they may become so within the passage of time."

ARGENTINA

A request from Catholic authorities has led the Ministry of Foreign Affairs and Cults to promise that Roman Catholic religious instruction will be restored in Argentina's state primary schools. Religious instruction in public primary and secondary schools was abolished by Juan D. Peron in May, 1955. Eight years before, or in 1947, he had restored instruction after a lapse of 63 years. The present plan is to give the religious instruction on Saturdays, when no other classes are held.

AUSTRALIA

The Church of England in Australia and Tasmania, as well as the Australian Capital Territory Advisory Council and the World Council of Churches, has opposed the government's proposal to grant aid to church schools in the federal district of Canberra. The president of the Australian Council's Executive Committee said the organization is in favor of "free compulsory and secular education," but that the denominational schools should be the financial responsibility of the churches concerned.

CANADA

The municipality of New Westminster, Vancouver, will take legal title to three Roman Catholic school properties following failure of the school board to pay taxes of \$10,000. Although taxes on the school properties have not been paid since 1952, the council offered the Catholic school board the privilege of continuing title if they would pay the taxes for one year. This offer, apparently, was rejected. Approximately 800 children are enrolled in the three schools.

COLOMBIA

According to a news release by the Confederation of Evangelical Churches in Colombia, the church of La Elvicia, in Albania, was recently completely destroyed by fire. Three weeks before the burning, fanatics had fired shots into the church. The Inspector of Police, when informed, advised the pastor to leave the town, as he could not take further responsibility for the safety of the church. Since 1948 forty-seven chapels and churches have been destroyed

by fire and dynamite, and other buildings used by Protestant congregations have been damaged. Over 200 Protestant primary schools have been closed, most of them by government order. These schools were closed notwithstanding the fact that there is a 44 per cent illiteracy in Colombia. During the past eight years seventy-five Colombia Protestants—men, women, and children—have been murdered because of their religious faith. Since January 1, 1956, the Minister of Government, who is Jesuit trained, has closed more than forty churches. In the mission territories of Colombia thousands of Protestants in their worship of God find it necessary to meet in a clandestine manner, in houses and fields.

EGYPT

The activities of Christian missions and congregations is to be further restricted by a new action taken by the Egyptian Government. All meetings for worship, prayer, or revivals are to be banned unless they are held in government-licensed churches. It has also been ordered that all Sunday sermons in Protestant churches must be approved before they are delivered. The Ministry of Social Affairs must be informed as to the time and the place of the delivery of the sermon. The Roman Catholic clergy are not affected by the latter action.

The Egyptian Passports Administration has ordered all of its consulates to obtain approval from the Department of Foreign Schools in the Ministry of Education in Egypt before granting entry visas to any foreign teacher. It appears that this new measure is aimed at restricting the entrance of foreign teachers for Christian mission schools in Egypt.

A general movement toward Friday closings and Sunday openings has begun in Egypt. A bill proposing Friday closing came before the Council of Ministers, but President Nasser did not sign the measure. If passed, Friday would have been the weekly day of rest for all inhabitants, and a fine would have been imposed upon those who failed to follow "the customs and traditions of the country." Recently the government issued an edict ordering the National Bank of Egypt to close on Friday, the Moslem Sabbath, and to remain open on Sunday. As a result, foreign banks, oil companies, industrial establishments, and other institutions have been closing Friday and keeping open on Sunday.

FRANCE

The withdrawal of government subsidies from more than 600 Roman Catholic schools in France has brought a vigorous protest from Bishop Antoine-

Marie Cazaux of Lucon. The Bishop denounced the action as "depriving Christian parents of the exercise of their rights," and as being an attempt "to drive the private (Catholic) schools to poverty and death."

GERMANY

The European section of the World Alliance of Reformed Churches, in a meeting at Emden, Germany, drafted a petition requesting religious freedom for Protestants in Spain and Greece. The resolution called the attention of the Catholic Church to the fact that it enjoys full religious freedom in many countries where Protestants are in the majority, and urged that they take steps to assure the removal of the chains of bondage in Spain.

The West German Parliament has made provision for conscientious objectors in their compulsory draft bill. For the first time in German history a nonmilitary service for the objector is possible in lieu of bearing arms. The plan is to work out a program similar to that followed in the United States. A proposal by Bishop Otto Dibelius, of the Evangelical Church in Germany, to the East German Government that they also recognize the right of conscientious objectors has been rejected.

Dr. Heinz Brunotte, president of the United Evangelical Lutheran Church in Germany, challenged the East German regime to state frankly whether it wanted to be a totalitarian, antireligious state, or honestly desired "coexistence" with the church. He said that the church "cannot live in a state which makes an absolute claim to the souls of men," but that it can live together with every form of state that grants it room and freedom to perform its work. Even though there are certain constitutional guarantees, the East German churches, according to his complaint, "have been compelled to launch countless protests against violations of the constitution by state organs of the medium and lower levels."

GREECE

A "parishioners' tax" will be levied and collected by the civil tax authorities to pay the salaries of the Orthodox clergy in Greece. Heretofore, priests were supported directly by Orthodox church members.

A government order stopping work on the rebuilding of the First Evangelical church in Athens has been appealed to the Supreme State Court by the moderator of the Greek Evangelical Church. The church building was established nearly 100 years ago and is the oldest house of Evangelical worship in Greece. Despite the fact that the Ministry of

Cults previously approved the project, his office has now issued an order suspending construction work.

The Orthodox Greek Church has vetoed a proposal that diplomatic relations be established between the Vatican and the Greek Government. Because a great majority of the citizens of Greece belong to the Orthodox faith, the government, in a move of deference, had asked the church for a ruling on the proposal.

INDONESIA

Major General Bambang Sugeng, formerly chief of staff of the Indonesia Army, has been appointed as Indonesia's envoy extraordinary to the Vatican. The new envoy has presented his credentials to Pope Pius XII.

MALAYA

The Malayan Christian Council has drawn a document that they hope will serve as a guide to the type of country they would like to see established when Malaya receives its independence next year from Great Britain. The document has been sent to the Constitutional Commission, which is now planning Malaya's future. It proposes five freedoms similar to those granted in India, Pakistan, and Indonesia. Following are some of the freedoms proposed:

1. Fundamental rights for all citizens, including freedom of speech, assembly, association, movement, property holding, and work.
2. Full religious rights for all, including the right to choose, profess, and propagate any religion.
3. The right of every religious denomination or community to establish and maintain educational institutions and to provide religious instruction for its youth, with no child being required to receive instruction in any religion other than his own.
4. No taxation for propagation of a religion other than one's own.
5. Guarantees that no qualified citizen shall be discriminated against, in connection with appointment to public service, on the basis of race, religion, sex, or place of birth.

Malaya is predominately Moslem. The Christians are a minority, and the Chinese are primarily Buddhist.

NEW ZEALAND

A Roman Catholic petition has been presented to the New Zealand parliament asking that an inquiry be made as to the possibility for state aid to be

given to private parochial schools. The National Council of the Holy Name Society states that it is seeking to "do justice to private schools" and to relieve Catholics of unequal and unjust treatment.

Grave concern has been expressed by the New Zealand National Council of Churches over the "continuing infringements of religious liberty in Spain." The Council expressed the hope "that the government of Spain will respect the rights of religious minorities and remove the restrictive measures."

SPAIN

The premises of the British and Foreign Bible Society in Madrid, Spain, were recently searched by the Spanish Government officials, and 9,000 copies of the New Testament and 20,000 copies of various separate books of the New Testament were seized. Madrid police are reported to have acted on instruction from the Spanish Ministry of Information. It appears that two previous similar seizures of Protestant literature preceded this occurrence. The World Council of Churches at Geneva, through its press service, states that police officials confiscated copies of Scripture, hymnbooks, and other printed material at a local printing establishment and then sealed the doors. At another plant where Protestant books were being bound, they raided the plant, taking such Bibles as they could find.

SWITZERLAND

A revision of the constitution of the Canton of Schwyz was approved by the National Council, lower house of the Swiss Federal Parliament. Local Protestant parishes are now to have equal juridical, financial, and other rights with Roman Catholic parishes. In a referendum a few months ago, the voters of Schwyz, which has a population of some 71,000 Roman Catholics and less than 5,000 Protestants, endorsed the equal status amendment.

TURKEY

The Turkish high schools, according to Ahmet Ozel, minister of education, will have religion re-introduced in their curriculum offerings. When Turkey became a republic, and the Western educational system was adopted, religion was no longer taught in the public schools. Believing that religious education will raise the moral standard of the nation, the subject is again to be taught in the high school to students whose families have given their consent.



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January 20, 1957



W
 E PAY homage this quarter to our first president, George Washington. His birthday, on February 22, is celebrated as a legal holiday in the District of Columbia, the Territories, and every State in the Union save one. His home, in the Old Dominion State, is at Mount Vernon, on an elevated piece of ground on the west bank of the Potomac River, a few miles below Washington. The thousands of Americans who visit this historic place every year hold it in great respect. The State of Virginia is sometimes lovingly called the Mother of Presidents because eight chief executives of the United States were born there.