

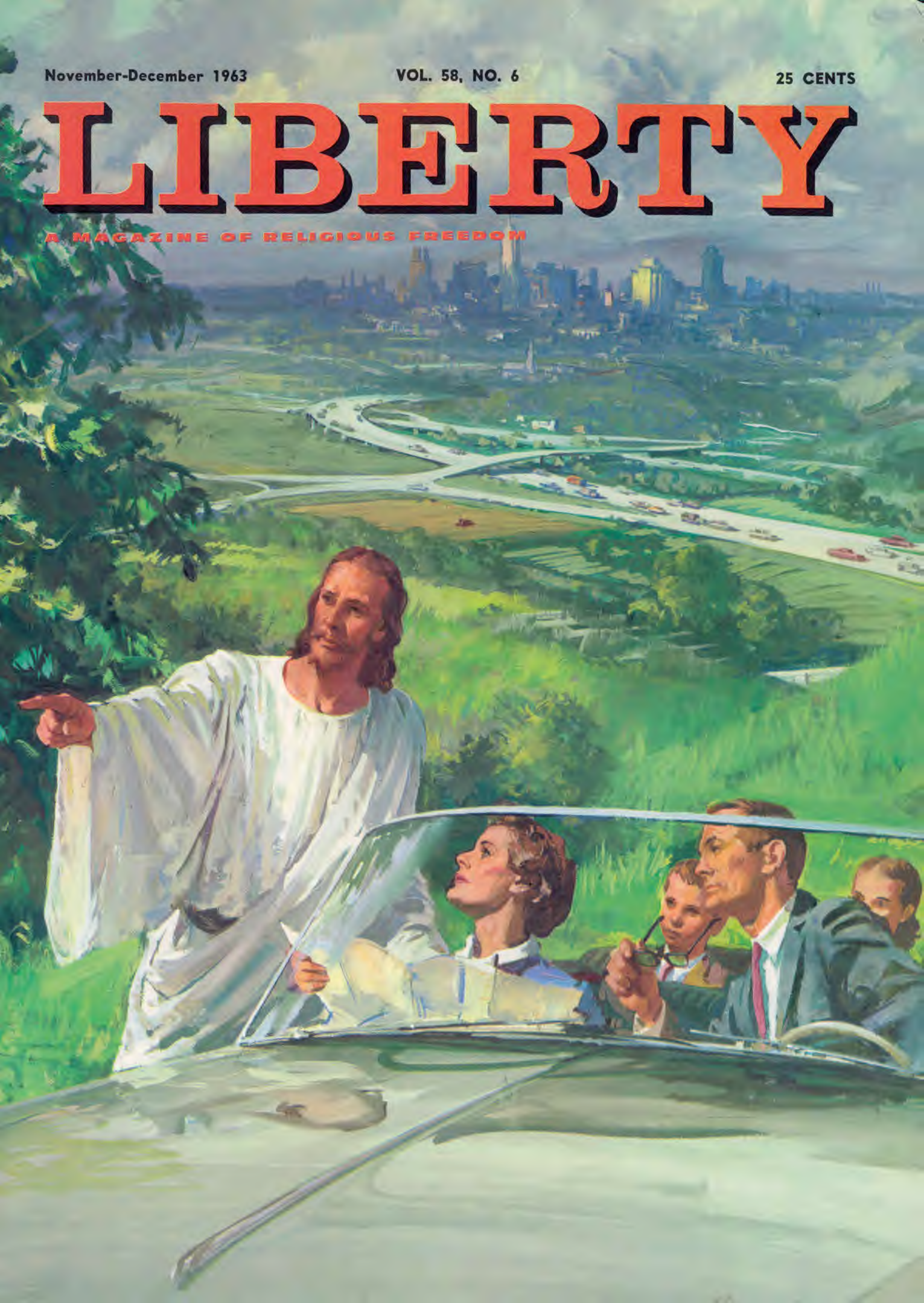
November-December 1963

VOL. 58, NO. 6

25 CENTS

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM





PARK CHURCH

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LIBERTY

Washington
D.C.

A MAGAZINE OF RELIGIOUS FREEDOM

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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 rights 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 freedom, as 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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The Case of the MISSING TOLERANCE

LIBERTY lacks tolerance and I can prove it," writes a reader, tongue in tolerant cheek. Alas he can—and did! Each November issue of *Liberty* contains an Index. In the Index to volume 57—January through December, 1962—he read through such entries as Freedom, General; Freedom, Personal; Human Rights; Intolerance.

"Under Intolerance," he says, the reader is directed to "See Tolerance." But the Index—fittingly, as Benjamin Franklin would likely observe—ends with "Taxes."

So it does, much to the consternation of the Index compiler recently confronted with an editor lacking tolerance. *Liberty* for 1963 has it, as a look at the Index will prove. Frankly we wonder if it is much of an improvement. The staff never did like the word—who wants simply to be tolerated? Human rights are human rights and we *respect* them. Join us, anyone?

★ ★ ★

Freedom is a magic word in Africa, where, during the past 12 years, 29 nations have cast off the authority of colonial governments.¹ Unhappily, millions of Africans who sought freedom in escape from the authority of the past are finding themselves slaves of new tyrannies. Disturbed by the trend, African lawyers, jurists, and teachers met recently in Lagos, capital of Nigeria. Their conference, under the sponsorship of the Internal Commission of Jurists, was planned to impress native African leaders that true freedom can be achieved only by guaranteeing the individual his personal rights under a rule of law.

Africa's problem might well be studied thoughtfully by all who seek to achieve and to preserve freedoms—civil, social, and religious. Especially should its lessons be learned by those religiosophists who, with Schleiermacher, have rebelled against the idea of authority in religion, who prattle that there is no law, that man is free—only themselves to be bound up by the tyranny of sin and self.

Diplomat George Kennan states the fundamental lesson forcefully:

"Wherever the authority of the past is too suddenly

and too drastically undermined; wherever the past ceases to be the great and reliable reference book of human problems; wherever, above all, the experience of the father becomes irrelevant to the trials and searchings of the son—there the foundations of man's inner health and stability begin to crumble."²

Reason, perhaps, why the wise man urged: "Remove not the ancient landmarks, which thy fathers have set" (Proverbs 22:28).

ROLAND R. HEGSTAD

¹ Algeria, 1962; Burundi, 1962; Cameroons, 1960; Central African Republic, 1960; Republic of Chad, 1960; Republic of the Congo—Leopoldville, 1960; Brazzaville, 1960; Republic of Dahomey (still associated with French); Gabon, 1960; Ghana, 1960; Guinea, 1958; Republic of Ivory Coast, 1960; Libya, 1951; Malagasy, 1960; Republic of Mali, 1960; Islamic Mauretania, 1960; Morocco, 1956; Republic of Niger, 1960; Nigeria, 1960; Rwanda, 1962; Senegal, 1960; Sierra Leone, 1961; Somalia, 1960; Sudan, 1956; Tanganyika, 1961; Togoland, 1960; Tunisia, 1956; Uganda, 1962; Republic Upper Volta, 1960.

² H. Jack Geiger, M.D., "Waking Sickness"—Scourge of the New Africa," *Reader's Digest*, LXXVIII (January, 1961), 121.

LETTERS

LIBERTY ON CAMPUS

DEAR SIR:

We very much appreciate having your magazine *LIBERTY* to share with our students. It is our aim to provide a wide range of opinions against which students may test their religious convictions. Your magazine provides a point of view not unlike that of the Methodist Church. One of your recent articles pointed out, I believe, that in regard to certain legislation before the Congress, only the Methodists and the Seventh-day Adventists took the trouble to appear before the committee to raise appropriate questions about its passage.—REV. ALAN R. CLEETON, campus minister, University of Colorado, Boulder, Colo.

ATHEISTS—GOOD CHRISTIANS?

DEAR SIR:

I was shocked to read in the *Chicago Tribune* of the burning of Summerlane school in North Carolina by a group of Baptist farmers. If this sort of behavior is typical of "God-fearing Christians," then I hope atheism carries the day. It is instructive to look at the record of religious persecution in America, and to note that there are many recorded cases of Catholics, Protestants, Mormons, Jews, agnostics, atheists, and other groups suffering persecution at the hands of locally powerful religious groups. Again examining the record, there are no cases found of atheists persecuting religious minorities. From the record the amazing conclusion emerges that atheists

have on the whole been better Christians than many Christians have been.

The intolerance of the North Carolina Baptists is frightening in another way. It is this group, with others, that has been demanding the restoration of prayers and Bible reading in public schools. Yet they are unwilling to allow a dissenting minority to practice its own beliefs in a private school. Thus it appears that some of the proponents of prayers in the schools want to brainwash all children into accepting the Christian orientation of these prayers and readings. If the result of this is to produce Christians such as the ones who raided and burned a children's school in North Carolina, I think we are much better off taking our chances with atheism.—FREDERICK A. LERNER, *Chicago, Ill.*

LIBERTY—MUST HAVE

DEAR FRIENDS:

I have received two lovely copies of LIBERTY, one May-June issue and one July-August. And I love them. I want to know if someone has subscribed for me or if they are only sample copies. But even so, I want to subscribe to it and extend the subscription, whichever it is, to two years, for this magazine I must have.—ALICE H. POOLE, *Washington, D.C.*

FULL CITATIONS, PLEASE

DEAR SIR:

I have read several issues of LIBERTY and find them very informative. However, being a law student (at the University of Virginia), I find it inexcusable that in many of your articles references are made to court decisions simply by name without giving the citation of the case. The citation would enable an interested person to locate the case without having to scan through hundreds of volumes.

For example I seem to remember an article which mentioned the *Engel v. Vitale* case dealing with an official prayer adopted for New York public schools. Fortunately, I was familiar with the case and did not need to look it up. However, had I wanted to read the case, I would have had to waste time searching for it. To solve the problem the author needed only to give the citation after the name as follows: *Engel v. Vitale*, 370 U.S. 421 (1962).

Also, in the May-June, 1963, issue on page 28, footnotes 8 and 9 make reference to cases by citing only the page numbers, but page numbers without volume numbers are of little value.

I feel that LIBERTY should adopt a policy that all references to court decisions should be properly cited. Such a policy would certainly be of service to those interested enough to follow up on the cases after reading the article.

I would appreciate your thoughts on this point.—GEORGE Y. BIRDSONG, *Charlottesville, Va.*

[We repent in sackcloth and ashes! Beginning with the January-February, 1964, issue, when direct quotations are used from cases, we will give the full citation.—ED.]

GOD SAVE AMERICA

DEAR SIR:

Your July issue with the cover depicting Uncle Sam holding aloft a country church and the capitol building is very good. It shows the policy of your company to be one advocating our nation as a Christian one. God bless you!

NOVEMBER-DECEMBER

Also, the hymn "God Save America" is an excellent effort on your part to create interest in new music apropos to our critical concern. Congratulations!—HARRY JANZEN, *Minister of Music, First Methodist Church, Clarksburg, W. Va.*

KEEP THEM SEPARATE

DEAR SIR:

It was with a great deal of enjoyment that I read your editorial ("Keep Them Separate") in the July-August, 1963, issue.

I hereby request your permission to have said editorial printed in the *South Baltimore Enterprise*, a neighborhood newspaper. Due credit, of course, will be given to the source.—JOHN B. FOX, *Attorney at Law, Baltimore, Maryland.*

HOLY BOOK OR TRANQUILIZING PILL?

DEAR MR. HEGSTAD,

I have just read your article in the July-August issue, and enjoyed it tremendously. It is easily the most vivid blow-by-blow I've read on the case, as well as what I feel is the best commentary I've seen anywhere, not excluding, in the least, the *Law Reviews*.

I was only sorry, personally, that you stopped your description of my performance after the "opening aria"—which is not to criticize your article, for it was centered on my poor opponents, who were armed, perforce, with very little to work with constitutionally. My heart went out to them, as one lawyer to another, for being forced to skirt so close to the edge of the ridiculous with that Court. I was not surprised that they tumbled over the edge rather frequently. As a lawyer, I grimaced for men doing their advocate's duty.

I would like to explain one thing: When Mr. Justice Stewart announced that he did not find "those" words [a wall] in the Amendment, I was absolutely flabbergasted. We all, including the honorable and very intelligent Justice, well knew that the phrase was Jefferson's and was from *Everson*, in interpreting the First, and that it had been strongly and recently reiterated in *Torcaso* and *McGowan*.

I certainly was not going to insult the intelligence of the Justice by telling him what I knew he knew. And I have wondered often since what he had in mind in asking it? I think he certainly came to the Bench that morning with his pistol primed and a cartridge loaded—with that question. He must have expected me to answer, "Why, Mr. Justice, in *Everson* . . ." but tactically, it seemed to me a quite obvious ploy in advance of a prepared expression of disagreement with Jefferson. So besides being unwilling to demean my listeners, I made the conscious choice of trying to throw the honorable Justice off stride.

Do you happen to remember Mr. Justice Black's last remark to me? It moved me almost to tears, yet I cannot remember it. It seemed to me then such a beautiful close that I immediately abandoned my own (which was perhaps to include a prayer, but which I feared greatly would thus be too flamboyant) and said to him, "Thank you, Mr. Justice," as softly as I could, and sat down.

It was great fun. This Court is the greatest we have ever had. They are the nation's experts on First Amendment problems. The legal, philosophical, and historical scholarship in *McGowan* and *Torcaso*, and now in *Schempp-Murray* and in *Sherbert*, gleams. In a "pure" constitutional case, a Bill of Rights matter—as opposed, say, to a water-rights case, or a workmen's compensation matter involving procedural or background or administrative complexities—no lawyer actually

serves much more than a formal function; nor did I. Consequently, being prepared to the hilt, as one cannot help being, and knowing well that I would find the majority of the Court with me, I was relaxed.—LEONARD J. KERPELMAN, *Baltimore, Maryland*.

THE SUPREME COURT AND SCHOOL PRAYERS

DEAR SIR:

I am much impressed with the articles in your current issue for July and August, 1963, especially in regard to the Supreme Court's decisions on public school prayers and Bible reading.

On the question from the religious point of view I think you omit one important consideration. Children should not receive the impression that there is no power to which their allegiance is due higher than the state. Granted that the routine recital of a prayer to God is not an effective teaching of either religion or morality, and granted that the teaching of religion is not a proper function of the state, yet such a formal opening of the school day is a definite teaching that there is a spiritual power that transcends the state's authority.

Atheists may be excused from participating without weakening the effect of this teaching on the majority, whether they be believers or indifferent.

This is not to make believers of the children but to let them know that our Government was founded to protect unalienable rights that come from a higher source than the people themselves, who neither created those rights nor are able to abolish them. They can, of course, refuse to recognize or defend them, but that the rights exist and come to us all from above is a cardinal principle that underlies the right of government itself to exist.

If it is unlawful to let school children, educated at public expense, learn about this principle, then our scheme of education is a fraud. You will perhaps say that it can be taught by reciting the Declaration of Independence, instead of the Lord's Prayer. But why would not this be unconstitutional also? It amounts to the same thing—that there is a God who created the world and is its supreme authority, and the Author of man's rights.

On the Constitutional question I submit that the Supreme Court has no jurisdiction over the subject. The First Amendment was a restriction on Congress only, and the Fourteenth Amendment contains no such language. What it does is to forbid the several States to deny due process of law or equal protection of the law to their inhabitants. What have either of these phrases to do with the voluntary recital of prayers in public schools? An argument may be made for prohibiting the subsidizing of private schools, although they now all enjoy tax exemption, as do churches. Are you opposed to such exemption? I should say the short answer is that a State or any other taxing power can reasonably classify property for taxation, and if it chooses to exempt property dedicated to purposes other than economic advantage that is entirely reasonable, and in the case of private schools there is good consideration for the exemption in that they lift much of the burden of school taxes from the public.

But in any case, none of these laws, except possibly the Sunday closing laws, in the slightest degree deprive anyone of due process or equal protection. Maybe the Seventh-day Adventists should be allowed Saturday off without penalty, though that would in effect give them greater privileges than others enjoy.

At any rate the Court had neither right nor reason on its side when it held that every phrase in the first Amendment became binding on the States when the Fourteenth was declared adopted. The States might very well dispense with

grand juries if they saw fit without offending anything in the Fourteenth Amendment. I believe some have done so. In England where there has always been a state church, no one can say that the inhabitants have thereby been deprived either of due process (which was first required there by the Magna Charta) or of equal protection of the laws.

The question put by Warren, C. J., about Hawaii is in point. The several States have quite different problems, especially an extra-continental State. There is no sense in torturing language to bring them all under an inflexible rule, so long as they preserve the substance of the liberty for whose preservation the Constitution was ordained.—THOS. F. CADWALADER, *Attorney at Law, Baltimore, Maryland*.

FOR WINEY WORDS, AN ANTIDOTE

DEAR SIR:

Your renewed intoxication with winey words [From the Editor's Desk, July-August LIBERTY] prompts me to offer an antidote, especially to the file on bigotry; that which still drags about with great clanking of chains the skeleton of Maria Monk, phony Knights of Columbus oaths, and Inquisitorial ghosts; that which sneers at the sincerity of the charity underlying the words "separated brethren."

You may as well sneer at Christ; others did and do. It was He who expressed the desire "that all may be one," not ecclesiastical band players. The scandal lies in the fact that all Christians have been so engrossed in tooting their own horns, they haven't paid much attention to the leader of the band, namely Christ.

The very narrow-mindedness which you accuse the church of, and there is no mistaking which church you accuse, is the same narrow-mindedness you are displaying in defense of half-truths. If you are not broad-minded regarding half-truths and untruths, why should the church be broad-minded regarding the whole truth? Christ was not broad-minded; His teachings were not broad-minded; so much so "that many of his disciples walked no more with him." St. Paul was not broad-minded. He decried anything but "one Lord, one faith, one baptism" (Eph. 4:5).

"Turnips, indeed, may be broad-minded" and it may "be human to have opinions," of which Plato remarks, "Opinions are the lowest form of knowledge," but the truth is still the truth and like the fat in any broth, will rise to the top. Watch that pot, sirs; you may have difficulty keeping the lid down.

{Off with the lid, sir, and let the "fat" fall where it may.—ED.}

OUTSTANDING MERIT

DEAR SIR:

In the May-June issue of LIBERTY there were several articles which I consider of outstanding merit. I would mention particularly "Our Vanishing God" by M. L. Ricketts, and "The Christian Amendment" by W. W. Finlator.

Since there are also members of the congregation which I serve who would be benefited by reading these articles, I am herewith requesting permission to mimeograph these articles so that they may be inserted in our weekly bulletins. We would be making about 325 copies, if permission to do so is granted. I am convinced that it is important that our people think correctly with regard to these issues, which are dealt with in the articles referred to.—A. T. KRETZMANN, *Pastor of Trinity Evangelical Lutheran Church, Crete, Illinois*.

Turn to page 34

LIBERTY, 1963

FREEDOM

Is

Not

Negotiable

Freedom cannot be put in a bottle, or on a stick like a popsicle, or sliced, or weighed out in pounds. You cannot reduce it to print, or compress it, or define it, or spray it, or explode it. It is teasingly remote in one way, but deeply personal and prescient and immanent in another.

Freedom is a gift of God to all men, everywhere, for all time.

You can try to sell it or exchange it for security. But what you get in the deal is slavery, or slow death. The other word is security.

You can try to buy it. But you cannot really buy it, no matter how much security you think you are willing to throw into the scales, for **FREEDOM IS NOT NEGOTIABLE!**

You have it, that is, whether you like it or not, whether you appreciate it or do not use it. You got it when you were born. You will have it until you die. And no man or state or dictator, no matter how tyrannical, can take it away from you.

The Declaration of Independence states with crystal clarity that all men "are endowed by their Creator with certain unalienable Rights." Here is the precise and exact meaning of the word "unalienable": *freedom cannot be taken away—ever!*

We may not appreciate freedom enough to exercise it. We may not practice it. We may ignore it. We may pass laws or insensibly allow our representatives to pass laws to limit, obscure, or circumvent freedom. But with or without us freedom remains, set by the hand of God, fixed in eternity.

We can stand up tall and live up to it or we can supinely lie low and let it go by without us.

And freedom will surely go by without us if that is the way we want it.

DONALD HAYNES



LET'S HAVE A BUDDHA DAY!

ABOLISH Christmas and Good Friday? Establish Buddha Day? Not exactly—but this is what people of Hawaii believed would happen if two bills introduced into the Hawaiian Legislature were passed.

And most of them missed the vital questions the two bills did raise.

Democratic State Senator Kazuhisa Abe was the man in the middle. On February 28 he began one of this year's most spirited public debates by introducing a bill into the legislature to amend the law making Christmas and Good Friday paid holidays for State employees. In another bill he sought to amend the law to provide that the "eighth day of April, to be known as Wesak Day," would be a paid holiday for State employees. It was the latter date that came to be known as Buddha Day.

Public outcry was immediate. "Christmas and Good Friday are among our greatest traditions," said Evangelist Billy Graham, who was recuperating in the islands from an illness that had caused him to cancel his Far East crusade. "If we take away these days, we are taking away the basis of our way of life, our religion."

Monsignor Charles A. Kekumanu, chancellor of the Roman Catholic diocese, was less restrained: "The State of Hawaii and the other forty-nine States ought to be amazed at the arrogance of those who insult God-fearing people by stamping out the traditional observance of the greatest Christian feasts of the year."

Others charged Senator Abe with playing politics and trying to "sledge hammer" an acceptance of Buddha Day as a holiday.

Even the Buddhists were unhappy. Before Senator Abe introduced his bill, two Chinese Buddhist associations and the Hawaii Buddhist Council, representing Japanese Buddhists, had circulated a petition asking for the establishment of April 8 as Buddha Day. They had obtained 40,000 signatures. Many of the signers were Christians who felt that a Buddha Day was only fair in Hawaii's cosmopolitan culture. Now the Buddhists felt that they were being identified with an attempt to abolish Christian holidays—at a time when they were seeking to establish a religious holiday of their own!

Actually, Senator Abe's bill did not seek to abolish either Christmas or Good Friday. His bill would simply have removed the two days from the paid holiday classification. His other bill, however, would have added to the list of paid holidays a day important to Buddhists.

"I had hoped that I was bringing the question of true religious freedom in Hawaii into focus," explained Senator Abe in a speech on the floor of the Senate.

"The Supreme Court of the United States has declared the meaning [of the First Amendment] to be, in substance, that neither a State nor the Federal Government can pass any law which aids one religion, aids all religions, or prefers one religion over another.

"I acknowledge that the bill to establish a paid holiday of the Buddhist religion for public officers and employees is as violative of the concept of separation of church and state . . . as is the designation of Good Friday and Christmas as publicly financed aids to the Christian religious beliefs."

In Hawaii, Democrats have strong support among

both Buddhists and Filipino Roman Catholics. A conflict between the two groups would be disastrous to the party. Senator Abe's bill to abolish Christmas and Good Friday as paid holidays had to be buried. It was referred to a committee, where it died without hearings. But the bill to establish a day honoring Buddha could not be ignored completely.

A bill was framed that "recognized" April 8 as Buddha Day, but which did not provide for its being a State-paid holiday. The bill was passed with all 38 Representatives present recorded as voting in favor of it. A voice vote carried the bill through the Senate without opposition.

In Hawaii today Christians still have their State-paid holidays on Christmas and Good Friday. And Buddhists now have a "recognized" day—without remuneration, however. But Senator Abe has not yet had the public discussion he desired.

But his bills raised vital questions. Has a minority religious group the same rights as the dominant religious group? Should civil legislation favor one religious culture above another?

The two paid holidays for State employees cost Hawaii more than half a million dollars a year. The establishment of Buddha Day as a paid holiday would cost at least \$250,000. Should Christians be expected to pay taxes to give a holiday to State employees on Buddha Day? On the other hand, should Buddhists be ex-

JOHN FIELD MULHOLLAND

Chaplain

The Kamehameha Schools, Honolulu, Hawaii

pected to pay taxes to give a holiday to State employees on Christian holy days?

If majority rule is held to be adequate reason for passing a law favoring one religious group, would Buddhists be justified, if they became a majority in Hawaii, in passing laws favoring their faith?

If Christian observances are simply "traditional" days in our national life, how many years will have to pass before Buddhist days will likewise be traditional and thus candidates for State financial recognition?

And what of Senator Abe's argument that establishment of a Buddha Day would violate the constitutional separation of church and state in the same way that it is violated by establishment of Christmas and Good Friday?

These questions have not yet been answered. But in a land becoming increasingly pluralistic, they must be. Maybe next year the island's Moslems can get Senator Abe to introduce a bill abolishing Sunday laws and forbidding the sale of certain items on Friday. . . . ★★★

NOVEMBER-DECEMBER

gentlemen of the jury



An ordinance forbids those who distribute literature from door to door to summon residents to the door to receive it. A person distributing religious literature is prosecuted for a violation of this ordinance.



Verdict?

a. He should be convicted, for the public has legitimate interest in protecting the privacy of its members, especially in areas where people work different shifts and would have their sleep disturbed.

b. He should be acquitted, for the ordinance is an infringement of his rights of freedom of religion and freedom of the press.

Answer:

"Freedom to distribute information to every citizen whenever he desires to receive it is so clearly vital to the preservation of a free society that, putting aside reasonable police and health regulations of time and manner of distribution, it must be fully preserved. The dangers of distribution can so easily be controlled by traditional legal methods, leaving to each household the full right to decide whether he will receive strangers as visitors, that stringent prohibition can serve no purpose but that forbidden by the Constitution, the naked dissemination of ideas."

b. Martin v. City of Struthers, 1943, 319 U.S. 141:

ONE of the most endearing words in human vocabulary is *freedom*. Men of all nations and in all walks of life have cherished it, and they have coveted that which it symbolizes. Tremendous prices have been paid in an effort to attain it. And yet there is no word in human language more universally misunderstood, misinterpreted, and abused.

From the standpoint of etymology the word may be defined without a great deal of difficulty. It is the privilege of thinking, willing, and acting as one pleases, without restraint or restriction. Epictetus, the sage of the first century, defined freedom in this manner: "He is free who lives as he wishes to live; who is neither subject to compulsion nor to hindrance, nor to force; whose movements to action are not impeded, whose desires attain their purpose, and who does not fall into that which he would avoid."¹

Freedom affects each of us in at least five areas—thought, will, motion, speech, and action. Wrote the philosopher Joseph Haven:

"My person is free when it can come and go, do this or that as suits my inclination. Any faculty of the mind or organ of the body is free when its own specific and proper action is not hindered. Freedom of motion is power to move when and where we please. Freedom of speech is power to say what we like. Freedom of action is power to do what we like. . . . My will is free, not when I can do what I will to do, but when I can will to do just what I please."²

These definitions should make it obvious that absolute freedom is an impossibility for man. No man ever has been free in the full sense of this word, for *freedom is limited by freedom*. The moment one makes a free choice, he limits his own freedom by that choice.

ABSOLUTE FREEDOM is not only impossible, it is impractical and undesirable. Absolute freedom would leave us without purpose, goal, or authority. It would be self-destructive. There is a sense in which God Himself is not free. God made the free choice of ruling this world in righteousness. By that very choice He limited Himself and placed certain bounds upon His own freedom.

Man's freedom is limited likewise by his own free choices. Absolute freedom exists only until the first free choice is made, and that free choice places a limitation upon all other freedoms. For instance, being a free moral agent, man is free to choose the path of goodness or of evil. When once he has made the choice, restrictions are immediately set up by that choice. If he chooses to follow the path of goodness, he is not free then to do evil. Man is also free to make his choice concerning eternal destiny, but when once he chooses to make heaven the place of his eternal abode, he immediately shuts himself up to a certain way of life. For the

ABSOLUTE
FREEDOM
IS AN
IMPOSSIBILITY,

FOR

Freedom Is

C. E. COLTON

Pastor, Royal Haven Baptist Church
Dallas, Texas

Christian this way of life is the way of personal faith in Christ. He is not free to go to heaven in any way he may choose to go. All along the journey of life and in every area of life, freedom is limited by freedom—that is, one choice in freedom always places restrictions upon other choices.

In this sense the Christian is a paradox. He is both slave and freeman. Paul states the case clearly when he says to the Corinthians, "For he that is called in the Lord, being a servant, is the Lord's freeman: likewise also he that is called, being free, is Christ's servant."³ One is free to surrender to Christ or not to surrender, but if he chooses to surrender, by that very act of freedom he surrenders his freedom to the lordship of Christ; and yet within that experience of the lordship of Christ, freedom finds its finest expression.

Surrendering to the lordship of Christ does not mean, in any sense, that the Christian has locked himself in a



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"The moment one makes a free choice, he limits his own freedom by that choice. . . . For instance, being a free moral agent, man is free to choose the path of goodness or of evil. When once he has made the choice, restrictions are immediately set up by that choice. If he chooses to follow the path of goodness, he is not free then to do evil."

Limited By Freedom

cage from which he would like to be extricated. On the contrary, he feels his greatest joy in doing the will of his Lord. There is a sense, therefore, in which the Christian is not free; but there is another sense in which he is more completely free than those who are not Christians.

TO SOME PEOPLE FREEDOM and authority are mutually exclusive, but this is not necessarily so. In the Christian religion we have both, with neither destroying the other. "The Biblical revelation that man is a creature excludes absolute liberty, but finds man's freedom is in his proper union with his Maker," writes Carl F. H. Henry. "Outside that union he falls into bondage. . . . The question of freedom must be answered in the light of the nature of his spiritual life as a whole, and such liberty as is inherent in it. . . . Only that man is free who is free to do the will of God; man as sinner, who revolts against the will of God, is in bondage."

Patrick Fairbairn calls true liberty, in the spiritual as well as the civil sphere, a "regulated freedom." "It moves within the bonds of law, in a spirit of rational obedience; and the moment these are set aside, self-will rises to the ascendant, bringing with it the witchery and dominion of sin."

Schleiermacher rebelled against the idea of authority in religion. He insisted that in order for man to be free, religion must be subjective, each man determining what is right by his own conscience, with no recognition of any outside authority. Other philosophers, such as Sabatier and Lobstein, have followed this line of thinking. Existentialism is a continuation of this school of thought.

R. Dean Goodwin seems to have caught the true spirit of freedom in these pungent words:

"Liberty is not an end product to be enjoyed; it is rather to be used for a purpose. Liberty does not exist for its own sake; it is to be used for the sake of something else. What is that 'something else?' Is it a man-made goal that we use liberty for? Or did God design the purpose for which liberty is required?"

"Liberty has meaning in terms of goals and purposes. To the Christian the goal is determined by his religion. Thus all liberty, to the Christian, is religious liberty. It is not true to say that religious liberty is the father and mother of all other liberties. Religious liberty is not simply one category of liberty, with others also to be catalogued, such as economic liberty, political liberty and social liberty. Liberty is one and indivisible. To the Christian its interpretation and its practice are in terms of God's purpose in making man and society.

focus on freedom

Katmandu, Nepal—Foreign missionaries are forbidden to proselytize under a sweeping new legal code promulgated by King Mahendra of Nepal, a remote kingdom in the Himalayas, where Hinduism is the state religion.

The law does not legally recognize religious conversions. Missionaries seeking to make converts face a three-year prison term and banishment from the kingdom after a year in jail.

Until about ten years ago Christian missionaries were not permitted in Nepal, but they have been allowed to enter since then if they promise not to attempt to convert natives.

The new code replaces one dating from 1853 which was based on ancient Hindu writings. It was drafted by a commission of Hindu priests and foreign-trained lawyers.

Other provisions of the code abolish polygamy, bigamy, concubinage, and child marriages. It also ends the "untouchable" caste system, making all citizens equal in the eyes of the law.

The code permits divorce, for the first time, on grounds of long separation, nonsupport, adultery, or physical disabilities, and allows widows to remarry. It bans the slaughter of cows, which are sacred to devout Hindus.

"Liberty is the twin brother of responsibility. A man is responsible only if he is free; a man is free only if he carries his responsibilities faithfully. The man who enslaves another man assumes that man's responsibilities before society and before God."⁸

Freedom is limited also by the freedom of others. If in the exercise of my freedom I prevent another man from being free, my freedom ceases to be freedom. Society that fails to recognize this boundary line becomes nothing more than a band of pirates working their trade on one another until they at last destroy one another.

TO SAY THAT FREEDOM has its limitations is not to say that it is any less freedom or any less valuable. Absolute freedom would be of no value to society; in fact, it would lead to the destruction of society. It is regulated or restricted freedom that is the hope of society. We will never have a happy society until the people in that society accept and practice the principle of freedom in the light of its proper limitations.

The alternative to freedom is slavery, the bane of civilizations. Every experiment in the practice of slavery has resulted in disappointment and disaster. It was never intended that man should be enslaved by man. All men have an innate desire to be free; therefore, sooner or later slavery results in revolution. Such revolutions can for a while be squelched by the power of arms, but not

forever. Enslaved men have always found a way to react against tyranny and oppression.

For centuries multitudes of men were held in the vise of a forced slavery in Egypt, but finally the enslaving powers were overcome and the yoke of slavery removed. Since that time there have been many experiments in totalitarianism, which is nothing more than the practice of human slavery. The totalitarian leader leaves little room for the exercise of freedom on the part of his subjects. He does their thinking for them, and tells them when and how they can move. The product of such enslavement is rebellion and war.

A government does have the responsibility of regulating freedom so the freedom of some does not violate the freedom of others. It does not have the right to deny basic, God-given rights—freedom of religion, freedom to work and to negotiate with others, freedom to speak, freedom to possess. Every man has the right to exercise these and other rights so long as his freedom does not encroach on or deny the freedom of his fellow men.

Perhaps the greatest single contribution Christians have made to society is in this area of freedom. At the heart of the Christian philosophy are the words of Christ: "And ye shall know the truth, and the truth shall make you free."⁷ True followers of Christ have ever magnified the principle of freedom. However, for a period of about a thousand years Christianity itself became so decadent in form and nature that it resorted to oppression and tyranny. This period appropriately has been called the Dark Ages. We who are Christians can only hang our heads in shame when reminded of the actions of men who called themselves Christ's, but who had forgotten the very essence of His gospel.

Here in America our Christian forefathers were untiring in their efforts to promote the principles of freedom when our nation was young. In memory we can yet see Roger Williams trudging through the snow, an exile for the cause of freedom. And we hear again with pride the words of George Washington: "The liberty enjoyed by the people of these States of worshipping Almighty God, agreeably to their consciences, is not only among the choicest of their *blessings*, but also of their *rights*."⁸

Today we enjoy the fruits of our forefathers' labors, but the cause of freedom is far from secure. Wolves are gnawing at the foundations. This precious heritage for which our forefathers paid such a tremendous price will be taken from us if we do not awake to the dangers we now face, and renew the historic struggle for the cause of freedom. ★★★

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THE Christian has but one model—the Lord Jesus Christ. He is set forth in the sacred writings as the Great Teacher and the one perfect example. It therefore becomes proper in every relationship of life for the Christian to inquire, What would the Lord Jesus Christ do under these conditions? We cannot conceive of any proper relationship or laudable enterprise but what the life of Jesus Christ may be considered the gauge and the standard.

It seems particularly appropriate that the professed representatives of the Lord, the ministers of the gospel, should take him as their guide in their efforts to raise poor fallen humanity up to the higher life. But we fear that too often there is a failure to do this. In these times there appears to be a striking departure from old-time simplicity of religious teaching and gospel method. Religious-political reformers have arisen who aim at the conversion of the human family through political measures and legal enactment rather than through the methods followed by our Lord and his apostles. Like King Olaf of Norseman fame, they aim to convert the masses in one lump sum, without individual work or individual experience.

It is well for us to consider, Are these methods heaven born? Would Christ and his apostles employ some of the means which are coming into vogue in the world's attempted evangelization today?

Indeed we find that neither Christ nor his disciples of the first century exerted any influence whatever to form laws or shape legislation in favor of religious institutions. With unfaltering earnestness Christ rebuked the sins of the people. The classes as well as the masses were the objects of his earnest exhortation and rebuke. But in no instance do we find him appealing to Caesar or even to the Jewish Sanhedrin for the passage of any measure favorable to his work and the principles he sought to inculcate. This was equally as true of Peter and John and the others associated with Christ in his work. The apostle Paul appealed to Caesar for relief from persecution; but only that he might bring the gospel to the royal household.

In fact the idea of enforcement of religious thought or principles upon the practise of the human family is entirely foreign to the spirit of the gospel. The voice of the gospel is "we beseech," "we entreat," "we exhort." It recognizes the great principle that the religion

of Jesus Christ is founded upon love and not fear. The Spirit woos and wins, but never forces its way.

God has made every man a free moral agent. He has clothed every one with individual autonomy. He has made every one individually accountable to him. All true worship must spring from man's own volition. Christ himself recognizes this individuality and moral independence of his creatures. He says, "Behold, I stand at the door, and knock: if any man hear my voice, and open the door, I will come in to him, and sup with him, and he with me." He knocks for admission to the human heart. He enters only as the door is opened and he is bidden to enter as honored Guest.

Every attempt to force the consciences of men, to compel surrender of the sinner against his will, is a direct violation of this great principle of liberty which God bestowed upon every one of his creatures.

God has placed a great convincing, compelling power within the reach of his church. This is not the civil arm nor the political machine. It is the power of the Spirit of God. Clothed with this power the church is able to go forth and meet every obstacle, and conquer every evil. Before it the hardest hearts will melt and the fiercest natures quail.

With this power in its midst, the church of God has

no need of civil enactments. In its presence they appear as childish baubles, crude and material things, of the earth, earthy. It is only when the church of God is robbed of this power by its own departure from the truth that it has sought civil interference in religious matters.

Let the moral reformers of today forsake their political methods and take hold of the arm of power which is afforded them by their Redeemer, and we shall see wrought in the world's evangelization today as great miracles as were wrought on the day of Pentecost. It is "not by might, nor by power, but by my spirit," the Lord says men are to be converted and his kingdom advanced. We need the old-time evangelism. We need the old-time spirit which possessed Moses and Elijah and Peter and Paul. Yea, verily, we need the spirit of the world's Great Teacher which has been manifested through his prophets and apostles since the world began. This spirit is the spirit of the gospel, and anything different or contrary to it is a perversion, and unworthy of recognition by the follower of the Lord Jesus Christ.

★★★

The Spirit of the Gospel

F. M. WILCOX

Parochial Schools and Public Funds

Should public funds be used for parochial education?



DEAN M. KELLEY

Executive Director, Religious Liberty Department

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Consensus

1. Public "free" education is usually provided for all children in this country in common schools supported by tax-funds. For eight years all children are usually required by law to attend school in order to acquire the knowledge and skills that will make them useful and competent members of society. However, public schools are not the only kind of schools in which this education can be obtained.

2. Public schools, while available for all the children of all the people, regardless of race, religion, or economic status, do not hold a monopoly of education in this country. Any private or cooperative schools which meet the state's minimum standards of facilities, faculty, subjects, and schedule will satisfy the compulsory education law. In 1925, the Supreme Court prohibited the State of Oregon from closing private schools by requiring all children to attend public schools. The Court said:

The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right coupled with the high duty to recognize and prepare him for additional obligations. (Justice McReynolds for the majority, *Pierce v. Society of Sisters*, [268 US 510, 68 LEd 1070, 45 SCt-5711, 39 ALR 468].)

3. Many religious (and other) groups choose to maintain full-time elementary and secondary schools for children of their adherents and others, as an alternative mode of complying with the compulsory education law. Just as the public school is precious to all citizens as the basic mode of general education in our society, so is this option of private education cherished as an alternative available to parents for whom the public school provision is unsatisfactory. However, since the public schools must be prepared to educate even those children choosing to attend private schools if the private schools should close, tax-funds are used for public schools, and parents desiring to send their children to other (private) schools do so at their own expense.

Problems

1. Some religious groups maintain parochial schools in order that the teaching of general school subjects may be "permeated with the piety" of their religion. As the enrollments of these schools, the scope and expense of education, increase, and as the supply of teachers grows relatively scarcer, many such private sectarian schools have felt severe economic pressures. Where tuition has increased to meet this cost, parents have often wondered if public funds might not be available in some form to help them educate their children in the schools they feel conscience-bound to patronize.

2. Two considerations have confronted parochial

school authorities as they contemplate seeking public funds:

a. In helping to educate part of the children of the community, they are bearing part of the educational "load," thus performing a public service; should they not therefore be entitled to a measure of public assistance?

b. On the other hand, it is a well-established principle of our democracy that the uses of public funds must be subject to public scrutiny and control. Many parochial educators fear that to the extent they accept and account for public funds, to that extent they will be jeopardizing their autonomy as private schools.

3. Several plans have been proposed whereby public assistance could be given without involving this auditing or accounting feature:

a. Auxiliary benefits, such as transportation of pupils by public buses, provision of medical care for pupils, lunches, text-books, etc. .

b. Tax-credits or tax-remission for parents sending their children to parochial schools.

c. Scholarships for elementary and secondary pupils who wish to attend private schools—the GI bill on the children's level.

d. Loan funds for construction of private school facilities.

4. The payment of public funds in any substantial amounts to schools not now receiving them would require additional taxation for this purpose—meaning that the general taxpayer would be required to pay an additional amount for education of children in sectarian schools, thus contributing to the propagation of faith other than his own.

5. There are many evidences that public school systems are presently inadequate for the children enrolled in them, and that if public education is to keep up with the population increase communities will have to pay more for their public schools than they seem willing to pay at present.

6. Whatever other merits or demerits the argument may have, the present problem across the country seems to be to find increased revenues for the existing public schools and to build new ones, rather than dissipating the existing revenues among private schools that are presently self-supporting.

7. Another factor must be considered also: if one parochial system is to receive public funds, there is no reason that the parochial schools of other denominations should not also, or that denominations not now operating parochial systems should not decide to do so in order to protect themselves from being disadvantaged by the publicly-aided religious schools of other denominations. This would produce numerous parallel and competing systems of sectarian schools all claiming equal support from public funds. What if anything would remain of the "public" school system would be scarcely recognizable!

8. Federal aid to education. For many years there has been a movement among public-school educators to obtain federal aid for public schools, so that citizens of poorer states might benefit from assistance by the more affluent states. Such a bill recently passed the Senate, where an amendment to include private schools in its provisions was defeated. Because of the reluctance of legislators to debate or hold hearings on issues involving religious controversy, this amendment may be reintroduced in the closing hours of the current session, when it is difficult to give it the scrutiny it deserves.

9. Scholarships. New Jersey has approved a bill (Chapter 150, Laws of 1959) adopting the principle of the GI bill on a state-wide competitive basis for use by "qualified students in any accredited New Jersey institution" of higher education—public or private. From this it may seem to some a short step to providing such scholarships on an elementary or secondary basis, although others will feel that the provision of public schools for all students makes scholarships unnecessary.

Positions

1. The Roman Catholic Church operates by far the largest number of parochial schools in the United States.

In the Handbook prepared by a Roman Catholic Committee headed by Msgr. Raymond Gallagher for Roman Catholics attending the White House Conference of Children and Youth (1960); the following statement appears:

The Encyclical on Christian Education of Pope Pius XI points out that the state has the duty to assist parents in providing the necessary education for their offspring, and not only in neutral schools. Under distributive justice the Church has secured its rights in education in a number of countries . . . as in Scotland, England, France, Germany, etc. But not so in the United States. . . .

Except for certain peripheral services, it is generally assumed that federal aid could not constitutionally be granted to private schools which are church-related, either directly or through the school system. . . .

Do Catholics want federal aid for their schools, and further, should they seek it if it is available? It would appear that Catholics are divided on this issue. Some insist that they would never take federal aid and that the Catholic schools should struggle to keep their autonomy regardless of the cost and regardless of the sacrifices. Others clinging to the Encyclical point out that assistance is due in justice, and that Catholic parents are carrying a tremendous burden which ought to be lightened. . . . (Page 74)

2. If Roman Catholics are divided on this issue, there is a rare degree of unanimity among Protestants and Jews, even among those groups operating parochial schools, which have almost without exception refrained from seeking public assistance for their parochial schools.

a. A Jewish statement is found in the booklet "Safe-guarding Religious Liberty," published by the Syna-

gogue Council of America and the National Community Relations Advisory Council:

We are opposed to government aid to schools under the supervision and control of any religious denomination or sect, whether Jewish, Protestant, or Catholic, including outright subsidies, transportation, text-books, and other supplies. We are not opposed to the use of any school for the provision of lunches, medical and dental services to children. (Page 10)

b. The General Board of the National Council of the Churches of Christ in the U.S.A. issued the following statement in 1955:

Asking for the support of church schools by tax funds on the grounds that they contribute to the national welfare is not different in principle from asking for the support of churches by tax funds, for churches surely contribute to the national welfare. Such support would in both cases be contrary to the separation of church and state.

c. A Study Document prepared by a widely representative Committee on Religion and Public Education of the National Council of Churches and released for study, though not an official pronouncement (1960) states:

Just as the government is not expected to construct and service private roads which may be built alongside public highways, it should not be expected to subsidize non-public schools nor provide them with services of an educational nature. Use of public funds for bus transportation and textbooks for children in non-public schools is therefore opposed. Medical and health services, on the other hand, are for the protection and furtherance of the health of the individual and the community in general. The lunch program contributes primarily to the health of the individual child. . . . When voted, funds for auxiliary services to children in non-public schools should be voted in welfare budgets rather than the public-school budget. (Pages 26-7)

Scholarships. Since elementary and secondary education is essentially free and available to all through public schools, there is no sound basis for scholarships at this level.

Loan Funds for Educational Buildings. At the higher education level, church-related institutions borrow substantial funds from the federal government to build dormitories and other self-liquidating facilities. Since provision is made through taxation for public school buildings for all children, government loans should not be extended to non-public elementary and secondary schools. (Pages 29-30) (Page numbers refer to the publication of this Study Document in the April, 1960, issue of the International Journal of Religious Education.)

d. Denominations on record as opposing public funds for parochial schools:

American Baptist Convention (1953, 1955, 1957, 1959)

United Presbyterian Church in USA (1947, 1957)
Congregational Christian Church (1948, 1958)

* Protestant Episcopal Church (1949)

Disciples of Christ (1952)

The Methodist Church (1952, 1956)

The United Church of Christ, Evangelical and Reformed (1959)

Evangelical United Brethren (1954)

* Missouri Synod Lutheran (1950)

A recent denominational pronouncement is that by the National Lutheran Council (representing eight national bodies comprising 5,400,000 members) issued February 5, 1960:

RESOLVED: that the National Lutheran Council views with concern the proposal made in connection with legislation currently before the Congress which would authorize loans to non-public elementary and secondary schools for the construction of school buildings, on the basis that:

a) Such government aid previously given to colleges and universities operated by religious groups has been considered by many as a borderline practice in proper relation between church and state, but government aid for the construction of church-operated schools at the elementary and secondary level is clearly a form of tax support for sectarian instruction; and

b) The availability of such aid to non-public schools would facilitate with public funds the establishment of racially segregated private schools as an alternative to integration in the public schools.

e. In Protestant, Catholic, and Jewish circles alike, there is a tendency for trustees and administrators of church-related schools to show an interest in public funds that may not be shared by many of their own communions who do not have to bear the direct responsibility of financing the schools. This may be seen in the report of the School Superintendents' Department of the National Catholic Educational Association, published in its *Bulletin* in August, 1959:

. . . Msgr. Hochwalt discussed the National Defense Education Act. He described the methods used to bring influence on Congress so that Catholic interests would be included. Monsignor Hochwalt then sought direction from the superintendents for the policy he should follow in regard to the federal aid (to education) discussions which will almost certainly come into the next session of Congress. A third matter brought up at this closed session was the importance of immediate organization of the superintendents into statewide groups. They are particularly important at this time for the distribution of funds available through the National Defense Education Act.

The School Superintendents' Department recommends that during the next Congress the NCWC Education

Turn to page 30

* Denominations having parochial schools.

Your Tax Bill and Buses for Parochial Schools

GAYLORD BRILEY

Director of Promotion, POAU

HOW many pupils ride to parochial schools in public school buses? At what cost to taxpayers? No one knows for sure.

However, telltale fragments of evidence lurk in Government reports. One clue is found in *Statistics of State School Systems, 1959-60*, a book published in 1963 by the U.S. Department of Health, Education and Welfare.

Some slide-rule sleuthing is needed to make sense out of its charts, graphs, and figures. For example, if one accepts the official HEW figures at face value, then in the 1959-1960 school year some 128,715 nonpublic school pupils rode public school buses. Yet this cannot be accurate, since Maine, New Jersey, and New York, which openly transport nonpublic students, conceal the extent of such service by lumping public and nonpublic statistics into one number.

So the total has to be larger, but how much? The only guide available is the average percentage of nonpublic pupils carried by adjacent States in the North Atlantic region—8.3 per cent. When we know the actual number of nonpublic pupils in these three States, it is not hard to form a reasonable estimate of the number transported at public expense. (See chart.)

Apparently 224,000 nonpublic pupils across the nation rode public school buses that year, the last for which figures are available. Since by HEW's own estimate 90 per cent of all nonpublic pupils attend Roman Catholic schools, it is fair to state that 201,600 pupils probably rode public school buses to sectarian instruction. Something like 1.6 per cent of the 12,225,142 children riding public school buses that year were conveyed to Catholic institutions.

How much extra did this cost taxpayers? This too is hidden in HEW statistics, which assign each State an average cost per pupil carried and then add the cryptic words "public only." Several calculations later it becomes evident that what the statisticians mean is this—the full expense of running buses to both public and parochial schools has been charged off on the public pupils only. For expense-producing purposes, the nonpublic pupils are considered invisible.

Because of this bookkeeping device, the only way to form a cost estimate is to apply the average public pupil cost to the parochial students and label this the "effective subsidy" to their church. The total comes to \$9,653,594—or \$54,233 for each day of a 178-day school year. This boils down to an average subsidy of

\$3,190 per school day to the Roman Catholic Church from each of the 17 States and territories involved.

It may be argued that public payment of transportation to a church school does not violate church-state laws because it aids the child and not the school. The courts, however, increasingly fail to see it that way. Such parochial transportation has been struck down in the last decade by the courts of Alaska, Maine, Missouri, New Mexico, Oklahoma, Washington, and Wisconsin.

The Oklahoma Supreme Court said:

"If the cost of school buses and maintenance and operation thereof is in aid of the public schools, then it would seem necessarily to follow that when pupils of parochial schools are transported by them, such service is in aid of that school."

Were it not for such court resistance, the American taxpayer today might be paying \$200 million or more in extra taxes to subsidize sectarian school buses.

TRANSPORTATION CHART

Region & State	Nonpublic school pupils transported	Average cost per pupil (public only) ^a	Effective subsidy to nonpublic schools ^b
UNITED STATES	224,000¹ (201,600)	\$39.78	\$10,726,216 (\$9,653,593)
NORTH ATLANTIC	127,788	\$43.66	\$ 6,218,361
Connecticut	480	38.08	18,578
Maine	2,606 ²	36.59	95,354
Massachusetts	27,672	41.33	1,143,684
New Hampshire	4,671	51.23	239,295
New Jersey	23,299 ²	50.93	1,186,618
New York	68,392 ²	51.21	3,502,354
Vermont	668	48.62	32,478
GREAT LAKES AND PLAINS	47,192	\$48.25	\$ 2,512,316
Illinois	5,000	51.64	258,200
Indiana	24,236	58.58	1,419,745
Kansas	2,231	81.41	181,626
Michigan	15,725	41.51	652,745
SOUTHEAST	43,405	\$28.04	\$ 1,765,643
Kentucky	13,516	29.30	396,019
Louisiana	29,889	45.82	1,369,624
WEST & SOUTHWEST	4,627	\$43.88	\$ 183,479
Hawaii	427	16.48	7,037
Oregon	4,200	42.01	176,442
OUTLYING PARTS	988	—	\$ 46,417
Guam	718	39.78 ⁴	28,562
Virgin Islands	270	66.13	17,855

¹ Roman Catholic parochial schools are considered 90 per cent of all nonpublic schools.

² This State combined its public and nonpublic statistics. Figures given here are based on assumption that 8.3 per cent of nonpublic students were transported at public expense. This percentage is the average for the four other States in the North Atlantic area. HEW statisticians made no attempt to separate figures, asserting total U.S. transportation of nonpublic pupils to be 128,715.

³ Column printed without adjustment from HEW sources. Apparently entire cost of carrying both public and nonpublic pupils is applied to public pupils only.

⁴ National average used since no figure was given.

⁵ Figures based on State (not national) average.

Source: Tables 24, 51, and others, *Statistics of State School Systems, 1959-60*, published by the U.S. Department of Health, Education and Welfare, 1963.

★★★



Typical of New Zealand's alpine grandeur is this view of The Remarkables. Queenstown is to the left, on the shore of Lake Wakatipu.

PHOTO COURTESY N. S. SEAWARD, BROAD BAY, N.Z.

New Zealand

RECENTLY a New Zealander wrote a letter to one of his country's newspapers. He cited evidences of individual freedoms he enjoyed—freedom of worship, free speech, a free press, trial by jury. "We more or less assume such concepts are as much ours as the air we breathe," he wrote. "But what final guarantee have we that, under changing conditions or future stresses, our government leaders will never yield to the temptation to infringe upon the safeguards of individual freedom?"

The answer, of course, is that no final guarantee exists—either in New Zealand or elsewhere—for governments are made up of people; and people, since the time of Eve, have been yielding to temptation.

In New Zealand, however, those government officials who are tempted to subvert liberties or otherwise infringe on the rights of the people have been thinking twice since Sep-

tember, 1962. On that date parliament appointed an investigator to be "the direct agent of the people." The Ombudsman, as he is called, got his name from Scandinavia, where even cabinet members have been called to account for their actions. When sworn in on October 1, 1962, Sir Guy Powles became the first Ombudsman in the British Commonwealth.

New Zealand law provides many safeguards for the nonconformist. A Conscientious Objection Committee hears the cases of noncombatants or conscientious objectors called up for compulsory military service. If the committee is convinced of the draftee's sincerity, it has the power to fit him into a classification where his convictions will not be violated.

A similar three-man committee appointed by the Minister of Labor weighs the convictions of those who oppose membership in a labor union. New Zealand law makes union mem-

Government officials tempted to infringe on the rights of the people have been thinking twice since parliament appointed an Ombudsman

ARTHUR N. PATRICK



Maori temple at Rotorua. In 1840 Maoris were assured by the British Government that those retaining native religious practices would be protected along with those joining the Church of England, the Wesleyans, or the Roman Catholic Church.

bership compulsory, a situation that many citizens feel is not desirable. On occasion, men opposed to union membership have been faced with surrendering their convictions or losing their employment.

New Zealand has no state church. The attempt to establish the Church of England was defeated after only four years of colonial government. Today New Zealand has more than twenty religious bodies with one thousand or more adherents. Nearly 781,000 of its two and a half million people belong to the Church of England. They enjoy equal rights with the country's 1,597 Hindus.

New Zealand's heritage of religious freedom goes back to the early 1800's and the attempts of European missionaries to evangelize the Maoris, a noble yet superstitious and savage race that inhabited the island.

Before the Maoris signed the Treaty of Waitangi, a land agreement, in 1840, Missionary Henry Williams assured them: "The Governor wishes you to understand that all the Maoris who shall join the Church of England, who shall join the Wesleyans, who shall join the PIKOPO, or Church of Rome, and those who retain their Maori practices shall have the protection of the British government."

A FEW ISSUES YET disturb New Zealanders seeking to establish and preserve complete religious freedom. One concerns the Roman Catholic drive for aid for their parochial schools. During 1960 and 1961 the Catholic Education Council made



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St. Kevin's College, Oamaru, is one of 331 Catholic schools for which state aid is sought.

submissions to the government's Commission on Education, seeking financial assistance for Catholic schools. As the council pointed out: The 70,000 pupils in private schools [government primary and secondary schools enroll 458,000] receive "nothing from the Government toward the cost of sites, the erection and maintenance of buildings, the provision of furniture and equipment, the payment of teachers' salaries, or general operating expenses, but have to be financed from private sources only."

Actually, the government does give some forms of aid to private and public schools indiscriminately: Boarding allowances, scholarships, free textbooks, subsidies on a matching basis for swimming pools, books, school and playground equipment; free manual-training facilities, rail and bus transportation under specified conditions, and refresher courses for teachers.

A number of submissions from churches and other organizations opposed aid to parochial schools. Typical of several was the Adventist paper, which urged that "those who operate . . . [parochial schools] must pay for them, for the state has no right to subsidize any religion or to assist any denomination in its religious work of making converts."

"From experience gained in other countries on this contentious issue," said the paper, "from the guiding principles of religious liberty and the separation of church and state,

Seventh-day Adventists are opposed to state aid for church schools."

The Catholic plea for funds was turned down by the commission.

CONTROVERSY HAS risen also over New Zealand's Sunday law. The law requires the following:

"Every shop (except as otherwise provided) shall be closed during the whole of Sunday."¹

"Every person is liable to a fine of five pounds who on Sunday, in or in view of any public place, trades, works at his trade or calling, deals, transacts business, sells goods, or exposes goods for sale."²

"Every person is liable to a fine of five pounds who on Sunday keeps open any house, store . . . , bar, or other place for the purpose of trading, dealing, transacting business, selling goods, or exposing goods for sale."³

"No entertainment of any kind which is open to the public, whether by the purchase of tickets or otherwise, shall be held or given on any Sunday, Good Friday, or Christmas Day, without the written consent of the Council, and then only subject to such conditions in every respect as the Council may impose."⁴

Perhaps it is on this question that the Ombudsman will get his first serious test. ★★★

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Montreal:
The Fourth
World
Conference
on Faith
and Order

— Failure?

H. WARD HILL

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THE Fourth World Conference on Faith and Order that met in Montreal last July was impressive, both from the standpoint of those in attendance and of its objectives. Present were 500 delegates and other participants from 138 Protestant, Eastern Orthodox, Anglican, and Old Catholic churches. Mingling with them were twenty Roman Catholics, including five officially appointed observers. For the first time a significant number—fifty-one—of orthodox churchmen met with the conference. The subjects of their discussion were three questions: Why are the churches separated? What are the theological doctrines and historical pressures that keep them apart? In what direction should they move to end their division?

For all its impressiveness, when measured against the accomplishments of previous conferences, the Fourth World Conference was a failure, as Dr. Paul S. Minear, newly elected chairman of the Faith and Order Commission, confessed at the closing plenary session.

"Why have we failed?" Dr. Minear asked. "We have failed because, having drawn all the major traditions in Christendom together, we have insisted on dealing with the deepest divisions among us. We have not been content with glib words, with forced agreements, with easy but artificial compromise."

FROM MY OBSERVATIONS of the council, which I attended at the request of LIBERTY magazine, I must agree with Dr. Minear. The conference did fail, and chiefly because differences and divisions were faced—though other factors were involved, as Dr. Minear pointed out. And yet, in its stressing of differences and divisions the conference moved closer to achieving the elusive goal of unity in Christ than did any previous conference, for unity achieved by glossing over differences, by ignoring deep and fundamental cleavages, is not unity at all, but compromise.

It is about time the World Council comes to grips

The conference is said to have failed because it dealt with the divisions of Christendom. But out of this emphasis on division comes the only hope for true unity.

with "ecumenical reality," which does not mean alone that Christians find themselves "being drawn and driven together," as one release from the conference defined it. That kind of reality also means facing long-term and deep-seated divisions based on traditions accumulated during centuries away from the Word of God. It means seeking an answer to the question of scriptural versus traditional authority.

At a previous Faith and Order Conference a speaker had said, "We are already one! Why can't we forget the theological stumbling stones that keep us apart and join together in practical tasks and get the ecumenical job done?" At this conference his question was answered. The churches are not already one. They are far from it. And at present, wishful thinking is not going to make ecumenical steppingstones out of theological stumbling stones.

OF THE FOURTH WORLD CONFERENCE on Faith and Order could in any sense be called a success, it was in getting men of many diverse communions together to discuss their differences. Walls of prejudice have indeed fallen; a climate has been created in which men are willing to climb over the rubble of shattered orthodoxies and

search together for a *raison d'être*. No one could sit on the campus of McGill University, where the conference was held, and watch cassock-clad Bishop Athanasius of the ancient Mar Thomas (St. Thomas) church of South India walk by in earnest discussion with a Western churchman dressed in slacks and sports shirt; no one could listen to Paul-Emile Cardinal Leger, Roman Catholic Archbishop of Montreal, address more than one thousand persons at the ecumenical rally held in connection with the conference, urging a constant search for truth, respect for the rights of all men, and efforts to establish a world climate of freedom—no one could view these and other equally impressive scenes and development without realizing that hands are being stretched across the gulf that has long divided Christendom.

That such meetings are being held at all is "an astonishing development in view of history," said Dr. Visser 't Hooft, president of the World Council of Churches. For centuries the gulf between the traditions represented at the meeting seemed to be getting larger and larger. "Each [of the traditions] had developed its own spiritual world, and there was practically no real communication or conversation between them," he said.

There is now; and, as many reporters and delegates to the conference observed, certain currents of thought swirl out of the maelstrom of conversation to be noted and labeled.

1. The sectarian spirit is swiftly becoming anathema. Amid the pervading spirit of mutual respect and good

will, the Christian who feels that he must stand on ground apart to trumpet his witness is looked on with the same jaundiced eye as that bent toward the member of a family who cannot get along with his parents or brothers and sisters. His narrow exclusiveness, his stubborn ways, are scandalous, shameful, sinful. By his intransigence he is preventing the church of Christ from speaking with a united voice before the world. In the words of a leading speaker at the session: "For all the churches, catholicity requires the repudiation of the sectarian spirit." Included in the sectarian spirit is the claiming of "fullness [in Christ] as the possession of a particular body."

This attitude toward sectarianism influenced the report on denominations by study group five: While "denominations have been instrumental in developing fresh insights into Christian truth with new modes of worship, fellowship and service . . . , the denominational system 'cannot be regarded as an essential form of church life in the same way as the congregation is essential.' . . .

"Denominational fragmentation," the report continued, "distorts the true nature of the church and obstructs the communication of the Gospel."

2. The Roman Catholic attitude toward the ecumenical movement has changed dramatically in the past decade. During the reign of the late Pope John XXIII, the Roman Catholic Church spoke "with a new accent" said the Right Reverend Oliver Tomkins, Bishop of Bristol, England, and keynoter of the conference. "Impetus toward Christian unity all over the world has

Churchmen attending the Montreal Conference meet with Paul-Emile Cardinal Leger. From left: Athenagoras of Eleia, Greek Orthodox Metropolitan in Canada; Cardinal Leger; Dr. W. A. Visser 't Hooft, Secretary General of the World Council of Churches; Principal George Johnston, United Church of Canada.



grown in a way that would have seemed miraculous . . . to some of our great forebears of this Movement," the bishop observed. Singled out by him as the greatest development of the past few years was "the positive and fruitful dialogue" between the Roman Catholic Church and the Christian world.

A look at previous Faith and Order conferences shows how great the change has been. When the way was being prepared for the first World Conference on Faith and Order in Lausanne, a formal invitation was sent to Pope Benedict XV. His reply was not subject to misunderstanding: "The practice of the Roman Catholic Church regarding the unity of the visible Church of Christ is well known to everybody, and therefore it would not be possible for the Catholic Church to take part in such a congress as the one proposed." Furthermore, "Those who take part in it may, by the grace of

God, see the light and become reunited to the visible head of the Church by whom they will be received with open arms." On July 8, 1927, the holy office published a decree forbidding Roman Catholics to attend the Lausanne Conference.

The encyclical *Mortalium animos*, of Pope Pius XI, January 6, 1928, re-emphasized the stand of the Papacy: "Let our separated children . . . draw nigh to the Apostolic See . . . which is the root and the womb whence issue the Church of God . . . and let them come not with any intention or hope that 'the church of the living God, the pillar and ground of truth' will cast aside the integrity of the faith and tolerate their errors, but to submit themselves to its teachings and government."

Needless to say, the Roman Catholic Church was not represented at the Edinburgh meeting of the Faith

The World Counsel and Religious Freedom

WHAT LIMITS MAY the state impose on those acting from religious principle? To what extent must church and society respect the "mistaken" conscience? These are questions that have been faced and answered by the Secretariat for Religious Liberty of the World Council of Churches.

Pure religious liberty, the ecumenical thinkers have concluded, is the liberation of man from every social compulsion concerning his essential relations with God. But society cannot be left unarmed against abuses that may be committed on the pretext of religious conviction. Thus society and state, they have decided, may "impede or limit some activities, even exercised on grounds of religion, which are plainly contrary to the generally accepted moral standards or to the correctly understood common good."¹

The religious liberty desired by ecumenical bodies is "the social faculty of every adult human being . . . to be free from social coercion in religious matters."² An amplification of this conclusion of the secretariat, known as the "Christian Statement," was submitted to the Central Committee at St. Andrews in 1960. In it religious liberty is called "the faculty of every human being, individually or in corporate bodies, publicly or in private, to be free from social or legal coercion in religious matters, and to be free for the proclamation of his faith, and the expression of its implications among his fellow men."³

The secretariat contrasts what it calls "Christian religious liberty" with what it calls "humanistic" or "secular" religious liberty. The political consequence of the latter is said to be a state entirely separated from churches. Public activities of civil society are devoid of any religious signification.

"Christian religious liberty" in ecumenical thought is compatible with a state that is not fully indifferent to religion and may even be reflected fully where there is an established church.

Many ecumenical thinkers believe a secular state can well be indifferent to religion but never hostile to it. Religion under this setup is not officially promulgated but is a matter of free choice by each person.

Some theological advisers to the ecumenical agencies argue that the state must remain absolutely impartial in religious matters. But other theologians like to stress what they call the "positive" rather than the "neutral" role of the state. The state, they say, is "compelled within measure to take sides."⁴ In the words of Bishop Newbigin: "If the state is bound to acknowledge moral obligations, it is difficult to deny that it ought also to acknowledge truth in the field of religion."⁵ The state thus has the privilege of working out in conjunction with her advisers the restraints to be imposed upon allegedly harmful and disorderly expressions of religion.

The great majority of theologians reporting their views to the WCC officials felt that "some organic or otherwise special connection of the Church with the State is not essentially incompatible with religious freedom."⁶ Though admitting that this position could imperil religious liberty in some cases, they saw the state to be "responsible, under God, for the spiritual welfare of the community."—H. W. H.

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- ² *Ibid.*, p. 16.
- ³ *Ibid.*, p. 21.
- ⁴ *Ibid.*, p. 128.
- ⁵ *Loc. cit.*
- ⁶ *Op. cit.*, p. 152.
- ⁷ *Op. cit.*, p. 154.

and Order group in 1937. Pope Pius XII, in his encyclical *Mystici corporis* of 1943, added another in the series of rebuffs: "If the visible head of the Church, the Roman Pontiff, is eliminated . . . and the visible bonds of unity broken, the mystical body of the Redeemer is so obscured and disfigured that it becomes impossible for those who are seeking the harbour of eternal salvation to see or discover it."

No Roman Catholic was allowed to attend the 1948 WCC Amsterdam Assembly, but the "miracle," as one speaker called it, came in 1952 when Roman Catholics were officially present at the Third World Conference on Faith and Order, at Lund. This event and the invitations extended by Pope John XXIII indeed represent "a new accent" in Roman Catholic ecumenical speech.

3. Though the Roman Catholic attitude toward reunion has changed, her conditions for reunion remain the same. "The ecclesiology of the Church of Rome, particularly in its relationship to papal infallibility, has not yet changed, although the change of climate in practice is obvious," warned Dr. Hans Harms, chairman of the German Missionary Council. "In the utterances of the late Pope John XXIII, in his encyclical letters as well as in his many addresses, including those during the first period of the Second Vatican Council, no doubt is left as to how he envisaged the restoration of the unity of Christ's body. He has stated clearly that only the return to Rome will solve the ecumenical problem. His idea was to reform his own church by the council so that the separated brethren should feel even stronger the invitation and the necessity to return under the papal chair." Added Dr. Harms, "Pope Paul VI has expressed similar ideas."

While Roman Catholicism remains firm in its insistence that "prodigal" churches must find their way home, Protestant and Orthodox militancy has softened. This softening finds most dramatic expression in respect to the pope, who instead of being excoriated as the "antichrist" is more likely to be referred to as "Holy Father."

Protestant denominations "are being compelled to notice that Christ's true faith and spirit have remained alive in both the great western and eastern Confessions that are focused in Rome, Constantinople and Moscow," said Principal George Johnston in an address to the assembly.

When the Russian Orthodox delegation was asked how they felt about union with Rome, Archbishop Ioann replied with a twinkle: "Well, one swallow is supposed to be a sign of spring. We have exchanged two swallows (referring to two Orthodox priests who were observers at the Second Vatican Council) from North to South and from South to North (two Roman Catholic priests went to Moscow to celebrate the golden jubilee of Alexis, Patriarch of Moscow and all Russia), and we hope after these flights there may be real spring."

Voice in the Ecumenical Wind

"Though occasional skirmishes still occur, the four-hundred year cold war which has ravaged Christendom since the Reformation is rapidly coming to an end. Though reunion is hardly yet in the offing, genuine understanding and respect are. That is a tremendous gain!"

—*The Commonweal* (Catholic), introducing the "first of what will be a regular column" by Robert McAfee Brown, a Protestant theologian and ecumenist.

Despite the emphasis on differences and divisions, which caused Dr. Minear to use the word "failure" in appraising the council's efforts, the Fourth World Faith and Order Conference came to a close with the ringing affirmation that the churches of the world "are on the way to Christian unity."

From the viewpoint of Bible prophecy I must agree that they are—though whether the unity will be truly "Christian" is yet to be determined. If the churches are to achieve the unity for which Christ prayed, the Word of God must again be exalted in the assemblies as the Supreme Arbiter of God's will. Our Lord pointed out that His unity comes when men permit the Holy Spirit to lead them into "all truth." And, said He, "Thy word is truth." "In vain they do worship me, teaching for doctrines the commandments of men" (Matt. 15:9). "If ye love me, keep my commandments" (John 14:15). "Every plant, which my heavenly Father hath not planted, shall be rooted up" (Matt. 15:13).

As Dr. Visser 't Hooft said in a final service at Christ Church Cathedral in downtown Montreal:

"We must [not] become so enamoured of peace . . . that where truth and unity seem to point in different directions, we must always choose for unity. A theological peace which would be gained at the expense of truth would not be the peace of Christ. His peace is the victory of God's truth." (Release World Council of Churches, July 29, 1963, p. 4.)

If members of the World Council came away from the Fourth Session with this truth carved on their minds, the meeting may well prove to have been more productive than any session before it. If they did not, then soon we may see again the pogroms that blighted civilization and burned martyrs, for sure it is that men yet live who shall call apostasy apostasy, who shall not barter allegiance to God's will, as revealed through His holy Word, for togetherness. ★★★

The First Amendment and the States

Second in a series on the Supreme Court and Freedom of Religion

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AFTER the application of First Amendment rights to the States by the Fourteenth Amendment (see *LIBERTY*, September-October, p. 20) several cases saw the effect of this new doctrine spelled out.

The first came in 1934, in the case of *Hamilton v. Regents of the University of California*.¹ A California statute required that all male students at the university take courses in military training. Petitioners, who were minors, members of the Methodist Church and its youth organizations, and also sons of ordained ministers, challenged the statute as applied to them because they had conscientious scruples against military training and service.

The Court, speaking through Mr. Justice Butler, stated that the "liberty" protected by the Fourteenth Amendment "undoubtedly . . . does include the right to entertain the beliefs, to adhere to the principles and to teach the doctrines on which these students base their objections to the order prescribing military training." He cited, among other cases, *Pierce v. Society of Sisters*. The opinion went on to point out, however, that both State and Federal governments have the right to preserve adequate strength to maintain peace and order and to assure just enforcement of the law. Citizens owe

the reciprocal duty to support and to defend the Government against all enemies. Thus the rights of liberty were not infringed by the requirement that male students take military service.

A concurring opinion by Mr. Justice Cardozo, joined in by Justices Brandeis and Stone, pointed out that instruction in military science was not instruction in religion, nor was it an interference with the free exercise of religion. After listing similar requirements from other States and referring to colonial laws as well, the Justice said that if the students' arguments were upheld, the Court also would have to allow the right of taxpayers to refuse to pay taxes for ends condemned by their consciences. "The right of private judgment has never yet been so exalted above the powers and compulsion of the agencies of government," he concluded.

In approving of the statute, the opinion of the Court showed a real concern for the rights and problems of minorities. This concern was not so great as in later cases, perhaps because there was no dissent to sharpen the expressions of the Court; but it was real.

Taken out of the chronological order thus far followed in this paper are two cases, one of which extends while the other limits the doctrine of the *Hamilton* case. They are *Minersville School District v. Gobitis*² and *West Virginia State Board of Education v. Barnette*.³ At question in both was whether students in public schools could be required to salute the United States flag. In the former case the requirement was upheld. In the latter, decided in 1943, it was not, as applied to those who had conscientious objections. Inasmuch as substantially the same members of the Court were involved⁴ and both facts and issues almost identical, we will look at the two cases together.

The majority opinion in the *Gobitis* case was written by Mr. Justice Frankfurter, who also wrote an extensive dissent in the *Barnette* case. In the *Gobitis* case Justice Frankfurter accepted as basic—evidently so basic as to require no more than a statement—the right of religious freedom as guaranteed against state encroachment.

"Government may not interfere with organized or individual expression of belief or disbelief. . . . Likewise the Constitution assures generous immunity to the individual from imposition of penalties for offending, in the course of his own religious activities, the religious views of others."⁵

He then examined the limits of this basic expression of freedom:

"When does the constitutional guarantee exempt from doing [that] which society thinks necessary, for the promotion of some great common end or from a penalty for conduct which appears dangerous to the general good? . . . Our present task . . . as is so often the case with courts, is to reconcile two rights in order to prevent either from destroying the other."⁶

Justice Frankfurter went on to give one approach to the reconciliation he had just mentioned:

"In the judicial enforcement of religious freedom we are concerned with a historic concept. . . . Judicial nullification of legislation cannot be justified by attributing to the framers of the Bill of Rights views for which there is no historic warrant."

Said the Justice further:

"The mere possession of religious convictions which contradict the relevant concerns of a political society does not relieve the citizens from the discharge of political responsibilities."

Justice Frankfurter saw national unity to be a legitimate objective of West Virginia authorities. "National unity is the basis of national security," he said. Flag saluting was a legitimate way to secure this end, and "exemption [of those who regard it as offensive to their religious beliefs] might introduce elements of difficulty into the school discipline, might cast doubts into the minds of other children which would themselves weaken the effect of the exercise."

In his dissent in the *Barnette* case, Mr. Justice Frankfurter expounded on much the same line. He mentioned the educational effect of a public debate on an issue, an effect lost if the courts decide the point. He questioned whether the founders of the country would have sanctioned any such conclusion as the Court came to. He

analyzed the distinctions drawn by the majority with respect to the *Hamilton* case, set forth some of the consequences of striking down the statute because of its effect on the children involved, and argued that saluting the flag suppressed no belief and curbed no practice. Finally he pointed out that the question had been before the Court several times before. To overrule the prior decisions was to encourage disrespect for judicial process.

There is much force in this reasoning, and I accept most of it without difficulty, but without accepting the result. The majority in the *Barnette* case seemed to do the same. Its opinion, by Mr. Justice Jackson, found that the freedom asserted by the appellees did not "bring them into collision with the rights asserted by any other individual. . . . The sole conflict is between authority and rights of the individual." The end promoted by the law in question was recognized to be a legitimate one, but the Court held that the state's objectives could be promoted through the school curriculum.

Examining the issue more closely, the Court said: "It is also to be noted that the compulsory flag salute and pledge requires affirmation of a belief and an attitude of mind." Since these could be restricted only by clear and present danger, the Court held that "involuntary affirmation could be commanded on even more im-

Tolerance for Minority Rights

Remarks of J. Russell Nelson, Assistant Professor of Finance, University of Minnesota, in opposition to a Minneapolis Sunday-closing ordinance.

TOLERANCE, individual liberty, minority group, bigotry, prejudice—these are words we hear a great deal today. They are words which stir the emotions. They suggest ideas which lead some to violence. They are words of great importance.

These words bear on the quality of our liberty, on the kind of freedom we enjoy. Bigotry and prejudice imply intolerance toward the views of others and lack of respect for other persons as individuals. Bigotry and prejudice are reflected in racial violence. They are reflected in the painting of swastikas on synagogues. But they are reflected just as surely—though not so boldly—in many other ways: in slang references to Yids and Dagoes, in Jim Crow facilities, in biting criticism of another's views, in oppressive legislation.

A war of revolution was fought to establish, in America, a nation committed to the ideals of liberty, tolerance of minority groups, and freedom. These virtues, though never fully realized, have in the United States come closer to fruition than in any other society. And again in this century, millions have died in two great wars fought to preserve these same ideals.

In 1913, Charles Beard, a historian at Columbia University, published his *Economic Interpretation of the Constitution*. The thesis of his book was that the founding fathers were not motivated by high idealism, but by economic greed; their concern was not the rights of

man, but personal profit. The book created a sensation, for until its appearance, the founding fathers had been objects of veneration.

Almost immediately a storm of protest descended upon Beard and his university. Numerous demands for his dismissal were made. But Nicholas Murray Butler, Columbia's great president, met them all with the words of Voltaire: "I disapprove of what you [Beard] say, but I will defend to the death your right to say it."

Another fearless champion of tolerance and minority rights was John C. Calhoun, United States Senator from South Carolina. He committed political suicide—and became immortal for it—by a courageous stand for minority rights in the face of majority opposition. He once said:

"The truth is,—the Government of the uncontrolled numerical majority is but the absolute and despotic form of popular government; just as that of the uncontrolled will of one man, or a few, is of monarchy or aristocracy; and it has, to say the least, as strong a tendency to oppression, and the abuse of its powers, as either of the others."

Tolerance for the rights of minorities, no matter how small they may be, is all I ask. Not that you need agree with me; only that you allow me my own views, for as Gandhi once remarked, "Liberty is the only thing you cannot have unless you are willing to give it to others."

mediate and urgent grounds than silence. But here the power of compulsion is invoked without any allegation that remaining passive creates a clear and present danger that would justify an effort even to muffle expression. To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind left it open to public authorities to compel him to utter what was not in his mind."¹³

In dealing with Mr. Justice Frankfurter's plea to leave the question to public opinion and the legislature, the majority opinion said:

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."¹⁴

Mr. Justice Jackson was blazing a new and important trail here, and he continued to do so. Turning to the relationship of the Bill of Rights to the Fourteenth Amendment, he said:

"In weighing arguments of the parties it is important to distinguish between the due process clause of the Fourteenth Amendment as an instrument for transmitting the principles of the First Amendment and those cases in which it is applied for its own sake. The test of legislation which collides with the Fourteenth Amendment because it also collides with the principles of the First is more definite than the test when only the Fourteenth is involved. Much of the vagueness of the due process clause disappears when the specific prohibitions of the First become its standard. The right of a state to regulate, for example, a public utility may well include, so far as the due process clause is concerned, power to impose all the restrictions which a legislature may have a 'rational basis' for adopting. But freedom of speech and of press, of assembly, and of worship may not be infringed on such slender grounds. They are susceptible of restriction only to prevent grave and immediate danger to interests which the state may lawfully protect."¹⁵

Here appears to be the crux of the difference between Frankfurter and Jackson. Frankfurter's position is logical, well reasoned, and appropriate in its place. Jackson points out, correctly in my opinion, that the area of civil rights and religious liberty is not its place. ★★★

(To be continued)

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- ¹¹ 319 US 630.
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- ¹⁴ *Ibid.*, p. 638.
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Reuchlin's Fight for Academic Freedom

WILLIAM L. ROPER *

JOHANN REUCHLIN sensed trouble that morning in 1510 when an emissary of Emperor Maximilian I knocked at his door in Stuttgart. He was being summoned by the emperor to give his formal opinion on the burning of Jewish books.

Reuchlin was not a Jew, but a German reared in the Roman Catholic faith. But being Germany's foremost medieval scholar and an avid student of Hebrew literature, he had good reason to be worried. Only a few months previously he had evaded an official order to assist in the confiscation and burning of all Jewish books except the Bible. Now he could evade the issue no longer. The summons meant he must confront the book burners, and this in turn could mean only one thing—bitter conflict with Jacob von Hochstraten, the Dominican theologian and inquisitor. For Reuchlin was passionately dedicated to the conviction that the Jewish books should not be burned, and he was determined to fight for those principles in which he believed.

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He could evade the issue no longer—he must confront the book burners.

Yet, despite his foreboding of trouble, Reuchlin could not foresee the far-reaching effect that his fight for truth and academic freedom would have on the world.

He had no way of knowing that his courageous defiance of the book-burning bigots would bring the bold, outspoken Wittenberg professor, Martin Luther, to his defense, and that this would serve to spark the Reformation. Nor could he foresee that this scholastic controversy, then focused merely on Jewish books, would grow and widen to make Luther the chief target.

Reuchlin himself was no fiery reformer. He had neither the literary nor the philosophical genius of Erasmus nor the courageous originality of Luther. But he was a dedicated scholar and a devoted champion of academic freedom. Moreover, he had fallen in love with Hebrew literature. His first study of that language had been under the imperial physician, Jacob Jechiel Loans, a learned Jew. Later, in Rome, he had continued his Hebrew studies under Obadiah Sforza of Cesena. He had been delighted to find much that was beautiful and inspiring in the Jewish books. He found, too, that his readings of the Bible in Greek and in Hebrew gave him a far deeper understanding of Christianity than he could gain from the Latin Vulgate alone. But the Latin Vulgate was the authorized version favored by papal orders.

To Reuchlin the Old Testament scriptures were most valid in the Hebrew text, and he studied them carefully in his search for Biblical truth. Concerning this, he said, "I honor St. Jerome as an angel; I value Lira as a master; but I worship truth as my God."

Eager to share his truth with others, Reuchlin in 1506 published a Hebrew grammar and lexicon—*Rudimenta Hebraica*, or *Rudiments of Hebrew*. He had followed this by writing *De Verbo Mirifico* and other tracts designed to promote interest in Hebrew. He was quoted as saying, "If I live, Hebrew must with God's help come to the front."

So it was natural for the book burners to direct their attention to Reuchlin soon after beginning their campaign to stamp out what they considered to be a dangerous source of heresy. It was equally natural for the Dominicans to come into conflict with the Humanists over this issue.

The Dominicans conceived themselves to be God's appointed exterminators of heresy. The Humanists, the medieval truth seekers, were just as stubbornly dedicated to the quest for universal knowledge and academic freedom. Consequently, the Humanists believed that a study of the literature and languages of classical antiquity was essential. The Dominicans contended that

such studies were dangerous. They feared that a study of Greek and Hebrew might undermine the authority of the church, creating disbelief in the infallibility of the pope. Already Desiderius Erasmus, the Dutch Humanist, with his books *The Praise of Folly* and *The Education of a Christian Prince*, had attracted a wide scholastic following throughout Europe. William of Occam and other scholars had likewise worried the Dominicans.

This explains the eagerness with which the Dominicans at the University of Cologne took up Johann Pfefferkorn's plan to burn all Jewish books. Pfefferkorn, himself a Jew converted to the Catholic faith, soon found a fellow who could match his fanatical zeal—Jacob von Hochstraten! Hochstraten, the professor of theology at Cologne, the citadel of Dominican activity in Germany, was noted for his intolerance. As papal inquisitor, he favored strong action where heretics or heresy were concerned.

Pfefferkorn urged the burning of all Jewish books on two grounds—that it would make conversion of Jews easier and that the Jewish books were antagonistic to the Roman Catholic religion. The Dominicans quickly voted their approval, and the cause gained popular support. For centuries it had been fashionable to blame the Jews for everything—including the Black Death.

Pfefferkorn and Hochstraten lost no time putting their plan into action. They went to see the emperor and came away with a signed order authorizing the confiscation and burning of all Jewish books found to be against the Catholic religion. Armed with the order, Pfefferkorn hurried to Stuttgart and demanded Reuchlin's aid in finding the offending books.

Looking closely at the order carried by Pfefferkorn, Reuchlin—who had studied law at the University of Paris and taught law and the belles-lettres at Tübingen and elsewhere—discovered that it was legally defective. Certain formalities were lacking that rendered it invalid. On these grounds he politely demurred.

But in 1510, when the emperor's emissary came knocking at his door, summoning him to give his opinion on the Jewish books, he knew that evasion was no longer possible.

On November 6, 1510, he gave his opinion in writing. Bravely declaring his convictions, he pointed out that only a few of the Jewish books were openly antagonistic to Christianity. Most of them, he insisted, instead of injuring Christianity contributed to its honor and glory, since the study of them produced bold and learned witnesses to champion the cause of scriptural truth.

He denounced as "a ruffianly argument" the Dominican contention that the books should be burned because they promoted heresy.

He pointed out, too, that many of the books contained material of value and scholarly interest and should not be destroyed merely because they upheld another faith.

Instead of destroying this literature, steps should be taken to preserve it, he declared. And he recommended that the emperor decree the establishment of two Hebrew chairs at every German university, and that the Jews be asked to supply books for them.

These bold proposals by Reuchlin alarmed and infuriated the book burners. Of all the experts on Jewish literature in Germany, he alone had dared to defend the books and to defy the Dominicans. They blamed him for the hesitancy of the emperor, who appeared to share Reuchlin's views that destruction of the books would be a step backward.

Pfefferkorn then sought to stir the masses against Reuchlin, and he put into circulation a libelous pamphlet accusing Reuchlin of having been bribed with Jewish gold. Undoubtedly, this smear-sheet, the *Handspiegel*, published in 1511, added new fury to the flames of intolerance in medieval Germany. Stung to anger, Reuchlin replied in a publication called the *Augenspiegel*, "The Eyeglass." This was the beginning of a bitter quarrel between the truth seekers and the book burners that was to keep medieval scholars involved in controversy for more than ten years.

Reuchlin offered to receive corrections in theology if shown he was wrong, but declared he would not retract any statement he had made. Meanwhile, his enemies began pressing for his trial on a charge of heresy. Many of the European universities, influenced by the Dominicans, sided against him. Even Paris, in 1514, condemned his *Augenspiegel* and called upon him to recant.

Resorting to the same tactics they had used in bringing Wycliffe and Huss to trial on charges of heresy, the Dominicans began poring over Reuchlin's writings, selecting a passage here and a paragraph there and twisting the meaning of his words so they appeared critical of the Scriptures or of church doctrine. Basing their charges of heresy on these twisted phrases, they brought him before the Inquisition at Mainz in 1513.

Hochstraten, the papal inquisitor, presided. Since he was both judge and accuser, the result was to be expected. The tribunal found Reuchlin's writings to be heretical and they were burned while the black-robed Dominicans chanted the *Te Deum*.

The destruction of Reuchlin's works not only aroused the scholar's friends and the Humanists to indignation but also shocked many of the German people. Reuchlin's influential friends made an appeal to Pope Leo X. He referred the controversy to the Bishop of Spire, who, acting with a German commission, found Reuchlin innocent. Later the pope, displeased with this decision, set it aside. Once again Reuchlin was condemned.

As book burners closed in on the scholar who had

dared to defend the Jewish books, Reuchlin began winning strong support in Germany. Men devoted to learning and progress began to unite in his defense.

Among those coming to Reuchlin's aid were Martin Luther and Ulrich von Hutten, the scholar, poet, and Reformer of the German Renaissance. Hutten and Crotus Rubianus collaborated in writing a masterpiece of ridicule, *Epistolae Obscurorum Virorum*, which defended Reuchlin and held his enemies up to scorn. It served to turn much of the scholastic sentiment in Germany against the book burners, but the attack on Reuchlin was soon renewed.

From the beginning of the controversy, Luther's sympathies had been with Reuchlin. Although Reuchlin was the great-uncle of Melancthon, one of Luther's associates at Wittenberg, Luther's sympathy went far beyond that point of contact. Luther was inclined to see things from the Humanist viewpoint. He too had not been satisfied with the Scriptures in the Latin Vulgate, but had looked to the Greek and Hebrew in his search for Biblical truth.

In a letter written to his friend Johann Lang, May 29, 1522, Luther recalls his first contact with Reuchlin's *Hebrew Grammar* many years earlier. It was through this grammar that the scholar had opened the beauty and learning of Hebrew literature to Luther and other students in cloister and university. Evidence of this philological schooling lies in the Reformer's interpretation of Augustine's words. Hebrew had helped him find his interpretation of the Scriptures. Recent students of Luther—including Robert Herndon Fife, who wrote *Revolt of Martin Luther* and Roland H. Bainton, author of *Here I Stand*, a life of Martin Luther—have found many instances of the influence that Reuchlin had on the Wittenberg professor.

Gradually the Dominican fight against Reuchlin began to lose its force as Hochstraten and the book burners focused their wrath on Martin Luther. Here was a new and even more dangerous heretic.

The military might of Franz von Sickingen played a hand in finally rescuing Reuchlin from his tormentors. In 1519, Von Sickingen, a knight of the Moselle region who had been a student under Reuchlin during his youth, surrounded Cologne with his armed followers and compelled the Dominicans of the city to compensate Reuchlin for the attacks they had made on him five years earlier.

In 1521 Reuchlin returned to Tübingen, after a year in refuge at Ingolstadt. At Tübingen the sixty-five-year-old scholar again taught languages and literature. Near the end of his life he is quoted as saying, "Thanks be to God, at last they have found a man [Luther] who will give them so much to do that they will be compelled to let my old age end in peace." Reuchlin died June 30, 1522. Although he never left the Catholic Church, he had served an important role in inspiring the Reformation. ★★★



THE DRIVE TOWARD RELIGIOUS CONFORMITY

A PHRASE COINED by Mr. Justice Jackson is becoming increasingly significant in the light of the intensifying drive toward religious conformity. Mr. Jackson described regimentation of the soul as the "unanimity of the graveyard." Regulation of rights by "majority rule" and its supporting state legislation threatens the ostracism and persecution of dissenters and the ultimate death of genuine individual religious experience.

Compulsion of religious beliefs is contrary to the most fundamental principles of the American Bill of Rights. Nonetheless it is on the increase. What is more appalling is that it is receiving the support of a sizable segment of the clergy and of leaders in the legal and business worlds—men who ought to know better. Surely the long struggle of our country to rid itself of the octopus of medievalism hasn't been entirely forgotten!

The spiritual strength of any people depends upon the voluntary nature of their religious life. Compulsion inevitably drains the lifeblood of spiritual strength. Belief finds its source in the spirit, not in the sword. Religion stems from the heart and mind, not from the law of the state. It is a matter of inner conviction, not of outer compulsion.

Our political representatives must never make the mistake of supposing that the wishes of the religious majority must be legislated as the binding requirements for all the community. This fatal error has been the key to all the religious persecutions of the ages. Conformity plus police power always equals religious tyranny.

Official legal recognition of sectarian principles is already established in many of our States. One increasingly hears the cry of "majority rule" with reference to proposed Sunday closing bills. Even clergymen whose very churches have thrived under the banner of American religious freedom shout for the "rule of the majority" and the "submission of the minority." Since when must religious conviction be made to conform to the statistical preponderance of the conforming mob?

Philip Jacobson, in an article in *The Christian Century*, wrote of the fallacies of the seductive argument that the majority will should prevail in religious issues. He called this ominous trend the "new look" now "being directed at church-state relations," and asserted, "When

some spokesmen for the Christian community appear ready to sacrifice religious freedom on the altar of majority right I feel impelled to raise the danger signal." —*The Christian Century*, Oct. 22, 1958. Would to God that more of our religious and political leaders were equally aware of this pressing danger!

The failure of so many Americans to be alert to the danger is disheartening. Have we so long enjoyed freedom that we cannot dream it can be lost even while it is being sabotaged by pressure groups seeking to legislate religious conformity? Can we see no danger in the pressures being brought to bear against the principle of separation of church and state? We are asleep under a false "security concerning our freedom of conscience," unaware of scores of current threats to our fair land.

The majority oversteps its constitutional bounds when it seeks to dominate and regulate the religious culture of a pluralistic society. No religious group, regardless of its size, has any right to exert political coercion upon other religious groups. What has happened to the principle so clearly enunciated by Thomas Jefferson?—"Religion is a matter which is solely between man and his God." Greater concern for religious welfare is greatly needed, but concern must motivate voluntary action, not state coercion. The fundamental principle of the religious neutrality of the state denies legislated conformity to religious beliefs or observances of the majority. If freedom of conscience is to be preserved, the general will of the mass must always be limited by the inalienable rights of the individual. As Howard E. Kreshner, editor of *Christian Economics*, observes: "The only safety lies in surrounding the individual with certain rights which cannot be violated even by an overwhelming majority." —*Christian Economics*, March 17, 1959.

J. A. B.

PEOPLE WHO LIVE IN GLASS HOUSES

PEOPLE who live in glass houses, wrote a not-so-ancient sage, should keep the blinds pulled. Or, as several United States Representatives are ruefully paraphrasing it, "Congressmen whose churches accept aid for their schools are in an embarrassing position when they arise before their colleagues to oppose government aid to church institutions."

Take, for example, the case of Rep. W. R. Poage of Texas. During hearing on a bill to authorize \$1.2 million of Government aid to colleges, Representative Poage spoke. "I am proud to be a graduate of Baylor University, the largest Southern Baptist institution in Texas," he said. "I believe in church-related institutions and as an individual have contributed to their support. But," said the Congressman, "to the extent that they are instrumentalities of religious denominations, it seems to me that it is improper for the federal government, or any government unit, to make grants for their support."

Rep. Adam Clayton Powell, Jr., chairman of the House Committee on Education and Labor, looked at a paper before him.

"According to my figures," he said, "during the past four years Baylor University has received \$6.2 million from the federal government."

Fortunately for Baylor and Representative Poage, this was the truth but not the whole truth, as Rep. Eugene Siler of Kentucky told the House a few days later. The only Federal funds received by Baylor, according to Mr. Siler, involved research contracts in which the University cooperated in making its facilities available to scientific agencies. The Kentucky legislator said Baylor University officials reported that most of the research contracts did not cover the actual cost of the work and none represented any subsidy whatsoever of its teaching program.

Congressmen representing some other churches and some other colleges will not be able to rebut Representative Powell so effectively. And sure it is that before the debate over Federal aid for church-related institutions is over, every tax dollar that has entered any church's glass house will be exposed to searching—and sometimes, embarrassing—public scrutiny. The editors of *LIBERTY* hope that on that day of judgment the only representatives able to speak without shame will not be atheists who graduated from correspondence schools.

R. R. H.



Springfield, Va.—Franklin P. Adkins needed pajamas and a robe for a 15-year-old cousin recuperating in a hospital after an appendectomy.

Informed at a drugstore that the garments could be sold on Sunday only with a prescription, Adkins went to the hospital, told his story.

The resident in surgery, Dr. Thomas Greisinger, wrote this prescription: "One pair of pajamas and one robe to be worn day or night."

It worked.

Parochial Schools and Public Funds

From page 16

and Legal Departments endeavor by means they know best to incorporate into federal aid bills provisions which will give Catholic schools and their pupils as much assistance as can be obtained without violation of federal law as interpreted by the Supreme Court. . . .

The School Superintendents' Department will do its best to persuade the principals of Catholic high schools to borrow funds for the purchase of scientific, mathematical, and modern language equipment under the provisions of the National Defense Education Act. It fully recognizes the fact that failure to borrow this money would set a very unfavorable precedent for future legislation designed to help non-public education.

f. Two concerns involving parochial schools may be solved by experimentation along lines being suggested in many circles: (1) the increasing cost of science and vocational installations for non-public schools, and (2) the divisive effect of students attending school systems segregated on a religious basis during their whole careers. In his book *Christians and the State* (Scribners, 1958), John C. Bennett, of Union Theological Seminary, suggests: "Is it impossible to think of the construction of part-time parochial schools near the public school?" (Page 243)

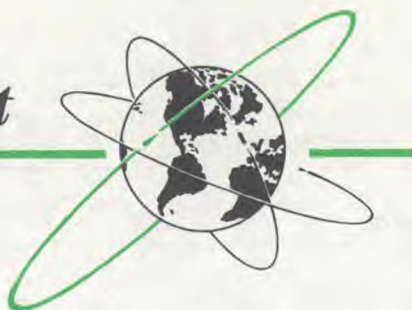
At the Feb. 16, 1960, meeting of American Association of School Administrators, Theodore Powell, of the Conn. State Dept. of Education said:

Let parochial students take some of their courses at public schools and at public expense. This system is now being followed in some Connecticut towns to a limited degree. Catholic school pupils come over to the public school for instruction in homemaking or industrial arts. The number of subjects available in the public school to the parochial school pupil could be increased—physical education, mathematics, the physical sciences—perhaps there are others that could be added to the list.

Such an arrangement would relieve parochial schools of some of their heaviest financial burdens, and would give public and parochial pupils a chance to get acquainted, but would not involve payment of public funds to parochial systems. This kind of plan might also enable other groups to increase the religious or other instruction now given through released-time plans without abandoning their strong support of the public schools. Experimentation of this kind on a local school-district basis is a healthy democratic development, provided it is not irreversible, and is not used as a precedent for more direct public aid. Once public subsidy to parochial schools is incorporated in federal legislation, however, it is beyond the possibility of correction by the courts, since federal courts will not recognize the standing of individuals to sue against Congressional appropriations. Thus the first and last resort of this field is with the legislature.

★★★

LIBERTY, 1963



UNITED STATES

Catholic Congressman Sees U.S. Aid as Threat to Parochial Schools

New Orleans, La.—If Federal aid were provided to Roman Catholic education there would be nothing to stop the Federal Government in the future from establishing rules and regulations making it impossible to teach the catechism in parochial schools, a U.S. Congressman has said.

Rep. F. E. Hebert of New Orleans, a Catholic, made the statement in replying to a poll of Louisiana's Congressional delegation on the recent U.S. Supreme Court decision barring the Lord's Prayer and Bible reading as devotional acts in public schools.

He was the only one of six Congressmen replying to the survey—conducted by the *Clarion Herald*, weekly newspaper of the Archdiocese of New Orleans—who agreed with the decision.

"For once I am inclined to agree with the Supreme Court," he said. "Looking back over what has happened, the first time the Supreme Court threw out the prayer case it was a state prayer, which obviously had no part in our system of government.

"Now in this particular case the question comes up whether it will be the Protestant Our Father or the Catholic Our Father. Making a decision on either would certainly inject religion into the political and public domain."

On the matter of aid to Catholic education, Mr. Hebert added that he would have to reserve a final opinion "until I could see what type of amendments would be offered in this area."

Vatican II Religious Liberty Stand Urged to "Relieve Tensions"

Palo Alto, Calif.—A major step to relieve tensions between Catholics and non-Catholics can be taken at the Second Vatican Council with an "explicit, conciliar statement on religious liberty," according to a prominent Protestant theologian.

Dr. Robert McAfee Brown, a delegate-observer to the council's second session, spoke at the 1963 Stanford campus conference, which began September 8.

A United Presbyterian minister formerly with Union Theological Seminary in New York, Dr. Brown is now professor of religion in the Special Programs in Human-

ities at Stanford University. He has been a foremost Protestant spokesman in the Christian unity movement.

Dr. Brown told the Stanford conference that there have been several indications that the Second Vatican Council would make a definite statement in support of religious liberty.

These include material in Pope Pius XII's encyclical *Mystici corporis*, in 1953, and in Pope John XXIII's recent encyclical *Pacem in Terris*, which endorses the principle of religious liberty.

"All this suggests that the time is now ripe for a conciliar statement," Dr. Brown said. "This would have the most significant immediate results of anything the second session of the Council could do."

In the past, he continued, the Catholic Church has given the impression that it favors religious liberty when it is in the minority, and that it opposes it when it is in the majority.

"Almost all of this misunderstanding could be dispelled by an authoritative conciliar statement, affirming that religious liberty must be granted to all, regardless of the ratio of Catholics to non-Catholics," Dr. Brown declared.

Foreign Minister Says Vatican Must Advise Spain on Protestants' Status

New York.—Spanish Foreign Minister Fernando Maria Castiella y Maiz declared that "only with the express agreement of the Holy See" can Spain promulgate "some form of legal status for the non-Catholic denominations" in that country.

His article appeared in *America*, a national Catholic weekly that commented on it by saying that Spain "is now trying to find a way to adapt her practice (in regard to the non-Catholic minority) to the teaching of *Pacem in Terris*," but "she expects the Vatican Council to indicate the road she must follow."

Señor Castiella recalled that in 1953, Pope Pius XII, in an address to the Fifth Convention of Italian Catholic Jurists, raised the question whether in concrete instances religious tolerance can be justified by the Catholic statesman "in the interests of a higher and more general good," at the same time insisting that in that "which concerns religion and morality, he will seek also the judgment of the Church."

The Spanish minister said that "on such vital questions touching international life, only he to whom

Christ has entrusted the guidance of His entire Church—that is, the Roman Pontiff—is competent to speak,” and “this is the road taken by the Spanish state.”

School "Milk Break" Prayer Is Ruled Unconstitutional

Sacramento, Calif.—It is unconstitutional for public school children in Sacramento County to say grace with their milk and cookies.

The county counsel's office so ruled here in an opinion delivered to Fred J. Kiessel, superintendent of the San Juan Unified School District, who asked whether it is lawful for kindergarten youngsters to utter this two-line prayer before their daily “milk break”:

“God is great. God is good.
“Let us thank Him for our food.”

Copies of the legal opinion were sent to 20 other school districts in the county because it was indicated that San Juan is only one of many California districts where Supreme Court decisions on school prayers are ignored.

However, regional school officials said they are unaware that prayers are being said in classrooms. If some teachers are conducting prayers, they added, it is contrary to the wishes of school administrators.

In his request for a legal opinion on the kindergarten prayer, Mr. Kiessel observed that the youngsters were not compelled to participate. He said they “may either leave the room when it is said or remain silent.”

AUSTRALIA

Labor Party Favors Indirect State Aid to Church Schools

Perth, Australia.—The Australian Labor Party, at its biennial convention in Perth, reaffirmed its 1957 policy against direct state aid to church-related schools, but came out in favor of indirect government assistance to pupils in such schools.

In a resolution, Labor Party delegates endorsed a proposal for secondary school scholarships “payable direct to the student” in sectarian schools.

The statement also recognized the right of persons to establish nonpublic schools, but at their own expense. It declared:

“Citizens who do not choose to use school facilities provided by the state, whether for conscientious or other reasons, shall have the absolute right to develop an independent system of schools of a recognized standard at their own cost.”

After the convention a spokesman said the party would continue to support “fringe benefits” allowed to denominational schools, such as the use of public school science laboratories by private school pupils.

BRAZIL

Brazil Reported Considering Issue of "Voodoo" Stamp

Rio de Janeiro.—Brazil, the largest Roman Catholic nation in the world, may become the first country to issue a postage stamp honoring a voodoo goddess.

The Postal and Telegraph Department is considering a suggestion that it issue a series of stamps at the end of the year honoring Yemanja, voodoo water goddess. The festal day for Yemanja begins at midnight, Dec. 31, and continues throughout the predawn hours of January 1.

Yemanja, while considered as belonging to the Macumba (voodoo) cults, also has an early Brazilian Indian legendary connection, and is widely worshiped throughout the country. At midnight thousands of her devotees throng the Rio de Janeiro waterfront, throwing flowers, money, jewelry, and bread into the water in payment of promises made to the goddess.

Yemanja is always pictured as a beautiful young white woman with long, flowing golden hair. She is considered the “water goddess,” often referred to as the “mother of waters,” and is an important figure in the Brazilian version of African voodoo.

One legend has it that she floats down streams on a leaf. If a man captures her, she will marry him. Although she ultimately neglects her husband and children, so the story goes, no man who marries Yemanja will ever again be as poverty-stricken as he once was.

The proposed postage stamps have the approval of Macumba cults. Ernesto Silva, general secretary of the Brazilian Confederation of Umbanda Spiritualism, says the followers of Yemanja are most hopeful that the stamps will be issued in time for this year's ceremony.

SPAIN

Catholic Weekly Fined for Franco Cartoon

Madrid.—*Domingo*, a Roman Catholic weekly in Madrid, was fined the equivalent of \$840 by the Spanish Government for publishing a caricature of Generalissimo Francisco Franco.

Said to have been the first cartoon of the Chief of State published in Spain since the end of the Civil War (1936-1939), the drawing showed him receiving an addition to his many decorations.

It was captioned, “This is for your grandchildren.” The reference was to the son and four daughters of Carmen Marquesa Villaverde, the only daughter of General Franco, who is married to the Marquis of Villaverde, a surgeon.

Observers said the cartoon referred to the general's grandson. By law the boy carries the name of Francisco Franco instead of that of his father.

The issue of *Domingo* containing the cartoon was withdrawn from newsstands.

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Letters

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THE CONSTITUTION AND THE SUPREME COURT

GENTLEMEN:

The concluding article by C. Mervyn Maxwell on "The Constitution and the Supreme Court" was very well done.

If they are available, I would very much appreciate the back issues of LIBERTY containing prior installments of this series.—BRUCE BAYER, *Attorney at Law, Scottsdale, Arizona.*

WE'RE CONFUSED?

DEAR SIR:

It seems to me that we should at least consider the tenets of a religion before we glibly assert that that religion should be separate from the state.

Now many a Baptist regards complete immersion in baptism as a part of his religion, many a Methodist regards belief in the Holy Spirit as a part of his religion, and many a Presbyterian regards personal prayer in his home as a part of his religion. Well, I regard as my religion my belief that God's will should be done in all things. It follows that I should regard as part of my religion my belief that God would have government organized on a just and proper basis.

I feel that recent Supreme Court decisions in this area advance the organization of government on a just and proper basis, therefore I regard support of the decisions as a part of my religion.

So now I read that LIBERTY is also supporting this establishment of religion in our Government. Though I welcome support, I must confess that I am wondering if LIBERTY is not just a bit confused on these matters.—ROBERT E. CRENSHAW, *Laurens, S.C.*

[We must be. We don't know where we did it if we did. In fact, we're not even sure, after rereading your letter, what we did!—ED.]



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HOWARD CHANDLER CHRISTY, ARTIST

Freedom's Crown

MYRTLE COOK JACKSON

Ideals are stars; we touch them with our souls;
The colonists, who claimed freemen's release,
At Lexington and Concord fought for goals,
Yet stubborn redcoats offered them no peace.
Soon smoke of Bunker Hill had filled the sky,
And moans from Valley Forge to old Quebec
Had signaled that brave men must fight and die,
For freedom's cause no tyranny could check.

So statesmen worked and prayed, without dismay,
That unity might crown our freedom's brow;
They came from city, town, and far pathway
To that famed Quaker town, there to avow
The rights within the Constitution's plan.
Sharp conflict turned to compromise at last—
A prayer for peace had bridged the span,
Approving ballots fell—"the die was cast!"

Democracy, guard well your sacred strength;
Through blood and tears this priceless gift was born—
This miracle, which brave men used at length
To shape a crown for freedom none may scorn.

GOD GIVE US MEN

A time like this demands strong minds, great hearts, true faith, and ready hands; men whom the lust of office does not kill; men whom the spoils of office cannot buy; men who possess opinions and a will; men who have honor; men who will not lie; men who can stand before a demagogue and damn his treacherous flatteries without winking; tall men, sun-crowned, who live above the fog in public duty and in private thinking.

—J. G. HOLLAND

THOMAS DUNBEIN, ARTIST

