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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



THERE CAME A DAY

How Queen Esther Saved Her People



PHOTO BY T. K. MARTIN

Dr. Jean Nussbaum speaks in defense of freedom.

Stanzas on Freedom

Is true Freedom but to break
Fetters for our own dear sake,
And, with leathern hearts forget
That we owe mankind a debt?
No! true freedom is to share
All the chains our brothers wear,
And, with heart and hand, to be
Earnest to make others free!

They are slaves who fear to speak
For the fallen and the weak;
They are slaves who will not choose
Hatred, scoffing, and abuse,
Rather than in silence shrink
From the truth they needs must think;
They are the slaves who dare not be
In the right with two or three.

—JAMES RUSSELL LOWELL

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A MAGAZINE OF RELIGIOUS FREEDOM

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Declaration of Principles

INTERNATIONAL RELIGIOUS
LIBERTY ASSOCIATION

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

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

We believe in the individual's natural and inalienable right to 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.

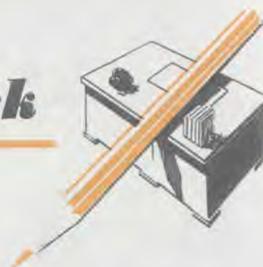
We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION was organized in 1888 by the General Conference of Seventh-day Adventists. Including in its ranks champions of freedom of many religious persuasions, the Association is dedicated to preservation of religious liberty, as is indicated in the Declaration above. The Association advocates no political or economic theories. General secretary, Marvin E. Loewen; associate secretaries, W. Melvin Adams, Roland R. Hegstad.

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of CANNON BALLS and CANON BALLS

TWO unrelated incidents may add up to quite a moral for Sunday law backers.

In Kansas City, Missouri, as the Associated Press recounts it, a man took a bottle of bleach and a box of detergent off the shelves of a store, put the money on the check-out counter and strode out.

Two clerks overtook the shopper on the sidewalk and explained that he couldn't buy soap on Sunday.

The shopper whipped out a pistol.

"I need the soap and you got the money," he said, and walked away while the clerks stood, momentarily stunned.

Fred Trussell, Jr., 21, one of the clerks, exclaimed:

"Boy, I'll tell you these blue laws are gonna get us killed. You have to take out life insurance to work here on Sundays."

Meanwhile members of the First Congregational church in Rockport, Massachusetts, have had a shock: A navy man has told them that they may have a live cannon ball in their vestry.

The cannon ball has always been one of the church's prized possessions. In 1812 the British frigate *Nymph* fired at the white-spired church in an attempt to silence the bell that called the citizenry to "arms" at the seaside fort. The shell was embedded in the steeple. In 1839 the ball was removed and the steeple was rebuilt. Since then, the ball has been on display in the church.

Navy Lt. Kenneth L. Smith, on a recent inspection of the church, stated that in his opinion the ball might contain explosives. He explained that cannon balls of that era were often "loaded." The church fathers are investigating.

These two unrelated incidents lead us to suggest examination of another "cannon ball" that has been embedded in church tradition for many centuries—the so-called "Lord's day" (or as called today after

adoption and civilizing by the state, the "Civil Sunday"). It was the Roman emperor Constantine, nominally converted to Christianity, who gathered up the grapeshot of two centuries of apostasy and decay and fired off the first civil law in A.D. 321. The "shot" stuck in the church steeple, knocking the fourth commandment out of its place and drowning out the voice of God which for two millenniums had cried, "Remember the sabbath [seventh] day, to keep it holy." Shortly after the middle of the fourth century the "shot" was removed and placed in the vestry by the Council of Laodicea: "Christians shall not . . . be idle on Saturday, but shall work on that day; but the Lord's day they shall especially honour. . . ." There it is: Canon ball 29 of the Council.

Undoubtedly many who helped enshrine it never knew it was loaded. But it went off periodically after that, and thousands who insisted on keeping the true Sabbath were blown off the church books. Then church and state united in a double-barreled assault that made a million martyrs and more. When the "cannon ball" reached America it still had death written on it. In Plymouth a man who profaned the Lord's day could be fined or publicly whipped; if he committed the sin "proudly, presumptuously and with a high hand," he could be "put to death or grievously punished" at the judgment of the court. The Virginia Sunday law of 1610 forced all to go to church on Sunday or, for the third absence, "to suffer death."

In the intervening years the Sunday law "cannon ball" has wounded the conscience of many, made them prisoners on chain gangs, forced some to the "cruel choice," as Justice Stewart put it, between their business and their religion, but no one has been killed—yet.

In fact, today's legislators insist that their State "cannon balls" are strictly civil; they are not the same as church "cannon balls" (though both are certainly round, blue, and explosive). Legislative committees do not even like to be reminded that there is such a thing as a church "cannon ball." Neither do members of the Retail Merchants Association—though they seek recruits for the new homogenized blue army from ministerial associations by reminding them (to the tune of "Onward Christian Soldiers") of their common interests.

But let's face it: We have a live "cannon ball" in our church-state vestries. That is the message of Bible prophecy. Of course, it's in code. But there is a key, which will leave little excuse for legislators, members of the Retail Merchants Association, or church fathers to plead someday that they didn't know it was loaded.

ROLAND R. HEGSTAD

LETTERS

WASTEBASKET SYNDROME

DEAR SIR:

I would like to inform you that from the several issues that have come to my office and through which I have glanced, I have become aware that you have a very bigoted and unthinking attitude in your approach to a great many issues. I would very much appreciate, therefore, your not sending any further copies of the magazine, which I assure you for this reason will only be dumped into the wastebasket.—DR. CECILY GRUMBINE, Clinical Psychologist, Fort Collins, Colorado.

SOUTH PACIFIC TRASH CAN

DEAR SIR:

I have been reading with keen interest your wonderful magazine, and have noted the remarks of a few who do not find the magazine to their liking and consign it to the trash can. Would it be possible to call my address the "trash can," for I have many friends here who are clamoring for the copy I receive. It is worn out by the time it has gone the rounds. All of us here can stand reading back numbers if any of your subscribers feel the urge to cast their issue into the ocean.—GORDON A. LEE, P.O. Box 31, Titikaveka, Rarotonga, Cook Islands.

CHRISTIAN SPIRIT?

GENTLEMEN?

I managed to pick up a copy of LIBERTY? (or License?) which someone left lying around my office and was shocked to find such drivel being printed in this "free" country of ours. The very fact that you are allowed to print it shows that if you give some people an inch they'll take an ell. But that doesn't excuse the behavior of such people as yourselves. There can be only one explanation for such conduct—only Communists would write such heresy. Why then don't you go back to Russia . . . where you won't feel so "out of it" as you seem to in this free Christian country of ours.

When you join a club do you immediately go about trying to change its rules to suit yourselves—or do you try to abide by the rules of the club which let you in?



Mr.
FREEDOM
AWARDS
\$2,500

THE editors of LIBERTY and the International Religious Liberty Association are offering Mr. Freedom Awards totaling \$2,500 for articles that in the estimation of a panel of judges best advance the cause of religious freedom.

Here is the way the prize money will be divided: First prize, \$500; second, \$350; third, \$300; fourth, \$200; fifth, \$150; six through ten, \$100; eleven through twenty, \$50.

Article suggestions and writing hints appeared in the March-April LIBERTY.

RULES: Contest is open to all but the editorial staff of LIBERTY. Contestants may submit any number of manuscripts. Deadline: July 31, 1963. Articles not awarded a prize may be purchased at regular rates (approximately two cents a word); those not accepted for publication will be returned. Manuscripts should be unpublished, between 1,500 to 2,500 words, excluding bibliography. Please submit two copies, typewritten on one side of the paper only, double spaced. The first page should have only your name, address, occupation, and title of article. Send manuscripts and correspondence to: MR. FREEDOM, 6840 Eastern Avenue, Washington 12, D.C.

Then . . . abide by the Christian rules of this country, and if you don't like it get . . . out of here!—AN UNWILLING READER.

LIBERTY VERSATILE

DEAR SIR:

I read every word of LIBERTY, and find myself challenged, disturbed, instructed, and helped to teach my congregation. I also know how to vote more intelligently on various issues.—REV. R. S. LAWRENCE, Tremont City, Ohio.



OUR COVER PICTURE: His fingers curl, unfeeling. Wine runs red from the goblet spilled, and stains the banquet cloth. Red like blood. Haman's blood. *Wicked* Haman's blood. With the fateful regularity of a metronome the words of the queen throb in his numbed mind—"This wicked Haman. . . This wicked Haman. . . This wicked Haman." No love feast this. "For we are sold, I and my people, to be destroyed, to be slain, and to perish," said the beautiful queen. "If it please the king, let my life be given at my petition, and my people at my request." The king's face flushed with anger. "Who is he, and where is he, that durst presume in his heart to do so?" Her answer is etched on the quivering gray of Haman's face: "This wicked Haman. . . This wicked Haman. . ." Not now will the gallows erected for his enemy, Mordecai, be stained with his blood. Nay, it shall receive the body of Haman. . . "This wicked Haman. . . This wicked Haman. . ."

HOWARD SANDEN, ARTIST

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LEGAL APPROVAL

GENTLEMEN:

Some kind person some years back apparently submitted my name to receive your magazine LIBERTY. I read it conscientiously, and wholeheartedly approve of the intellectual tone and objectives of the magazine. I am enclosing a small check (\$15.00), which I have neglected to send in the past through sheer oversight.—GILBERT L. KLEIN, *Milwaukee, Wisconsin*.

PLEASURE FROM LIBERTY

GENTLEMEN:

For a number of years I have been receiving a copy of the LIBERTY magazine, and I wonder whether you can tell me who is sponsoring this magazine for me. I would like to thank the person responsible, for my wife and I enjoy this magazine and get a lot of pleasure out of it. We would like to express our thanks and appreciation to those who may be responsible.—L. E. DEMOLL, *Suffolk, Virginia*.

BATTLE MUST BE FOUGHT

DEAR SIR:

I personally believe that the battle for religious freedom is part of the battle for all our freedoms and liberties, and that this battle must be fought in every day and every year and every age if we are to keep these hard-earned freedoms for ourselves and for future generations.—ABE GUREVITZ, *Miami, Florida*.

IN THIS ISSUE:

"Queen Esther has taken her stand irrevocably. She has identified herself with a condemned people. It can mean her death. It can mean her life and the lives of her people. With head bowed she awaits the decision."—"There Came a Day," page 7.

"Its [the American religion's] god, whom we might call the 'politicians' god,' is a fusion of all the concepts of our society, a faceless being in a gray flannel suit—the organization man of the higher society, able to blend without embarrassment to anyone into the prayer breakfast of any party."—"Our Vanishing God," page 10.

"The young are erotic, the middle-aged are neurotic and the rest are 'tommyrotic,' and everybody needs to be protected from everything; the child in the home from 'stressful experiences,' and in the school from competition, . . . the young hoodlum should be protected from the pangs of punishment, the employer from competition, and the employee from getting tired."—"The Woods Are Full of Them," page 18.

"Does a man's right to free speech allow him to enter a theater and yell, 'Fire! Fire!' when there is no fire? May an anarchist use 'freedom of speech' to justify activities that ultimately might result in the destruction of all our liberties, including the freedom of speech itself?"—"The Constitution and the Supreme Court, Conclusion," page 26.

AMERICAN HERITAGE MAINTAINED

GENTLEMEN:

You have been kind enough to send me your magazine now for several years. For this I am deeply grateful. When I am through reading the magazine I give it to someone I know will read it. As a result of this several have subscribed to your magazine.

May the blessings of the Lord continue to rest upon your efforts in maintaining our religious heritage in these United States.—WILLIAM BROWERS, *Wheaton, Illinois*.

TWO LIBERTYS, NO TOGETHERNESS

DEAR EDITOR:

While reading the September issue of "Letters" I came across an implication that LIBERTY dated from 1906. I remember sending in names for a magazine about 1924, which was later named *Liberty*, for a \$50,000 prize by McFadden publications. Please explain how the two *Libertys* could have existed in 1925-1929 together?—L. A. HENDRICKS, *Lincoln, Nebraska*.

[Titles cannot be copyrighted. LIBERTY: a Magazine of Religious Freedom, is successor to the *American Sentinel*, which was born in 1886. Bernarr McFadden's *Liberty*, a Hearst publication, was begun in 1924 and ceased publication in September of 1951. Though both *Libertys* existed during the years 1925-1951, there was no togetherness. A *Liberty* magazine is currently published in Canada. Again, no relative.—Ed.]

OVERDUE SUPPORT

DEAR SIR:

A friend has been sending me LIBERTY and it is one of the greatest gifts I have ever received. It is time and long overdue that I should support a great publication for religious liberty.

Please find enclosed a check for five dollars to cover a subscription for myself and a friend.—MABELLE DEUTSCH, *Orangedale, California*.

AID CONTROVERSY IN AUSTRALIA

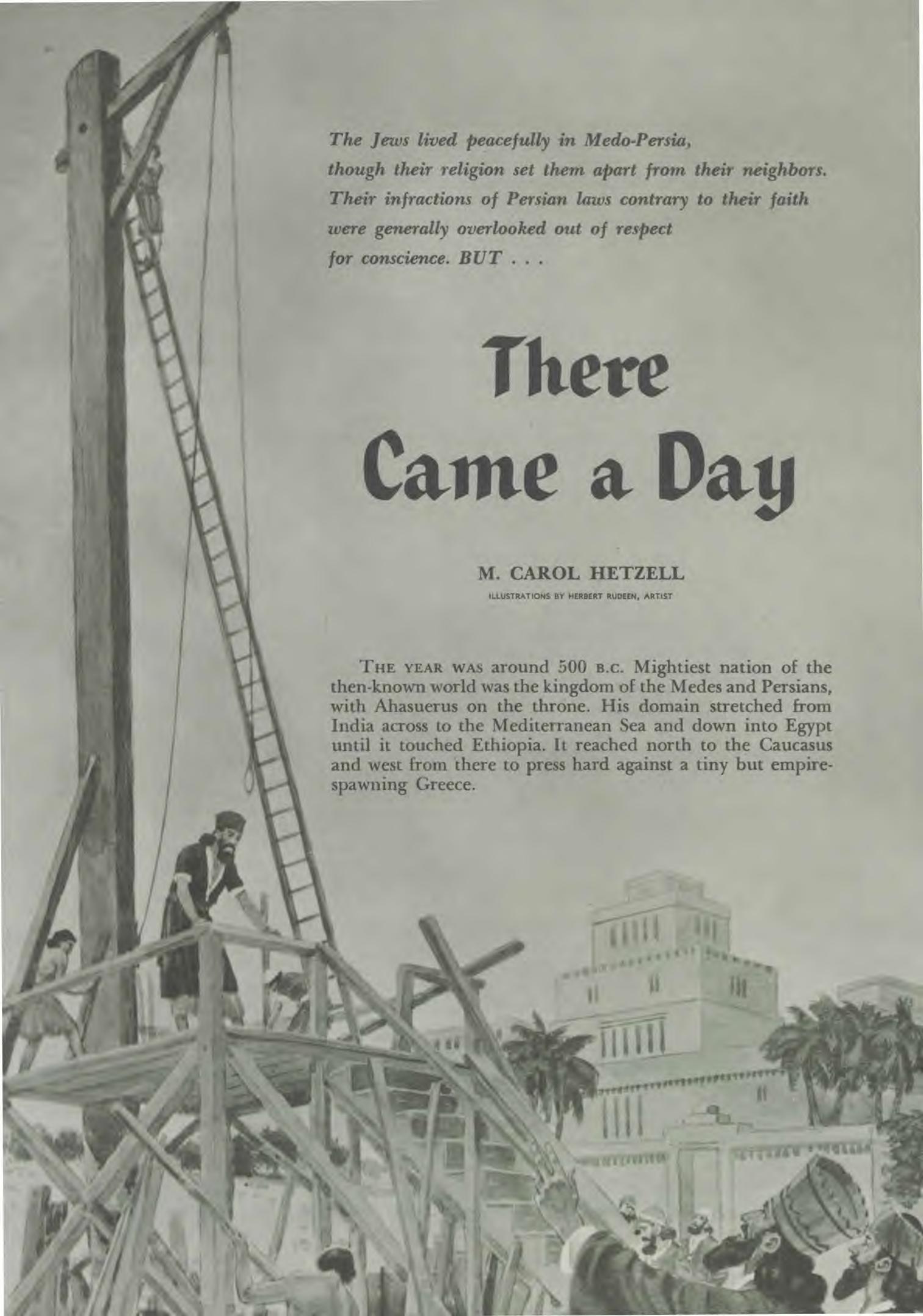
DEAR SIR:

We are having a controversy in Australia over state aid to church schools. I have found the articles in LIBERTY helpful and have used material from your articles in letters to the editor of our Toowoomba paper. Having subscribed to LIBERTY for years, I feel as though I know you personally. I always look forward to the arrival of each copy of what is undoubtedly the finest magazine on religious freedom.—MRS. BERTHA V. COOK, *Cambooya, Queensland, Australia*.

HIGH SCHOOL READER NOW SUBSCRIBER

GENTLEMEN:

Please enter a subscription to your magazine. After reading LIBERTY in public libraries for several months, I have decided that I cannot be without it at home. Many of my classmates (I am a senior in high school) agree with my opinion on Sunday blue laws, and LIBERTY will provide me with more evidence against such legislation.—FREDERICK LERNER, *East Paterson, New Jersey*.



*The Jews lived peacefully in Medo-Persia,
though their religion set them apart from their neighbors.
Their infractions of Persian laws contrary to their faith
were generally overlooked out of respect
for conscience. BUT . . .*

There Came a Day

M. CAROL HETZELL

ILLUSTRATIONS BY HERBERT RUDEEN, ARTIST

THE YEAR WAS around 500 B.C. Mightiest nation of the then-known world was the kingdom of the Medes and Persians, with Ahasuerus on the throne. His domain stretched from India across to the Mediterranean Sea and down into Egypt until it touched Ethiopia. It reached north to the Caucasus and west from there to press hard against a tiny but empire-spawning Greece.

One hundred and seven provinces, made up of peoples of diverse origin, paid allegiance to the king and provided him with an income that made luxury today look like pauper's quarters. And the wheels of government rolled smoothly and pleasantly.

Even the people of the Jewish nation included therein, whose faith set them apart from their neighbors, with laws peculiar only to them, suffered no hardship. Their infractions of Persian laws contrary to their faith were, by and large, understood to be because of conscience, and were disregarded.

But there came a day.

There came a day when one high in government circles, a man with greedy eye, whose pride had been offended by a member of the Jewish race, thrust a sword into the peace of the land and turned good neighbors into bloodthirsty enemies. The man was Haman, son of Hammedatha the Agagite.

King Ahasuerus, for reasons known only to himself, had decided to honor Haman. He had promoted him to a post even above the royal princes. In this new position Haman was keenly conscious of the homage paid him and determined to see that every man gave him the honor due. He kept a sharp eye as his chariot rolled through the city streets, to see that all men bowed at his appearing. And here his pride was pricked—even at the very gate to the king's palace.

Picture, if you will, the magnificently arrayed Haman approaching the palace in his chariot of gold, matched white horses racing him forward under the crack of the charioteer's whip. As he passes, people fall to the ground in reverence, for he is Haman! Haman—favored of the king! The chariot wheels thunder a song of power.

Then he is at the palace gate. With low bows the palace guards swing wide the heavy timbers and he enters. . . . But wait! What is this? Beside the gate stands a member of the Hebrew sect, unbending, straight, eyes leveled unabashed at the mighty Haman.

His reverence is not for man. To God alone will Mordecai bow the knee.

The moment is not forgotten. How can it be, when each day Haman must pass this stalwart figure, an odious offense to his arrogance. Haman determines that Mordecai must be removed, and not only Mordecai but all his sect. Haman goes in before the king.

With subtle cunning peculiar to men of greed, Haman couches his request in terms designed to endear him further to the king. Does the king know that his land is riddled with a certain people who refuse to obey his laws? Not only this, but these oddballs have their own laws, dictated by a peculiar religion that is completely different from that of their neighbors. This could cause trouble for the king. With such disunity among his people almost anything might happen. It could make his kingdom vulnerable to attack from surrounding nations. Wouldn't it be a good idea to clean up this canker sore? It would be a simple matter to blot out this dissident element.

As a final incentive Haman offers to pay ten thousand talents of silver into the king's treasury if the king will permit him to do this service for him.

That does it. Ahasuerus fails to see the demise of freedom that will accompany such a request. He fails to see the injustice, the horror of bloodshed that will result. His palm is crossed with silver. *His* laws will be upheld! Ah, foolish vanity!

The decree goes forth that on a certain day the inhabitants of the land shall rise up and kill their neighbors, the Jews. As a reward they may take over the property of those they kill!

Not a very nice thought, is it? Kill off your neighbor, his wife, his children. It could not happen today. Or *could* it? Think for a moment. Let your mind turn round the earth. Let it examine the record of World War II, when "informers" added to the list of millions who perished in concentration camps for race or religion. Focus your thoughts on countries where freedom

As Esther went before the king, the prayers of her people ascended to God on her behalf.





The gallows erected for his enemy, Mordecai, were instead to be stained with Haman's blood.

is a half-forgotten pearl, and trust in one's fellows an aching void. God grant that America will never know such tragedy! For it is not a tragedy only for the so-called underdog. It is a tragedy that corrodes the loveliness of living for all mankind.

Disaster came to the kingdom of Ahasuerus. It came first to Haman, who did not know that the queen of Ahasuerus was herself a Jew; to Haman who, wrapped in his robe of materialism and selfishness, knew nothing of a God who hears and answers prayer.

In answer to prayer God reaches down and stirs the mind of the king. He leads him to search back in the records of his kingdom until he comes to a notation to the effect that upon a certain day in a certain year the Jew, Mordecai, had proved his good citizenship by saving the king's life. He had overheard and reported, through the queen, a plot against the life of Ahasuerus.

Such an act should no longer go unrewarded. The king determines to honor this good citizen. How shall he do it? He will let his right-hand man Haman decide. Haman has such good ideas.

"So Haman came in. And the king said unto him, What shall be done unto the man whom the king delighteth to honour?" (Esther 6:6, first half). Wrapped in his self-conceit, Haman thinks he himself is the one whom the king wishes to honor. He therefore goes all out with his suggestions. "Let the royal apparel be brought which the king useth to wear," Haman says, rubbing his happy palms together, "and the horse that the king rideth upon, and the crown royal which is set upon his head: and let this apparel and horse be delivered to the hand of one of the king's most noble

princes, that they may array the man withal whom the king delighteth to honour, and bring him on horseback through the street of the city, and proclaim before him, Thus shall it be done to the man whom the king delighteth to honour" (verses 8, 9).

Haman can already feel the weight of the king's crown upon his head. But suddenly his pleasant vision is shattered. He can hardly believe his ears!

"All right," the king says. "Mordecai is the man. Go do to him as you have suggested."

It is only the beginning of disillusionment for Haman. At this very moment Queen Esther has summoned up all her courage and is on her way to appear uninvited before His Majesty. It is against the law of the Medes and Persians for anyone, even the queen, to go in before the king unsummoned, and can result in death if it earns his displeasure. But there are moments when courage must match conviction.

As Esther enters the royal presence her dark eyes fasten anxiously upon the royal scepter. Will it be extended to her in welcome? or will she incur the wrath of her monarch? Outside the palace the prayers of her people ascend to heaven in her behalf.

The heart of Ahasuerus is softened at sight of his lovely queen, and smiling, he extends the scepter. What does his queen desire? He will grant it, even to the half of his kingdom.

A simple matter, the queen replies—a banquet. She would have him and Haman honor her with their presence at a banquet she will prepare.

It is at the banquet that, upon the urging of the king,

To page 31

Our Vanishing God

M. L. RICKETTS

God is vanishing from the American scene.

Some seek to get Him back by urging "cooperation" rather than separation of church and state.

Others seek to write Him into the Constitution. There is a way to get Him back, says the author.

GOD is vanishing from the American scene. With Him are going such venerable traits as individualism, honesty, integrity. Secularism is usurping His place in society. Agnosticism, atheism, and humanism are combining to drive Him from government. He has been kicked out of public schools, where His absence will soon be chartable by rising crime, drunkenness, delinquency, sexual promiscuity, and Communism. Or at least so say some Americans today.

How can we get God back? According to numerous clerics, by replacing *separation* of church and state with *cooperation* of church and state. According to half a hundred Senators and Representatives, by a religious amendment to permit prayer in public schools (from whence He was "banned" by the Supreme Court). According to other public officials and church leaders, by inviting God into the Constitution itself. To save the nation from godless ruin, several Congressmen have sponsored a "Christian Amendment," which asks official acknowledgment that "this country devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of Nations, through whom are bestowed the blessings of Almighty God." Supposedly God will be mollified by one or all of these proposals and return, along with virtue, sobriety, honor, chastity, and patriotism, to American life.

Even if we assume that God is, indeed, vanishing from the American scene, will religious amendments

get Him back? Should church and state seek closer union? What position should the Christian citizen take when confronted on the one hand with a Constitution that separates church and state, and on the other with suggestions that church and state must seek closer rapport if we are to honor God and, more, preserve our institutions from threats of secularism, agnosticism, atheism, humanism, and Communism?

We might seek to determine, first, who is this God in whom our nation has faith (In God We Trust)? Upon whom is it dependent (one nation under God)? Under whom does it exist "indivisible"? Is He the God revealed to the Jews through the Old Testament? Or is He the God revealed to Christians also in Christ Jesus? Is He the *summum bonum* of the philosopher? Or is He the first cause of the scientist?

Our founding fathers hesitated to use the name "God" at all, since many of them were deists, not what we call orthodox Christians, and did not believe in a God revealed in Scripture and history and Jesus Christ. Their God was nature's God—Providence, the Creator, observable by deduction from evidence in the world about us. This God is not the God of the Christian, who finds his Lord revealed in Jesus Christ, His Word made flesh, and through the history of His relationship to His people.

Initially, then, we find our problem to be not simply *how* to get God back, but *what* God to get back, since from the beginning of our nation a diversity of con-

cepts and ideals has been reflected in the God of the American scene. Small wonder our founding fathers contented themselves, when seeking to found the "more perfect union," with separating church and state and leaving each man to his own conscience!

But what of the early Christian church? There was no equivocation in its definition of God—"In the beginning was the Word, and the Word was with God, and the Word was God," it said. Did it receive from Christ instruction on its relationship to the state? If the ideal is an established church under a state affirming and enforcing Christian laws, the supporters of this view should find their reason for being in the New Testament.

The New Testament church was confronted with a heathen government—imperial Rome. Rome was the hated conqueror, represented by occupation troops and a foreign governor. Yet Jesus said, "Render unto Caesar the things which are Caesar's." Pay your taxes to Rome; obey its laws, respect its representatives. Give to God the things that belong to God—worship, supreme loyalty, obedience to His commandments. Obey the government because the powers that be are ordained by God—they are part of His plan for human life and order in this age; their police and courts maintain order in society. Pray for the rulers, for they are agents of God's will, even though they themselves do not believe in God. When His followers sought to take over the government, to make His laws the laws of the state, Christ resisted them. "My kingdom is not of this world," He said.

Thus Christ recognized two spheres—that of the church, that of the state: two *separate* spheres. All subsequent problems between church and state came because one or the other ignored His teaching. When

Rome, short years later, required not only that which belongs to Caesar but also that which belongs to God, Christians protested and died. Here we see what happened when the separation Christ enjoined was denied by the state.

In the fourth century after more than two hundred years of intermittent persecution of Christians, Rome made peace with the church. Constantine, looking for divine and human aid to cement together a divided empire, accepted Christianity, and after a few years made it the official religion of the empire. The secular state adopted the holy faith, at least nominally; church and government united.

We have seen what happened when the state sought to impose its will on the church; what a fine opportunity now to observe what happens when a government "devoutly recognizes the authority and law of Jesus Christ." Forget that the church could not justify, on the basis of Christ's teaching, the new relationship. Forget that it abandoned the New Testament doctrine of the church as a covenant community, loyal to, but separate from, the state. Examine with unprejudiced mind what happened: *The church, no longer a persecuted and powerless minority, but now an arm of the state, through the state persecuted pagans who would not give up their religion and adopt Christianity! In time it even persecuted Christians who would not give up New Testament concepts and adopt the pagan rituals that soon became a part of its dogma!*

Eventually the church took the place of the Roman Empire. Constantine made his capital in the East, and the Bishop of Rome, the pope, became the most powerful personage in the West. Rome itself later fell to the barbarians, but the Bishop of Rome salvaged his position from the wreckage. He and the church became the real government of the remains of the Roman Empire. It has been said rightly that the pope inherited Caesar's throne.

Later still, Christian Europe became known as the Holy Roman Empire. The New Testament doctrine of an independent church in a worldly state was forgotten. Wasn't this new arrangement much better? Now the church controlled the state; now the state itself was "Christian"! In reality neither the state nor the church was Christian, for the church had become corrupt. It had yielded to the temptation Jesus Himself rejected—to become ruler over the kingdoms of the world. It did not see as He did that the acquisition of such power is to be had only at the price of alliance with the devil.

The leaders of the Protestant Reformation in the sixteenth century, who attempted to bring the church back to New Testament principles and practices, failed also to see that church and state must be separate. The union of church and government had existed so long that it was inconceivable to Luther or Calvin that the state should not support and protect the church. Anabaptists, Baptists, Moravians, Quakers, and other small



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groups taught separatism, but they were denounced as sects. Even in Colonial America, the church was established in nine of the colonies—the Congregational (Puritan) in New England, and the Episcopalian in the southern colonies and New York. Most colonies required church membership for full citizenship rights: voting, holding office, et cetera. All citizens were taxed to support the state church; public schools were in the hands of religious leaders. Only in Pennsylvania, New Jersey, Delaware, and Rhode Island was there separation of church and state, because of the influence of the Quakers and the Baptists. And even in these colonies belief in one God, observance of Sunday, and belief in Jesus Christ were generally required of citizens who wished to hold office. It was hard to imagine a government that did not support a church.

Religious freedom such as we enjoy today was written into our Constitution through the efforts of Thomas Jefferson. A few years earlier he had written a similar law for Virginia, where he and James Madison worked for its adoption. The only church group that gave consistent and wholehearted support to this bill in Virginia and to the idea of separation of church and state was the Baptists. For the most part, other support came from persons holding liberal, humanistic, philosophical beliefs. Though the idea of religious freedom had been abroad in the colonies for some time, there might well have been an established church in the United States if the major churches could have agreed to forget their differences. They could not, and so it was written: "Con-

gress shall make no law respecting the establishment of religion . . ."

The First Amendment did not mean that State governments could not make such laws. Massachusetts and Connecticut maintained an established church until well into the nineteenth century, including church-operated public schools. New Hampshire granted religious toleration most slowly of all: in 1804 the Freewill Baptists were first granted toleration; in 1805, the Universalists. Catholics were not given full civil rights until 1902.

In the nineteenth century, for the first time since the fourth century, the church found itself separate from government. Its position was now very much like that of the New Testament church, but with the important difference that the Government was democratic and friendly, and the church was divided into many denominations. All churches were free to manage their own affairs, as the church had been before Constantine, and the temptations of power through government establishment were now removed. Citizens of the state were free not to belong to the church if they wished; no hindrances or restrictions upon the citizenship of non-Christians were now in force. This is the principle of *voluntaryism*—the right of each citizen to choose his religion or to choose whether to be religious at all. Church membership and support became entirely voluntary in most States following the ratification of the Constitution.

Of course the Government was still Christian and Protestant in an "unofficial" way. State universities had

WIDE WORLD PHOTOS



chaplains (Protestant) and religious services (also Protestant). Christian ministers were appointed to deliver prayers at official functions: before every session of both houses of Congress, for example, and at the inauguration of the President. The Bible was (and is) used when officials are sworn into office. Today because of our many Jewish citizens, references to Jesus Christ are rare in political or official pronouncements, but they were common in the past. It is still standard procedure to mention "God" somehow in the last paragraph of every public address. Our coins and some postage stamps bear the motto "In God We Trust," and so we sing also in our national anthem. Not long ago our salute to the flag was altered to include a reference to the Deity.

These official proclamations of national fidelity to God stem from a new fusion of patriotism and religious fervor that we might call the "American religion." Taking a vague idea of the nature of God from Christianity, Judaism, and various philosophies, and mixing it with patriotic fervor; taking the flag as its symbol, and the Constitution, the Declaration of Independence, the Gettysburg Address, and a few other such documents as its Scripture; taking the idea of a chosen people in a promised land from the Old Testament, and "God Bless America" as its theme hymn, this religion goes to battle against the devil in the form of all enemies of the *status quo*. It seeks to enlist the aid of all "God-fearing Americans," who are also patriotic citizens (of course!), and it denounces as traitors and atheists any who oppose its programs. Its god, whom we might call the "politicians' god," is a fusion of all the concepts of our society, a faceless being in a gray flannel suit—the organization man of the higher society, able to blend without embarrassment to anyone into the prayer breakfast of any party.

Purporting to wage war on secularism and Communism, this new American religion seeks to plant its banners in our churches and church institutions, in our public schools, and in our Constitution. Much of the distress over the Supreme Court's decision against state-written and directed prayer in public schools comes from its disciples, as does much of the drive for religious and Christian amendments to the Constitution.

We come again to the accusation made by critics of the Constitution: God is vanishing from the American scene, and a casual relationship exists between the secular state and His disappearance. What should be the attitude of the Christian citizen confronted with this charge? Will a religious amendment, or the Christian Amendment, really bring God's return? Should church and state seek closer union—i.e., cooperation rather than separation?

Three choices are before us:

1. *We can attempt to make Christianity the official religion of the nation, as the Christian Amendment would do.* We can abolish the First Amendment and es-

focus on freedom

"CHARTER OF RELIGIOUS FREEDOM" BEFORE U.N. COMMISSION

A Charter of Religious Freedom for all people is being considered by the U.N. Commission on Human Rights. Items:

• Governments are called upon to "grant freedom to practice or not to practice one's religion or belief, according to the dictates of one's conscience, publicly or privately."

• Freedom of religious beliefs must be safeguarded in such matters as education, marriage, divorce and annulment, burial and cremation, dietary practices, loyalty oaths, conscientious objection to war, and the confessional or "confidences."

• All religious groups must have the right to start their own schools and obtain their own teachers either from inside or outside the country.

• Parents or guardians are to be guaranteed the right to decide the faith of their children and to educate them in that belief. Parents must not be forced by law to send children to public schools if they wish to have them educated in church-related institutions. In addition, a person must be free to travel abroad to attend a religious school if he so desires.

In asserting that states must not interfere with religious weddings, the charter notes that this principle shall not infringe on the government's "right to lay down the conditions of a valid marriage." It adds that no one must be compelled to participate in a religious marriage which does not conform with his convictions.

Governments must respect religious burial or cremation rites and grant protection to those participating in such services and to burial grounds when there is danger of outside interference.

The charter says that no person may be required to take any oath contrary to his religion, and conscientious objection to military service must be respected.

Civil authorities may not require participation in public ceremonies conflicting with belief or restrict the right to travel to sacred places in or out of the country.

The "sanctity of the confessional" must be safeguarded by public officials, and no clergyman may be forced to divulge confidential information received in ministering to a person.

tablish one church (or all Christian churches) as the official religion of the nation.

If we love our freedoms *and* our church, we must resist this solution. Union of church and state is contrary to the teachings of Christ. It is demonstrably destructive to the church when pursued by the state; it is demonstrably destructive to equitable government when pursued by the church.

2. *We can fuse Christianity with patriotism so that the churches, even though officially separate from government, become in practice uncritical supporters of its policies.*

This cooperative arrangement receives support from religious patriots on the far right as well as from church members who have never thought through their illogical position. I reject it because it turns the church from its great commission—to give the gospel to all the world—toward a narrow, nationalistic emphasis. Further, by turning the church toward the legislature's door, it encourages clericalism.

Under our present Constitution we cannot give legal certification even to the American religion's official prayers or religiously tinted pronouncements or mottoes—the Supreme Court's decision against one of its homogenized prayers was correct. Our politicians speak with fervor of the nation's "faith and dependence on God" and proclaim, as did the governors' conference recently, their reliance on God and the power of prayer

"which has sustained man throughout our history and provided the moral foundations of our great nation." All this sounds very pious and pleases all kinds of religious people. This kind of confession of faith is appropriate for the individual Christian and for the church, but it has no place in political pronouncements.

Neither of the above alternatives accords with the New Testament doctrine of church-state relations, nor is either in harmony with our Constitution. The constitutional provision for complete disestablishment of religion, it seems to me, is the best arrangement for practicing the New Testament's teachings.

3. *Our third alternative, then, is to strive to see that the implications of the Constitution are carried out in practice, and to resist all efforts to bring about a closer relationship between church and government.* The state and its government cannot be Christian, from the New Testament viewpoint, and I believe history has proved that view correct. The government is a secular, worldly business, which the Christian must support, but toward which he must always remain objective, while he gives his supreme loyalty to God in Jesus Christ. It was not separation of church and state but separation of man's heart from God that drove Him away. When Christians again give Him their supreme loyalty, God will return to the American scene in the hearts of His followers, which, after all, is where He Himself desires to reside.

★★★

Theodore Roosevelt

**"Each Body of
Seekers Must Be Left
to Work Out
Its Own Beliefs"**

"Each sect believed it was the special repository of the wisdom and virtue of the Most High; and the most zealous of its members believed it to be their duty to the Most High to make all other men worship him according to what they conceived to be his wishes. This was the medieval attitude, and represented the medieval side of Puritanism; a side which was particularly prominent at the time, and which, so far as it existed, marred the splendor of Puritan achievement.

"The nobleness of the effort, to bring about the reign of God on earth, the inspiration that such an effort was to those engaged in it, must be acknowledged by all; but in practise we must remember that, as religious obligation was then commonly construed, it inevitably led to the Inquisition in Spain; to the sack of Drogheda in Ireland; to the merciless persecution of heretics by each sect, according to its power, and the effort to stifle freedom of thought and stamp out freedom of action.

"It is right and greatly to be desired that men should come together to search after truth; to try to find out the true will of God; but in Cromwell's time they were only beginning to see that each body of seekers must be left to work out its own beliefs without molestation, so long as it does not strive to interfere with the beliefs of others."

—*Liberty*, vol. 2, no. 2, 1907



the Christian Amendment

*Should this nation "devoutly" recognize
"the authority and law of Jesus Christ"?*

W. W. FINLATOR, Pastor

Pullen Memorial Baptist Church, Raleigh, N.C.

ON JANUARY 9, 1963, Congressman Eugene Siler of Kentucky introduced in the House of Representatives a joint resolution known to Congress as H. J. Res. 61, and to the American public as the Christian Amendment. With breathtaking succinctness the resolution calls for official acknowledgment by the United States Government that "this nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of Nations, through whom are bestowed the blessings of Almighty God."

Incredible? Even more so when you realize that this resolution, as well as similar ones introduced in other sessions, was inspired primarily not by Congressman Siler but by certain Protestant groups insistent upon living in a nation authoritatively declared Christian! Yet there it stands, waiting the concurrence of the Senate and ratification by three fourths of the States to be "valid to all intents and purposes."

Until last year's Regents' prayer decision of the United States Supreme Court, the Christian Amendment had few backers. But as a consequence of that decision the Christian Amendment as well as a variety of religious amendments gained additional adherents, many as the consequence of political factors unrelated to the merits or demerits of the amendment itself.

Also supporting it are religious and national chauvinists who are sure that God hath joined together in lawful marriage the American way of life with the way, the truth, and the life. The temptation to equate nationalism with faith is strong among many who are

disturbed by the challenge of Communism. Should international tensions increase and should the United States Supreme Court rule against all religious practices in public schools—three cases are now before it—it is not inconceivable that the Christian Amendment, or something akin to it, could be written into our Constitution.

Backers of the amendment believe that they have the panacea both for our national and our religious woes. I believe, on the contrary, that the amendment reveals the failure to understand both our democratic form of government and the Christian faith vis-à-vis government.

OUR FOUNDING FATHERS, remembering the religious wars that devastated their Old World countries,



Congressman Eugene Siler, Kentucky,
sponsor of the Christian Amendment.

sought not the establishment but the disestablishment of religion, or any institutional expression of it, when forming the more perfect government. To claim that our country was from the first "a Christian nation" misses the point. Not more than one out of thirteen people in the thirteen original colonies belonged to any church; but had the percentages been reversed, the decision of the Constitutional Convention would have been the same: "Congress shall make no law respecting the establishment of religion."

Today our country counts in its population some 43 million Roman Catholics and some 70 million Protestants. Assuming that these 113 million citizens could live with the amendment (which they couldn't), what about the six million Jews in America? They haven't acknowledged Jesus Christ as Messiah (nor for that matter have millions of Protestants); shall they be forced to live under a Constitution that recognizes His law and authority and declares Him Saviour and Ruler of nations? What about other religious minorities, the Moslems for example, whose creeds contain neither the Torah nor the Sermon on the Mount? They pay taxes too, as do millions of unchurched Americans, including militant atheists, who under our form of government

have just as much right not to believe as Christians and others have to believe.

The proposed amendment has an uneasy conscience on this score, for it guarantees that there shall be no "abridgment of the rights of religious freedom, or freedom of speech," and further stipulates that Congress shall have power "to provide a suitable oath or affirmation for citizens whose religious scruples prevent them from giving unqualified allegiance to the Constitution as herein amended." In other words, if you aren't a Christian American at a time when we are evolving a national faith based on the authority and faith of Jesus Christ, we shall make special provision for you! Unimaginative is he who cannot discern the coerciveness or foresee the discrimination and disability latent in these provisions, all the more vicious for their subtlety.

Let me put it in the plainest language possible: *America is not, and was never intended to be, a Christian nation.* Under the Constitution any faith, all faiths, or no faith, are free to propagate their witness and to worship in their manner. But no faith, not even that which names the name of Jesus, is accorded special status. Though this Government may be, and should be, inspired by the Christian conscience of millions of its

United States

SENATOR SPEAKS OUT

for Religious Liberty



One of the basic foundations of America's strength—and one of the keys to its greatness—is the right of each American to enjoy religious liberty. If any man, anywhere in the United States, is denied his right to worship as he pleases, then the fiber of American freedom is weakened. Religious liberty in the United States is just as important as the basic human, constitutional, and civil rights we hear discussed so much. I, for one, will continue to do everything I can to work for a society which is more deeply dedicated to protecting each man's right to religious expression and worship.

HUBERT H. HUMPHREY
Senator from Minnesota

citizens, its conduct of affairs, its foreign policy, its participation within the family of nations is never intrinsically "Christian." As Christian citizens we may strive to see that these actions are just and responsible. But so long as we have separation of church and state we cannot seek to force our Christian convictions by law.

FAILURE OF BACKERS of the Christian Amendment to see the reason for the no-establishment clause is serious enough; their failure to apprehend the threat to Christianity itself posed by an institutionalized faith is even more lamentable. The consensus of Protestant thinkers is that one of the most grievous blows ever struck at the religion of Christ was its recognition by Emperor Constantine as the religion of the empire. The Holy Wars that devastated Europe were conceived by this act. And the pagan practices that corrupted Christendom likewise owe their entrance into the church to the consequent amalgam of church and state.

Here in America, led by men who were churchmen as well as statesmen, we instituted the great experiment of separation of church and state. Under this system Catholic, Protestant, and other churches have for two generations flourished as nowhere else in the world. The Christian Amendment would put an end to this.

It would also proclaim to the world that America—with its flagrant denial of civil liberties to a large segment of its population, its increasing juvenile delinquency (or juvenile anarchy, as the sociologist prefers to call it), its "lost generation" of migrant laborers, its growing divorce and crime rates, its appalling alcoholism, its religious bigotry, its frantic status seeking and its worship of affluence—is a Christian nation! What a sad commentary on the shallowness of our theology, on our failure to comprehend the mandates of the gospel, its call for personal commitment and purity, its summons to a fresh orientation to nature, man, and God! Can we thus equate the witness of our Lord with America of the twentieth century? Make no mistake: Writing into the Constitution an acknowledgment of the authority and law of Jesus Christ will never compensate for the lack of His authority and law—and love—in the human heart.

Nevertheless, the proposed amendment may serve a good purpose. Through it God may again be making the wrath of man to serve Him, for it has galvanized many of us into rethinking the fundamentals of our faith as well as our form of government. The charge frequently heard that we have in our American churches not the religion of Jesus but religion-in-general, not the faith of our fathers but faith in the American way, not belief in the eternal verities of Christianity but belief in belief—this charge I say, is not without foundation. As Peter Marshall once reminded us, because we do not stand for anything we fall for everything. The Christian Amendment is a dramatic illustration of this insight. ★★★

gentlemen of the jury



The general assembly of a church makes certain statements of principle. A large group of members, urging that the statements are inconsistent with church doctrine, opposes them. A schism develops, and the control of a church building is in dispute. Dissident members claim the right to it. "The general assembly has no right to the property," they argue, "for its members have departed from the faith." Who rightly controls the property?



Verdict?

a. If the general assembly has, in fact, departed from the principles of the church, it loses its standing, and the court can deliver the property into the hands of the faithful.

b. Disputes as to doctrine are for the church to decide through its own tribunals and other bodies. The court will not review the correctness of their actions.

Answer:

b. Watson v. Jones, 1872, 80 US 679: "The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect. The right to organize unitary religious associations to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all the individual members, congregations and officers within the general association is unquestioned. . . . It is of the essence of these religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance."

the woods are full of them*

**Processionary
caterpillars, that is.
And processionary
men, too.**

KENNETH W. SOLLITT, D.D.

MARGARET APPLGARTH in her delightful book, *Men as Trees Walking*, tells the almost unbelievable true story of Jean Henri Fabre and his study of the processionary caterpillar which wanders aimlessly among the trees pursued by many followers who move when he moves, stop when he stops, and eat when he dines on the pine needles which are the caterpillar's principal source of food.

Fabre never dreamed how compulsive this instinct of the processionary caterpillar was, however, until he tried an experiment.

He took a flowerpot and filled it with pine needles and placed a solid ring of caterpillars around the rim of the pot. They, of course, began to move slowly around and around the rim of the container brimful of their favorite food. How long would this senseless revolving continue? Fabre wondered. Without ever stopping for a mouthful of the abundant food so close at hand, they kept on moving around and around it until the seventh day when one by one the caterpillars began to die from fatigue and lack of food, and the experiment ended.

I'm not sure Miss Applegarth appreciated the full significance of her own words when she remarks that the woods are full of processionary caterpillars.

Man seems to have been created for a nobler purpose. According to the Bible, God created him a free moral agent.

Man is free to choose among alternatives—free to choose God's way, or free to experiment with some others. From the beginning of time God has respected the personalities He has created. "I have set before you life and death, blessing and cursing; therefore choose life" (Deut. 30:19). Man can do that. A processionary caterpillar cannot.

Indeed, the words "choose," "chose" and "chosen" appear a total of 229 times in the Bible. The Bible sees man as a choice-maker—a free moral agent.

Man's freedom of choice is what makes him a man.

* Reprinted with permission from *Christian Economics*, Oct 2, 1962, pp. 3, 4.

HARRY BAERG, ARTIST



It is what distinguishes him from the lower animals who live only by instinct, the processionary caterpillar, for example. It distinguishes his society from the anthill or the beehive, where the development of moral character is no consideration.

Man's freedom of choice is what gives him dignity and worth in his own sight, and we believe, in the sight of God. He has inherent value as an individual and as a member of society. With a sense of dignity and worth, man lives; without it he merely exists. With it he can be sensitive to the dignity and worth of others; without it he cannot. With it he can contribute to society for he has a sense of satisfaction in so doing; without it he is apt not to be a contributor to society but a leech upon it.

Man's freedom of choice is what makes possible his awareness of moral responsibility, for himself and his family, for his neighbors and friends, for his nation and the world.

But take away a man's sense of his own importance, and he loses, not only his self-respect, but also his respect for others, for law and order, and even for God.

And one way to do this is for some men to clamp upon other men a government that reduces them to nothingness—a government that takes away their right to choose, and with it their sense of dignity and worth and moral responsibility, and makes them little better than the bees, the ants, and the processionary caterpillars.

Our forefathers concluded that, in the light of all the facts, the best kind of government is a form of government which (1) best protects the dignity of the individual, (2) and at the same time makes the best use of his propensities for intelligent choice-making. This form of government we believe to be government by our chosen representatives operating with the consent of the governed.

History amply demonstrates how governmental tyranny which assumes itself man's master has destroyed the man himself. Our forefathers who penned the Declaration of Independence and the Constitution with its Bill of Rights had fled from this very soul-destroying tyranny. Naturally they created a government that was meant to protect and make the best use of man's choice-making prerogatives. And this had to be a government that would be man's servant, not his master.

That is why they provided in the Constitution for the

protection of man's right to "life, liberty and the pursuit of happiness," for a government "of the people, by the people, and for the people," for free elections, freedom from involuntary servitude, the right to own property, and the right to produce what the world needs at whatever price the world will pay and in free competition with every other producer.

The Freudian Ethic, according to the author of the book by that name, Mr. Richard LaPiere, is leading us all, young and old, up the same blind alley. Sigmund Freud, after dredging in the conscious and subconscious minds of the neurotics who came to him for sympathy and support, and finding there about what he was looking for, found man a weak irresolute creature without the stamina to endure the strains of living. Man's only real desire, he concludes, is to crawl back into the warmth, comfort and security of his mother's womb. But since he cannot do that, he should be petted, pampered and babied as much as possible at home, at school, at college, and of course, by a paternalistic government.

We seem to have pretty widely accepted the idea that man is as inherently incompetent and irresponsible as Freud said. The young are erotic, the middle-aged are neurotic and the rest are "tommyrotic," and everybody needs to be protected from everything; the child in the home from "stressful experiences," and in the school from competition, and in college from the need to excel. The young hoodlum should be protected from the pangs of punishment, the employer from competition, and the employee from getting tired. Nobody is expected to exercise his God-given powers of choice but to let them atrophy. It is enough that man be kept in line by being made to follow some other worm no better qualified than himself to be a leader. No wonder the subtitle to LaPiere's *The Freudian Ethic* is "The Sub-version of American Character."

God's purpose in giving us free choices is that we may develop the ability to make right choices. It is granted that as often as not our choices will be wrong, at least in the eyes of those who would have made them otherwise. Still there is no opportunity to learn to make right choices where there is no opportunity to make wrong ones. If man is ever to grow in his ability to distinguish right from wrong and to develop moral stamina to do the right when the wrong seems easier and more attractive, his power of choice must be preserved. ★★★



Can True Christian Unity Be Achieved?

DR. JEAN NUSSBAUM

*Secrétaire Général
Association Internationale
Pour La Défense de la Liberté
Religieuse (Southern Europe)*



The basis for true unity among Christians now exists, says the author. But there also exists the basis for a union that could revive the bloody struggles of the past.

SEVERAL times during the past few years I have called on the Universal Patriarch Athenagoras, in his palace in Istanbul. Each time we have spent several hours in conversation and study of the Holy Scriptures. The Patriarch's theological background and his respect for tradition do not permit him to look on the Bible, as I do, as the Christian's sole guide to faith and practice. But he has high regard for every word from God, and I cherish the friendship of a man so devoted to spiritual values.

On a recent visit we discussed the ecumenical movement. "Why are we divided?" the Patriarch asked. "Our estrangement is unreasonable. It is unreasonable because the situation confronting Christendom is so serious. All our forces united will not be too much to face not only materialistic Communism but also the other isms threatening religious faith."

The Patriarch expressed his hope that the Pope would take the lead in moving the divisions of the church toward reunion. "I carry the Pope in my heart," he told me. "I esteem him and like him very much. When he was elected, the words from the Gospel of John came to my mind: 'There was a man sent from God whose name was John.'

"Humanity has had two periods of youthful vigor," the Patriarch concluded. "One at Creation, one at the advent of Christ. Soon will begin the third for both humanity and Christendom through the union of Christians."

The Patriarch's words are significant, reflecting as they do the favorable attitude of many in the Orthodox Church toward the ecumenical movement. I can well sympathize with the hope for unity expressed by this man, whom I consider one of the greatest among non-Catholic Christian dignitaries.

There is, however, a danger confronting ecumenicists that the Patriarch's words may be used to point out—the danger that our seeking for unity may be motivated not so much by a deep yearning of spirit for oneness in Christ as by a desire to counter the threat of materialism and Communism. Our Lord's prayer for *unity* can be lost in our passion for *union*—union that is not primarily a spiritual ideal but rather a political expediency.

Here, indeed, is a danger signal for all who read the

lessons of history. The bloody persecutions and disorders of centuries past have stemmed from a mingling of the temporal and the spiritual, the fusion and confusion of civil and ecclesiastical power, the friction and antagonism of church and state. It is easy to forget principles and to contract unholy alliances when confronted with a common enemy. It is harder to remember the tragic consequences of such union.

If the Christian churches again enter upon this path, they will thus indicate not only their disregard for history but also their contempt for the teachings of the Lord Jesus, who instituted a separation between civil and religious authorities when He said: "Render therefore unto Caesar the things which be Caesar's, and unto God the things which be God's" (Luke 20:25). The Lord desires unity but not against someone or something. He wants unity in His church to be a witness: "That they all may be one; as thou, Father, art in me, and I in thee, that they also may be one in us: *that the world may believe that thou hast sent me*" (John 17:21).

Here the mission of the church in the world is well defined. It should reflect the magnificent harmony that characterizes the relationship existing between the Father and the Son. Founded on the Word, which is its only guide, it must preach the eternal gospel to every nation, tongue, and people. Under no pretext must it be diverted from this sacred calling to which it should consecrate its energy and strength, leaving to others the care of the state. Under no pretext must it permit the state to interfere in its affairs. Religious unity must not be obtained by the application of civil laws, as is being



H. A. ROBERTS

Accounts of ancient miracles in the Bible point the way to a modern miracle—true Christian unity.

done today in several countries. The state is as dangerous for the church when it protects as when it persecutes.

If Christians really desire unity, the unity desired by Christ, they must achieve it in the only way possible—by rejecting the traditions of men, which are the main cause of division among believers, and accepting without reservation the teachings of the Holy Scriptures. It was the Word of God that brought unity in the primitive church, which was constituted of men and women from all the countries of the known world, men and

American Voice in Rome

We do not yet know whether the Ecumenical Council will make a pronouncement on religious liberty. But the Rome of the council heard an emphatic statement on the subject by a member of the American hierarchy on November 22.

Speaking at a Thanksgiving Day Mass in the church of Santa Susanna, Bishop Ernest J. Pirneau, of Manchester, N.H., voiced American gratitude for a form of government that until now has enabled many diverse groups of citizens to live together in peace. Our pluralism, he said, "naturally means disagreement and at times dissension, but the American system has been able to find agreement through the separation of church and state."

The American problem, constituted by "a pluralism of religions, of political creeds, or faces, of cultures, often of languages," said Bishop Primeau, was unique and therefore re-

quired "a new solution, unknown to the world." He continued: "We believe with a grateful heart that the American Constitution has been that solution."

The Bishop protested, however, against a "subtle attack by a purely secularistic concept of society" on "the idea of public acknowledgment of social dependence upon God and obligation to Him, so traditional in our history."

In affirming his acceptance of the constitutional relationship between church and state in the United States and in protesting against its deformation by secularists, Bishop Primeau spoke with the authentic voice of American Catholicism. It is good that that voice was heard in Rome.*

* "Current Comment," *America*, Dec. 8, 1962, p. 1200. Reprinted with permission from *America*, The National Catholic Weekly Review, 920 Broadway, New York 10, N.Y.

women who shared the prejudices, the errors, and the passions of the groups to which they belonged. Even the "wall of separation" between Jew and Gentile—unshaken by the accumulated centuries—fell, like the walls of Jericho, when the gospel entered Palestine.

The power of the Holy Spirit has not decreased, the Lord's arm is not shorter. If today men will submit to be led by the Word of God only, if they will permit the Spirit to lead them into all truth, a modern miracle *will* happen—we will see the work of "the perfecting

of the saints" proceed "till we all come in the unity of the faith, and of the knowledge of the Son of God."

The unity desired by Christ will not come with an alliance of expediency against Communism and materialism. Nor will it be the consequence of church councils or church mergers. True unity will not stem from the works of man at all. Rather it will result from the action of the Spirit on the hearts of men willing to discard the traditions of centuries and follow the teachings of His Holy Word. ★★★

Voices in the Ecumenical Wind

Methodist Bishop Fred Pierce Corson, head of the World Methodist Council, surprised newsmen at a Philadelphia press conference by presenting each of them one of more than a dozen special Vatican Council medals blessed and given to him by Pope John during a personal audience in Rome.

The Christian unity movement is "warming up, but no one should take his coat off yet."—**Father Gustave Weigel, S.J., to a University of Minnesota audience.**

Protestant and Roman Catholic churches will work in harmony as a "single family of Christians" during the lifetimes of many church members today.—**Dr. Truman B. Douglass, executive vice-president of the United Church of Christ Board for Homeland Ministries.**

"Since Pope John came to office a new wind has blown from Rome. . . . The Catholic Church is no longer the changeless monolith it was conceived to be by many outside of it. It is a church on the move."—**Dr. Douglas Horton, an American churchman who is a delegate-observer at the Vatican Council.**

Pope John XXIII is the "best Pope the Protestants ever had."—**Dr. A. C. Forrest, editor of the *Observer*, official publication of the United Church of Canada.**

"We will go anywhere to anyone who will accept us. We will preach our gospel of love and mutual cooperation, a gospel that will respect the rights of conscience of all individuals, whether they be Jews, Catholics, or Protestants."—**Richard Cardinal Cushing, of a U.S. itinerary planned for himself and for Augustin Cardinal Bea, S.J., head of the Vatican Secretariat for Promoting Christian Unity.**

"Unity bought at the price of slowing up or surrendering the mission of the church is bought at too dear a price."—**Dr. Ben Mohr Herbster, president of the United Church of Christ, itself a product of union.**

"The very term [Holy Father] so beloved by Catholics, has been, until recently, a butt of criticism among us. But now, thanks to the publicity about the Council and the personality of the Pope himself, Protestants are coming to think of that wonderful old man as, indeed, a Father, and a holy one. The writer must confess that, for his part, he cannot but reverence John XXIII and pray for his health and the success of his plans."—**Rev. R. P. Marshall, O.S.L., pastor of Summerdale Methodist church, Harrisburg, Pennsylvania; past associate editor of *The Christian Advocate*, national Methodist magazine.**

"True Christian unity can be found only in the Bible and in the heritage of the Reformation."—**National Association of Evangelicals.**

"There is now with an increasingly clear voice being heard across what might have been termed an abyss of separation . . . the cry, 'Brother,' and that's a cry that has been directed from both sides, and we find that abyss perhaps isn't as broad or as deep as was supposed."—**Methodist Bishop James K. Mathews, president of the Massachusetts Council of Churches on an hour-long telecast in Boston with Richard Cardinal Cushing, Archbishop of Boston.**

"I think we are approaching rapidly the day when we all will recognize, and feel comfortable under, the same roof"—though "it will not be a jurisdictional roof."—**Dr. Claud Nelson, consultant in religious liberty to the National Council of Churches.**

"Fundamental issues remained unsolved—indeed, in some respects the separation is greater now than it was at the time of the Reformation. No genuine progress can be made in interconfessional relationships until the Roman Church unequivocally accepts the principle of religious liberty for all minorities."—**Dr. Marcel Pradervand, secretary of the World Presbyterian Alliance.**

ONE of the problems connected with foreign aid is how to help in areas where helping agencies are sparse. To put it more practically, How can we spend our foreign aid funds within the allotted period in ways that we can reasonably hope will be constructive?

Of course, there are always Government agencies. Yet in many of the countries we want most to help, some governments are unable to provide the responsible management that our Agency for International Development (AID) would like to find. In the United States private agencies exist for many social, educational, and economic purposes. Elsewhere these are not found in anything like the number and variety we know here.

How to spend the aid funds allocated? Well, there is always the church. And in areas where the alliance for progress is concerned, this usually means the Roman Catholic Church. It has a branch in nearly every community. Its priest may be the only literate man in the area. This church has some private agencies under its aegis. It has some schools and universities, hospitals, and homes. It may sponsor modern developments, such as credit unions, cooperatives, and literacy programs. The priest is frequently the big man in the rural community where AID wants to get a project under way. His prestige may be greater by far than that of his civil counterpart. If the priest were to refuse cooperation, the project might be doomed; if he were to approve and assist, the project's success might well be ensured.

For such reasons the temptation to tie in AID programs with the church has been almost irresistible. In fact, the temptation has not been resisted. What is the extent of this involvement? AID reports that of agencies being assisted under the Development Assistance Act of 1954, twenty-four of forty-six have some type of religious affiliation.

Problems stemming from sectarian involvement have been encountered in three types of programs—distribution of surplus foods, technical assistance programs, and aid to health and education.

Seventy per cent of the distribution of American surplus foods overseas is being handled by religious agencies—Protestant, Roman Catholic, and Jewish. So many problems have developed in connection with church distribution that Dr. Paul C. Empie, executive director of the National Lutheran Council, has questioned the wisdom of long-term food distribution under church auspices. In other programs church involvement may be either oblique or it may be direct.

The project in Argentina to improve science teaching provides an example of oblique involvement of the church. The center's program in the University of Cuyo, a state school, involves two other universities, one of

Religious Complications in the Alliance for Progress

C. STANLEY LOWELL

Editor, Church and State

which is a church institution. Study shows that some aid funds will be used to pay salaries to professors of the Catholic university, who may or may not be priests.

Sometimes aid is more direct. For example, there is a grant of \$400,000 in aid funds to the Catholic university of Ecuador. (Also worth mentioning here are military projects not under AID that provide assistance to projects at Catholic universities in Canada, Belgium, Spain, and Chile. These programs are administered directly by the military.)

The near misses can be as informative of church-state complications as the consummated grants. There was strong sentiment in the State Department for subsidizing via AID funds the "literacy campaign" of a Roman Catholic priest, Msgr. Jose Joaquin Salcedo of Bogotá. Msgr. Salcedo operates from a large, handsome headquarters building in that city and is known to have been successful in his private solicitation of funds in the United States. He has been publicized as the literacy saint of Colombia. Yet Protestant leaders in Colombia

who learned of the proposal to provide AID funds for this priest were horrified. They recalled repeated anti-Protestant broadcasts of Msgr. Salcedo and pointed to the irony of American Protestants being taxed to pay for them. Eventually the plan to subsidize Msgr. Salcedo was dropped.

More successful was another Catholic priest, Father Daniel McLellan, who obtained substantial U.S. aid for his credit union in Peru. A TV extravaganza lionized Father McLellan and gave viewers the definite impression that foreign aid via the Catholic Church was the sure way to obtain full value for each dollar expended. Bishop Fulton J. Sheen echoed this sentiment before a Congressional committee when he urged that all foreign aid in the relief and welfare categories should be channeled through the church. In this way, he argued, there could be more "heart" in the program.

It is in the area of education, however, that the sharpest controversies have arisen. AID officials have given top priority to bettering the educational program of the various countries. Most of us would agree that upgrading of education is fundamental to improving the lot of the people. We sign agreements with Colombia, Paraguay, El Salvador, Ecuador, Peru, et cetera, to build public schools. This seems commendable, but again we find sectarian complications. In various degrees the Catholic Church influences or controls the public school system of the Latin countries. In Colombia, for example, its domination of the schools is virtually complete. The local priest typically serves as head of the board of education and may discharge any teacher for purely doctrinal considerations. To all practical effect, Protestant teachers are thus barred from the schools. Protestant students are usually forced to attend mass and receive Catholic instruction.

When the first school in Colombia to be built with U.S. aid was completed, Colombian officials made its dedication a gala event with high officials in attendance. The U.S. ambassador was also present. Eyewitnesses reported that the school, named for President Kennedy, had classrooms bearing the following names: Nuestra Senora de Fatima, Nuestra Senora del Perpetuo Socorro, La Milagrosa, Maria Immaculada, el Nino Jesus, Domingo Savio, San Luis Beltram, and the Nina Maria. Each room exhibited a picture of the Catholic saint for whom it was named, and a statue of the virgin Mary stood on the playground. The schedule called for three hours of instruction in the Catholic religion each week and compulsory attendance at mass on Sundays and feast days.

Many American Protestants write to their Congressmen to complain about sectarian abuse of the foreign aid program. Their Congressmen take the matter up with the AID officials who inform them that no aid is being given to church schools, only to *public* schools. The Congressmen then solemnly assure their constituents that there must be a mistake somewhere, that every-

thing appears to be proper! Such is the naïveté in regard to this whole matter.

Actually, the Roman Catholic Church has a monopoly on education in the so-called "mission territory" of Colombia. At the time this is written not a single Protestant school is operating in this area. The Colombian Government makes much of the fact that no U.S. aid funds are being expended in mission territory for the erection of Catholic schools. This is just a bookkeeping device, however, since U.S. funds merely release equivalent Colombian funds that can be expended in the mission territory.

Mounting resentment over such uses of foreign aid came to a climax last August with the publication of a paper called "Religious Organizations and the United States Aid Program." This directive frankly acknowledged that AID was providing assistance to church agencies abroad and undertook to stipulate on what basis this should be done. The Roman Catholic press enthusiastically acclaimed the directive. But among Protestants there was quite a different reaction. Protestants and Other Americans United immediately protested the directive, urged its cancellation and the issuance of a new directive eliminating all contracts with church groups. Baptist editors led by Dr. E. S. James of the *Baptist Standard* of Texas appealed directly to the White House.

President Kennedy took a personal interest in the matter. He summoned top AID officials for a conference. Immediately after this session it was announced that the controversial directive had been withdrawn. Protestant leaders expressed gratification.

Some question persists, however, as to whether withdrawal of the directive means a change in the policy of aiding religious groups. A form letter was sent by the White House to those raising the question with the President. This letter, bearing the signature of Ralph A. Dungan, stated: "Mr. (Fowler) Hamilton is in complete agreement with the necessity of conforming the Agency's policies and procedures with constitutional principles."

At the same time, however, John P. Robinson, director of the Office of West Coast Affairs for AID, was sending out his own form letter, which declared: "Henceforth the Agency will continue to pursue the same policies that it and predecessor agencies have pursued in this regard during the past period of more than ten years."

Conversations with AID officials in Washington have convinced me that they have no intention of changing their policy in regard to religious groups. My impression was further confirmed by an additional statement released last November. This directive replaces its impolitic predecessor, which was withdrawn at President Kennedy's request. The best that can be said for the new directive is that AID makes every possible effort to avoid undesirable sectarian consequences *within the*

framework of its chosen policy of providing aid for religious groups. One of the finest sectarian safeguards AID has provided, and the one adjudged by observers to be the least effective, is that which protects a person from being subjected to religious practices to which he objects. This is an excellent stipulation, but how is it to be enforced? In Colombian schools it is largely ignored. Protestants in that country are thus confronted with carrying each case of discrimination up through indifferent or hostile local authorities to the highest echelons of government. They lack resources to do this.

The November report, incidentally, discloses that in the aid-to-education category the Roman Catholic Church is the only church receiving aid in Latin America. In other areas of the world Episcopal, Presbyterian, Friends, and Methodist churches receive assistance for schools they operate in strategic areas. There is also aid to Jewish and Islamic groups. The Roman Catholic Church, however, receives aid outside Latin America that exceeds the number of projects in all other churches combined.

AID leaders are, of course, eager to continue the type of project that provides assistance to church groups.

They appear to be convinced that certain countries can be helped only in this way. How shall we assess these programs? Certainly there is a Constitutional problem that none of the "safeguards" so much as touches. Under our Constitution can we provide financial assistance to church groups abroad in ways that would be patently in violation of it at home? Could it be that some are hopeful of eroding the principle of church-state separation abroad in order to undermine it more easily at home? Certain church publications have already asserted that if church groups can be aided in foreign lands they should be aided domestically as well.

Again, we need to ask whether the church assistance program really helps us in the struggle against Communism. May not aid to clerical power actually stimulate the very conditions that produce Communism? It would be ironical if our bold front-door resistance to Communist power should open the back door to clericalism, for clericalism is perhaps history's most prolific breeder of Communism. With a new director having taken over in AID, the time has come to take a hard look at the whole policy of using foreign aid funds to assist church institutions abroad. ★★★

We Hold These Truths

The Declaration of Independence, . . . was no pallid compromise, but a banner to which men everywhere repaired. Why should this be so? Why did a Declaration of Independence signed by a few men on a rude and distant shore stir the world? Was the appeal of the Declaration of Independence that of rhetoric, and its effect due simply to the felicity of its phrasing?

Surely not. Good phrasing there was, of course, but what counted was the substance, the idea. "We hold these truths to be self-evident," the

Founding Fathers said: "That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . . ." The Declaration is what it is and moved men as it did because it expressed high purpose and noble convictions, backed to the utmost by its signers with the pledge of "our lives, our fortunes, and our sacred honor."

There you have it, the American proclamation of freedom: the equality of all men; rights given not by the State but by our Creator; the just powers of government deriving only from the consent of the governed. Are these American beliefs which stirred men here and all over the world pious statements which are now irrelevant to our present situation? We insist they are not. Granted, to create policy for today and tomorrow in the light of these principles is not easy; in some situations a lack of power to change events may prevent us from doing what we would like to do. But the American idea and the American tradition must be the touchstones for policy, for there, in the very reasons for our nation's being, is America's strength.—*The Commonwealth*, Jan. 6, 1961, pp. 375, 376.



H. D. OGDEN, ARTIST

Founding Fathers signing Declaration of Independence.

Our freedoms are not guaranteed by an immutable sentence in the Bill of Rights. Nor do they rest, ultimately, in the hands of the Supreme Court!

the Constitution and the Supreme Court

CONCLUSION

C. MERVYN MAXWELL

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THE United States Constitution does not guarantee freedom; in fact, great crimes have been legally committed in its name. The ultimate guarantors of American liberties are the American people and their will to see the rights of minorities defended.

The reason the Constitution cannot be counted on in every case to guarantee freedom may be found by examining four principles. The first two we have already discussed: First, the Constitution is what the Supreme Court says it is; and second, the Supreme Court is composed of men.

The third principle grows out of the second and is the fact that *Supreme Court Justices are subject to popular pressure.*

William Howard Taft, at different times President of the United States and Chief Justice of the Supreme Court, frankly admitted this. "Judges are men," he said. "Courts are composed of judges and one would be foolish who would deny that courts and judges are affected by the times in which they live."¹

Pressure from the people caused the infamous Dred Scott decision in favor of slavery just before the Civil War. Southern States were as numerous as Northern in those days, and Senators from the South exerted great influence in national affairs. Furthermore, thousands of patriots in the North preferred letting the South settle its own affairs to the prospect of civil war. Historians are satisfied that it was to this pressure that Chief Justice Taney bowed when he called the Constitution a "white man's document."

During the great depression, President Franklin D. Roosevelt persuaded Congress to pass a number of laws designed to improve business conditions through strict Federal intervention. Whether these laws were wise or not is beside the point here. Many businessmen, of course, protested very strongly against them, claiming that they violated their basic rights to do business in the American way. The Supreme Court at first sided with the businessmen, and declared most of Roosevelt's major legislation to be unconstitutional. After his reelection to office in 1936 President Roosevelt turned his guns, and those of the popular majority he represented, against the Supreme Court. In his famous "court-packing" scheme of 1937 Roosevelt proposed to add to the Court a new Justice of his own choosing for each Justice who after having served ten years did not resign at the age of seventy. The President's scheme failed, but the Court suddenly became amazingly willing to approve his legislation. Constitutional lawyers speak of a whole new era of constitutional interpretation as having begun in 1937.

THE JUSTICES OF THE SUPREME COURT, whose task it is to interpret the Constitution, are subject to outside pressure. Let there be no mistake about this. However, this amenability to pressure is not only the ultimate weakness in our Constitutional system; it is also the ultimate strength. It is a weakness because the Justices may interpret the Constitution to please one section of the population at the expense of the rights of another; it is

a strength because the people have opportunity, if they will take it, to persuade the Justices to protect minority rights.

The Court, by design, is far less susceptible to pressure than Congress. Justices are appointed by the President rather than elected to office. They serve for life, unless they resign or are impeached for bad behavior. They may retire after they reach seventy at full salary (\$35,000 a year). For these reasons it is clear that their responsiveness to public opinion is not a mere panic that they will lose their jobs if they do not give in. The Justices tend to reflect popular opinion because they consider it a matter of principle that the government in a democratic society ought to reflect popular opinion. Since they are both aware of the nation's pulse *and* relatively free from mere political pressure, citizens should keep the Court informed of their desire to see liberty maintained.

Under our Constitutional system, liberty in America can be defended so long as the people have the will to see it defended.

THE FOURTH PRINCIPLE is that *the Supreme Court interprets the Bill of Rights by the Preamble.* The Bill of Rights in our Constitution promises that we shall have freedom of speech and religion, the right to trial by jury—all that is involved in “due process of law,” and so forth. But to interpret the Bill of Rights in difficult cases the Justices study the Preamble to the Constitution, the famous paragraph that begins, “We, the

people.” The Preamble states the purposes for which the Constitution was originally drawn up: “To form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.”

“Constitutional law . . .,” states Leo Pfeffer, “is largely concerned with reconciling the last-named purpose—securing liberty—with each of the preceding specific purposes.”² Here indeed is fruitful ground for interpretation! The liberties guaranteed in the Bill of Rights are not absolute; they must be reconciled with the purposes listed in the Preamble.

Think what this means. A pacifist distributes leaflets in wartime, urging the cessation of hostilities, and is arrested. He claims his right to freedom of the press under the Bill of Rights and carries his case to the Supreme Court. There he learns that his activities have interfered with the nation's attempts to “provide for the common defense,” as mentioned in the Preamble, and he is jailed. A number of instances similar to this have occurred.

Are these instances altogether deplorable? Does a man's right to free speech allow him to enter a theater and yell, “Fire! Fire!” when there is no fire? May an anarchist use “freedom of speech” to justify activities that ultimately might result in the destruction of all our liberties, including the freedom of speech itself?

It seems reasonable and wise to limit freedom of speech to that which ensures “domestic tranquility.” Crackpots and those who would overthrow our form

C. W. JEFFREYS, ARTIST

Runaway slaves arrive at the home of Levi Coffin, reputed president of the Underground Railway.



of government must be controlled. But does this mean that *religious* freedom should also be limited to that which promotes "the general welfare" and provides "for the common defense"?

This question is highly realistic. In two famous cases in 1878 and 1890 dealing with the Latter-day Saints, the Supreme Court seriously weighed the Mormon doctrine of polygamy against the intentions of the Preamble and determined that religious freedom under the Constitution does not stretch so far as multiple marriages. "Bigamy and polygamy . . .," the Court stated, "disturb the peace of families. . . . However free the exercise of religion may be, it must be subordinate to the criminal laws of the country."³

In the early 1940's a Mrs. Prince, a Jehovah's Witness, took her three children to a street corner in the town where she lived in Massachusetts. There they displayed and sold denominational literature. Mrs. Prince was arrested and convicted for violating the child labor laws of Massachusetts. She appealed to the United States Supreme Court. In the Prince decision of 1944 the Court weighed the religious freedom guarantee of the First Amendment against the "public welfare" guarantee of the Preamble and decided in favor of public welfare. It concluded that "the right to practice religion freely does not include liberty to expose the community or child to communicable disease or the latter [the child] to ill-health or death. . . . The state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare; and . . . this includes, to some extent, matters of conscience and religious conviction."⁴

The Prince opinion has been used to overrule parents who do not believe in giving blood transfusions to seriously ill infants. It has also buttressed the rights of communities to demand compulsory vaccination of school children.

Decisions like these have commended themselves to the overwhelming majority of the American people, but other decisions have been more controversial.

In 1937 the children of Walter Gobitis, a Jehovah's Witness living in Pennsylvania, were ordered to salute the United States flag even though they cited the First Amendment and claimed exemption on religious grounds from what they called "idolatry." The Supreme Court's decision in the Gobitis case once more put the Preamble above the Bill of Rights, and "common defense" above "freedom of religion." National security is paramount, the Court said, and "national unity is the basis of national security." All must uniformly salute the flag regardless of religious convictions.⁵ Three years later the Supreme Court reversed its decision, also by referring to the Preamble. The Court had decided that "domestic tranquility" is not very well advanced by compelling children to participate in a ceremony that causes them only fear and spiritual condemnation.⁶

In 1934 a number of Methodist students at the University of California refused to enroll for a required course in military training. They claimed exemption under the First Amendment. Expelled from the university, they appealed, their case finally reaching the Supreme Court. There the Justices put "common defense" above "freedom of religion" and said that "every citizen owes a . . . duty . . . to support and defend government against all enemies." The exemption from military service enjoyed by conscientious objectors in America does not, according to the Supreme Court, rest on any statement in the Constitution; it rests solely on laws passed by Congress.⁷

In the controversial Sunday law decisions rendered by the Supreme Court in 1962, Chief Justice Warren justified these laws by saying that both Federal and State governments have for many decades oriented their activities toward improvement of the health, safety, recreation, and general well-being of their citizens. "Sunday Closing Laws, like those before us," he concluded, "have become part and parcel of this great governmental concern wholly apart from their original purposes or connotations."⁸

The Chief Justice admitted that his decision might put an Orthodox Jewish family of Philadelphia out of business with the loss of their capital investment, but he insisted that religious convictions could not stand against laws that advance the public welfare." Justice Douglas emphatically disagreed. "The Court balances the need of the people for rest, recreation, late-sleeping, family visiting and the like against the command of the First Amendment that no one need bow to the religious beliefs of another," he observed. "*There is in this realm no room for balancing.* . . . The religious regime of every group must be respected—unless it crosses the line of criminal conduct."⁹

Thus we see that our freedoms are not considered to be absolute but relative. According to our highest court the Constitution does not guarantee freedoms unequivocally; the legal arbiter of our freedoms is not an immutable sentence in the Bill of Rights. To a great degree it is the reason and judgment of the members of the Supreme Court. But, as we have noted, even these men of sincere conviction are swayed by public opinion. Therefore we must conclude that the freedom of all Americans rests ultimately in the hands of the people. In other words, in *our* hands. Let us guard it well.

★★★

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- ³ *Ibid.*, pp. 530, 531.
- ⁴ *Ibid.*, pp. 575, 579.
- ⁵ *Ibid.*, p. 521.
- ⁶ *Ibid.*, p. 525.
- ⁷ *Ibid.*, p. 506.
- ⁸ *McGowan v. Maryland*, p. 24.
- ⁹ *Branzburg v. Brown*, pp. 8-11.
- ¹⁰ Justice Douglas' Dissent, *McGowan v. Maryland*, p. 16. (Italics supplied.)



HOCKEY PLAYERS EVADE SUNDAY LAW PENALTY BOX

HOW DO you emphasize the flaws in a blue law?

By enforcing it. This, however, is easier said than done, as Charles Dunsire pointed out recently in the *Seattle Post-Intelligencer*.

He cites a telephone conversation with the Seattle police department's complaint bureau during a particularly riotous Sunday night hockey game at the Seattle Ice Arena:

"Hello, I'd like to report a case of law breaking that's in progress."

"Where is it?" the officer inquired.

"At the Ice Arena."

"That's a pretty big area; can you nail it down?"

"Yes, out on the ice."

"Well, there must be officials there to handle the situation . . . what is the situation?"

"There's a noisy or boisterous sport in progress, in violation of state law."

"Which state law?"

"The State Blue Law."

"There are a lot of blue laws; which one do you mean?"

"The one passed in 1909 which has become known as the State Blue Law, specifically prohibiting any noisy or boisterous sport or amusement on Sunday."

"One moment please . . ."

There was a short pause, after which a sergeant took the phone, identified himself, and asked for the identity of the caller.

"Just a citizen," was the reply.

"All right," said the sergeant. "You've registered your complaint."

"What do you intend to do about it?"

"Not a thing," replied the officer.

"May I ask why?"

"I'm not going to enforce any Blue Laws," he answered.

"Why not?"

"If it's something that disturbs the public in general, then I'll do something about it."

Questioned on the status of blue law enforcement in the face of lack of public sympathy for it, the police department, in the spirit of the game, passed the puck to

King County Prosecuting Attorney Charles O. Carroll, who has not prosecuted a direct violation of the blue law during his fourteen years in office, though he stands, as Mr. Dunsire put it, "ready and willing."

"If the police or the sheriff, who have the responsibility for enforcement, want to enforce the law and bring in evidence, we will file charges," Carroll declared.

State Attorney General John J. O'Connell, says Mr. Dunsire, "believes that, theoretically, the Blue Laws are enforceable."

"I don't think any law is unenforceable—if you can get the people who can enforce it to enforce it," said Mr. O'Connell. "It may be unpopular to enforce, but if you set your mind to it, you can enforce it."

What we would like to know is, Who ended up with the puck?

R. R. H.

TO SEED OR NOT TO SEED

ON THE religious liberty storm front it never rains, it pours. Take what's happened in South Africa. Rockets—those that produce rain rather than satellites—have started a new controversy.

The rockets, manufactured by a factory in Cape Town, are used by farmers in South Africa's desert regions to "seed" rain clouds. For a \$25 investment in a rocket many farmers have been able to save their crops from drought. Others, whose aim is not so good, have started downpours on neighboring farms rather than their own.

Now members of the Dutch Reformed Church have objected in their church magazine that it is against the Bible to "make" rain and send up satellites!

We hope the problem can be settled amicably by the theologians of the church. But a horrible thought intrudes: What if the factory producing the rockets is subsidized by the South African Government? Or what if the government there takes care of its farmers as we take care of ours? Farmers might even be paid to make rain to make more crops to make more surpluses to make more taxes to make more rain. (If that sentence doesn't make sense, don't worry; neither does the subject.) Then we would have tax money paid by Dutch Reformed Church members being used to finance a seeding program which they consider immoral.



HEBER H. VOTAW

Heber H. Votaw's dedication to freedom was a consequence of both heritage and training. His ancestors were French Protestants who settled among the Quakers of Pennsylvania before the American Revolution. Having known religious persecution in Europe, they became passionately dedicated to the traditions of religious freedom and minority rights enunciated in the American Constitution. By the time Heber was two and a half years old his father had begun to teach him the Declaration of Independence.

Both as his church's first missionary to Burma—he established that country's first manual training school—and in his later work in the Government—he was to become Superintendent of Federal Prisons—Heber Votaw was a staunch defender of individual liberties. Possessed of the courage and ability to communicate his convictions, he spoke fearlessly and eloquently whenever injustice threatened.

In 1927 he joined the LIBERTY staff and for twenty-seven years served either as associate editor or editor. He retired in 1954.

The last few months of his life were filled with intense suffering. But those who called to cheer him found themselves cheered by his abounding faith in the goodness of God. When he died at eighty-one on October 7, 1962, he left his fellow men more secure in their freedoms because of his untiring vigilance.

SANFORD M. HARLAN

Today LIBERTY prints the name of its art editor. But for many years it did not, and for thirty-six of those years Sanford M. Harlan served unsung.

His name did appear in LIBERTY as an author, for he combined to an unusual degree artistic and literary abilities.

Mr. Harlan's record of service with the Review and Herald Publishing Association was even longer. No other employee has matched his fifty-five years of continuous service. In a sense he serves yet, for the name Harlan still appears over the desk in the art department where his son Russell carries on the family artistic tradition. (For a sample of his work, see the July-August, 1961, LIBERTY cover.)

LIBERTY was a better magazine for Sanford Harlan's work. He died at seventy-six in Orlando, Florida, June 3, 1962.



(By the way, what *is* the situation in Chicago, where public tax money is being used to support birth control clinics—much to the discomfiture of Roman Catholic Church officials? Have they got that one settled yet?)

As we said, it never rains, it pours.

R. R. H.

CLERICALISM—THREEFOLD

A PROTESTANT political pressure group is no good.

A Jewish political pressure group is no good.
A Catholic political pressure group is no good.

But add them all together and they spell Mother, Bible, and Patriotism.

So it would appear from a proposal made by Rabbi Morris Adler to the National Conference on Religion and Race, which met in Chicago recently. Said Rabbi Adler: "We have the right to exert political pressure. . . . You cannot accomplish anything without political pressure. I would not like to see a Catholic pressure group or a Jewish political party or a Protestant one."

"But a pressure group of all three faiths is necessary for translating our ideas into action." Asked whether he was actually proposing a lobbying group that would lobby in Washington, D.C., Rabbi Adler said, "Yes I am. . . . Like the AMA or the Chamber of Commerce. I don't mean sending postcards."

When asked, "Can't the church get itself lost in terms of becoming just another political grouping?" the rabbi admitted that "there is no question of the real danger." "But," he added, "if the only way the church can keep its soul is by losing its organization, it ought to do it."

Reaction to the rabbi's proposal was described as "largely favorable."

Somehow the logic escapes us: A single-barreled political shotgun aimed at a legislature is dangerous, and Rabbi Adler would not like to see it; a three-barreled political shotgun is dangerous, and Rabbi Adler would like to see it. Of course, the proposal *does* make sense as far as the three political "hunters" are concerned. Operating alone, they might get in one another's line of fire. Operating together, they can concentrate their fire on the legislators as well as on the millions of citizens who are not Catholic, Jewish, or Protestant, represented by the legislators.

Clericalism has always added up to real danger. Far from saving the church's soul, it has cost the church both its soul and its organization. Men who know history—and human nature—will reject Rabbi Adler's proposal.

So also will men who know the Word of God. For was it not the God of Abraham, of Isaac, and of Jacob—the God of Jew, Catholic, and Protestant—who said, "Put not your trust in princes . . . in whom there is no help," but "trust in the Lord"? (Psalm 146:3; 118:8.)

R. R. H.

CATHOLIC SCHOOL'S RIGHT TO EXPEL THREE STUDENTS UPHELD

THE decision by New York State's highest court that a Roman Catholic university had the right to expel three Catholic students for participating in a civil marriage ceremony is a right one. The Court of Appeals by a 7 to 2 vote, said St. John's University of Brooklyn acted "not arbitrarily, but in the exercise of an honest discretion" in expelling the students.

The university based its expulsion on "ideals of Christian education and conduct." We do not agree with the university's interpretation of what constitutes wrong conduct. But we heartily believe that a church institution has the right to set its standards and adhere to them.

Should the day come when Government funds pay St. John's teachers and otherwise subsidize its operations, then we shall maintain the right of St. John's students to adhere to community mores without penalty.

R. R. H.

CONCORDATS AND RELIGIOUS FREEDOM

BISHOP ZYGMUNT CHOROMANSKI, secretary of the Roman Catholic episcopate in Poland, has said there is no chance of a concordat between the Polish Communist Government and the Vatican unless religious freedom is restored in that country. The bishop was replying to rumors circulated after Zenon Kliszko, a high-ranking Polish Communist leader, had mentioned such a possibility during a recent lecture in Rome.

Particularly mentioned as barriers were "exorbitant" taxes imposed on church property in Poland, the eviction of nuns from convents, and state interference with the teaching of religion in churches and at catechetical centers.

Meanwhile in Colombia, Attorney General Dr. Andres Holguin has declared that absolute religious freedom is granted by the nation's Constitution, but that it has been denied Protestants because of concordats with the Vatican. Dr. Holguin mentioned two in a report to the President: the Circular Orders and the Agreement on Missions.

The Agreement on Missions, signed in 1953, was negotiated in secret and signed under a state of siege when congress was suspended. According to Dr. Holguin, the Agreement violates the Colombian Constitution on at least seven points. Because it is an international treaty, the concordat must be submitted to congress for approval; because of its unconstitutionality the Roman Catholic Church has blocked every effort to do so.

The Circular Order was issued by Dr. Lucio Pabon-Nunez, minister of government during 1953-1957. Strongly anti-Protestant, it prohibits non-Catholic worship. As recently as June, 1962, the Jesuits of Colombia

called upon the government to enforce it against non-Catholic pastors carrying on "proselytizing work or public worship."

Here we have a novel situation: In Poland the hierarchy refuses to sign a concordat unless "religious freedom" is restored; in Colombia religious freedom is denied Protestants in violation of the Constitution because of concordats.

We here speak both for the freedom of the Catholic Church in Poland and for the freedom of the Protestant churches in Colombia. And if a concordat granting "religious freedom" is signed by the Vatican and Poland, let us see that the same agreement does not circumscribe the rights of Protestants.

R. R. H.

There Came a Day

From page 9

Queen Esther presents her real request: "If I have found favour in thy sight, O king, and if it please the king," she pleads, "let my life be given me at my petition, and my people at my request: for we are sold, I and my people, to be destroyed, to be slain, and to perish."

Esther has taken her stand irrevocably. She has identified herself with a condemned people. It can mean her death. It can mean her life and the lives of her people. With head bowed she awaits the decision.

The king is struck dumb. "Who is he, and where is he, that durst presume in his heart to do so?" he roars. Slowly the dark eyes turn in the direction of the other guest. Open-mouthed, Haman stares at the queen. His face becomes ashen. The wine cup drops from fingers that tremble as the words envelop him:

"The adversary and enemy is this wicked Haman."

Greed receives its reward as Haman is hanged from the very gallows he had erected for Mordecai. And the tragedy swings full circle to disaster when the king, at the request of Esther, extends the immutable law of the Medes and Persians, permitting the Jews to gather together and fight for their lives. Instead of destroying a minority group, seventy-five thousand enemies of the Jews perish on the "day of extermination."

Was it the psalmist David who declared: "The Lord will not cast off his people, neither will he forsake his inheritance"?

Through the annals of history, both Biblical and secular, the most treasured possession of man has been his freedom to observe the dictates of his conscience, to follow his God where and how his God may lead without interference from man or government. And this is as it should be, for it is not in the province of man to obliterate the conscience, to force another's will, to impose upon another reverence he cannot feel. When men deny these rights, there comes a day. . . .

★★★



UNITED STATES

Comments "Vulgar, Suggestive," Radio Station Loses License

Washington, D.C.—The Federal Communications Commission unanimously revoked the license of radio station WDKD, Kingstree, S.C., for permitting a disk jockey to broadcast material it described as "coarse, vulgar, suggestive, and of indecent double meaning."

In its drastic action, the first revocation of a license on such grounds in the history of the Commission, the FCC said that it believed station owner E. G. Robinson, Jr., "knew the true character of the broadcasts and that his denials thereof were purposeful misrepresentations and false statements."

It added that Mr. Robinson did not exercise "the appropriate degree of control and supervision of programing expected of a licensee and commensurate with his responsibility as a licensee." It held that renewal of WDKD's license "would not serve the public interest."

The station owner was told WDKD could remain on the air until February 8 "to wind up its affairs." At that time, unless the FCC action was stayed by an appeal to the Federal courts, the station was to go off the air.

Protests by members of the clergy in the Kingstree area touched off the year-long investigation of the station's programing policies which led to revocation of its license.

Black Muslims' Petitions Rejected as "Frivolous"

Alexandria, Virginia.—Petitions from Black Muslim adherents protesting that prison officials ignored their religious dietary laws in preparing meals at Lorton Reformatory were rejected as "frivolous" by a Federal court here.

The sect members, confined to the reformatory operated by the District of Columbia, said their religion requires abstinence from pork.

At a hearing before Federal Judge Oren R. Lewis, Supt. Paul F. Pegelow testified that he had arranged for two special pork-free meals a day to be served the Muslims during the month of December, which they asserted was a "special holy month" for them.

They insisted the meals be served after sundown and

before sunrise. They claimed that the definition of sundown in the Koran requires that two threads, one white and one black, be hung side by side, and when it is too dark to distinguish them, it is permissible to eat the first meal of the fast day. Superintendent Pegelow said he followed the time of sundown as fixed by the U.S. Naval Observatory and that the prisoners were offered another meal before official sunrise.

Judge Lewis dismissed the prisoners' complaint.

Inmates at the reformatory have been permitted to conduct Black Muslim religious services since issuance of a Federal court ruling last year. The services include expressions of race hatred for "white devils."

Black Muslims are now suing to require the Government to employ one of their ministers as a chaplain at the institution with the status of Protestant, Catholic, and Jewish chaplains.

Quaker Marriage Procedure Upheld in Kentucky

Frankfort, Kentucky.—A wedding ceremony performed according to Quaker tradition—with the couple saying their vows before the religious society, and its clerk signing the marriage certificate—is legal under Kentucky laws, the State attorney general's office has said.

In reply to a query received by that office, John B. Browning, assistant attorney general, wrote:

"It is our opinion that if one of the parties to the marriage is a member of a recognized religious society such as the Quakers, it is legal for the marriage to be solemnized by consent given by the parties in the presence of the society."

He said the marriage was legal even if the society has not yet established a definite or permanent place of worship. The Quaker practice, he observed, "is to solemnize marriage at whatever place is currently designated as the regular place of worship."

Regarding the handling of the marriage certificate, Mr. Browning said that a copy, along with the license, should be returned to the county clerk within three months after the ceremony. The certificate, he said, should be signed by the society's clerk and at least two witnesses, and include the date and place where the marriage was performed.

At Home Briefly

Opposition to a revised Sunday closing law in Minnesota that would provide a Sunday option for those who abstain from work on Saturday has been voiced in an editorial in the *Catholic Bulletin*, official organ of the St. Paul archdiocese. ● The Cincinnati United Church of Christ's Council for Christian Social Action has suggested that tax deductions for parochial school tuition may be one way of reconciling opposing positions on Federal aid to church-related schools. ● Detroit's Common Council has voted unanimously to endorse legislation that would provide for sale of liquor on Sunday. Approval of Michigan's legislature would be required before the current ban on Sunday sale of liquor could be ended. Gov. George Romney has announced he will not veto any legislative measure that would allow Sunday liquor sales in Detroit. Businessmen said the move would provide a boost for the city's growing convention business. ● A District of Columbia court has upheld the provisions of a trust that would deprive three children of an interest in their father's estate unless they are raised as Roman Catholics. ● Providing bus transportation for Minnesota's private and parochial school pupils living a mile from their schools would cost the State about \$5,250,000, according to State Senator Robert R. Dunlap. ● The United States Supreme Court has agreed to hear an appeal from a Seventh-day Adventist that South Carolina has unconstitutionally discriminated against Sabbatarians by requiring them to accept employment on Saturday or forfeit State unemployment compensation rights.

CANADA

Court Seizes "Public" Textbooks at Roman Catholic School

Winnipeg, Manitoba.—A court bailiff entered a Roman Catholic elementary school in suburban St. Vital, near Winnipeg, to seize 60 textbooks.

The action was part of a test case forced by parents of parochial students.

In recovering the books, Lewis J. Lavack, the bailiff, was armed with a court order requested by the St. Vital District Public School Division.

The issue arose when some Catholic parents registered their children in public schools, where they were issued free texts. Later, the children were withdrawn and registered at St. Emile's parochial school. They retained the books distributed at public school and used them in classes at St. Emile's.

Their parents maintained that since the students had been given books at public school as a legal right, that right also obtained in their new status as parochial pupils.

District officials brought suit because they feared a

trend would be established, with students registering at public schools merely to receive books and then moving on to church-related schools. A countersuit by parents is expected, with the possibility that the case may be carried to provincial courts.

Annulment Barred Catholics Married Before Minister

Montreal, Quebec.—A judge has ruled that the marriage of two Roman Catholics cannot be annulled because the ceremony was performed by a Protestant minister.

In denying a petition for annulment from Mrs. Bernard Francoeur, Justice J. P. Charbonneau of Quebec's Superior Court cited a ruling made 50 years ago by his father, Justice Napoleon Charbonneau.

It said, in effect, that any appropriate authorities may perform wedding ceremonies "irrespective of the religious beliefs of the parties concerned."

Mr. and Mrs. Francoeur were married 20 years ago in Kenogami, Quebec, by a clergyman of the United Church of Canada.

FRANCE

Paris Court Upholds Ruling of Child's Choice of Religion

Paris.—An appeals court has upheld a magistrate's order keeping a 16-year-old girl in a Roman Catholic institution despite the objections of her parents, converts to Protestantism.

A year ago the girl, identified only as Agnes G., complained to a magistrate about the "excessive severity" of her parents and said she wished to be raised a Catholic. The magistrate acceded to her wishes, placing her in a Catholic boarding school. The girl's parents appealed the decision.

The case had aroused considerable interest in French legal circles because it involved the conflict between the principle of parental authority and a minor's freedom of conscience.

In upholding the magistrate's decision, the Paris Court of Appeals noted that although, in principle, parents may choose the religion of their children, the court must also take into consideration the health and security of minors. In this case, the court said, Agnes' father had been so harsh and dictatorial that the girl had had a nervous breakdown.

The appeals court pointed out that the mother superior of the school Agnes attended had asked her several times whether she wished to practice Protestantism while still remaining at the institution. The girl had refused, the court said.

It also noted that the girl will leave the Catholic school at the end of the year to train in a state technical school.

GERMANY

Obscene Literature Protested

Bonn, Germany.—Roman Catholic and Protestant authorities in West Germany have called on the federal government for increased efforts to halt the spread of obscene literature because of its "devastating effect" upon young people.

They referred to statistics issued recently by the Federal Literature Investigation Board which disclosed that 164 foreign publishing houses or export firms are still channeling 240 salacious periodicals into the country.

The report said that most of the publications come from the United States, followed by Sweden, England, and France. The U.S. products were described as particularly objectionable because of an "ugly mixture of sex and sadism."

MALTA

Labor Party's Sunday Printing Operations Hit by Prelate

Valletta, Malta.—Roman Catholic Auxiliary Bishop Emmanuel Galea, vicar general of the Malta archdiocese, has condemned operation of the Malta Labor Party's printing press on Sundays and Catholic holy days of obligation.

In a letter to the parish priest of a town where the work was being done, Bishop Galea called for an Hour of Adoration "as reparation for the scandal."

Addressing a Labor Party conference, the organization's top leader, Dom Mintoff, said he was surprised at the bishop's condemnation of the Sunday activity since "they" work on Sundays.

RUSSIA

Baptism "Health Menace," Says Radio Moscow Program

Moscow.—Baptism was castigated as a "health menace" and a "senseless and dangerous rite" in the weekly pro-atheist broadcast of Moscow Radio.

The Communist commentator said that "thousands" of babies died of pneumonia following christening ceremonies, and that "weak hearts" and "weak lungs" in adults had been traced to baptism in their early years.

In an all-out attack upon religious practices the broadcast had as its theme religion's "threat" to health. Life expectancy in the time of the czars, it said, was only 32 years because religion was widespread and baptism was administered to almost all Russians.

It added that during the Communist regime life expectancy has risen to 69 years, largely because of government health services and the fact that fewer baptisms take place.



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*Alfred E. Smith, Governor of New York State
Veto message, 1920, N.Y. Legislature
Quoted by Justice Douglas
An Almanac of Liberty, p. 256*



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