

liberty



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red roses without love

A MAGAZINE OF RELIGIOUS FREEDOM



THE FORTY MARTYRS OF SEBASTE



Forty good warriors for Christ they were, and the pride of the Roman Empire. What a sight they made in their gleaming bronze and polished leather! All were from Cappadocia, and all were members of the vaunted Twelfth, or "Thundering," Legion of Rome's imperial army. For three centuries this elite command had maintained an unmatched record in the arts of war. On one occasion after a victory on the Danube River, so the story went, the Legion had received praise from the great emperor Marcus Aurelius himself in a letter to the Senate.

But that was years ago and now a new emperor, Valerius Licinius, reigned as Caesar in the eastern portion of the Empire, a man described by the Cambridge historians as "perhaps the most detestable of all the hard men of his age."

After showing some tolerance for the Christians in the Empire in his youth, Licinius gradually had become more and more repressive in his policies. The reason: The Christian emperor of the West, Constantine, was hourly increasing in military strength and now was threatening Licinius' territory.

So the edict came down from Licinius: No more Christians in the imperial court. No more meetings in churches, or anywhere else except in the open air outside the city walls. Civil servants were to lose their appointments if they refused to offer sacrifice on pagan altars before the local deities. And civil servants included—the troops!

At the time (midwinter A.D. 320) the 40 Cappadocians were stationed with the Twelfth Legion at Sebaste, a city of Lesser Armenia south of the Pontus Euxinus [Black Sea]. In command was the captain, Agricolus, a seasoned veteran. Upon receiving the





edict he assembled the troops and read out the instructions.

"Men of the Twelfth Legion," he shouted, "you have shown your valor and unity in battle in a way that has brought victory after victory over the enemy's forces. Now I am calling upon you to demonstrate once again your support of our imperial Caesar, Valerius Licinius, and your obedience to his laws. It is most important, because of the new threat to our armies, that we invoke a favorable issue out of this campaign by making appropriate sacrifice to the gods. The ceremony will take place tomorrow."

The Lord Guards Our Advantage

After the legionaries were dismissed, two spokesmen for the Cappadocians came to Agricolas' tent and asked permission to speak. They advised the captain that there were 40 Christians in the ranks of the Legion who would have nothing whatever to do with the proposed ritual of sacrifice.

"Inform the troops," replied Agricolas with some heat, "that two choices lie before them. If they take part in the sacrifice they will be eligible for promotion and honor. If they do not, their armor and their military status will be taken away from them. Tell them to think it over and choose to their advantage."

"The Lord," said the spokesman, "will guard our advantage, centurion."

Agricolas' countenance darkened. "Don't talk too much," he rasped. "You are to be here tomorrow to do your duty. Meanwhile I am issuing an order confining all of you to military prison."

That night in their guarded encampment the 40 Cappadocians lifted their voices and sang the ninety-first psalm.

I will say of the Lord, he is my refuge and my fortress: my God, in him will I trust. Surely he shall deliver me from the snare of the fowler, and from the noisome pestilence.

One of the men led the singing, and two others led the responses. When they had finished, the men bowed in prayer, and later they sang again. There was no sleep that night.

Next morning Agricolas was informed that Lysias, commanding general of the imperial forces under Licinius, was arriving shortly from Caesarea on a tour of inspection. Finding the 40 Christians still obdurate, he summoned the top officers of his Twelfth Legion



and ordered the Christians to be brought before them for court-martial.

Agricolas opened the trial formalities by commending them for their prowess in combat. "That which I have to say is not flattery," he declared, "but the truth. Of all the soldiers who serve the emperor, none are more intelligent than you, none more effective in military operations, none more loved by us and none more needed right now. Do not turn our love into hatred. It lies in you whether to be loved or hated."

The Choice Has Already Been Made

"If it rests with us," said Kandidos, one of the spokesmen, "we have made our choice. We shall devote our love to our God."

At this Agricolas grew angry and ordered the 40 men dragged back to their place of confinement to await sentencing. But Kyrion, another of the band, spoke up: "You have not received power to punish us, sire, only to question us." The captain paused, chagrin showing on his coarse features. It was true, Licinius had not given him the power of death. Reluctantly he changed his order and had the prisoners bound over until the expected visit of Lysias. The Christians were put in custody of the jailer, Aglaïos.

One week later the general arrived from Caesarea, and the case of the Cappadocians was placed before him. The men were led to the tribunal, and as they were being brought they recited the fifty-fourth psalm:

Save me, O God, by thy name, and judge me by thy strength. Hear my prayer, O God; give ear to the words of my mouth.

The commander looked them over with a practiced eye. "I recognize the type," he said to Agricolas. "They are good soldiers, and they like to be put under pressure so that they will be considered worthy of greater honor." He then proceeded to offer the alternatives that Agricolas had specified, but added, "If you

do not obey, you will be delivered for torture."

Replied Kandidos: "You can have our armor, and our bodies as well. We prefer Christ."

A Warm Bathhouse at the Lake

Back they were ordered to their place of imprisonment, where they fortified themselves with mutual good cheer and the inspiration of the Psalms. At nine o'clock the following morning they reported to Agricolas and he pronounced the commander's sentence. Their arms were to be bound, ropes were to be placed over their necks, and they were to be led to the shore of a nearby frozen lake. There, at sundown, they were to be stripped and escorted out to the middle of the lake.

Because of the high reputation of the Christians for bravery in battle the commander had ordered that they be given the privilege of recanting at any time. A heated Roman bathhouse, fully equipped, stood on the lakeshore. It was readied for any of the men who were prepared to renounce their faith in Christ and to offer a pagan sacrifice.

A bitter wind whipped over the lake's surface as the men of Cappadocia were driven out shivering in the dusk. Guards were posted on the shore, and the military jailer, Aglaïos, stood by with arms folded, watching.

"Were you angry against the rivers, Lord?" murmured one of them pitifully, remembering the words of Ezekiel [29:10]. Then one of the band struck up another song:

"Forty good soldiers for Christ!

"We shall not depart from You as long as You give us life.

"We shall call upon Your Name whom all creation praises: fire and hail, snow and wind and storm.

"On You we have hoped and we were not ashamed!"



The men took heart at this song, and raised their voices lustily, while the ice chilled their feet.

As the hour of midnight approached, the songs grew more feeble; they could scarcely be heard by those on the shore. Then a strange thing occurred. One of the forty was seen emerging from the darkness of the lake, staggering toward the shore. He fell to his knees and began crawling toward the bathhouse. The guards posted there were dozing; only the jailer, Aglaïos, was awake, his eyes peering into the blackness, his ears straining to catch the mumbled prayers of the doomed Christians.

"Thirty-nine good soldiers for Christ!" came a thin, quavering note from the distance. Aglaïos watched the man enter the bathhouse then emerge quickly, apparently overcome by the heat. He saw the man collapse on the ground and lie still.

At that moment something happened in the heart of Aglaïos, the jailer. What it was, only he and God will ever know; but the guards reported hearing a great shout that jerked them awake. Rubbing their eyes, they watched him wrench off his armor and girdle and dash to the edge of the lake. There, after lifting his right hand and crying, "Forty good soldiers for Christ!" he disappeared over the ice into the darkness.

One of Them Was Still Breathing

There is not much more of the story to tell. Next day the captain, Agricolos, ordered the victims brought to shore. They were found huddled in a heap in the middle of the ice, dead and frozen. A crowd gathered on the lakeshore and watched silently, many weeping audibly, as the bodies were carried to the edge by their fellow legionaries to be loaded into chariots. The body of the recanter was laid with them.

A murmur went up as it was reported that one of the 40, the youngest, was still breathing. He was

lowered gently to the ground at the lakeshore and left to the care of his mother, who recognized him and ran to him with words of encouragement. "My sweetest son," she cried, "endure for a short time yet. Look how Christ stands by you!" When she saw all the bodies being taken away, the mother threw off her feminine weakness, and with a tremendous burst of strength lifted him on her shoulders and marched after the chariots. While she was carrying him, her son breathed his last. She then pushed ahead to the chariots and placed his body with the others.

As Agricolos, the captain, watched the bodies of the Cappadocians being carted away, he suddenly turned to the guards beside him. "What is he doing there?" he demanded, pointing to one of the figures whose face seemed different from the rest. It was Aglaïos, the jailer.

"We cannot understand it, Captain," replied one of the guards. "It was far into the night, when all of a sudden he jumped to his feet, shouted something, stripped off his armor and ran. We could not get near him to stop him."

"Was he bewitched?"

"Probably, sire. Ever since those Christians came under his care, we noticed something different about him. At times he would be singing under his breath. It was a bad sign, we decided. Too much music is bad for soldiers. Makes them queer, don't you think so, Captain?" □

From *Decision*, copyright December, 1963, BGEA.

[One of the most reliable sources for the story of the Forty Martyrs is an ancient Greek account found in *Acta Martyrum Selecta* (Ausgewählte Märtyreracten) xvii, entitled "The Martyrdoms of the Forty Saints Who Suffered at Sebasteia," edited by Oscar von Gebhardt and published by Alexander Duncker, Berlin, 1902. This account was translated by Achilles Avraamides, and is reproduced here with some editorial additions. Other accounts are found in the nineteenth homily of Basil of Caesarea and in the writings of Gregory of Nyssa. Legendary elements have crept into this story as into many similar accounts. The Cambridge Ancient History (vol. xii, p. 695) concedes that "the account of the deaths of the Forty Martyrs of Sebasteia may be rightly dated to the persecution of Licinius."]



When Adell Sherbert was fired for refusing to work on Saturday, she sought other employment. Unsuccessful, she applied for unemployment compensation. South Carolina refused her request, holding that she must be available for work on her Sabbath—a requirement from which Sunday observers in the State were exempted. In this chapter from his book **DATELINE SUNDAY, U.S.A.,*** Warren L. Johns discusses the United States Supreme Court ruling in her case.

Suppose every Christian seventh-day-Sabbath worshiper in the United States pulled up stakes, moved to Wyoming, and there became a religious majority. And suppose a realization of political power whetted the settlers' appetites, so that they proceeded to impose their convictions on the local public through civil law. Would you want to live there?

A hitherto religious minority would suddenly possess political power. The hypothetical "new majority" could eye with interest the *McGowan v. Maryland* decision handed down by the Supreme Court of the United States in 1961. Using

identical language, it could enact a "Sabbath" law making it a crime not to observe the seventh-day Sabbath and paraphrase the words of the Chief Justice to make them read, "Saturday is a day apart from all others. The cause is irrelevant; the fact exists."

The author who framed this question about life under a "new majority" continued:

Inasmuch as Sabbathkeepers believe that Sabbathkeeping is one of the requirements of the Ten-Commandment law and that society itself would be greatly blessed if all people kept the Sabbath that Jesus kept, they could vi-

olate the God-given principle of individual choice and,

a. Sponsor and pass by majority legislative vote a strict Saturday-rest law. They could pattern this law after some of the blue laws already on the statute books of certain States by substituting the word "Saturday" for the word "Sunday."

b. There might be a vigorous protest against such an un-American law by those who believe in our Bill of Rights and the essential rightness of the First Amendment to the Constitution, but the political-minded Sabbathkeepers could easily ignore this protest by calling this a health-and-welfare law. Surely the laboring man needs rest from toil and protection from those who would exploit him!

c. When some would say: "Give us a one-day-in-seven rest law but do not discriminate against us and our religious beliefs by enforcing a Saturday law," the Sabbathkeepers could justify their designation of a particular day by declaring that this is merely a police measure, that there must be uniformity, and that the majority need not respect the rights of the minority on such questions.¹

Christian keepers of the seventh day will never colonize Wyoming or any other State. . . . [And . . .] if given the taste of political strength, they would never abandon an historic commitment to separation of church and state and resort to civil law to enforce observance of their day of worship. . . .

* **DATELINE SUNDAY, U.S.A.**, the story of three and a half centuries of Sunday-law battles in America, is published by the Pacific Press Publishing Association, Mountain View, California. (Copyright 1967, \$3.95 cloth, \$1.95 paper, 252 pages.)

THE RIGHT TO REST



The Christian who is committed to voluntary seventh-day Sabbath observance acts without government compulsion. On the contrary, he often endures economic hardship because of his inner compulsion to "keep holy" the seventh day.

The 1961 Supreme Court Sunday-law decisions acknowledged the indirect economic disadvantage which confronted a Sabbathkeeper forced to surrender his time on Sunday. The price the government demanded was 14.28 per cent of his time—a high rate of interest to pay because personal religious practice did not conform to majority custom. But this was not all. Hundreds have seen careers evaporate and lifelong security swept away, all because of a decision to unite with a religious persuasion which puts a premium on the literal observance of the fourth commandment.

Consider, for instance, the church elder relieved of his job with a railroad only a few years before retirement benefits were available, solely because he determined to honor a commitment to conscience. Add the aircraft industry executive; the telephone lineman; the oil company employee; and the maintenance man. Unavailable for work on Saturday, they lost their jobs. Emergencies, along with works of necessity and charity, yes. "It is lawful to do well on the sabbath days." Matthew 12:12. Routine commerce or labor on the seventh day—no, regardless of damage to the pocketbook.

Remarkably, personal hardship and economic loss have been minimized because many employers have taken pains to respect conscientious convictions. Acting without compulsion of the State, employers often have adjusted schedules to honor individual need. But sometimes, through no fault of the employer, the very character of the job prevents such accommodation. Then the Sabbathkeeper may find himself out of a job.

Adell Sherbert had to make this kind of decision in 1959.

Part of the unsilent majority sign petitions in a Parma, Ohio, store to change State's blue laws.

PARMA SUN POST



She had worked in the Spartan Mills in Spartanburg, South Carolina, for thirty-five years. In 1957 she joined the Seventh-day Adventist Church. At the time, the mill was operating five days a week, and there was no problem. But in 1959, all three shifts were pushed to a six-day week. Management asked Miss Sherbert to work Saturdays, and she respectfully declined.²

What about her right to rest? If Miss Sherbert had been a majority Christian who worshiped on Sunday, she would have had no problem. Not only did South Carolina have an ancient blue law restricting normal commercial activity on the first day of the week, which the United States Supreme Court let live unchallenged in 1961, but statutory protection guaranteed Sunday rest as a matter of conscience. [If] the State authorized the mills to run on Sunday during "national emergencies," there was the assurance:

No employee shall be required to work on Sunday . . . who is conscientiously opposed to Sunday work; and if any employee should refuse to work on Sunday on account of conscientious . . . objections, he or she shall not jeopardize his or her seniority by such refusal or be discriminated against in any other manner.³

Miss Sherbert worshiped on Saturday and thus was excluded from this statutory protection. She was a sober, capable em-

ployee available for work six days a week. She lost her job at Spartan Mills. She tried to find employment in three other mills but failed.

At last she went to the State for unemployment compensation. She indicated a willingness to work in another mill, or even in another industry as long as Saturday work was not required.

But the South Carolina Employment Security Commission refused her request for compensation. The State supreme court agreed with the commission and ruled against her, four to one. The lone dissenting voice, Justice Bussey, argued that it was "morally injurious" to require a strict Sabbath observer to work on the seventh day against religious principle.

If the State has a constitutional right as a matter of police power to force a citizen to rest on Sunday, what about the right of the individual to choose a day of religious worship for himself as a matter of free exercise of conscience? Did the denial of unemployment compensation to Miss Sherbert by the State of South Carolina constitute an infringement upon her free exercise of religion, in violation of the First Amendment?

The United States Supreme Court tackled the issue in 1963. State administrative agencies as well as State supreme courts had split on results time after time as individuals pursued claims for unemployment compensation when they lost their jobs for refusal to engage in



Adell Sherbert: South Carolina law granted Sundaykeepers what was denied her.

"secular" activity on Saturday. Denial of claims was usually based on the premise that the claimant was not truly "available for work" within the meaning of the compensation statutory scheme.

Did the State of South Carolina have a constitutional right to deny Miss Sherbert unemployment compensation when her conscience told her on what day of the week to rest? A seven-man majority of the United States Supreme Court decided that there had been an infringement of Miss Sherbert's free exercise of religion. Justices Harlan and White dissented, finding no constitutional violation.

Miss Sherbert was "available for work" six out of every seven days. Health and welfare interests of the State would not condone a seven-day work week. The 1961 court majority had gone on record approving an enforced observance of a State-selected day of rest. Still, the dissenting voices in *Sherbert v. Verner* took a position which denied the right of an individual to select the day of rest for himself without suffering financial hardship.

In the eyes of Harlan, as stated in his dissent, Miss Sherbert was in fact unavailable for work because of a "purely personal reason" and therefore outside the scope of statutory protection. He was not swayed by the fact that she was available for work six days a week in any industry where a job was avail-

able. . . .

He equated "religious conviction" with "personal consideration," declaring, "The fact that these personal considerations spring from her religious convictions was wholly without relevance to the State court's application of the law."

Harlan was troubled with the majority result which he felt "necessarily overrules *Braunfeld v. Brown* . . . which held that it did not offend the 'Free Exercise' Clause of the Constitution for a State to forbid a Sabbatarian to do business on Sunday."

He believed the secular purpose of the Sherbert case was even clearer than that of the *Braunfeld* decision. He also declared that "the indirect financial burden of the present law is far less than that involved in *Braunfeld*."

Two years after *Braunfeld*, Harlan candidly acknowledged that "forcing a store owner to close his business on Sunday may well have the effect of depriving him of a satisfactory livelihood if his religious convictions require him to close on Saturday as well." But far from backing away from the *Braunfeld* holding, Justice Harlan simply indicated that the loss to the individual minority was even smaller in the Sherbert case. . . .

Although the associate justice acknowledged that the State could accommodate religious conviction, if it wished, by granting exceptions to eligibility requirements for people like Miss Sherbert, he could not admit that the State was constitutionally compelled to make such an accommodation. . . .

Harlan and White ignored the fact that the majority in *Braunfeld* had subordinated free exercise of religion only under pressure from an alleged public interest which might be upset by a Sabbatarian exemption. In the Sherbert case there was little evidence of comparable pressure of public interest. There was only individual conscience, which the Harlan-

White view reduced to "purely personal reasons."

The dissenting words contrasted sharply with court opinions written in the forties which had exalted religious liberty and placed it on a pedestal along with other First Amendment guarantees—out of reach of mere public convenience or administrative whim. . . .

Justice William J. Brennan, a Roman Catholic, came to the Supreme Court in 1956. . . . [He] enunciated the thinking of the seven-man majority in the 1963 *Sherbert v. Verner* decision.⁵ He began by quoting from the statute which declared a claimant ineligible for benefits where "he has failed, without good cause . . . to accept available suitable work when offered him by the employment office of the employer."

Did Miss Sherbert have "good cause"?

In order for the South Carolina decision to be valid, it was necessary to find no infringement on free exercise of religion. If infringement was found, some evidence of "compelling State interest" must justify it. According to William Brennan, the South Carolina holding failed on both counts. First of all, he found that the State had imposed a burden on Miss Sherbert's religion by exerting pressure upon her to forgo a religious practice. He insisted: "The ruling forces her to choose between following the precepts of her religion and forfeiting benefits, on the one hand, and abandoning one of the precepts of her religion in order to accept work, on the other hand." This type of burden was equal to "a fine imposed against appellant for her Saturday worship." And here is where the court found the crux of the infringement, for "to condition the availability of benefits upon this appellant's willingness to violate a cardinal principle of her religious faith effectively penalizes the free exercise of her constitutional liberties."

Yes, said the majority, the denial of unemployment compensation to Miss Sherbert was

an infringement on her right to free exercise of religion. And the statutory protection given to those conscientiously opposed to Sunday work meant that "the unconstitutionality of the disqualification of the Sabbatarian is thus compounded by the religious discrimination which South Carolina's general statutory scheme necessarily effects."

Was there a compelling State interest which could justify this infringement? No, said the seven justices. . . .

Brennan carefully pointed out that the majority holding would not be construed as "fostering the 'establishment' of the Seventh-day Adventist religion." Instead it reflected simply the governmental obligation of neutrality in the face of religious differences. Nor was it "a case in which an employee's religious convictions serve to make him a nonproductive member of society," since the court had noted that of all the Seventh-day Adventists in the Spartanburg area, only Miss Sherbert and one other had been unable to find work and still keep the seventh day holy.

"This holding but reaffirms a principle that we announced a decade and a half ago, . . . that no State may 'exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Non-believers, Presbyterians, or the members of any other faith, **because of their faith, or lack of it**, from receiving the benefits of public welfare legislation,' *Everson v. Board of Education* 330 U.S. 1, 16."

Both Justices Douglas and Stewart who, with Brennan, had gone on record two years before as believing that Sunday laws violated the "free exercise clause," wrote concurring opinions in the Sherbert case.

Douglas cited a variety of minority religious beliefs and customs and noted: "Some have thought that a majority of a community can, through State action, compel a minority to observe their particular religious scruples so long as the majority's rule can be said to perform

some valid secular function." Justice Douglas made it plain that this was the reasoning in the series of 1961 Sunday-law decisions and "a ruling from which I then dissented . . . and still dissent."

The Sunday-law ruling "travels part of the distance that South Carolina asks us to go now. She asks us to hold that when it comes to a day of rest a Sabbatarian must conform with the scruples of the majority in order to obtain unemployment benefits."

Justice Douglas compared the State's interference in matters of religious conviction to similar conditions in Soviet Russia, "where a churchgoer is given a second-class citizenship, resulting in harm though perhaps not in measurable damages."

Justice Stewart concurred with the majority, finding that Miss Sherbert's free exercise of religion had been infringed. . . .

More than mere passive protection, "the guarantee of religious liberty embodied in the Free Exercise Clause affirmatively requires government to create an atmosphere of hospitality and accommodation to individual belief or disbelief." The Constitution demands the positive government protection of religious freedom for small minority and large majority alike.

Under this view of "free exercise," Stewart had no difficulty in reaching a decision favorable for Miss Sherbert. But previous rulings by the majority that government-written prayers and sponsorship of Bible reading in public schools constituted establishments of religion, now impaled the majority on the horns of a dilemma. What Stewart deemed an insensitive and positively wooden approach to the "establishment clause" which "forbids the 'financial support of government' to be 'placed behind a particular religious belief'" now became an obstacle for a consistent finding which could approve compensation for Miss Sherbert.

The heart of the dilemma, as viewed by Stewart, was this: How could South Carolina pay

public money to Miss Sherbert to protect her free exercise of religion without running at cross purposes to the Court's mechanistic concept of the "establishment clause" which Stewart labeled as "historically unsound and constitutionally wrong"? . . .

Stewart leveled a blast at the Braunfeld decision, making it plain that a finding of infringement in *Sherbert v. Verner* should more than ever justify a finding of infringement in *Braunfeld*, for the sake of consistency.

The impact upon the individual's religious freedom in the Sherbert case was considerably less burdensome since there were no criminal sanctions involved and a maximum of twenty-two weeks of compensation was at stake. However, Justice Stewart found it difficult to believe there was any less of a burden upon religious practice in *Braunfeld* than in *Sherbert*. In fact, to find free exercise infringement in *Sherbert*, the associate justice was convinced that "the Court must explicitly reject the reasoning of *Braunfeld v. Brown*. I think the *Braunfeld* case was wrongly decided and should be overruled, and accordingly I concur in the result reached by the Court in the case before us."

As a practical matter, a finding of free exercise infringement in the Sherbert case was monumental, but it could not match the sensational overtones that would have reverberated had a similar finding by the majority come from the *Braunfeld* decision in 1961. Sherbert involved the power of a State to deny a citizen social welfare benefits created by a State. The blue law issue involved a religious tradition interwoven in social fabric, with criminal sanctions. To find curtailment of Sunday activity an infringement of *Braunfeld's* right to practice his religion, would likely have broken the back of Sunday laws in the United States. □

¹ Varner J. Johns, "A Sad State of Affairs," *Liberty*, vol. 60 (1965), No. 1, pp. 27, 28.

² *Religious News Service*, December 18, 1962.

³ South Carolina Code, Section 64-4. Quoted in *Sherbert v. Verner*, 374 U.S. 398 (1963).

⁴ *Sherbert v. Verner*, *op. cit.*

⁵ *Ibid.*



red roses without love

Is that what Christians who keep "Saturday for Sunday" offer the Lord each week?

By C. MERVYN MAXWELL

On the first Monday when the red roses arrived, quite by surprise, the little lady was thrilled beyond words.

Her husband was a busy executive, away from home most of the time. Beating himself against the clock to keep the growth-curve always climbing, he rarely had a moment for his wife anymore. He never phoned to let her know where he was, and when he wrote, it was usually to get her to do something for him at the office.

But evidently he still cared. He had sent her a dozen red roses; and every woman knows what red roses mean.

But there was no note with the flowers, and there was no other sign of affection during the days that followed. So when another dozen roses arrived the following Monday, she found herself more puzzled than pleased.

When a third dozen came on the third Monday, she confessed she didn't know what to make of it. She phoned the florist to find out what was up, and was informed that her husband had ordered the flowers sent out every Monday without fail, until further notice.

Needless to say, after several months of this, she came to dread Mondays like the plague. To avoid the room where the bouquets were displayed. To hate the fragrance they gave off. To see in a universal symbol of love only an ugly symbol of estrangement.

For even flowers . . . even red roses . . . every Monday . . . without love . . . can be murder.

This story has a direct bearing on the question of Sabbath and Sunday observance in the twentieth century.

To the half billion Christians in the world who "keep Sabbath on Sunday," it is an enigma and a riddle that two and one half million of their fellow Christians—Seventh-day Adventists, Seventh Day Baptists, and so on—"keep Sunday on Saturday." Christians keeping the Old Testament Sabbath in the twentieth century? An anachronism!

Most people don't mind too much, of course. A person has a right to his beliefs, they say. Some put it a little stronger and call it foolishness. But when those same out-of-step Christians appear before legislative bodies and city councils to denounce Sunday laws, reciting betimes the Sabbath commandment in defense of the seventh-day Sabbath, insisting that there is no command in all the Bible to honor Sunday, then indeed judgments sharpen. Some Sundaykeepers, especially those who are theologically inclined, denounce keeping Sabbath on Saturday as sheer legalism—not considering, perhaps, what judgment might well be made concerning them, who seek to force cessation of Sunday work by civil law!

Sabbathkeepers themselves say that their observance of the seventh day is an expression of their love for God. "Is it legalism to love God?" they ask. Legalism has been defined as "strictness . . . in conforming to law . . . as a means of justification." In theological circles, legalism is thought of as trying to earn God's favor through outward obedience to God's law, without the inward spirit of gratitude, humility, and love that come from realizing that, apart from the grace of God given through Christ, no man can please God. Legalism is like giving red roses every Monday, without love.

Let us admit it right off: Sabbathkeeping can be legalism.

It is said that a certain shopkeeper, somewhere, sometime, was extremely careful not to lose to the Sabbath a single second of busi-

ness more than was absolutely necessary. He kept his store open until the very instant that the sun went down on Friday night, and he opened it again the very instant it set on Saturday night. In fact, he watched for sunset on Friday night from the top of the flight of stairs outside his store in order to gain every advantage he could from the curvature of the earth, and he checked for the setting of the sun on Saturday night from the bottom of the steps, where it seemed to occur a fraction of a second earlier!

This shopkeeper—if he ever existed, that is—was a legalist. The Sabbath was for him no longed-for period of fellowship with God, no warmly welcomed spiritual experience, but merely an interruption in his private affairs, and nothing more. In other words, the Sabbath for him was "a dozen roses" that he gave to God each week, without love.

In the New Testament, Paul's letter to the Christians living in Galatia is acknowledged to have been written against legalism. In this book Paul makes some very severe remarks about the observance of days. "Ye observe days, and months, and times, and years," he scolds. "I am afraid of you, lest I have bestowed upon you

labor in vain" (Galatians 4:10, 11).

It is often assumed that Paul is here denouncing the observance of the seventh day as the Sabbath—but if he is, then he is denouncing all other days and seasons along with it. His remark, as it stands, applies equally to the observance of such "days" and "times" as Sunday, Lent, Easter, and Advent, as it does to the observance of the seventh-day Sabbath.

If this verse means that Sabbathkeeping is legalism, it means that Sundaykeeping is also legalism. It opposes the observance of all "days . . . and times."

But it is unrealistic to use an author's words without considering their context. Did Paul really mean to condemn all observance of all set times?

Hardly. Or at least, if he did, he condemned himself. For Paul personally observed certain days and times as a part of his own religious practices.

There is a widespread concurrence among many scholars that Paul wrote his letter to the Galatians from the city of Corinth, and that he did so around the year A.D. 58. If it is true that he did so, then there is evidence that within months both before and after writing Galatians, Paul freely observed days and seasons himself. In

the last chapter of 1 Corinthians, a letter he wrote in the spring of A.D. 57, nine months before he wrote Galatians, Paul said, I hope to spend next winter with you, but "I will tarry at Ephesus until Pentecost"

(1 Corinthians 16:8). Then a year later, in the spring of A.D. 58, a few months after writing Galatians, Paul apparently spent the Passover week with the church at Philippi and then, conscious once more of Pentecost, hurried to get to Jerusalem, if possible, before that special day (Acts 20:6, 16). Passover and Pentecost were among the "days and seasons" of the Jewish ceremonial laws and they had become particularly meaningful to Chris-



tians as well because Jesus' death occurred at a Passover and the Holy Spirit fell on a Pentecost. Paul, as a Christian Jew, was not in the least embarrassed to observe these "days" with their new Christian context. Near the end of Paul's life someone remarked that he still kept the Jewish laws; and this is in harmony with his own statement that in order to convert Jews to Christianity he was willing, at least on occasion, to live like a Jew. (1 Corinthians 9:20.)

Evidently, then, when Paul blamed the Galatians for observing "days, and months, and times, and years," he was not condemning the observance of days per se. How could he have done so? Jesus, the Author of the Christian religion, kept the Sabbath day regularly. Luke 4:16 says it was His "custom" to attend the synagogue on the Sabbath.

Then what is Paul attacking in Galatians 4:10? Obviously, the mere observance of days and seasons in a "legalistic" manner, without true godly faith, as if there were some virtue in the observance in and of itself.

If Paul were alive today, would he not condemn mere Christmas-and-Easter Christianity? Or mere go-to-church Sundaykeeping? Or mere punctual but ritualistic Sabbath observance? The J. B. Phillips translation, with its characteristic knack for getting to the heart of a text, has put Galatians 4:10 this way: "Your religion is beginning to be a matter of observing certain days or months or seasons or years." *

The little lady screamed when the red roses came without love. But would she have felt the same way if her husband had presented the flowers to her each week personally, with every evidence of a renewed and heartfelt devotion? Of course not.

God hates mere ceremonious Sabbathkeeping. But does this mean that He is opposed to grateful and affectionate Sabbathkeeping?

One basis for the observance of the seventh-day Sabbath is to be found in the Ten Commandments. God said, "Remember the sabbath day, to keep it holy. Six days

Sandy and Andy Blount tutor children as part of the San Diego Adventist church's inner-city project. In several cities such youth projects are held on Sabbath afternoons.



shalt thou labour, and do all thy work: but the seventh day is the sabbath of the Lord thy God: in it thou shalt not do any work" (Exodus 20:8-10). The Sabbath is enjoined in one of the commandments.

In the New Testament, Jesus, the Son of God, who once said, "I and my Father are one" (John 10:30), said to His followers on the way to the cross, "If ye love me, keep my commandments" (chap. 14:15). A little later He added, "If ye keep my commandments, ye shall abide in my love. . . . Ye are my friends, if ye do whatsoever I command you" (chap. 15:10, 14).

How can Christians turn Him down? They believe that Christ left heaven to be born in a stable—for men. They believe He gave His life on the cross—for men. They believe He was resurrected and ever lives to intercede—for men. Christians who believe all this cannot but love Him. Then if He asks His followers to keep His commandments if they love Him, how can they turn Him down?

I grew up in a large family in a fine old house in the country. There were several little lawns, a

Japanese pond, a fifty-tree orchard, and a number of outbuildings, such as a tool shed, a greenhouse, and a large old garage. Whenever dad went away on a trip he would leave a list of jobs for us to do while he was gone. The list might include such items as "Rake the driveway," or "Clean out the pond," or "Tidy the tool shed."

We enjoyed checking off these lists of jobs. We took a lot of interest in our home place. We'd have the driveway leafless and the tool shed spotless by the time dad got back—and would he be pleased!

But we learned, too, to do just what dad said. If he said to tidy the tool shed, well, it might have been that the garage needed sweeping just as much. But if dad said to tidy the tool shed we tidied the tool shed first. If possible we swept the garage as well, but we did it afterwards.

Mother once said that there were a lot of people in the world who are sweeping the garage when God said to tidy the tool shed. She said that this was one difference between keeping Sunday and observing the Sabbath. It made quite an impression on my mind.

Adventist youth in Takoma Park, Maryland, sing for nursing-home patients as part of their Sabbath activity.



If I had swept the garage and left the tool shed in a mess, just because that's the way things seemed best to me, would that really have been love? Would it not have been, instead, just ornery adolescent disobedience?

While it is true that there can be obedience without love—the theologians call it legalism—is it not also true that there cannot be love without obedience; and, further, that where there is true love, obedience follows willingly? Jesus said, “If ye love me, keep my commandments.”

But Sabbathkeeping is not just a matter of heartfelt obedience. It is also, and even more so, a matter of fellowship with God. The Bible says that God rested on the Sabbath day. (Genesis 2:1-3.) When

Christians rest on that day, they rest with Him. The Bible says that the seventh day is the Sabbath of the Lord thy God. (Exodus 20:10.) When a person makes the seventh day his Sabbath, he is making God's Sabbath his own. The seventh day is the special day which God, for reasons of His own, has marked each week for an unfailing appointment with His people.

If a young sweetheart wrote her fiancé that she was arriving on such and such a flight at such and such a time, would he prove his love to her by getting to the airport a day late?

If, instead, he managed to get there by the very time she specified, would this be “legalism”?

Would it not rather be love to meet her right on time?

Of course it would! And if he really loved her, he would take great pains to be there on time, too. Why? In order to make her happy? Yes. And for another reason too: In order to be with her.

Sabbath observance that is done punctiliously and mechanically is undoubtedly pure legalism. A dozen roses every week, without love.

But Sabbath observance done as an expression of gratitude, . . . in a spirit of genuine affection, . . . for the purpose of fellowship with the Lord . . . ?

Jesus said, “If ye love me, keep my commandments.”

Is it really legalism to love God?

* From *The New Testament in Modern English*, © J. B. Phillips 1958. Used by permission of The Macmillan Company.



international

TUCSON, Arizona. — A superior court judge has ordered Maricopa County Assessor Kenneth Kune to refund \$21,272 in taxes collected this year from the Church of Jesus Christ of Latter-day Saints (Mormon).

Judge Richard Royston ruled that the assessor had made a mistake in reversing a tax-exempt status which had been in effect for 31 years on 11,481 acres of farm land owned by the Mormon Church. Produce from these farms is used for charitable purposes.

The assessor has also been overruled twice by superior court judges in Maricopa County for his taxing of Catholic, Protestant, and Jewish congregations and was ordered to return large sums collected through unconstitutional tax assessments.

HARTFORD, Connecticut.—A three-judge federal court has ruled that State aid to nonpublic schools is unconstitutional, and issued an immediate injunction affecting some \$6 million in Connecticut funds earmarked for parochial aid.

Under the law (Public Act 791) passed by the 1969 Connecticut General Assembly, \$6 million was appropriated for a two-year period to provide grants for reimbursement to nonpublic schools of salaries for teachers of secular subjects and for textbooks covering approved secular subjects.

Of the 263 nonpublic schools applying for aid in Connecticut, 217 were operated by religious bodies. Catholic schools comprised about 210 of the total.

LOS ANGELES, California (EP).—An article translated from the Russian newspaper NOVAYA

ZARYA describes with glee some of the naive attempts by Western tourists to smuggle Bibles and other Christian literature into Russia. Religious material is often found concealed within the covers of Russian classics, in suitcases with false bottoms, et cetera. But the story circulated by NOVAYA ZARYA concerns a woman arriving at Moscow airport from Montreal.

The customs official noticed her lean, angular face, a picture of emaciation. Her hands which tremblingly opened the suitcase were delicate and skinny.

The passenger—a Russian—was returning from a seven-month visit with relatives in Canada. A search of her suitcase produced nothing in the way of contraband. But as the woman turned to make her way laboriously from the checkpoint, the customs official frowned, leaned across the counter, and ordered her back. Her lumpy figure belied her emaciated appearance. She walked like a woman carrying a suspiciously heavy burden.

A woman customs official searched her. In her ingeniously sewn girdle she discovered a small library of religious reading, including 42 thick books, religious newspaper clippings, and about 600 tracts. All had been supplied by a group of Canadian Mennonites.

The Russian paper did not disclose the punishment imposed upon the would-be smuggler.

WASHINGTON, D.C.—The General Commission on Chaplains and Armed Forces Personnel has voted to support a suit challenging compulsory chapel attendance at the military academies.

Several cadets and midshipmen have appealed a lower

court ruling that the compulsory chapel attendance does not violate the Constitution and that Department of Defense officials are justified in holding it is necessary for "complete" military training of the future officers.

The defense officials have argued that the practice is not religious but "purely secular."

HARRISONBURG, Virginia.—The Virginia Circuit Court has overruled conviction of ten Old Order Mennonite fathers fined \$5 a day in Rockingham County Court for failure to enroll their children in high school.

Under Virginia law, children whose parents conscientiously object are not required to attend high school if an investigation by public officials proves their request to be sincere. Last year the Mennonites' request for exemption was granted. This year they applied for exemption in July, but the school board refused and the arrests followed.

Old Order Mennonites are forbidden by their religion to attend school beyond the eighth grade.

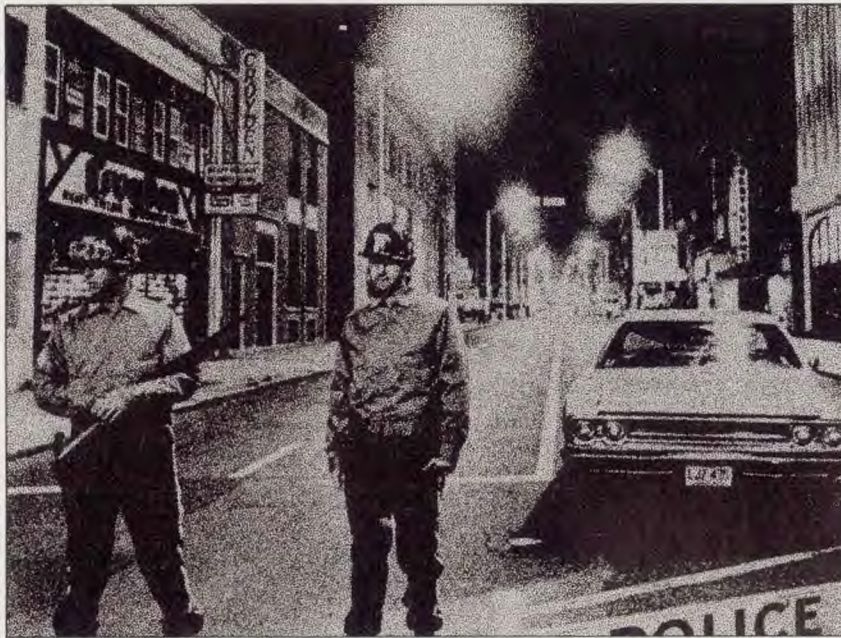
SAN FRANCISCO, California.—The 9th U.S. Circuit Court of Appeals turned down a challenge to rule against the constitutionality of the national motto "In God We Trust" and its use on the nation's coins and currency.

The decision stated that "it is quite obvious that the national motto and slogan, 'In God We Trust,' on coinage and currency has nothing whatsoever to do with the establishment of religion. Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise.



THE UGLY FACE OF VIOLENCE

The land is full of bloody crimes, and the city is full of violence (Ezekiel 7:23). The earth also is defiled under the inhabitants thereof; because they have transgressed the laws, changed the ordinance, broken the everlasting covenant (Isaiah 24:5).



RELIGIOUS NEWS SERVICE PHOTOS

(Left) TRENTON, N.J.—Police cordon off main street after busing issue erupted into violence. (Below, left) ROCHESTER, N.Y.—Phil Baker, a board member of Light of Israel Shephardic Center, inspects bomb damage at the Rochester synagogue. Another blast damaged the Temple Beth Sholom, bringing total bombings in the northern New York city to seven in sixteen days. (Below) SAN FRANCISCO—A bomb explodes at St. Brendan's Catholic church shortly before the funeral service for an officer killed in a gun battle during a bank holdup.





international

FOCUS ON WASHINGTON

By JESSE H. MERRELL

"Pilate therefore, willing to release Jesus, spake again to them. But they cried, saying, Crucify him, crucify him."—Luke 23:20, 21.

Mob rule. That's what killed Christ. Not that He was guilty. Only that His opponents could shout louder than His supporters.

Naturally, that couldn't happen in America. Could it? Mob rule?

We may be moving toward mob rule faster than you think. And mob rule, with its ugly irrationality, could usher in an era of minority persecution that would make the Dark Ages look like high noon.

We have already reached the point where it is impossible for a person who disagrees with the anarchists to speak on some college campuses.

Mob rule. Survival of the loudest. And the rowdiest.

It has also become almost impossible for police to make an arrest in some cities without rioters threatening to burn the town down—and in some instances doing it.

How much longer will people allow this situation to continue without sanctioning a swing to extremism of the right? It couldn't happen here?

That's what I used to say as a high school student watching college students riot in Latin America and Europe. "Boy, we wouldn't put up with that nonsense over here," I said as buildings went up in smoke.

We didn't then. We do now.

But for how much longer will people tolerate anarchy without welcoming a movement to crush

it—no matter by what means?

When it comes to that bitter choice, Americans will "choose the policeman's truncheon over the anarchist's bomb," Vice-President Agnew warns.

Extremism is rapidly forcing people to choose between anarchy and repression, Sen. Margaret Chase Smith (R-Me.) cautions. "And make no mistake about it," she emphasizes. "If that narrow choice has to be made, the American people, even if with reluctance and misgiving, will choose repression."

Others have warned of mob rule dangers. "There is no grievance that is a fit object of redress by mob law," a 28-year-old Illinois lawyer said 133 years ago.

He complained of the "increasing disregard for law which pervades the country, the growing disposition to substitute the wild and furious passions in lieu of the sober judgment of courts, and the worse than savage mobs for the executive ministers of justice."

Once mob rule takes hold, the lawyer warned, it continues until the wrong persons are executed. "And thus it goes up, step by step, till all the walls erected for the defense of the person and property of individuals are trodden down and disregarded."

If a dictator ever comes to America, he said, it will not be some transatlantic military giant. "It must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher."

The words of Abraham Lincoln, spoken on January 27, 1838, merit our careful attention on January 27, 1971. For if anarchy continues, repression, first of the anarchists and then of some subsequent minority, will surely ensue.

Mankind seems to need scapegoats. Hitler rode to power on a convenient wave of finger-pointing blame at the Jews, whom he accused of being responsible for Germany's defeat in World War I.

Someone might similarly single out a minority to blame for the trouble in this country. A religious fervor might also be sweeping the country about this time, with people blaming our problems on the discarding of Christianity.

In that emotion-charged atmosphere, there might even be talk of a religious amendment to the Constitution, and of getting America back to the religious idealism of its founders.

Trouble is, that idealism found some pretty harsh expressions—repressive Sunday laws, with the death penalty attached, and persecution of non-Christian and unorthodox Christian minorities for a variety of offenses.

The "good old days" don't look so good when they are scrutinized close up. Better to leave them in the past. Along with mob rule. And anarchy. And scapegoats. □



"You don't get it, man! Just because we ASK THE QUESTIONS doesn't mean we want to HEAR THE ANSWERS!"

Ask a million people which male singer had the most memorable voice and not one will mention William Linkhaw. Enrico Caruso, Paul Robeson, Mario Lanza, Beniamino Gigli, Harry Belafonte. Yes. Linkhaw? Who's he? If court records don't lie, he was possessor of a truly remarkable voice.

Records of the Robeson County Court, North Carolina, in the spring of 1873 show that members of a Methodist congregation had one William Linkhaw indicted for a misdemeanor. His offense: disturbing the church services by the manner in which he sang God's praise!

A witness, seeking to demonstrate Linkhaw's talent for disruption to the court, took the witness stand and rendered a verse as the defendant would have sung it. According to court records, the performance "produced a burst of prolonged and irresistible laughter, convulsing alike the spectators, the bar, the jury, and the court."

The evidence shows that the "music" produced by Linkhaw caused a split in the church. The less pious thought it amusing, while others were enraged. According to testimony, the Sunday performance in question, that sent Linkhaw to court, left the

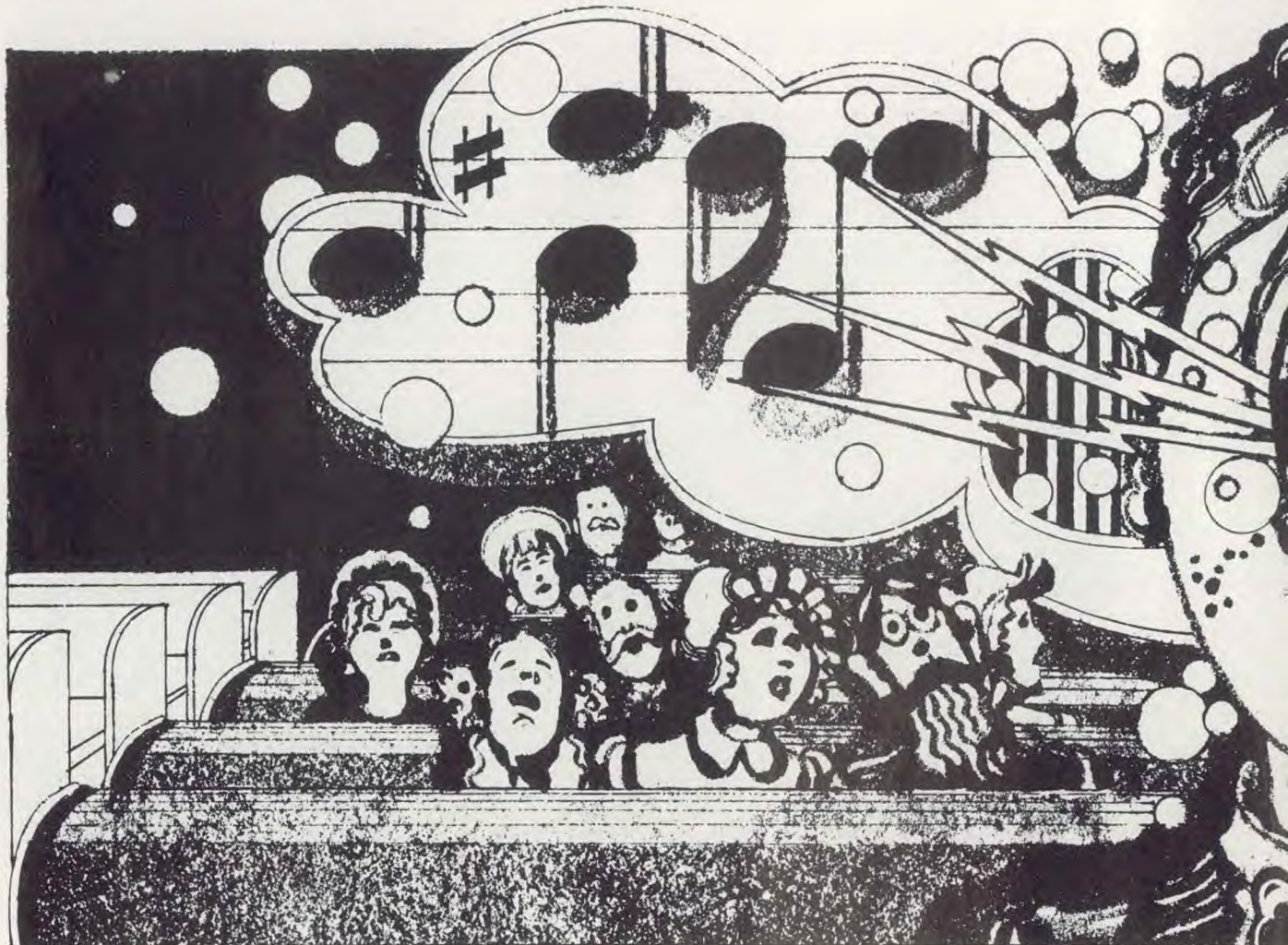
preacher so upset that he refused to sing the hymn, and the presiding elder refused to preach.

On another occasion, after the sermon, one of the church leaders, fearing that the solemn mood produced by the message

PLE BROTHER

His singing split a cong

By GAR



would be destroyed if Linkhaw joined in the singing, asked him to refrain, and the defendant submitted. However, at other times when his silence was sought he answered "that he would worship his God, and that as a part of his worship it was his duty to

sing."

No one testified that it was Linkhaw's intention to disturb the services. To the contrary, members admitted he was a sincere member of the church taking part in the services as his conscience compelled.

The case went to the jury on a charge from the judge that if Linkhaw intended to sing and his singing disturbed the services, they should find him guilty. The judge made it clear that intent to disturb was not necessary. On these instructions the jury returned a verdict of guilty.

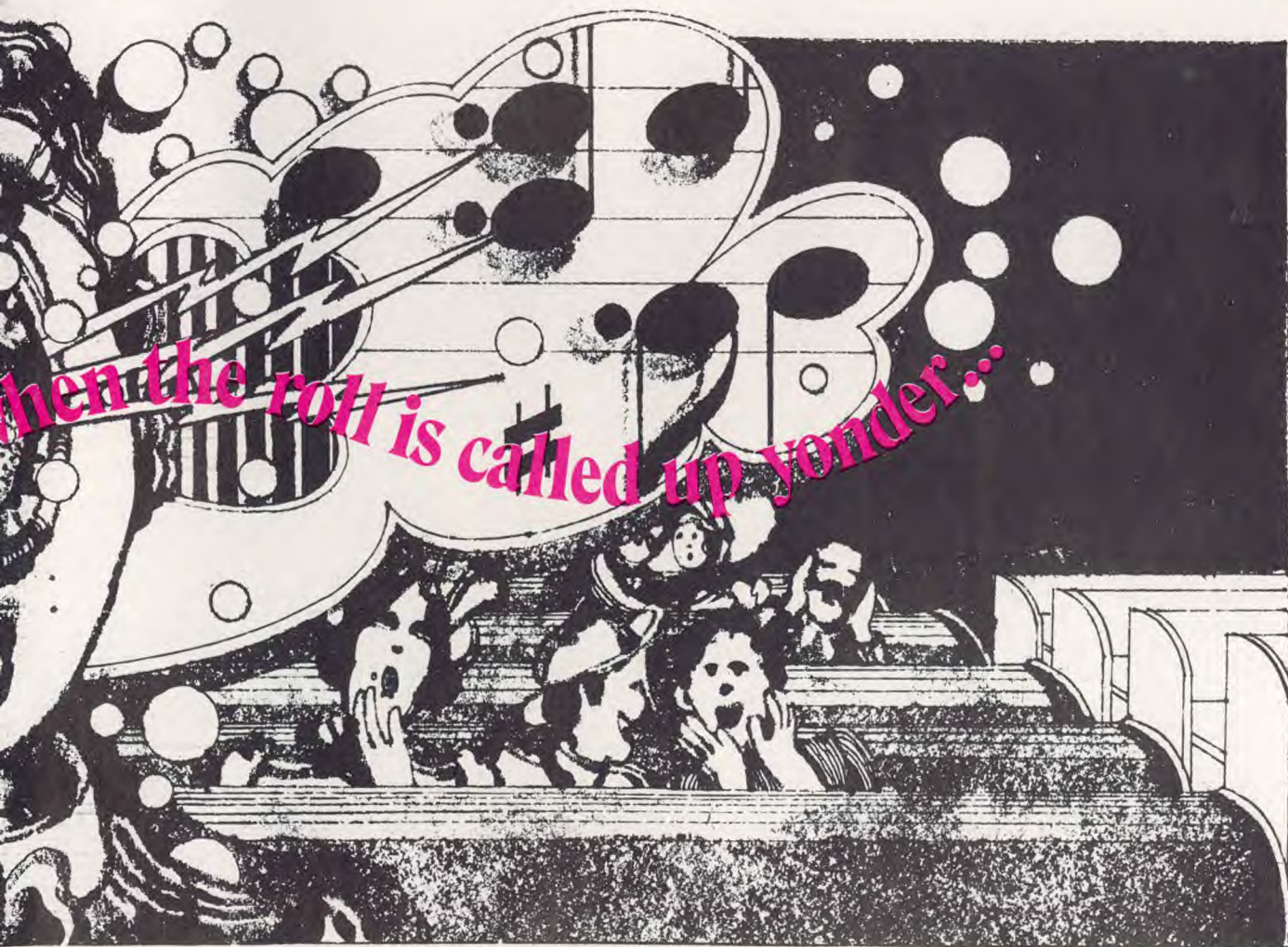
However, on appeal, the Supreme Court of North Carolina (64 N.C. 215) reversed the decision. Since Linkhaw admittedly did not intend to disrupt the services the court held that he could not be found guilty.

"The defendant is a proper subject for the discipline of his church, but not for the discipline of the courts," the opinion said.

It does seem regrettable that the record could not preserve the voice capable of producing such a reaction. Perhaps it will be heard again on that day when Gabriel blows his horn. And, if the congregation protesters were fair critics, maybe even the angels will not be long in petitioning a higher court for relief. □

CASE WILLIAM!

and convulsed a court.
ADWICK



When drought and grasshoppers nearly devastated the wheat crop . . .

HOW KANSAS GOT WINTER WHEAT

Drive through Kansas on an early summer day and you will see why wheat farmers drive Cadillacs. Fields of wheat march their golden way to the granary skyscrapers of the prairie.

Here is the breadbasket of the world. From such fields have come the surpluses that have held off famine in India, augmented the Russian diet, and supplemented marginal rice crops in the Far East.

There was a time, nearly a century ago, when drought and grasshoppers nearly devastated the wheat crop. Little known is the story of how help came in the person of a persecuted

people, the Mennonites, who emigrated from the Crimea with novel ideas about wheat growing.

They came first, 23 families of them, in 1874, year of the great wheat crop failure. The first of 500 individuals, these hardy Mennonites were attracted by the freedom offered in America. Since their origin in sixteenth-century Holland, they had formed an intimate acquaintance with religious persecution. In the seventeenth century they fled to Prussia. In 1783—promised religious freedom by the Russian Czar, who coveted their farming knowledge and ambition—they migrated to the Crimea. There they developed a wheat seed known as Turkey Red. It could be planted in fall, survive the cold winter and be harvested before the dry summer arrived.

These seeds they brought with them on the long journey to America. They went to Odessa,



Alexanderwohl Mennonite church, Kansas





WAYNE E. HOMAN

WAYNE E. HOMAN



(below) The old threshing machine in the churchyard.



... a persecuted people
brought prosperity to
Kansas wheat farmers.

on the Black Sea; by ship to Hull, England; by train to Liverpool; by ship to New York. The journey took two months. In New York they were directed to Hillsboro, Kansas, and each was given acreage.

To their American neighbors the Mennonites' method of harvesting was as strange as their planting season. They threshed the wheat by rolling heavy ridged stones over the kernels. But Turkey Red was successful; in five years the Mennonites had paid off their debts. By then native Kansas farmers were buying Turkey Red seed and learning the new planting system.

The early Mennonites worshiped in an adobe hut, long since crumbled. As others arrived, a church was built at Hillsboro. It also has been replaced. Many other Mennonite churches later were organized in Kansas.

One of the larger Kansas Mennonite churches

is at the Alexanderwohl community. It was so named because of a solicitous visit to the Prussian Mennonites in 1821 by Czar Alexander. The Czar, tradition says, intervened when the Mennonites were threatened because they rejected military service.

A few miles north, at Newton, is the Mennonite center. Here they maintain a college, a museum, and a library. The latter contains many rare volumes and papers of historical import. But few contain knowledge so valuable as that their owners brought, along with Turkey Red seed, to the beleaguered Kansas wheat farmers.

The real tragedy of this partially misnamed "religious war" lies in the children.

IRELAND'S TALE OF TWO CITIES

By CATHARINE R. HUGHES*

The day I arrived in Dublin the headline in the *Evening Herald* proclaimed:

UP THE WALL!

It had nothing to do with the new outbreaks of rioting to the north, with reunification or even with the temporarily resurgent Irish Republican Army (I.R.A.). But, somehow, it did seem a fitting welcome to Ireland's current tale of two cities.

A few blocks from my hotel, the production on at the Gaiety

Armed British Tommies in Belfast watch for trouble after last summer's outbreak of violence.



RELIGIOUS NEWS SERVICE PHOTOS

*Catharine R. Hughes is a theater critic and free-lance writer.



Militant Protestant leaders Ian Paisley (front) and Jack Glass confront police at Edinburgh's assembly hall.

A woman fingers her rosary in the doorway of her home in the riot-torn Falls Road area.



Theatre was *The Assassin*, produced in Belfast—in considerably milder form—a few seasons earlier. The play gained relevancy when one realized that the “assassin” was a young lapsed Catholic member of Ulster’s militant civil rights organization, the People’s Democracy, and that his victim, the Reverend Luther A. Lamb, could hardly be taken for other than Protestant extremist Ian Paisley.

All in all, Dublin was acutely conscious of the political goings on in the six counties to the north, which since 1920 have made up Northern Ireland, largely autonomous in domestic affairs, ultimately subject to the British Government at Westminster. Acutely conscious but, after a brief try at saber-rattling, scarcely as concerned as the long-time sacred cause of reunification would have made seem likely. “We think the government here should stay out of it,” one Dubliner put it.

But Dublin’s government could not. Just as tension across the troubled border was easing, officials reported a \$72,000 gun-running plot. Prime Minister Jack Lynch fired two cabinet members accused of being involved. The arms, shipped in boxes, marked with false Red Cross labels, were intended for extremists supporting the Roman Catholic minority in Northern Ireland. An I.R.A. splinter group admitted robbing a factory of \$40,000 to purchase the guns.

The Irish Republic, whether people or government, is not indifferent to the civil rights demonstrations, rioting, and sectarian strife that have turned Northern Ireland into two hostile camps; rather that the Republic has its own problems and priorities. At the moment, reunification ranks quite low among them—indeed, was seldom discussed in recent years except among romantics and die-hards until the events of the past two years brought forth the old slogans once more.

Officials in the south—which has only recently begun to deal successfully with its own prob-

lems in education, economics, social welfare, and elsewhere—recognize that reunification at this time would constitute a perhaps insuperable burden for an already overtaxed economy. It would, moreover (although not likely admitted), lower the standard of living for Northern Ireland, which is heavily subsidized by London.

The continuing strife in the north has clarified the official attitude on the hoary question of reunification. The governing party, Fianna Fail, decided to ignore right-wing “hawks” in favor of a policy opposing reunification without the consent of the majority of the people of Ulster. The Irish Republic has also demonstrated apparent willingness to lessen the special relationship between the Catholic Church and the state in the hope that this will allay the fears of Ulster Protestants concerning federation.

I arrived in Belfast only a few hours after one outbreak of rioting and looting that has marked the Irish conflict. Newspapers said it was one of the worst weekends yet, but, initially, it did not appear that



Protestant demonstrators in London stand along the route of a silent march by three hundred Roman Catholics, who performed the “act of reparation” for Protestants executed during the reign of Mary Tudor.

way. Instead it seemed the press had exaggerated descriptions of the damage. The shopping area was crowded despite government pleas that people stay at home. The sun was shining, the British troops were seen only occasionally . . .

Or so it appeared until I arrived at Shankill Road, the Protestant working-class neighborhood of Belfast, the area where exultant Paisleyites had lighted their bonfires on the night the government of Prime Minister Terence O’Neill fell.

In Shankill Road the slogans that reveal Northern Ireland’s divided stance were everywhere. Graffiti scrawled on the walls read:

No Pope Here
Up King Billy!
God Bless Paisley
God Save Our Queen
Kick the Pope!
and most frequently,
No Surrender!

It is “No Surrender!” that you see written in the faces along the Shankill Road—hard, suspicious, resentful faces, the faces of people who might echo the Reverend Paisley’s contention that Ulster’s unionist government “capitulated to the Roman Catholic Church” when it handed on the responsibility for maintaining security to the British troops.

Fear had taken over—fear of being “outbred” by the Catholics, who make up one third of Northern Ireland’s population of 1.5 million; fear that demands for “one man one vote” and an equitable allocation of housing would lead to ultimate reunification, reprisals against and loss of privilege by the Protestants in a state where they then would be the minority.

Fear, accentuated by the gun-running scandal, set off sporadic street fights in Belfast that brought in British troops. And as Ian Paisley urged rearming police and special troops, Northern Protestants armed themselves with rage and set out to claim vengeance.

Belfast’s own tale of two cities was evident elsewhere as well: in the British troops who

drove by in troop carriers, rested in jeeps drawn up onto sidewalks, stood at nearly every corner, their automatic rifles ready. Perhaps it was most evident in the Union Jacks hanging from windows and flying from rooftops, strung row upon row across side streets and in second-floor show windows, on sale at outdoor stands. Everywhere, one suspects, but in adjoining Falls Road, or the Catholic slum area, where events have given them a British-Ulster-Protestant symbolism.

The real tragedy of this partially misnamed "religious war" (it is at least as much a class—an economic—war) lies in the children. In a Catholic school, a ten-year-old boy begins his composition with "Do you know how to make a petrol bomb? First you get a bottle . . ." One of his classmates was killed in the riots; perhaps he himself was on the barricades only days before. A composition by an eight-year-old discloses, "We plaid on the barricades," and her teacher acknowledges that, "They take it for granted that Catholics fight Protestants. It's just a part of life."

The children of Belfast attend totally segregated schools. In the Catholic schools—which receive two thirds of their costs from the state—Irish history is taught; in the state-operated Protestant schools, English history. The Catholic boys play Gaelic football, the Protestants standard British soccer. And so along the line: they join different, entirely segregated organizations, observe different patriotic holidays, lead separate social lives. It is not, perhaps, quite as inviolable a line as it once was, but amid today's atmosphere of suspicion, conspiracy, and bitterness, it would seem excessively optimistic to challenge the observation that the riots are creating a new generation of bigots. These, after all, are children who have seen their parents attempt to kill one another, and sometimes with success.

Before rioting broke out in February, the government took steps to meet the civil rights

demonstrators' demands. Ulster police, hated and distrusted by the Catholic minority, were disarmed and placed under the control of the British Army. British Home Secretary James Callaghan has insisted that housing powers be taken away from discriminatory local councils and electoral and local government be reformed.

None of this, however, was sufficient to keep the demonstrators from protesting the new Public Order Act prohibiting sit-ins and the occupation of public buildings and imposing new government controls on demonstrations. And behind the scenes the extremists are collecting weapons for what could be a long, cold winter.

Dublin's earlier "risen people" (as the Irish rebel leader Patrick Pearse called them) look on, embarrassed by the scandal but congratulating themselves that they, at least, have no religious problem. Of the 2.9 million people in the Republic, 95 per cent are at least nominally Roman Catholic, and scrupulous care has been taken to ensure that no sectarian prejudice of any kind shows.



British soldiers and police check out arms and ammunition seized following riots in which five civilians were killed.

The Deputy Prime Minister and Minister of Health is a Protestant; judgeships and other high offices are painstakingly given to Protestants in, if anything, more than the indicated population proportion. It is not that the country's 120,000 Protestants and 4,000 Jews are totally "assimilated," rather that their precursors — Parnell, Emmet, and others—are an honored part of the Republic's history and legends, and their own economic status generally better than that of the Irish Catholics. Problems of birth control, mixed marriages, and divorce—official questions in a country with a 95 per cent Catholic population—are occasionally troublesome, frequently a source of annoyance, but seldom more.

One Protestant leader, Maurice Dockrell, a member of the Dail (Parliament) and of the Council of State, which advises the president, himself a former Lord Mayor of Dublin, has commented, "They are treating us like household pets, trying to show that if Ireland were united there would be no oppression of the Northern Protestants." Probably true enough in its way, but hardly the entire truth. It is, after all, difficult to feel threatened—as the Protestants of Northern Ireland feel threatened—when you are part of a majority numbering 95 per cent. Under such circumstances, even the Reverend Ian Paisley, who has proclaimed, "I would rather be British than just," might find it easier to be both.

But perhaps not; perhaps it is true, as Yeats once said, that "the best lack all conviction while the worst are full of passionate intensity." And perhaps Yeats would have felt quite at home with the two images I retain of Northern Ireland. One of block after block of houses off the Shankill Road flying, whether in fear or pride, the Union Jack; the other of row upon row of skulls in a newspaper cartoon, each proclaiming "God was on my side." It is hard to believe He is on anyone's side in Ulster today.

challenge and reply

TAX-EXEMPT CHURCH WEALTH

PART TWO

Two articles by Kenneth Holland ("Tax-exempt Church Wealth," July-August, September-October) continue to attract attention and attack. In the November-December LIBERTY Drs. C. Stanley Lowell and Martin A. Larson, authors of the definitive book PRAISE THE LORD FOR TAX EXEMPTION, appraised the charges. We believe that readers will recall Holland and LIBERTY came out pretty well, though not faultless. More recently Father Albert J. Nevins of OUR SUNDAY VISITOR has suggested that LIBERTY owes its readers an apology for perpetrating—or perhaps we should say perpetuating—errors concerning Catholic tax-exempt church wealth. Since Father Nevins' charges do not duplicate the earlier charges, we reprint, in the interest of fairness, his column and a second reply by C. Stanley Lowell. We know of no fairer way to treat the issue. Following is Father Nevins' column:

The editors of LIBERTY, an attractive magazine of the Seventh-day Adventist Church, owe their readers and many others an apology. We do not accuse them of bad will but only of being taken by one Kenneth J. Holland, editor of a Bible Belt monthly, who is either a bigot or a very bad journalist.

Mr. Holland has written a series of articles on tax-exempt church wealth which gathers all the canards, distortions, and misinformation that have been invented over the years, and LIBERTY has given him a public platform for these falsehoods. Tax exemption is a matter of serious concern to many Americans but making a case from lies and exaggerations serves the good of no one.

Our interest came about because in reading the article we came across an OUR SUNDAY VISITOR quote from Father Richard Ginder. Knowing that it had to be written at least ten years ago (Father Ginder had to end his work for this paper because of ill health), we wondered how up-to-date and accurate other items in the article were, so we began a spot check with the aid of John Laughlin, one of our editors. Here's what we found out:

Charge: St. Andrews Roman Catholic Church, Chicago, owns Roosevelt and Sacramento El Rancho Hotels, purchased for \$10 million. **Fact:** Monsignor John Quinn, pastor, sounded as if he had been through this many times. No, the parish had never owned hotels, not even a flophouse on Skid Row. It never even had a due bill from a hotel.

Charge: Three churches of Bloomington, Illinois (First Christian, First Baptist, and Second Presbyterian), own the Biltmore Hotel, Dayton, Ohio. **Fact:** We called the First Christian church and spoke to

the pastor, Rev. John Trefzger, who called the allegation an "exaggeration and distortion made by irresponsible journalism." He said that this charge had been made three times, causing bitter attacks on the churches without anyone's ever checking. He explained that back in 1950 or 1951 four Protestant lay trustees of Illinois Wesleyan University did set up a trust fund to aid the college, the three churches mentioned, and the local YMCA. Any income coming from the fund to the churches had to be used to retire the church building debts. The churches never "owned" the fund, and First Christian hasn't received anything from it in years.

At the worst, says Rev. Trefzger, the trust "should be considered a personal bequest made at great sacrifice by four dedicated laymen, but irresponsible proponents for religious taxation kept dredging up these unfounded accusations."

Charge: DeRance, Inc., of Milwaukee, owns 40 per cent of Miller Highlife Beer, exists as a feeder foundation for the Roman Catholic Church. **Fact:** We spoke to a representative of the Miller company who told us that his firm is owned entirely by Philip Morris, Inc., and that the DeRance Foundation owns no stock in it. We learned that there is a DeRance Foundation, which had been set up by the late Frederick Miller to handle the charitable bequests of his family but it never had been controlled by the Catholic Church and the church never had anything to say about the Miller organization.

Charge: IRS has held that the Vatican is a foreign government and entitled to tax exemption. **Fact:** IRS says Section 892 of the Internal Revenue Code does exempt all foreign governments but could locate no record of ever hav-

ing made a specific ruling on the Vatican State.

Charge: The church expects to profit handsomely from its investments in chic Watergate Apartments (Washington, D.C.). **Fact:** We checked the United States Catholic Conference on this, where a spokesman told us that it wasn't true. At one time, the Vatican was a minor stockholder in Societa Generale Immobiliare, an Italian construction and realty firm that is public-owned by some 30,000 stockholders. SGI did help build the Watergate Apartments but does not own the development. Also SGI is not tax-exempt but pays corporate taxes like any other business. Also, if Mr. Holland had been honest enough to check out his facts, he would have discovered that there is a letter on file with the District of Columbia government from Watergate Improvements, Inc., the owners, denying any Vatican ownership or control.

Other charges, such as one originating with an Italian Communist newspaper, that said the Vatican is the world's largest holder of industrial stocks,

have already been exposed in the public press as untrue. Besides, what the Vatican's finances have to do with American taxation eludes us, other than being a red herring for Mr. Holland. Some statements were obviously false and dishonest, such as his charge that one third of all real estate in Washington, Buffalo, Baltimore, and Denver "was church owned and tax exempt." There is a difference between "was" and "is." And "church owned" and "tax exempt" are not synonymous. For example, more than one third of Metropolitan Washington is Federal property and therefore tax exempt but it is not church owned, as Mr. Holland's statement would imply.

It is regretted that one who calls himself a religious journalist would gather such a collection of misstatements, half-truths, and lies into an article and that the Seventh-day Adventist Church would publish them without investigation in a journal called LIBERTY, a condition which cannot exist apart from truth. □

DR. LOWELL'S REPLY

It might be well, in considering Father Nevins' charges to reprint the quotation from Father Richard Ginder in OUR SUNDAY VISITOR. It pretty well asserts what Author Kenneth Holland's article is all about:

"The Catholic Church must be the biggest corporation in the United States. We have a branch office in every neighborhood. Our assets and real estate holdings must exceed those of Standard Oil, A.T. & T. and U.S. Steel combined. And our roster of dues-paying members must be second only to the tax rolls of the United States Government."

When I originally quoted this in CHURCH AND STATE, TV Newscaster Chet Huntley bet \$5 that Father Ginder never wrote any such thing and that we could not verify it. Chet had to pay up. Any more takers?

The quotation from Father Ginder is not denied by Rev. Nevins. He acknowledges it and for this we are grateful. He does say that it was made some time ago. The exact date it appeared in OUR SUNDAY VISITOR was May 22, 1960. We doubt that the Roman Catholic Church has grown poor since that time.

Father Nevins reports that Msgr. John Quinn, pastor of St. Andrews Roman Catholic church, Chicago, denies acquiring and leasing back the Roosevelt Hotel in Chicago and the El Rancho Hotel in Sacramento. In that case he should sue the Chicago Daily NEWS for libel, since in its issue of August 5, 1959, it reports that exactly that transaction took place [see page 27]. Incidentally, the NEWS said that St. Andrews Roman Catholic church of Chicago leased the hotels back to the management of Thomas E. Hull and that they would continue to be known as the Hull Hotels. The flat denial by Father Nevins of something so widely publicized seems curious.

Regarding the three churches in Bloomington, Illinois, again there is no denial of the facts—only resentment that the facts were published. We do not

doubt that the profits of the church were used for good causes. This is not the point. I might add that before publishing this item in CHURCH AND STATE originally I checked with members of one of these congregations to be sure of the report's accuracy.

In his denial of any connection between the DeRance Corporation and Miller Highlife beer, Father Nevins and his colleagues have another libel suit in prospect. If he will consult the Milwaukee SENTINEL, June 20, 1969, he will find the details of the connection between DeRance, Miller beer, and Roman Catholic organizations and institutions clearly set forth. It is highly doubtful that the SENTINEL misrepresented the facts, since it has never printed any retraction of its report. DeRance, Inc., at that time held a 47 per cent interest in Miller beer and used the profits for various religious orders and organizations of the Roman Catholic Church.

Holland stated that the Internal Revenue Code exempts the Vatican as a foreign government from tax. Father Nevins does not appear to dispute this statement, saying only that no specific ruling could be located concerning Vatican State.

As to the connection between the Vatican and Washington, D.C.'s plush Watergate Towne, the facts have been set forth repeatedly and our files would fill LIBERTY magazine from cover to cover. The Societa Generale Immobiliare, the Vatican's real estate investment cartel, had a controlling interest in the project. Since Dr. Larson and I originally made these disclosures the Vatican has got out of Immobiliare as well as the Italian stock market and put its money into banking investments. This was done to avoid taxes that are shortly to be imposed on the Vatican by the Italian Government. In regard to the questions of tax exemption of Watergate Towne, it is interesting to note that Immobiliare never intended this as a real estate holding operation. They simply build the apartments and immediately sell them. Hence, there is for the Vatican no continuing problem about taxes.

The fact that the Federal Government owns a lot of tax-exempt property in Washington, D.C., is irrelevant to the matter under discussion.

If the reputable sources Kenneth Holland cites have indeed been telling lies about the wealth of the Catholic Church, then we certainly recommend that this church institute libel suits to establish the

truth. (See below for another sample of publicity concerning Catholic Church holdings.)

Incidentally, one way to clarify this whole business would be for the Roman Catholic Church—and the Vatican—to publish complete financial statements of all their business and assets. That would clear the whole thing up. □

2 Hull Hotels Purchased for \$10 Million

The Hollywood Roosevelt here and the El Rancho in Sacramento have been sold by Illinois Wesleyan University to St. Andrew Church of the Catholic Archdiocese of Chicago for approximately \$10 million, it was announced yesterday.

Both hotels will remain under the management of Thomas E. Hull and will continue to be known as the Hull hotels.

Bought in 1951

Illinois Wesleyan University purchased the hotels from Hull for approximately \$10 million in 1951. The Emme Corp. has operated them since then and will continue to do so.

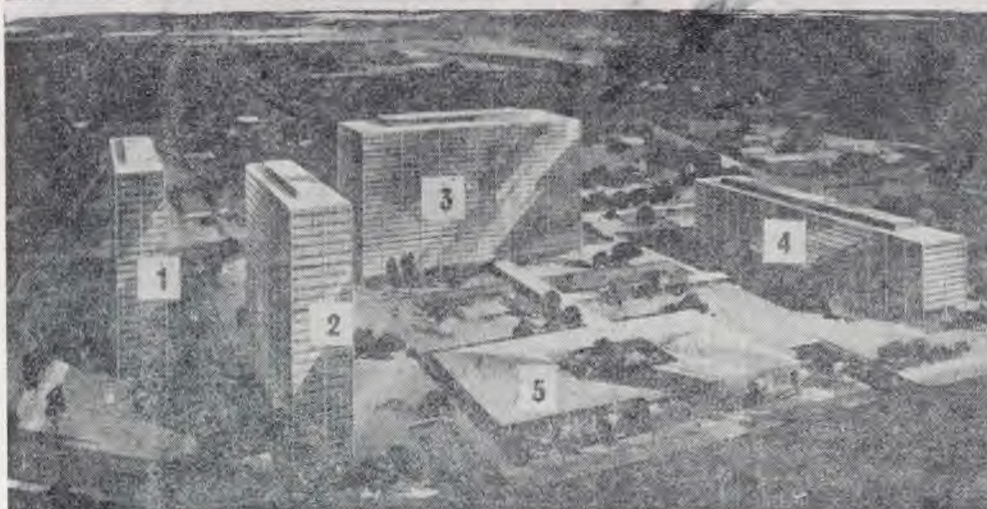
Hull said the 413-room Hollywood Roosevelt and the 300-room El Rancho will undergo immediate remodeling and refurbishing programs. New entertainment policies will be instituted at both hotels, he added.

(Left) The report of the Chicago Daily NEWS of August 5, 1959. (Middle) Plush Watergate Towne, built by the Societa Generale Immobiliare, in which the Vatican held a controlling interest. (Below) Another example of church business activity.



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Los Angeles Times



WILSHIRE'S RADIO CITY—This \$30 million center will arise in area bounded by Wilshire Blvd., 8th St., Rimpou Blvd. and Tremaine St. The land is owned by the Los Angeles Archdiocese of Catholic Church. It will be leased to George Warnecke of New York City, who will arrive here Saturday to complete negotiations, as reported exclusively in

The Times. Buildings planned are (1) a 20-story hotel to front on Rimpou Blvd.; (2) a 240,000 sq. ft., 22-story office building on Wilshire Blvd. adjacent to hotel; (3) a 22-story structure for rental apartments; (4) co-operatively owned apartment building, and (5) a single-story commercial building. Space for 3,400 cars is provided underground.

perspective

Senators Advertise Pornography

Well, the Senate has really gone and done it. They have made sure that your teen-agers will open and examine any pornographic advertising sent to your home in your absence.

Up to recently such advertising was sent in a plain envelope. If the kids got to it before you did, they probably assumed it was just another bill and deposited it with the other unopened second-class mail. But the Senate believes in advertising.

By a 79-0 vote it moved to require the following label in outstanding type on all unsolicited pornographic advertising:

"The enclosed material is sexually oriented advertising, and may, if unrequested by the addressee, be returned to the sender unopened at no cost to the addressee."

We just can't imagine most teen-agers passing up such an invitation to investigate. Why couldn't the Senate have required a less alluring label, something like, "The enclosed material contains lessons on the Fall of the Roman Empire," or even on "the care and cultivation of squash and turnips." (Can't imagine a teen-ager opening *that!*) But "sexually oriented advertising"? Haven't any of our Senators got better sense than that?—R. R. H.

A Recommendation for West Germans

Germans are known as an efficient people who don't leave much to chance. But the half has never yet been told. Consider church contributions, for example. In most of the Christian world the parson preaches his sermon and takes his chances on

what his listeners are motivated to put in the offering plate. Or, better yet, he takes his chances and then preaches the sermon—an alternative recommended for less persuasive parsons. Neither approach to Christian stewardship is efficient enough for the West Germans.

There anyone wishing to join the Roman Catholic or Evangelical Church must register not only with the parson but also with the tax authorities. From that moment the state collects an amount averaging 8 per cent of the citizen's income tax, and turns it over to the church. Germany's 28.5 million Lutherans and 25 million Catholics together pay nearly \$1 billion annually in taxes to support their churches. The government retains about 3.4 per cent to cover expenses.

But even efficiency has its penalties. When the government last year introduced a 10 per cent income tax surcharge, thousands of church members decided they must economize. They did so not by cutting down on nonessential purchases but by withdrawing from the church, thus saving the church tax.

This consequence may seem a commendable by-product to pastors interested in separating the sheep from the goats—which translates, for nonpastorally oriented readers, to distinguishing between sincere communicants and hypocrites. But, pray tell, where in Scripture was the state given this mandate?

Some two centuries ago the American experiment showed the way both to efficiency and vitality in church organization by separating church and state. Last time we looked, a bit over 40 per cent of American citizens were found in the church of their choice each Sunday. The figure for West Germany: 5

per cent. Nor should it be forgotten that the free church in America has largely financed the world Christian missionary program—without a church tax. It shouldn't take an efficiency expert to extrapolate several legitimate conclusions. And if the West Germans are as efficient as their reputation, it does seem that the Bundestag has its work cut out.—R. R. H.

Magic Carpeting

When the Oregon State Department of Emergency Services had to close while the office was carpeted, it announced that "no emergencies will be permitted until further notice." Couldn't somebody offer to carpet the White House?

Pardon Our Name-Dropping

We hate to drop names but we were mighty proud to have Art Buchwald represented in the November-December LIBERTY. Art provides more chuckles per lineful than any nationally syndicated columnist of our day. We're sure our readers got not a few from his contribution, "Army Life Spurned" (at Wisconsin U.). Problem is, we dropped his name from the article. Now, we remain confident that no one would have attributed such exquisite irony to any other author (except maybe H. L. Menken, who died before college battlefields became more dangerous than Vietnamese rice paddies). Our apologies nevertheless to Art and to the Washington Post Company. And an invitation to Art to do an article for us on name-dropping. (And Art, be sure and work in a paragraph on What's-her-name, who married that Greek magnate.)—R. R. H.

Department of Church History, Andrews University,
Berrien Springs, Michigan

insight

Q. Why do you oppose Federal aid to church-related colleges? Take the University of the Pacific (Methodist) as a case in point. In 1949, when it was still the College of the Pacific, it had an enrollment of only 900 and was struggling so hard to pay its bills that many said it would soon close its doors. But Federal aid came along in the nick of time and the university board gladly accepted it. New buildings sprouted everywhere and today UP has 2,500 students getting top-quality education. All this would have been impossible without Federal aid.

A. Maybe so, and maybe not so. Andrews University, where I teach, was a college in 1949 with an enrollment of 1,000 and, like most schools most of the time, was struggling to pay its bills. In the intervening years it has sprouted new buildings at the rate of one a year. Today it is a university with an enrollment of 2,000 students getting top-quality education. All this has happened without Federal aid.

Most significantly of all, while the University of the Pacific has scarcely even a "Methodist flavor" anymore, Andrews is still deeply committed to the great goals of the church that so generously supports it.

Q. What should Christian leaders do to clear up confusion over our Lord's second coming? The Gospels quote Him as giving assurance it would be within the lifetime of some who heard Him speak. Early Christians firmly believed in the promise thus given.

Now, nineteen hundred years later, His second advent is still awaited. The Billy Graham Association is urging worldwide preaching of the gospel to has-

ten Christ's return, while Jehovah's Witnesses clamor for immediate preparation, the Lord being almost at our doors.

A. In the same chapter (Matt. 24) in which Jesus appears most strongly to have promised that He would return in the lifetime of His disciples He gave intimations, which, carefully examined, reveal that His promise was conditional and might not be fulfilled as quickly as His followers desired.

In verse 6 Jesus cautioned, "Ye shall hear of wars and rumours of wars: see that ye be not troubled: for all these things must come to pass, but the end is not yet." In verse 14 He went on to say, "This gospel of the kingdom shall be preached in all the world for a witness unto all nations; and then shall the end come."

God's prophetic promises rest on certain conditions, as Jeremiah 18 indicates, and quite evidently the condition implied in Matthew 24 is that Christ's followers must first preach the gospel to all the world before He could return. That this is so is borne out by 2 Peter 3:9: "The Lord is not slack concerning his promise [to come the second time], as some men count slackness; but is longsuffering to usward, not willing that any should perish, but that all should come to repentance."

Q. I just recently noticed in LIBERTY for January-February, 1970, that you say that the Old Testament annual sabbaths "looked forward to the sacrifice of Christ on the cross and came to an end when Jesus died." If so, then why were people gathered on the day of Pentecost in A.D. 31 (Acts 2:1-4), and why does it say in Zechariah 14:16-19 that "every one that is

left of all the nations which came against Jerusalem shall even go up from year to year to worship the King, the Lord of hosts, and to keep the feast of tabernacles"? During the millennium we will have to keep the feast. When the Messiah restores the sacrificial system, how are we to know how to keep these feasts if we haven't been trained how to while here on earth (Eze. 44:9-31)?

A. If in this present sinful state we are able to learn how to keep the Jewish ceremonial sabbaths, should we not be able to learn even more easily how to keep them in a future perfect age?

But it is not clear that your references in Zechariah and Ezekiel deal with an age still future. They more likely refer to a period shortly after they were written when God would have given the Jewish people great blessings if they had turned to Him with all their hearts. In any event, Ezekiel 44, which you cited, says that priests must be ritually circumcised. Do you believe that ritual circumcision will be restored during the millennium? If so, do you believe that ministers today should be ritually circumcised in preparation for that time? If so, what is the meaning of Paul's insistence that ritual circumcision must be abandoned by the church?

The seventh-day Sabbath and the annual Old Testament sabbaths fit into two distinct categories. The annual sabbaths were part of the ceremonies instituted to atone for sin and they came to an end when Jesus died for sin on the cross (Col. 2:15-17). The seventh-day Sabbath was created before man sinned and cannot have come to an end at the cross as its primary purpose was not atonement but fellowship with the divine.

liberty and the law

By ELVIN L. BENTON

No Wall to Hide Behind

Baugh v. Thomas, 56 N.J. 203, 265 A.2d 675 (N.J. 1970).

The church may not hide all its actions from judicial scrutiny behind the wall of separation of church and state. Only when teachings or beliefs are involved may the church insist on immunity from court intervention, says the Supreme Court of New Jersey.

When the First Baptist church of South Orange, New Jersey, voted to withdraw the "right hand of fellowship" from church member William Baugh, the disfellowshipped parishioner asked for court relief.

A dispute arose over Baugh's right to be a member of the board of trustees of the church. At the height of the ensuing argument, Baugh allegedly uttered what was characterized as "a profane statement" when he termed an accusation that he had threatened to sue the church "a lie." When the membership of the church was given opportunity to vote, Baugh was dropped from the congregation's rolls.

Ex-member Baugh filed a complaint against the pastor and the members of the board of trustees, seeking to be reinstated to membership and to be recognized as a member of the board. Out of court, an agreement was reached by attorneys for both sides, providing that Baugh would write a letter of apology that would be presented to the church membership for acceptance. If the vote was affirmative, Baugh would be reinstated to membership and be eligible to run for election to the board of trustees. Baugh wrote what the State Supreme Court opinion later called an apology without admitting that he had done anything wrong.

When the congregation convened to consider Baugh's apology and possible reinstatement, the head counting began in earnest. According to Baugh's complaint, the initial vote was 31-25 against him. After one vote against him was tossed out because the voter had not paid her dues and two others were challenged for the same reason, the vote would have been 28-25. Four members present abstained, alleged Baugh, and, according to the church's constitution, should have been counted in his favor, since the constitution requires that abstentions be counted as affirmative votes. After the church refused to forgive and forget, Baugh amended his complaint and came back to court.

The chill of the church carried over into the courts. Both the trial court and the Appellate Division relied on a previous New Jersey case (*Moorman v. Goodman*, 59 N.J. Super. 181, 157 A.2d 519 [App. Div. 1960]), which held that expulsion of members from churches is not a proper subject for judicial consideration) and rejected Baugh's claim. The next step was the State supreme court.

Associate Justice Haydn Proctor, speaking for a unanimous court, came right to the point as he described the sharp contrast between Baugh's problems and earlier cases. "It must be emphasized," stated Justice Proctor "that there is no question of spiritual matters or church doctrine in the present case, [citations to previous cases omitted] and insofar as the above New Jersey decisions stand for the proposition that there is no jurisdiction in such cases we are in agreement. Indeed, . . . constitutional principles . . . mandate such a position."

The justice directed that the

case be sent back and tried on merits. Without suggesting that any court could establish rules concerning church membership, Proctor could see no necessity for judicial emasculation: "We cannot, however, accept the proposition that civil courts lack jurisdiction to determine whether established procedures of a religious organization, as proved, have been followed where a member is expelled from that organization. Earlier decisions of this state which reject such jurisdiction are overruled." With doubtful syntax but irreproachable understanding, Justice Proctor defended judicial intervention: "The loss of the opportunity to worship in familiar surroundings is a valuable right which deserves the protection of the law where no constitutional barrier exists."

Churches are constitutionally privileged. They enjoy an almost absolute immunity from governmental and judicial intervention in their spiritual affairs. But churches (at least the people in them) have feet of clay, and unfairness is not unknown as they make and apply rules that govern the mechanics of their functionings. People who deal with and become members of churches should not be expected to bear the losses occasioned by the churches' unfair application of their own freely enacted rules.

It is hard to fault the court's insistence that "except in cases involving religious doctrine, we can see no reason for treating religious organizations differently from other nonprofit voluntary associations." While it may sometimes be difficult to find the dividing line between beliefs and mechanics, the Supreme Court of New Jersey has at least recognized that there is such a line.

letters

"Riot in the Classroom"

Watford Reed's "Riot in the Classroom" (September-October) should be read by every school board in the nation.

Polls have shown that far too many of our citizens have too little knowledge or understanding of the meaning and value of our Bill of Rights. I shudder to think that each of us would live in an atmosphere of fearful conformity if these precious provisions were not already a part of our Constitution. A 1970 re-writing of the First Amendment, for example, would probably be much more restrictive on those persons holding unorthodox political, social, or religious views.

I am encouraged that the Oregon-developed course on Liberty and the Law has already been incorporated into the curriculum of so many of our school systems. I suggest that the remaining systems take notice and follow suit. In my opinion, a course on the Bill of Rights ought to be regarded as a basic part of every public high school curriculum.

KENNETH A. STEVENS
Jessup, Maryland

Your September-October issue should be in every classroom where high school seniors are being introduced to just such subjects as are considered in this issue; in every college classroom where freedom of expression is being discussed—all the things in your wonderful magazine, really.

MRS. O. B. GERHART
Deer Lodge, Tennessee

Super Toss

I have just finished reading LIBERTY—which was tossed

into my car while it was parked in a supermarket parking lot. I find it a most interesting little gem of information—so much so that I am enclosing my check for five dollars to cover the four subscriptions enclosed.

MARGUERITE J. NELSEN
San Diego, California

[An excellent way to dispose of old copies.—ED.]

Tax-exempt Private Schools

I always read LIBERTY with interest for its (to me) quite astonishing stances on religious and civil liberty coupled with conservative theological views.

I note that Jesse Merrell expresses misgivings over the Supreme Court decision to withhold tax-exemption status from Mississippi private schools built exclusively for white children.

Two considerations, it seems to me, receive less than adequate attention in this article: (1) the basic question of tax exemption for religious institutions per se; and (2) the fact that the schools in question have been organized specifically to evade the intent of the law.

Tax exemption is a form of subsidy. The same ground for requiring nondiscrimination in the public school affects the granting of this subsidy to private schools, and would quite properly apply, it would seem to me, to religious schools serving an exclusive sectarian clientele, i.e., expressly forbidding Jews or Catholic, Protestants or Seventh-day Adventists from attending. I would be perfectly happy to have the same criterion applied to churches: that if their services are deliberately withheld from segments of the population (I do not now

talk about membership or control) because of race, creed or national origin, they cannot qualify for public subsidy (whatever other consideration may be raised). Since churches fulfill both private and public functions (private where they serve their members alone, public where they contribute to the life of the community) I would indeed like to see some type of proportional subsidy, rather than outright exemption or non-exemption. But even this could not apply to institutions contrived solely to subvert the law.

WALTER ROYAL JONES, JR.
Charlottesville, Virginia

"Smut"

Sherman E. Anderson's letter (September-October) advocating public display of the human body as "God's masterpiece" makes it evident that he does accept the fact that we had our origin in God and not in a monkey.

In case no one has yet told him, smut is the act of debasing the human body and lowering it by unbecoming public exposure, word, or picture to the level of a dumb animal.

If Mr. Anderson reminded us that the human body is "God's masterpiece" why did he not go on to tell us how the Master wishes us to clothe our bodies? Quoting from His book we read in 1 Timothy 2:9, "In like manner also, that women adorn themselves in modest apparel, with shamefacedness . . ."

The antediluvian world made smut of their lives. The populace of Sodom and Gomorrah, tired of living as human beings normally would, exposed their bodies as dumb animals, and mated as dumb animals mate. The result was that the Creator

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letters

destroyed these debased human beings.

The Bible tells us that in the final hours of human history men will create another movement to make smut of the human body and debase it. This time the result will be global extermination of all who rebel against God and who are determined to debase themselves and live as the Sodomites (Luke 17:26-30).

In referring to free love the Creator does not use the word smut, but calls it an abomination.

BEN SIEMENS
Mineral Wells, Texas

"How Life Began"

The article dealing with the beginning of life on earth continues the controversy that has been raging periodically since the famous Scopes trial and before. It always appears to end in a tie score, but with the respective rooters still unshaken, and is about as fruitful as the argument over the chicken and the egg. A high-ranking biologist (and also a prominent churchman) declared to me that "every time we scientists draw aside a curtain, we see yet another behind it." Considering the state of the world today, I am much more concerned about where we are going than how we got here.

As a teacher for fifty years, and engaged in teacher training for more than half that time, I personally followed, and urged my teachers in training to follow, this rule: Never remove a brick from the foundation of a young life, until you can replace it with another brick that will better serve that particular young life.

Life's guideposts are not sci-

ence OR religion. They are science AND religion.

WILLIAM A. COOK
Cincinnati, Ohio

Teaching creation and evolution has nothing to do with the Constitution or church and state. They are two explanations of factual knowledge and the student has a right to be exposed to both viewpoints and is at liberty to choose the one most plausible to him. I have found that young people are greatly interested in religion and are anxious to be exposed to religious explanations. They may not accept them, but that is the right of choice.

C. T. CARSON
National Reform Assoc.
Beaver Falls, Pennsylvania

Both common sense and Webster's dictionary definition of evolution presuppose an act of creation of matter without which evolution would be both meaningless and impossible, since nothing could evolve from nothing. There would of necessity have to be something created before something could evolve from it. For instance, the most popular example referred to by evolutionists is that of evolution of man from a monkey or baboon. Any student of common intelligence and old enough to be in school knows that there would have to be an act of creation, to wit, the creation of the monkey or baboon, in order that man could evolve. It doesn't take a scientist or philosopher to solve this question. Certainly the Creator, God for instance, could as easily create a man as he could a monkey from which man is alleged to have evolved, or create an animal of the higher order as he could one of a lower order.

Nothing illogical or unreasonable about this.

E. R. SMITH, SR.
Nashville, Georgia

"The Curse of Ham"

From reading the letter by Glen J. Ellis (September-October), I am of the opinion that this attorney does not have all the facts regarding the Black man.

The Utah Latter-day Saints did accept the Negro into their priesthood years ago. Brother Elijah Able was thought to be the first Negro baptized, in 1832. In 1836 he was ordained an elder, and in 1841 he was ordained a Seventy. In 1883 he was sent to Canada by the Utah Church (Reorganized Church of Latter-day Saints Church History, vol. 2).

The R.L.D.S. has Negroes in our priesthood today. God being no respecter of persons must be the same today as yesterday and tomorrow likewise.

Our church accepts all races, and anyone God calls to the priesthood regardless of race. God does the calling, but we as Saints by common consent choose to accept or reject the person called of God to occupy his office and calling. I would think these Mormons would look this up in their church history and not be confused.

JOHN B. DAWSON
Sacramento, California

"Tax-exempt Church Wealth"

Your September-October issue concerning the plight of the POOR churches does not make my poor heart bleed, nor do I want to continue paying their share of this country's taxes!

The July-August issue of LIBERTY states most religions are

letters

representatives of these tax-free religious profiteers through various nongodly enterprises such as beer companies, chic apartment buildings, Government contracts, hotels, girdle manufacturers, and so on. Couldn't this issue also have included drug, music, cosmetic, clothing, food, travel, and many other religious-owned or feeder companies?

Is it possible this may be why the younger set are leaving the churches for the dark corners? That the intelligent young are aware of the hypocritical selfishness of the four-faced pulpit storytellers, preaching from the pulpit against war, pollution, sin, and pornography while their financial empires are making profits from same?

Is it possible that when religion puts money before God and the people, its integrity will go down the drain? And like good music, if the soul isn't in the music then the beauty is lost.

ELAINE KUETTEL
Duluth, Minnesota

These enormous church enterprises — and their profits — may tend to minimize voluntary contributions: A potential tither might be more willing to help the needy than to fatten a corporate enterprise. A hungry and ragged child standing outside the marble facade of a church-owned hotel is a poor advertisement for voluntary contributions.

If one really wants to obey the Biblical admonition to give his goods to the poor, should he give them to the church? The answer to this question may, in part, explain declining church revenues.

A. C. PALMOUR
Trion, Georgia

Legacy of Freedom

The good terms under which Jews and Romans lived ("Legacy of the Caesars") did not deteriorate until the advent of church-state rule in that empire. Jews and other religious or national groups lived in comparative fraternity in all places where there was an absence of Christian domination over the affairs of state.

Jews, as all other minorities, must also be in full accord with the fine interview with Senator Sam Ervin. Ervin declared that "the greatest gift the good Lord and the Government can give to a person is freedom." Obviously, it can be done if the good Lord and the Government keep out of each other's way. Historically, a combination of the two leads to a disaster of dictatorship and human enslavement.

RABBI I. B. KOLLER
Congregation B'nai B'rith
Santa Barbara, California

"People of the Past"

While I cannot feel that all points of Amish belief are correct, I must be completely sympathetic with their efforts to avoid dictation by government.

Mr. Goldman's article (July-August) makes a number of invalid assumptions that suggest that he is on the side of those who would control by force, that there are no permanent values, and that one must always choose. Just as one should always be able to detect the difference between wholesome food and deadly poison, so there are areas in life where there are values which have enough permanence that choice becomes wasted effort.

Goldman assumes that the world of education has values

high enough that one should be allowed to choose between it and the world of the Amish. Recently in a Chicago paper, a mother wrote addressing the schools:

"You boast of dollars spent per student, of modern textbooks, of concert bands, and choirs, and an impressive variety of shop and art media.

"But all your boasting is of things, not of the growth of the mind . . ."

We should be thankful that the Amish have been spared that world. And we should protect their right to avoid it like the plague it is.

JOSEPH M. CANFIELD
Northbrook, Illinois

Keep up the good work in defense of freedom, liberty, and our right to worship according to the dictates of our own conscience.

DUANE M. LAWS
Ypsilanti, Michigan

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Weather Report

In Nebraska, prior to elections on November 3, Citizens for Educational Freedom (CEF), backing a proposal permitting State aid to parochial schools, urged members: "Pray that God on November 3, 1970, will send good weather in our strong areas and severe weather in our weak areas. God-centered schools are at stake. He will hear our prayers!"

He did. Just as He did those of Balaam, hired by Israel's enemies to pray a curse on that nation. Every time Balaam prayed, blessings rather than cursing came from his lips, much to the consternation of Balak the Moabite, who was paying the bill for the prayers.

Whatever the weather in Nebraska, the referendum to permit State aid to private schools was swept aside by a tornado of negative votes. Georgia voters, however, nodded to limited aid in a very close contest. In Michigan, citizens voted decisively in favor of barring State aid, direct or indirect, to parochial schools. In terms of CEF's prayer request, one might conclude that severe weather dominated two thirds of the election scene.

A more sunshiny report might conclude simply that American voters demonstrated their conviction that separation of church and state has been a blessing, is still a blessing, and will continue a blessing.

We would like to invite CEF partisans to join us in a prayer concerning the State-aid cases now being decided by the Supreme Court. Not for bad weather or good, but simply that God's will may be done.

If any potential prayer participants question the consequences of State aid to parochial schools, don't miss the March-April LIBERTY, in which a prominent Hollander laments, "We learned from America too late."

Evidently he still cared. He had sent her a dozen roses; and every woman knows what red roses mean. . . .

But even flowers . . . even red roses . . . every Monday . . . without love . . . can be murder. See page 11.



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