

## DO WE NEED AN ABORTION AMENDMENT?

# YES

**By Ann Toland Serb †**

*The right to life is not a "Catholic" issue but rather a basic human right, without which no claim to rights has validity.*

During the fight to extend civil rights to all minority groups, in the battle to unionize farm workers, when the peace movement struggled to end the War in Vietnam, Catholics were warmly welcomed, both as individuals and as a Church.

When the American bishops, singly or in a

*(continued on page 2)*

# NO

**By Harrison W. John\***

*An amendment would offer a woman no choice but to accept the verdict of a powerful lobby in a matter that is intensely personal.*

Jane Roe and Mary Doe are as faceless as the proverbial "John Doe," but they are responsible for a major debate in constitutional law. Its echoes have spread from the marble halls of the Supreme Court in Washington to the living rooms of Americans across the land.

Jane Roe is a real person, but her name has been changed to represent every

*(continued on page 4)*



## DO WE NEED AN ABORTION AMENDMENT?

(continued from front cover)

group, spoke out regarding the Farah strike, the United Farm Workers' controversy, or amnesty for draft evaders, there was no uproar regarding their religious affiliation.

Nor did anyone question the propriety of a religious group taking part in these efforts. The stress was on human concerns, human responsibility, human rights.

How far we've come since those days!

Now many of the people and groups who greeted Catholics with a sincere "Welcome, brethren!" in these efforts, are loudly questioning the right of Catholics, either as individuals or a religious body, to involve themselves in the question of human life. In particular, the U.S. Catholic bishops' "Pastoral Plan for Pro-Life Activities" is being attacked with the intensity once reserved for promoters of the Inquisition.

Strange this point was never raised before. And strange that, somehow, on the issue of human life, which affects every person from conception to death, the Catholic Church is supposed to remain silent.

There is good reason to doubt the sincerity of those who draw such a conclusion. Good reason to suspect that what concerns them is not the propriety of Church involvement, but rather which side it takes.

First, human life is not a "Catholic" issue. True, it is a moral issue, in the same manner as civil rights for minorities. And it is a legal question, much as American involvement in Indochina.

Even more, as in all cases of social justice, it is a human issue. It is the right of every individual, regardless of religious affiliation, to speak out on any subject. This truth is clearly demonstrated by those advocating unlimited pornography and screaming obscenities in the streets. In the United States, freedom of speech is not a Catholic teaching, but a

# YES

guaranteed constitutional right, based on the First Amendment, protecting the freedom of speech.

To call the subject of human life a Catholic issue is to ignore all the fine Protestants, Jews, and atheists who feel human life is, without qualification, precious. It has surprised many of them to find themselves automatically linked to the Catholic Church, without any formal conversion.

The implication is that Methodists, Lutherans, Baptists, Presbyterians, Mormons, and all other people of strong faith have no right to intrude upon this "sectarian" battle. The insinuation for Catholics is that they should demonstrate their independence from their Church by opposing its stand on human life, even when this would violate their personal beliefs.

This attitude, fostered through the media, has created feelings of doubt in many Catholics. For it is true that no one group should try to force its particular religious beliefs or morals upon others. Yet there has been no attempt to have Congress declare the Real Presence in the Eucharist as part of the American creed, or to institute a national holiday in honor of the Blessed Mother.

The deliberate confusion of the legal and moral in the matter of human life ignores the fact that much of what is illegal is also immoral. Murder, theft, perjury, are acknowledged as immoral. And our nation also classifies them as illegal.

There has been a concerted effort to dismiss anyone who opposed the modern attack upon life as "only Catholics." The implication is that a group of robotlike people, directed by a foreign leader, is trying to rule the country.

If 50,000 people stage a demonstration in order to promote recognition of the unborn's right to life, they have no significance. They are, of course, all Catholics, mindlessly following orders. While there may be extensive media coverage for 100 people picketing for gay liberation, a story about a prolife demonstration is usually covered in one or two paragraphs buried near the back of the secular press. And there has been no prominent report on those States that put abortion to a referendum. The voters rejected abortion on demand by more than 90 per cent. Yet none of these States have Catholics making up 90 per cent of the population.

The individual Catholic who supports the antilife movement or admits publicly to having had an abortion, however, is highly significant. And well publicized, if we judge by telecasts on the subject. The indication here is that one intelligent, independent, highly rational person somehow managed to slip away from all those sheep, in spite of the best efforts of the totalitarian shepherds.

I am one Catholic who is sick and tired of apologizing for my stand on human life. Yes, I have had the guidance of the Church in forming my judgment. But I have used my power of human reason to make my final choice. I have no guilt feelings because my reason agrees with Church teaching. And I refuse to prove my independence by opposing the Church's position. To do so would be a denial of my personal integrity.

Without the foundation of the right to life itself, there is no basis for any claim to unequivocal human rights. There is no inherent dignity of the human person. And it is this concept of dignity upon which is built any demand for social justice or equal rights.

My common sense tells me that we will, in the next few decades, have serious population problems. Our difficulty then will not be



finding enough room to move or food to eat, as the "experts" predict. It will be finding enough people in the work force to support the elderly, the poor, the handicapped, all those who cannot provide for themselves.

While the children not being born are referred to as potential consumers (presenting us with the picture of ravenous little mouths devouring everything in sight), we cannot ignore the fact that they also, one day, become workers and taxpayers.

What will we do when there are not enough working people to support all of us in our old age? Or in our infirmity, whatever it might be? Can we afford to delude ourselves with the thought that we shall never grow old?

Perhaps one day soon we will not have many people who are old and dependent. But not because we have discovered the fountain of eternal youth. It will be because either starvation or "death with dignity," as euthanasia proponents euphemistically refer to their "solution," has claimed most of our aged. It is a situation I do not anticipate cheerfully.

A look at the many miles of uncultivated farmland, and a study of the government budget figures on subsidies paid to farmers for *not* growing food, indicate that our problem is not inability to support a larger number of people. Unwillingness and inability are not the same thing.

Anyone who ties together the various threads of the antilife trend is thought to be paranoid. Proponents of the death mentality encourage us to think of each threatened group as a totally unrelated species. The unborn, the terminally ill, those worn out by age are treated as completely separate.

Yet, if they are not fully human, what are they? And what are we?

The end result of each solution proposed for these "different" problems is the same—death. And it is life or death that is the common



Ann Toland Serb

denominator when we concern ourselves with the value of human life.

Those who appear paranoid about the spread of the antilife movement have solid reasons for their fears.

If we go back only a few years to the first introduction of abortion reform bills in various States, we recall that they would affect very few people. Or so we were told. Pregnancy caused by rape or incest, babies born defective, extremely young unwed mothers, and so on. Any compassionate person had to admit that these, indeed, were tragic cases.

Then legal abortion became a reality.

What happened? The wanton slaughter of hundreds of thousands of perfectly normal babies. So how can we trust this same mentality when it proposes other changes, offering us "death with dignity" or other humanitarian-sounding goals?

What amazes me most is our modern day schizophrenia. In many hospitals, the abortion department does a brisk business, disposing of unborn, unwanted babies. Down the hall, meanwhile, doctors and nurses work valiantly to save the lives of premature babies, who differ from those callously cast aside only because their parents want them.

Judges have ruled that unborn babies are entitled to welfare benefits. Such benefits are available only to a human person.

In some States, it is possible to claim an unborn child as a dependent for tax purposes, and still kill him by abortion. The Internal Revenue Service has strict rules that cover who may be claimed as a dependent for Federal taxes. Anyone who has ever tried to deduct a veterinarian's bill as a medical cost knows that rule number one is that *all* dependents must be human.

The women's rights movement stresses the human right of women to equal standing under the law. Most people do believe in equal pay, equal opportunity, equal ad-

vancement, as part of simple justice.

Some leaders of this movement are vocally demanding freedom from the traditional "oppression" of women by men. One of their solutions, abortion on demand so a woman may have the right to control her own body, ignores any right of the baby to determine what will become of *his* body.

Such radical demands for "equality" are not based upon justice, but upon a desire to move from the role of "oppressed" to that of "oppressor." I find it hard to equate this with justice, which means fair treatment for all.

If we are not to use "wantedness" as the basis for legal rights, we might as well throw out all progress made in the past century on civil rights. No matter what the law dictates, there will always be some people who do not "want" minorities (including women) to have equal employment, fair housing, or the opportunity to move upward in society. Yet no one may deprive these "unwanted" people of their rights without risking legal action.

Another pet phrase of the abortionists is "quality of life." We must resist the impulse to discuss the "quality of life" without first establishing the absolute value of life itself. Too often this phrase has one goal—better quality, less life.

Life itself is the concern for those of us who believe in people. Once life is protected, we can consider various means by which it can be improved for the less fortunate.

Certainly no sane person would accept elimination of some of the living as the solution for improving the "quality" of their lives. Yet this is what is often proposed under this noble-sounding term.

Should we allow the antilife movement to designate certain people as "unnecessary," "inconvenient," or "not the right quality," we would find no place to draw the line of human value, beyond which we ourselves will be safe.

Reading the daily newspapers is

an exercise in horror for those who are life-conscious.

There is the incident of the black men, afflicted with syphilis, who were used as guinea pigs without their knowledge. In order to study the course of the disease, doctors in charge withheld drugs that would have cured them.

The number of adolescent black girls sterilized without their parents' knowledge or consent, while in State custody, is still not known. This was done to prevent their having children for the State to support. The assumption that they would automatically become pregnant is racism at its worst. Without any legal procedures, they were denied the right ever to have children.

And are we to forget—dare we forget—that a bill introduced in Hawaii in 1971 would have helped control population by requiring sterilization of every woman upon the birth of her second live child?

A nurse in Illinois, terminally ill with cancer and on public aid, lost the will to live when the State refused to pay for further treatments. She had chosen to extend her life as long as possible. But this decision was reversed without her consent. Where was her freedom to opt for either life or death with dignity?

It is not enough to call these incidents regrettable. They point to a growing disregard for the value of the individual person. Without this commitment to the individual we have no true society, no viable constitution, no real protection for anyone—including ourselves.

Yes, it's high time we stop apologizing for our religious affiliation and get down to a serious reaffirmation of our commitment to every human person, regardless of circumstances.

Time is running out. 1984 is closer than we think. □

† Ann Toland Serb is a free-lance writer in Chicago, Illinois.

# NO

(continued from front cover)

woman. In the spring of 1970 she faced a situation that has confronted many a single woman like her. She was pregnant. She wanted an abortion.

But that was not possible in Dallas County, Texas—not in 1970. State statutes declared abortion illegal except on medical grounds, and then only for the purpose of saving the mother's life. Unable to afford to travel to a more sympathetic jurisdiction, Jane instituted Federal action in March, 1970, against the district attorney of Dallas County on behalf of herself and "all other women similarly situated." It was her suit that led to the stunning Supreme Court decision known as *Roe v. Wade*.

At about the same time, a 22-year-old married Georgia woman, eight weeks pregnant, was advised by doctors to abort her fetus. Mary Doe (a pseudonym) had three children, two of whom were living in a foster home because the family was too poor to care for them. She had spent time in a State mental hospital. Her husband, a construction worker sporadically employed, had deserted her, forcing her to live with her indigent parents and their eight children. The husband subsequently returned. On March 25, 1970, she applied to the Abortion Committee of Grady Memorial Hospital in Atlanta for a therapeutic abortion, as required by State law. Her application was denied.

The denial resulted in a historic lawsuit, *Doe v. Bolton*, filed against the attorney general of Georgia, which eventually became a companion suit to *Roe v. Wade*. Both cases culminated in a decision in favor of abortion on "Black Monday," January 22, 1973.



The Court's decision, described by some as "the social milestone of the century," tilts heavily in favor of the privacy of the individual, declaring unconstitutional all State statutes that restrict abortion.<sup>1</sup> The ruling allows absolute freedom for the woman, in consultation with her physician, to obtain an abortion during the first three months of her pregnancy. During the second three months, the State may intervene, but only "to the extent that the regulation reasonably relates to the preservation and protection of maternal health." In other words, the decision is still personal, involving the woman and her physician, but the State may impose procedural restrictions, such as where abortions may or may not be performed. The Court, however, allows the State to "proscribe abortion" after "viability" (the last three months of pregnancy), except when it is necessary to preserve the life or health of the mother.<sup>2</sup> In making the ruling, the Court declared unconstitutional the original and reform abortion laws in all 50 States, noting that they violate the First, Fourth, Fifth, Ninth, and Fourteenth Amendments to the American Constitution.

While the Court has spoken authoritatively (though some think inconclusively) and the decision has become the "law of the land," considerable opposition has developed to the "liberal" concept of abortion mandated by the Court.

Even the learned judges did not fully agree with the verdict (both cases were decided by a 7-2 majority). Justice White disagreed with the ruling in unequivocal terms. Speaking on behalf of his fellow dissenter, Justice Rehnquist, White said: "I find nothing in the language of the Constitution to support the Court's judgment." Calling the Court's decision "an exercise of raw judicial power," he continued: "I cannot accept the Court's exercise of its clear power of choice by interposing a constitutional barrier to State efforts to protect human life and by investing women and doctors with the con-

stitutionally protected right to exterminate it." He suggests a different course of action: "This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs."

Justice White's suggestion served as a signal to antiabortion forces to seek to circumvent the Court's decision via the legislative process. A crescendo of voices immediately joined in opposition. Patrick Cardinal O'Boyle, former Archbishop of Washington, called the decision "a catastrophe for America," noting that while the Court had made abortion legal, it had not made it "morally permissible." Abortion, he said, remains a "hideous and heinous crime." Cardinal Cooke, Archbishop of New York, called on Americans to "reverse this injustice to the rights of the unborn." Cardinal Kroll, Archbishop of Philadelphia, dubbed the Court's action "a monstrous injustice," adding that the American people should not let an "illogical court decision" dictate to them on the subject of morality and human life.<sup>3</sup>

A Jesuit publication in a January, 1974, editorial noted that the *Roe v. Wade* decision "displays a shocking callousness to the presence of life in the womb."<sup>4</sup> The editorial continues: "Because it treats human life cheaply and encourages a disregard for the value of all that is vulnerable, abortion on demand is an antihuman policy."

Within the House of Representatives, as of February 9, 1976, there were 55 cosponsors of antiabortion bills. (Full hearings were held on February 4 and 5, with final hearings set for the week of March 22.) Among the bills were twelve types, with provisions such as: use of medical procedures only to preserve the mother's life; States allowed to enact their own abortion laws or, through another, to restrict them; the right to life guaranteed from "fertilization" or, in another bill, from the moment the heart begins to beat; abortion allowed but every reasonable effort



Harrison W. John

to be made to preserve the life of the unborn.

On the Senate side the issue is a little less complex. On September 17, 1975, the Senate Subcommittee on Constitutional Amendments voted down four bills introduced by Senators James Buckley (R.-N.Y.), William Scott (R.-Va.), and Jesse Helms (R.-N.C.). However, the bills are not dead. As of February 9, 1976, Buckley had reintroduced his two bills (cosponsored by nine other Senators), to show that the battle will continue. Senator Quentin Burdick (D.-N.D.) has proposed one that would allow the States to prohibit abortion.

The Buckley amendment, sponsored first in May, 1973, has a wide range of backers, including Senators Mark Hatfield (R.-Oreg.), James O. Eastland (D.-Miss.), and Wallace F. Bennett (R.-Utah). In 1975, the amendment gained seven cosponsors. The amendment says in part that the word "person" as used in the Fifth and Fourteenth Amendments to the Constitution of the United States "applies to all human beings, including their unborn offspring at every stage of their biological development, irrespective of age, health, function, or condition of dependency." But abortion shall not be proscribed "in an emergency when a reasonable medical uncertainty exists that continuation of the pregnancy will cause the death of the mother."

Surprisingly, Section 3 of this amendment, which leaves it to Congress and the States to enact legislation opposing abortion, is not acceptable to certain segments of the prolife groups. One antiabortion advocate, reflecting a large constituency, objects on the grounds that it only restricts government from passing proabortion laws but does not require that laws prohibiting abortions be adopted.<sup>5</sup> This prolife advocate further maintains that the Buckley amendment restricts governmental but not private assistance for abortions, unless the State specifically passes a law forbidding abortion.

In view of these objections, certain antiabortion groups are supporting a right-to-life amendment patterned after the Thirteenth Amendment, a law that forbids slavery, whether by government consent or by private individuals. This amendment provides that no unborn child shall be deprived of life *by any person*, public or private, unless it is necessary to preserve the life of the mother.

Another amendment—the one in the House—proposed by Rep. G. William Whitehurst (R.-Va.), is mainly a political attempt to retain the power of lawmaking at the State level. Section I reads as follows: "Nothing in this Constitution shall bar any State or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion." A similar amendment proposed in the Senate by Senator Scott of Virginia says: "The power to regulate the circumstances under which pregnancy may be terminated is reserved to the States." Such amendments, if passed, would leave the decision of abortion in the hands of State legislators and would result in the same hodgepodge of legislation that existed before the Supreme Court ruling of 1973. For many who are active in the right-to-life movement, the Whitehurst and Scott amendments would be unacceptable, because they would allow States to permit abortion within their jurisdictions. On the other hand, they would not satisfy proabortion forces, because under these provisions some States could restrict the practice.

Another amendment, proposed by Senator Helms of North Carolina, seeks to establish the exact time from which an abortion would be considered illegal. It reads: "Section 1. With respect to the right of life guaranteed in this Constitution, every human being, subject to the jurisdiction of the United States, or of any State, shall be deemed, from the moment of fertilization, to be a person and entitled to the right of life. Sec-

tion 2. Congress and the several States shall have concurrent power to enforce this article by appropriate legislation" (S.J. Res. 6).

The intent of the amendment is to force a definition of life from the ruling issued by the Supreme Court. The Court acknowledged that if the concept of personhood for the fetus is established, its right to life is guaranteed by the Fourteenth Amendment. The Court, of course, did not subscribe to such a line of reasoning.

The issue of when life begins and the moral question regarding the termination of life seem to be the major points of controversy within the vexing debate on abortion. Will the proposed amendments help to resolve the debate or will they merely intensify the discussion?

While one must agree that we should not be intimidated by the "cult of the robe" and that the Court's opinion need not be accepted with the same awe as an earlier directive from Mount Sinai, the Court's decision does seem to meet two basic tests of equity: It is fair to all parties involved and within the directives of the Constitution.

The Court has not been wholly devoid of a sense of sanctity toward life, as some have maintained. Neither has the Court trampled on the rights of individuals who do not wish to participate in the termination of "life" on moral or religious grounds. In *Doe v. Bolton*, the Court recognizes the right of a physician or other hospital personnel to refuse to participate in abortions. On the other hand, the Court has ruled that during the period of "viability" the State may restrict abortion within its jurisdiction. By the same token, the Court has restored to the mother the right to be "free to make the basic decision whether to bear an unwanted child," as former Justice Douglas expressed it in a concurring opinion delivered in *Doe v. Bolton*.

The Court's action further frees the woman to seek an abortion for unwanted pregnancies that result from rape, a question many antiabortion advocates do not discuss. Why



should a woman have to undergo the trauma and indignity of having to bear a child that has been forcefully and criminally thrust upon her? Why does she have to undergo the rigorous scrutiny of a hospital committee to prove the validity of an assault against her person, and then leave the decision to a group of people who have no involvement in her future? Does not the American Constitution provide a shelter of privacy from unnecessary prying by third parties into the most intimate details of her sexual functions? Is she being afforded the "equal protection" of the laws if she has to undergo such humiliation, simply because she is a woman?

The matter becomes further complicated when one considers rape of a minor. Are we going to quibble over the "rights of the fetus" while the individual and her family are being exposed to the spotlight of gossip, and while the girl has no other choice but to carry this symbol of unwanted benevolence for nine months and, from then on, forever have to explain the embarrassing circumstances of her plight?

In all fairness, one must mention that a number of antiabortion groups are willing to accept abortion if the life of the mother is in danger.

The chief point of friction in the abortion debate focuses on the question: When does life begin? Most antiabortion spokesmen indicate that life begins at the moment of conception and consider the Court's recognition of life at the point of viability as unacceptable. Scientists, however, are baffled not only by the definition of life but also by the problem of determining when it actually begins. Acknowledges one scientist: "We face an embarrassing question, for although every biologist knows basic features characteristic of living things, no one knows what life is. No one has yet been able to define completely and precisely when life is, to the satisfaction of the scientific community."<sup>6</sup> Two other medical writers note: "Asked when life be-

gins, medical science is almost, if not quite, as unsure as religion. Scientists find it as difficult to establish the moment when human existence starts . . . as they do the moment when death ends it."<sup>7</sup>

Without being drawn into the fine distinctions of fetology, the Court chose a point at which there is no question that the fetus is a viable living entity. A manual widely used by pregnant women states that a baby born prematurely "during the 7th and 8th month has a 50 to 90 per cent chance for survival."<sup>8</sup> Thus the Court's decision that the State may restrict abortion during the third trimester of pregnancy certainly has medical validity.

Does aborting a fetus before it reaches the stage of viability constitute an act of murder? The Court says No. Yet biologically there is some form of life. It may not be intelligent life, but life in some elementary form does exist. Rather than allowing someone else to make the decision about that form of life, the Court allows the mother, as a matter of principle, to decide.

The Doe/Roe ruling seems adequately broad to accommodate both pro and antiabortion forces, yet lobbying for a constitutional amendment is vigorous. Much of the impetus for an amendment comes from anti-abortion elements, among which the U.S. Catholic bishops must be ranked foremost since their "Pastoral Plan for Pro-Life Activities" appeared last fall. The plan calls for three types of activities: 1. to educate the public on abortion issues; 2. to help women who have problems with pregnancies or who have had abortions; 3. to secure anti-abortion laws and directives from the various branches of government.

The National Organization for Women (NOW), an outspoken supporter of women's rights, has no plans to present its own amendment. A spokeswoman in NOW's legislative office in Washington said neither did she know of plans by other pro-abortion groups to do so. "The 1973

decision was definitive," she said. "We stand by the decree of the Court."

What antiabortionists fail to see is that their insistence in seeking legislative redress to the abortion ruling tramples on the rights of individuals with a differing viewpoint. The Court ruling does not *force* compliance. In fact, a spokesman at Holy Cross Hospital, a Roman Catholic institution in Silver Spring, Maryland, reports that the Court's action has had no effect on the lack of abortion services at the hospital. Two lawsuits were brought against the hospital for nonservice, but they were dropped for unknown reasons.

At the same time amendments, such as the ones being proposed in Congress, provide no choice for the woman seeking an abortion but to accept the verdict of a powerful lobby in a matter that is intensely personal. In view of the Court's reasonable verdict, one which allows for all parties the complete freedom of conscience as provided by the Constitution, an acceptance of its ruling would seem more reasonable than plying the tortuous and restrictive route of a constitutional amendment. □

<sup>1</sup> *Roe v. Wade*, 410 U.S. 113 (1973), Texas. See also, *Doe v. Bolton*, 410 U.S. 179 (1973).

<sup>2</sup> Jules Saltman and Stanley Zimering, *Abortion Today* (Springfield, Ill.: 1973), pp. 66, 67. "The attainment of viability seems, medically speaking, to be a fairly logical choice for the beginning of life."

<sup>3</sup> All quotes taken from Betty Sarvis and Hyman Rodman, *The Abortion Controversy* (N.Y.: Columbia University Press, 1974), p. 66.

<sup>4</sup> "Abortion Decision: A Year Later," *America*, Jan. 19, 1974, p. 22.

<sup>5</sup> Francis G. Lee, "What About an Abortion Amendment?" *America*, March 8, 1975, pp. 166-168.

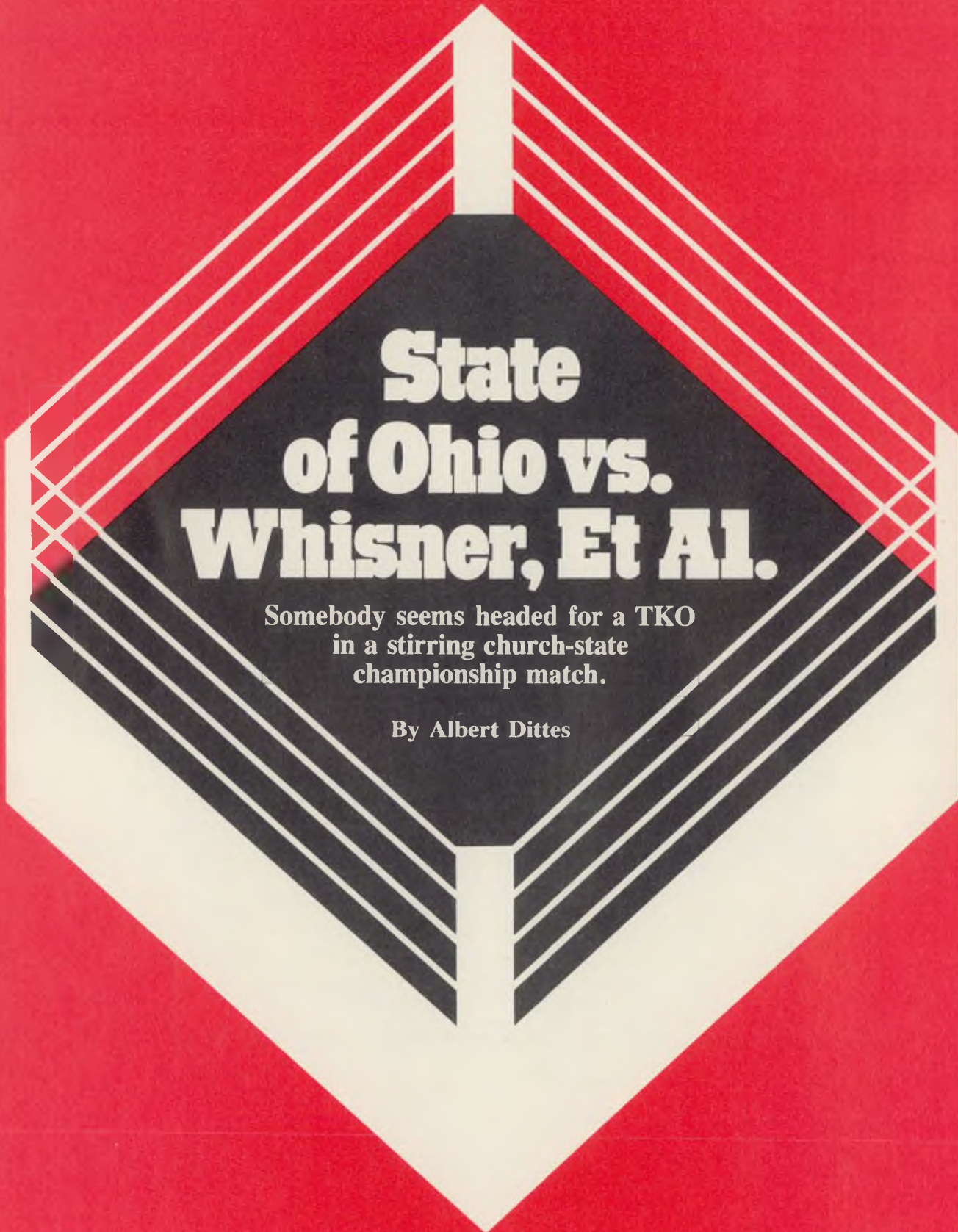
<sup>6</sup> Richard M. Ritland, *A Search for Meaning in Nature* (Mountain View, Calif.: Pacific Press Publishing Assn., 1970), p. 61.

<sup>7</sup> Saltman and Zimering, *loc. cit.*

<sup>8</sup> William G. Birch, *A Doctor Discusses Pregnancy* (Chicago, Ill.: Budlong Press Co., 1963), p. 21.

\* Harrison W. John is a writer-editor for the National Clearinghouse for Alcohol Information, Wheaton, Maryland.





# **State of Ohio vs. Whisner, Et Al.**

**Somebody seems headed for a TKO  
in a stirring church-state  
championship match.**

**By Albert Dittes**



**T**hey're having a real knockdown and drag-out slugfest up there in Bradford, Ohio. In one corner of the ring (a bit pudgy around the waist) is the heavyweight champion of educational bureaucracy, the State of Ohio. And in this corner, the challenger (looking at his physique, one hopes he is a black belt in karate), a bantamweight unknown, Levi W. Whisner, chairman of the board and administrator of Tabernacle Christian School of Bradford.

What Whisner did to precipitate the seemingly uneven match was to put a constitutional "chip" on his shoulder and dare the board of education to knock it off. (He would disown the fighting terms.) No sooner said than done, which translates into this: The board members and constituency of Tabernacle Christian School refused to comply with any State standard that would interfere with the Christian education they want to give their children. The State of Ohio promptly haled them into the ring to see whether they had a glass chin. They didn't.

"Ours is a Christian school and should be under the supervision of Christians," insists Whisner. "If we take a State charter, we will be under State control, and that direction is not where we want to go."

Ohio is just as insistent on backing its revised code, which reads, "The parent having the care of a child of compulsory school age . . . shall cause such child to attend a school which conforms to the minimum standards prescribed by the State Board of Education."

So into the "ring" went Whisner, his wife, and ten other parents. Their position, the Court of Appeals for the Second Appellate District was to find, was based on a number of considerations, including "a desire for unrestricted educational independence, a rejection of contemporary social values, and economic inability to comply with minimum standards." Supporting these, said the court, was a "subjective interpretation of Biblical language."

Attorney for Whisner and associates, William Ball, a veteran of church-state educational conflicts, described his clients' sincerity.

"These people are not shadowboxing. Some private schools have given lip service to State educational standards, and the department of education has, in turn, overlooked shortcomings. When the board members of Tabernacle Christian School say some of these standards interfere with their kind of religious education, they don't comply."

The tussle had its origins in the desire of members of God's Tabernacle Church, of which Whisner is pastor, to give their children a Christian education.

"We want to give the children a good moral and spiritual foundation from the Bible to prepare them for the hideous things they are facing," he testified under oath in the Darke County Court of Common Pleas in May, 1974.<sup>1</sup>

Classes began in September, 1973, with twenty-five students in the basement of God's Tabernacle church, located just off Highway 36 in the prosperous Darke

County farm country. All twelve grades met in one room, with each pupil in an individual carrel. Their assignment: To study the Accelerated Christian Education (ACE) "pace," a packet of regular school subjects designed for individual advancement and undergirded with Biblical examples and doctrine. The packaged schooling is produced by Accelerated Christian Education, an interdenominational group of Christian educators. Supervising student progress were two certified teachers.

In January of 1974 construction began on a permanent school building. During the next nine months the congregation raised \$33,000 and donated enough labor to finish a modern steel structure adjacent to the church, with a comfortably equipped interior including carpeting, indirect lighting, and plenty of windows. Desks with cubbyholes for each individual student were placed along the walls and arranged in aisles in the interior.

Despite the improvements, parents soon began receiving truancy notices from local public school officials reminding them that all children of school age were required to attend a school "which conforms to the minimum standards prescribed by the State Board of Education." "Minimum standards," the Tabernacle Christian School board of directors soon learned, were described in a 150-page book containing roughly 500 requirements and recommendations, some of which conflicted directly with their religious convictions. The school directors took the standards literally as they read, not appealing for a "broad interpretation," and refused to comply. On November 30, 1973, the State initiated a criminal prosecution for truancy. Whisner promptly submitted to the department of education a plan describing the school's organization and program. Included were information and commitments corresponding to those contained in the minimum standards "so far as is consistent with our religious beliefs." A hearing was set for the Darke County Court of Common Pleas in Greenville, Ohio.

In contrast to the primarily spiritual educational goals of Tabernacle Christian School parents, those of the State were psychological (educating each child to his potential) and governmental (perpetuating the cultural heritage). "Democracy is based upon an educated citizenry which values law and order," states a recent book entitled *Education and the Law in Ohio*. "Such values must be held and understood by educators, so\* such concepts are transmitted to the learners. School employees and patrons must understand the partnership system governing America's schools."<sup>2</sup>

But the State did not oppose operation of parochial schools. Indeed, Article I of the Ohio State Bill of Rights, Section 7, states, "Religion, morality, and knowledge . . . being essential to good government, it

\* [Education in Ohio might well add a remedial course in grammar. First lesson: the distinction between *so* and *so that*.—Eds.]

### And in This Corner of the Ring . . .

On November 5, 1975, authorities in Franklin County, Ohio, initiated action against three sets of parents that could make their children wards of the State.

The parents were not beating their children. Or teaching them to smoke marijuana. Or putting whisky in their hot chocolate. Or failing to support them.

No, they were sending them to a parochial school, which the State department of education alleged was not in compliance with its minimum standards. For that the parents were charged with "child neglect."

The school, Winchester Christian Academy, in Winchester, Ohio, has one teacher, Pastor James Moody, of the Morningstar Baptist church. An ordained minister, he has two degrees in history from the University of North Carolina and a degree in religion from the Fruitland Bible Institute. But he is not certified by Ohio, which requires that a teacher be graduated from an accredited school with a degree in education—even to teach in a nonpublic school. Only seven of the fifty States make this requirement.

Winchester Christian Academy follows the Accelerated Christian Education (ACE) program used also in Tabernacle Christian School (see article). A Bible-oriented program of education in basic subject areas, it promotes self-reliance through self-teaching, but with highly individualized instruction.

The ACE method starts each pupil at his own achievement level and permits him to move through special learning packets—called "paces"—at his own speed.

The three parents arrested—the Tom Woods, Maynard Osborns, and Terry Millers—seem in little danger of losing their children in the near future. All charges of child neglect were dropped on November 17, 1975, one day before depositions were to be taken in Columbus, Ohio.

It may be suspected that what the parents demanded had something to do with the hasty abandonment of charges. Through their attorney, David Gibbs, of Lakewood, Ohio, they requested all parties subpoenaed to bring records which showed:

1. All private schools in 100 per cent compliance with minimum standards.
2. All public schools in 100 per cent compliance with minimum State educational standards.
3. A list of all private and public schools in Ohio which opened while not in 100 per cent compliance, and how much time they were given to comply.
4. All records of private and public schools in the local district.
5. A record of all inspections made of non-tax-supported schools, and all public schools, as well.

Some days it just doesn't pay to get out of bed!

shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceful enjoyment of its own mode of public worship, and to encourage schools and the means of instruction."<sup>3</sup> In 1947, the United States Supreme Court ruled that "parents may, in the discharge of their duty under State compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the State has the power to impose."<sup>4</sup>

What "secular educational requirements" does the State have the "power to impose"? William Ball, of Harrisburg, Pennsylvania, attorney for the Tabernacle Christian School parents, points to a Supreme Court precedent set in *Pierce v. Society of Sisters*, in which Oregon sought to shut down all parochial schools and require all pupils to attend public schools. "In that case," says Ball, "the Supreme Court ruled that the State could require all children to learn the language and history of their country and to be able to compute mathematically. This was the small basic core the State could require. Tabernacle Christian School does that job well."

Tests would seem to document Ball's conclusion. Whisner points to the nationally employed basic skills test, the Stanford Achievement Test. "Our students scored higher than did their average counterparts in public schools," he states. "My daughter advanced two full years in one by studying the Accelerated Christian Education paces at her own speed. Some students have already moved up as much as four years in some subjects." The Victor Lavys, two of the parents charged with truancy, are also impressed with Accelerated Christian Education. Their son entered the ninth grade when school opened, but he had to repeat eighth-grade math, English, and science in order to reach the ACE standard.

But Tabernacle Christian School had refused to comply with some of the State standards of education, a policy that caused the Darke County Court of Common Pleas to rule against the parents who sent their children there. Said Judge Howard Eley: "Their board has exerted little or no effort to comply with the minimum standards in order to obtain a charter."<sup>5</sup> Eley imposed the maximum fine of \$20 on each of the twelve parents and ordered them to post a \$100 bond per family to ensure that their children would be placed in an accredited school. Since the parents planned to appeal to higher courts, Judge Eley temporarily suspended the sentences and permitted the parents to send their children back to Tabernacle Christian School. Score, at the end of the first round, Ohio State Department of Education, 1, Tabernacle Christian School, 0.

Whisner shrugged off the initial setback. "Faith, courage and joy, unity and love, abound as this congregation strives by His grace to meet the challenge and to count our battles as 'light affliction,' " he wrote in a church newsletter after he and the other



families had been sentenced in August, 1974. "School is to open September third." On that day, with further refusal to send their children to public or State-accredited schooling meaning they could receive a ten-to thirty-day jail sentence, parents enrolled sixty-five pupils, forty more than the previous year.

The students, two thirds of whom came from families who are not members of God's Tabernacle Church, receive spiritual training by attending a religious chapel service one hour a week, memorizing one chapter of the Bible each month, and participating in a worship service each morning. Their secular education was through studying "paces" geared to individual abilities. "You work at your own speed, but still have to push yourself," says Larry Beaver, a high-school-level student with paces in English, math, science, history, and spelling. "We set our goals according to the difficulty of material. You do the number of paces set for one day, then set paces for the next, and so on. The system is perfect for me." Larry likes the system of self-teaching manuals, and feels close to his teachers, who are available to help with hard-to-solve problems. "All are excellent teachers," he says. "Here I get good grades because I want to, not because I have to."

With a modern building, a newly acquired principal with a Master's degree in Christian Education, and a student body with high morale, Whisner seems confident that Tabernacle Christian School is in Bradford to stay. Despite two bad "rounds," he has no intention of complying with the State minimum standards. His objections are both academic and operational:

1. Obtaining a State charter would make the State appear to be running the school.

2. "Allocation of instructional time, without express allowance of time for Bible and the spiritual," would prevent the Bible from being central in Tabernacle Christian School.

3. "All activities shall conform to policies adopted by the board of education" amounts to a blank check for the State to run everything in the school.

4. To seek guidance from the community in determining the school's purposes, program, and planning would be to seek "direction from the world."

5. Tabernacle Christian School cannot adopt the policy of refusing "office records of pupils . . . to parents," because God makes the parent responsible for the child.

6. The method of solving problems by student consensus makes no mention of God or God's laws. "We take our problems to the Lord."

7. Curricular content of social studies is utterly devoid of reference to God or the soul.

8. In the curricular content of health, the school refuses to teach that moral standards change. "God's standards do not change," Whisner insists.

In addition to these moral objections, Whisner points to State requirements that would price Tabernacle Christian School right out of the educational market. "We can't afford a third certified teacher or a

multi-media laboratory with a certified director," he says. The requirement of a "student-teacher ratio and educational facilities and instructional materials and services at the elementary level to be comparable to those on the upper levels" would effectively destroy Tabernacle Christian School, because it cannot compete in these services with the "best" schools. Also, the requirement that a parochial school would have a minimum of sixty pupils would have prevented Tabernacle Christian School from opening, as only twenty-three students initially enrolled.

"There is a place in our society for these small schools," declares Attorney William Ball. "The children in Tabernacle Christian School are performing well on Stanford Achievement Tests. They are being raised as good moral citizens. Small schools like this must survive.

"It is evident from their list of requirements that Ohio educational authorities are trying to compel independent schools to fit the public school mold. If a religious school must be a carbon copy of the public school, what reason does it have to exist at all?"

The Circuit Court of Appeals noted, however, that "the appellants' rhetorical adaptation of the Free Exercise Clause is tempered noticeably by the testimony of Rev. Whisner, that his own daughter attends a state-chartered school and that his son attends a public university. . . . The motives of the appellants cannot be challenged. They, like many others, may be fed up with executive insistence upon bureaucratic paternalism, legislative insistence upon excess regulatory baggage, and judicial insistence upon prayerless schools, but the constitutional protection afforded by the Free Exercise Clause must rest upon a stronger foundation than portrayed by the record in this case."

The next round in the "heavyweight championship of Ohio" may be completed when the appeal, filed in August, 1975, is decided by the State Supreme Court. Should the ruling go against the parents of Tabernacle Christian School children again, Whisner says, "We are prepared to appeal our case all the way to the United States Supreme Court." Based on that "referee's" past record, the Ohio State Board of Education may be headed for a TKO. □

#### REFERENCES

<sup>1</sup> "Ohio Standards on Unaccredited Schools at Issue in Trial of Parents," *Liberty News*, June, 1974.

<sup>2</sup> Robert Simpson (ed.), *Education and the Law in Ohio* (Cincinnati, Ohio: W. H. Anderson Company, 1968), p. 160.

<sup>3</sup> *Ibid.*

<sup>4</sup> August W. Steinhilber and Carl J. Sokolowski, *State Law on Compulsory Attendance* (Washington, D.C.: U.S. Government Printing Office, 1966), p. 5.

<sup>5</sup> "Judge Sentences Parents Convicted on Unaccredited Schools Charge," *Liberty News*, November, 1974.

*Albert Dittes is pastor of the Bellefontaine, Jackson Center, and Piqua, Ohio, Seventh-day Adventist churches.*





---

# Private Robert Shurtleff

## America's First Woman Soldier

By H. T. Kellner

**P**riate Robert Shurtleff was only 21 years old when he joined the Continental Army in May, 1782. Wounded three times and a veteran of several campaigns, he must certainly have been a good soldier. Indeed, history tells us that Private Shurtleff did his job so well that he was finally transferred to Philadelphia to serve as an orderly for General Patterson.

Ironically, however, the move from a combat area to one that was relatively secure proved to be Private Shurtleff's undoing—for it was in the City of Brotherly Love that a doctor discovered that Private Shurtleff was really a woman.

Deborah Sampson was born in Plympton, Massachusetts, on December 17, 1760. About five feet eight inches tall and not especially attractive, she had spent the early part of her life as an indentured servant and general handywoman. But Deborah had set her sights higher. She taught herself to read, and by the time she was 20 she was able to find work as a teacher. Using twelve dollars she had saved from her new profession, she bought some cloth and carefully sewed herself a man's outfit. As each article was completed, she hid it in some hay.

When all was ready, she wrapped a tight bandage around her breasts, assumed her new identity, hiked seventy-five miles to Worcester, Massachusetts, and became Private Robert Shurtleff, the newest member of Capt. George Webb's Fourth Massachusetts Regiment.

None of her comrades, it seems, had the slightest intimation of the truth. The tightly wrapped bandage did its job well, and the lack of beard and moustache was attributed to youth. So Private Shurtleff joined his comrades in arms without being confronted by any insurmountable obstacles. These were to appear later.

Deborah's first wound was a saber slash across the left side of her head. Practically self-healing, it did not require the services of a doctor. Her second wound,

however, was caused by a musket ball, which pierced her thigh. Frightened at the thought of detection, Deborah crawled away from a field dressing station and treated the wound herself. The musket ball remained embedded in her thigh for the rest of her life.

Finally, it was a doctor in Philadelphia who made what must have been for him a truly remarkable discovery. Deborah had been stricken by "malignant fever" and, close to death, she found herself in a hospital. Unable to move and probably not caring, she could only lie in pain and misery as a Dr. Binney decided to check her heartbeat. We can wryly imagine the doctor's surprise when he probed under the tight bandage Deborah always kept wrapped around her upper torso. But, for reasons known only to himself, the doctor kept the secret and transferred Deborah to his own home to recuperate.

Although Deborah had never been one to turn a man's head, she did make an unusually attractive disabled soldier. Within days, Dr. Binney's young niece fell in love with the dashing hero who bore a scar across his face as testimony to his heroism. Private Shurtleff accepted many gifts from the impressionable girl, took long rides in the country with her, and eventually marched back to his regiment, there to end the affair by writing a long and revealing letter to the moonstruck maiden. Dr. Binney then revealed the secret of the bandage to General Patterson.

General Washington himself authorized Private Shurtleff's discharge from the service, and Deborah returned to Massachusetts in November, 1783.

She was married in 1784, and in time she became the mother of three children. On April 29, 1827, she died. A street in Sharon, Massachusetts, was named after her, and on April 10, 1944, a Liberty Ship bearing her name was christened. □

*H. T. Kellner is a free-lance writer.*

A senior statesman of the Christian faith proposes the

# Last Best Hope For a Better Life

By W. R. Beach

**M**any ills afflict America on this its 200th birthday. To so speak is to state the obvious.

Nor is it less obvious that these ills bear well-known names: materialism, racism, sexism, secularism—to mention the most evident and most generally decried.

The remedies being force-fed the body politic often seem no more desirable than the ills—and sometimes potentially more dangerous. Black and white militant movements emphasize separatism. Women's libbers, despite worthwhile and necessary changes they sponsor for the improvement of women's status, seem unmindful of imperatives of true womanhood and the family in a civilized society. There are the revolutionaries of many stripes with their "burn it" or "bomb it" approach.



ILLUSTRATED BY ZEB ROGERSON

Even so-called evangelicals stray into self-defeating solutions. Note the Baptist minister (of all things!) in West Virginia whose answer to books he did not wish to see included in the school curricula was to bomb the



schools. Note the evangelically inspired efforts to write Jesus Christ into the Constitution—as if words on paper could substitute for the Word in the heart.

And those who would emphasize human virtues humanly inspired have climbed confidently into the ring, only to take their lumps. Note Human Kindness Day in Washington, D.C., that was to emphasize that great virtue and cause a new day to dawn upon the world, but which turned into a violent forum for pent-up hostility, leaving scores of participants injured.

The latest crime statistics, as for the past decade, are enough to inspire law-abiding citizens to fortify their homes. And the Criminal Justice Reform bill, presently agonizing Congress, seems to offer as many threats to due process as to criminals themselves.

Does all this (or any of it) give hope for even the start of a solution? Is there a solution? The answer and the solution are the same as they were in 1776—or in A.D. 30, for that matter. A civic leader expressed it well: "The future of our country depends upon whether we can take the policeman off the street corner and put him in our hearts."

So speaking, this leader expressed unwittingly not only the answer to society's ills but one of the basic doctrines of the Christian faith: Inner motives, changed and empowered by Christ, enable us voluntarily to love, to be just, to live righteously. This formula for victorious living is set forth clearly in both the Gospels and the Epistles, and I think we do well on this bicentennial anniversary to examine thoughtfully this viewpoint.

In the Gospels, Jesus stated the solution in a vital discussion of law and conduct. Some antinomians charged our Lord with being opposed to the Old Testament Decalog. He dealt with this charge in one section of the

Sermon on the Mount (Matthew 5), declaring that He came not to abolish the law, but to fulfill it. He reiterated words spoken at Mount Sinai (Exodus 20), setting forth, however, a higher form of righteousness than the legalism of His day had been able to produce. He expected His followers to give evidence of a righteousness that would excel the righteousness of the scribes and the Pharisees, He made plain, because it would arise from the spirit, as well as from the letter of the law.

# LAW

Such righteousness goes beyond intellectual assent, to involve motives and desires of the heart. Angry words, insisted Jesus, are murder; a lustful glance is adultery. Jesus later summed up by saying that the "law" and the "prophets" depend upon two commandments: "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the great and first commandment. And a second is like it, You shall love your neighbor as yourself" (Matthew 22:37-40, R.S.V.).

Jesus was not satisfied to lay down rules for His followers, but sought rather to produce followers who would impose Heaven's rules on themselves. He did not try to coerce the will or compel the devotion of people. He invited them, rather, to follow Him cheerfully of their own free will. In a word, He summoned them to voluntary righteousness generated by the expulsive and the compulsive power of a great Spirit-borne

affection.

The golden rule belongs to this interpretation of righteousness. Jesus was saying something like this: "Before anyone asks you to do so, before some authoritative body threatens to pass a law to make you do so, treat your fellow men rightly and generously. Do this voluntarily, of your own initiative and volition, because you know it is right, because you want to do it, because to satisfy the promptings of the Spirit in your heart you must do it." This is the true meaning of "Do unto others as you would have others do unto you"; or possibly more precisely, "Do unto others as you ought to want others to do unto you."

So much for the Gospels. In the Epistles, Paul makes the Master's teaching his. Writing to the Romans, he explains that the Christian's acceptance of Christ by faith is a vital union with Him in which, so to speak, the believer experiences the events through which Christ passed in His death, burial, and resurrection. These events and the individual experience are typified in Christian baptism, in which the believer descends into, is buried under, and ascends out of the water. Hence, Christians, he says, are to think of themselves as "dead to sin and alive to God in Christ Jesus" (Romans 6:11, R.S.V.).

Once the Christian has gone through the transforming experience thus described, he will live as a transformed individual. "Let not sin therefore reign in your mortal bodies, to make you obey their passions. Do not yield your members to sin as instruments of wickedness, but yield yourselves to God as men who have been brought from death to life, and your members to God as instruments of righteousness. For sin shall have no dominion over you, since you are not under law but under grace" (Romans 6:12-14, R.S.V.).

Perhaps this word *grace* is the

most significant word in the Bible. Augustine and Luther, among others, considered it so. The Hebrew and Greek words indicate the nature of God out of which proceed His gracious acts of creation, preservation, and redemption. All these acts arise out of His unmerited love. And when one experiences this, one has understood what Christianity is about. The result is that the Christian wants to be gracious to his fellow men and manifest toward them the kind of love God manifests toward him. Out of sheer gratitude to God for His forgiving, redeeming love in Christ, the Christian is compelled, not by outside pressures or rewards, but voluntarily from within the citadel of his being, to be loving, just, fair, and



righteous. "Thanks be to God, that you who were once slaves of sin have become obedient from the heart to the standard of teaching to which you were committed, and, having been set free from sin, have become slaves of righteousness" (Romans 6:17, 18, R.S.V.).

Later in the letter to the Romans (chapter 13), Paul faced the charge Jesus Himself encountered, that Christians were against the Ten Commandments. Paul followed Christ's formula in making clear that Christians are bound in law by love. "Do we

then overthrow the law by this faith? By no means! On the contrary, we uphold the law" (Romans 3:31, R.S.V.). This inner love and experience make the law more inclusive; thus Paul pleads with his readers, "Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law. . . . Love does no wrong to a neighbor; therefore love is the fulfilling of the law" (chap. 13:8-10, R.S.V.).

When Paul wrote to the believers at Corinth he said, "The love of Christ controls us" (2 Corinthians 5:14, R.S.V.). And "you are not your own; you were bought with a price" (1 Corinthians 6:19, 20, R.S.V.). Because of the costly love of God in Christ for him, the Christian is bound to love and obey. Love was the new way—the right, the effective, the successful way.

All this explains the attitudes and conduct of the apostolic church in the face of great wrongs and injustices prevailing in the Greco-Roman world. New Testament Christians did not undertake crusades to persuade Rome to outlaw the great human wrongs. The reason was not that they were indifferent to those wrongs; they were not. They endeavored to alleviate their impact on human beings. But the Master had taught a better, a more effective way, to eliminate them. Tactically, they knew that the way to obliterate slavery, for instance, was not to attack it, but to sap it. They recognized that the roots of all wrong are in the hearts of men; therefore, the Christian effort was directed toward the regeneration of hearts. The New Testament Christians realized that they were engaged in a work that was more fundamental and effectual than to attack the evils of society.

Only to the degree that human hearts can be regenerated can social evils be overcome. Bitterness and conflict between Romans and Jews were basic to daily life. For the Roman,

the Jew was a dog; for the Jew, the Romans were swine. A public debate of the problem and a church pronouncement on such evils would only have resulted in endless sterile conflict. God's message was that there was neither Jew nor Greek nor Roman, but a new humanity of which Christ was the head. The proclamation of God's messages would create this new humanity in Christ.

The apostle Peter substantiates this view in calling the new humanity "living stones" (1 Peter 2:5, R.S.V.). What a graphic figure of speech! Real stones are dead, inert. They have to be lifted into place when a building is being erected. But a living stone grows into the foundation, the wall, or the cornice. Living stones can be put down anywhere in a social order and they will there of their own initiative become the growing edge of a new society.

"We are a colony of heaven," wrote Paul to the Philippians (Philippians 3:20, Moffatt).<sup>\*</sup> The people in Philippi understood this. They were largely Romans who had moved to Macedonia and had constituted themselves a colony for the purpose of Romanizing Macedonia. Therefore, what Paul was saying to the Christians was that they were to perform a similar function in representing the heavenly order.

Wherever he lives, a Christian is expected to be a transforming force for the Christian way of life. Each Christian ought to be able to say to every other Christian, "You do your Christian job where you are; I'll do my Christian job where I am. I'll do it without needing a policeman to check up on me or threaten me with punishment if I don't do it." Such is the inner motive of the Christian—a compulsion to love,

<sup>\*</sup> From: *The Bible: A New Translation* by James Moffatt. Copyright by James Moffatt 1954. Used by permission of Harper & Row, Publishers, Incorporated.



to be just, to live righteously.

Today, as in earlier centuries, however, Christians demonstrate two errors that prostitute and distort the Christian mission.

The first error is to question the theology of New Testament outreach. Conversion, new birth, guidance, personal communion with a personal God, answered prayer, the action of the Holy Spirit, and even evangelism itself are then distorted or discounted. But to repudiate these is to repudiate the Christian cause.

The second error is just as distinguishable. Here the church forgets its spiritual mission and the spiritual means it is to employ, and seeks to set up the kingdom of God by political or secular means. Its methods have run the gamut from inquisition to seemingly innocuous religious legislation and have included the forced wholesale baptism of entire communities into the Christian faith. The error is distinguishable today



in attempts to declare the United States a "Christian nation," a "nation under God," and to provide for enforced devotional readings from the Bible and prescribed prayers in public schools. We should thank God that the United States Constitution has set up a wall of separation

that should forever make this error impossible, however desirable it might appear to ill-advised citizens.

On the world scene the church perpetuates the error by crusading through ecclesiastical machinery, resources, and coercion (such as economic pressures) to force governments to install justice. On a more benevolent level the church busies itself with socio-economic pronouncements and political panaceas. In using these methods, however, the church again flouts New Testament doctrine and New Testament evangelism.

Our conclusion joins our introduction. Jesus sought to produce followers who through regeneration would impose rules on themselves. He did not try to coerce wills or compel devotion. He invited people to follow Him cheerfully of their own free will. He knew that unless the hearts of men can be radically changed the campaign against evil and in behalf of righteousness must fail. The church today must be actuated by the same conviction.

Nathaniel Hawthorne has a strange tale called "Earth's Holocaust." The story is about a time when the inhabitants of the earth, overburdened with an accumulation of worn-out trumpery, determined to rid themselves of it by general bonfire. All night long a stranger with cynical smile and haughty air stood watching them bring things that they considered evil—pornographic books, implements of war, liquor, tobacco, drugs, whatnot. All were tossed into the fire.

Late in the night the stranger approached and said, "There is one thing these wisecracks have forgotten to throw into the fire, and without which all the rest of the conflagration is just nothing at all—yes, though they burn the earth itself to cinders."

"And what may that be?" someone asked. The answer was:

"What but the human heart itself:

And unless they hit upon some method of purifying that foul cavern, forth from it will reissue all the shapes, or worse ones, which they have taken such a vast deal of trouble to consume to ashes. . . . Oh, take my word for it, it will be the old world yet."



The gospel of God's redeeming grace in Christ is the only answer that will change the human scene. The gospel is, in fact, the "last best hope" to a better life. The church must, therefore, proclaim and explain the gospel with never-flagging zeal. Unceasingly Christ's witnesses must bring all their powers of persuasion to bear upon the minds, the consciences, the wills, and the hearts of men to accept God's way—to yield themselves to the power of God and to live by and in that power.

Such inner power alone will take the policeman off the street corner, put him in the hearts of the citizenry, and bring a solution to our bicentennial ills. □

*Walter R. Beach, until his recent retirement, was a general vice-president of the Seventh-day Adventist Church, Washington, D.C.*

---

# Soviet Mennonites Want to Emigrate

By Fred S. Belk

**T**hat thousands of Soviet Jews are waiting for visas to emigrate to Israel is not news in the Western world. But little known is the fact that nearly 6,000 Soviet Mennonites also have made application to emigrate to West Germany.

The figures were given by Senator James Buckley (R.-N.Y.),<sup>1</sup> who said he was told of the Mennonites' intentions during a 1974 visit to the Soviet Union. To date, because of their expertise in farming and other enterprises, the Mennonites have not been given permission to leave.

Behind their request are decades of religious persecution. World War I and the Revolution of 1917 set in motion the forces that were to disrupt and destroy their way of life. By the midthirties antireligious policies of the government had turned their churches into granaries, theaters, and stables. The Stalinist purges of 1937-1938 depleted Mennonite leadership. Collectivization of farms destroyed their settlements.

World War II signaled the end of Mennonite settlements in the Ukraine, as the Soviet government, acting on fears that the German-speaking Mennonites would cooperate with the invaders, shipped whole villages eastward. In Siberia and Central Asia, however, their settlements remained generally intact through World War II.

Ironically, it was the promise of religious freedom under the Czar that brought them from Prussia to Russia in 1793. For nearly a century they prospered and, even more important in their eyes, enjoyed religious freedom. When the political climate changed in the mid-1890's, thousands emigrated to America. But thousands more chose to turn eastward, toward villages such as Ak-Metchet,<sup>2</sup> in Central Asia. Here during the late 1800's they set up a model brotherhood on newly acquired farms. Already accomplished farmers, they concentrated on learning to fertilize and irrigate the sandy soil.<sup>3</sup> It is these Central Asian Mennonites who now are seeking to leave the Soviet Union.

Through the tumult of World War I and the change to the Soviet State, these settlements lived relatively

unmolested. In 1925, when the Soviets were seeking to improve Central Asia economically, the government issued a decree guaranteeing the spiritual and economic autonomy of all Ak-Metchet Mennonites.<sup>4</sup> Even though the surrounding population was forced to join collective farms, the Mennonites were allowed to retain their traditional family farming. However, their security was destined to be shattered.

In 1935 the second five-year plan of the Soviets led to the demise of the Ak-Metchet Mennonites. Early in that year the mayor of Ak-Metchet was ordered by Soviet authorities in Khiva to reorganize the settlement into a collective farm. After meeting with the Mennonites he reported that they did not want to be collectivized, because they believed in personal freedom and wanted the right to control their own affairs. Besides, they argued, they had been guaranteed these rights earlier by governmental decree.<sup>5</sup> Soon several Soviet officials appeared in Ak-Metchet to hold a town meeting. The mayor once more announced what the officials wanted, and once more the stubborn Mennonites refused to concede. That evening the mayor was arrested and jailed. The following night the officials called another meeting, saw to it that another mayor was elected, and made the same demand. The Mennonites again voted against collectivization. That night the new mayor disappeared and with him the elder of the congregation. The same procedure was repeated nightly until ten hostages had been arrested.<sup>6</sup> Still the people refused to comply, and the exasperated officials began seeking alternative measures to jar them from their stubborn complacency.

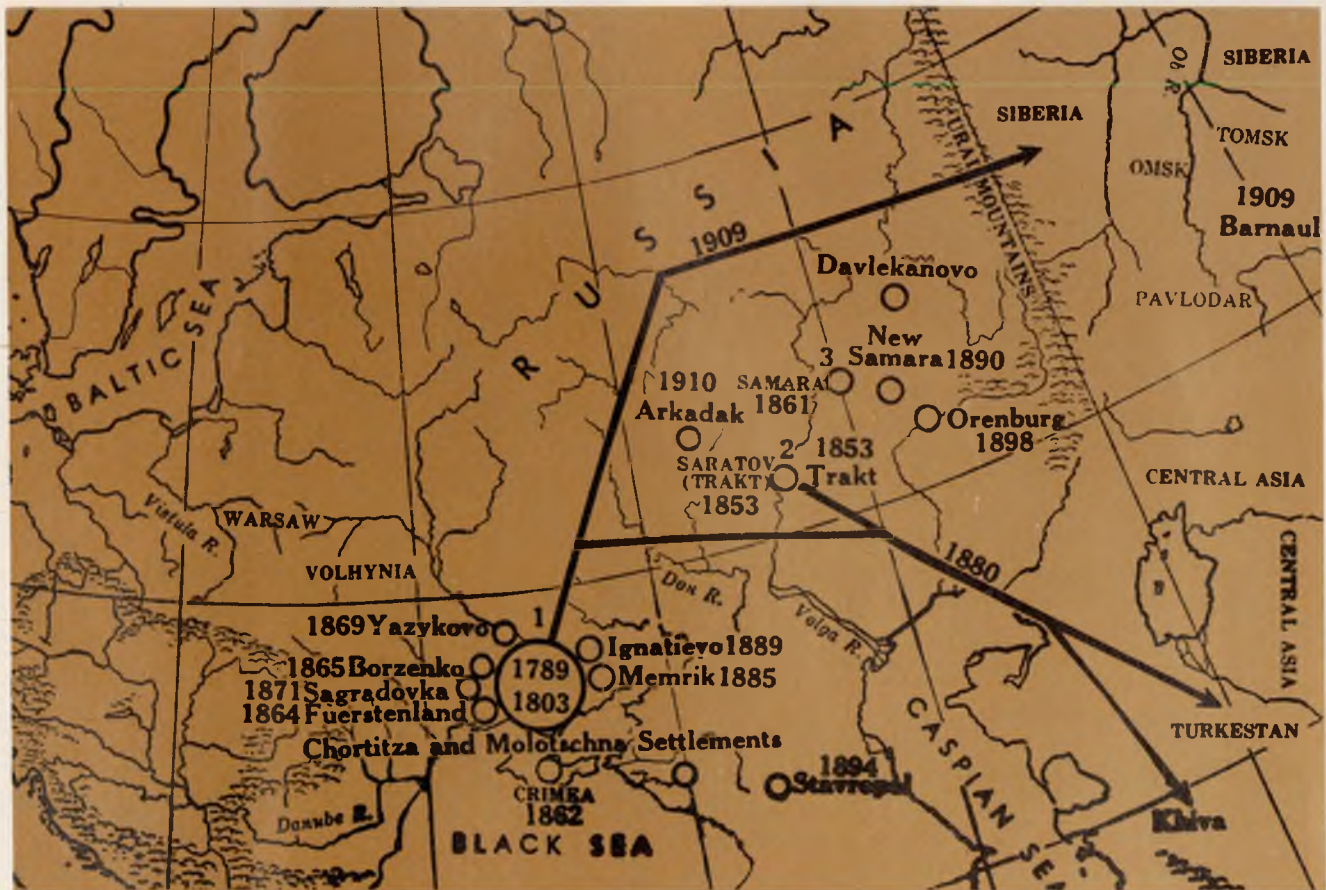
Soon it was announced that the ten hostages were to be tried publicly as counter-revolutionaries. The heavily guarded prisoners were returned to Ak-Metchet for trial. Their ordeal began at three o'clock in the afternoon and lasted far into the night. Their testimony was impressively defiant: with a Bible in hand, each unashamedly stated that the severest punishment would not make him waver from his belief that collectivism was not God's will. The verdict came swiftly: death by firing squad for each of them, and Siberian exile for their families.<sup>7</sup>





Mennonites who came to Whitewater, Kansas, to escape persecution in Russian Central Asia. This homestead is still standing.

The Mennonites originated in two countries, Switzerland and the Netherlands. From these two countries they spread over Europe and to America. Hence, all Mennonites are either of Swiss-German or Dutch-German origin. This map shows the general spread of these two Mennonite groups.



Within 150 years Mennonites spread over Europe and Asiatic Russia, establishing some fifty settlements with a population of

some 120,000; in 400 villages and estates, covering a land surface of 9,816 square miles (equal to the State of Connecticut).





**Mennonite "Cowboys" of Central Asia. Fred Karl Starkel, left, and Pete Jantzen both came to the United States to find refuge.**



**Central Asia Mennonite family: Henry H. Wiebe and first wife, Maria Jantzen, with their son, John H. Wiebe.**



**John H. Wiebe, still living in Whitewater, Kansas, is over 90 years of age.**



---

## The promise of religious freedom brought them to Russia; its denial impels them to leave.

On the following day, government trucks appeared to take the families into exile. The quiet crowd slowly enveloped the trucks. Then, softly at first, they began to chant—"All or none, all or none," until their defiance rang through the streets of Ak-Metchet. Some prostrated themselves before the wheels of the trucks; others piled on top of them forming a human barricade against this injustice. The truck drivers, shocked by Mennonite dedication to one another and their courageous display of civil disobedience, left the trucks where they stood and walked back to Khiva for further orders.<sup>8</sup>

Several days later, many trucks came to Ak-Metchet—this time to take the entire colony to an unknown destination. Each family was permitted to take as many belongings as they could carry. Surprisingly, they submitted quietly to this new Soviet move, even though they were leaving a village that had been their home for more than half a century. As the trucks drove away from the village, tears flowed freely, but they sang hymns to show they had no fear. The trucks took them to the Amu Darya River, part of Novo-Urgench, where they boarded boats for a long river journey, then took a train to Samarkand. From there, trucks transported them about one hundred miles southeastward into the desert for resettlement. To their surprise they found themselves in the very area where their ancestors had hoped to witness the second coming of Christ—Schar-i-Sabs—the Valley of the Carrots.<sup>9</sup>

Thus Mennonite Ak-Metchet was no more, and its brave people were once again pioneers in a region their forefathers had sought.<sup>10</sup> Their former village was now settled by Uzbek natives. In 1947 a visitor reported that although one could still see remnants of Mennonite influence at Ak-Metchet, Moslem culture now dominated the area.<sup>11</sup>

Today it is estimated that approximately 100,000 people living in Siberia and Central Asia have a German Mennonite background. Not all are practicing Mennonites, because of their assimilation into Russian culture. Those who do practice their faith generally worship in Russian Baptist churches, as, for ex-

ample, in Moscow and Alma Ata.<sup>12</sup>

Will the Central Asian Mennonites get their visas? Probably not—at least not without long delays, if the experience of Jews desiring to emigrate is any indicator. And, like the Jews, they can anticipate the scorn of their neighbors, loss of jobs, and other forms of economic and social retaliation.

One thing is sure: A host of countries pursuing the better life would be happy to welcome these accomplished farmers, which a recent Russian government publication stigmatizes for having religious views that are a hindrance to a "scientific world view."<sup>13</sup> An earlier generation of Mennonites brought America the hardy wheat seed called Turkey red. From the Kansas fields they planted, and thousands more like them, come today's grain surpluses sought so avidly by Russian buyers. □

---

### REFERENCES

- <sup>1</sup> *CBS Morning News*, Dec. 4, 1974.
- <sup>2</sup> Franz Bartsch, *Unser Auszug Nach Mittelasien*, pp. 100-103; Elizabeth Schultz, "Autobiography," p. 61.
- <sup>3</sup> Karl Stumpp, *Heimatbuch* (1964), p. 15.
- <sup>4</sup> *Der Bundesbote*, Nov. 26, 1947, p. 7.
- <sup>5</sup> Cornelius Krahn, "Faith of Our Fathers," *Mennonite Weekly Review*, June 3, 1948, p. 7.
- <sup>6</sup> *Der Bundesbote*, Dec. 3, 1947, pp. 7, 8.
- <sup>7</sup> *Ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> *Ibid.*, Dec. 10, 1947, p. 7.
- <sup>10</sup> *Ibid.*
- <sup>11</sup> Krahn, "Faith of Our Fathers," p. 7; Alexander Rempel is the author of a series of articles appearing in *Der Bote* during 1947.
- <sup>12</sup> Interview with Dr. Cornelius Krahn by Fred Belk, January 16, 1975. The American Mennonite historian Cornelius Krahn has enjoyed a great deal of contact through relatives and tours he has conducted to the U.S.S.R. Krahn tells of worshiping in a Russian Baptist church in Alma Ata in 1973 with Mennonites who have applied for a license for a church, suggesting that the restriction on Mennonite worship may be relaxed.
- <sup>13</sup> See W. F. Krestyaninov, *Mennonity* (1967), one of a series of books on contemporary religions in Russia.

---

*Fred S. Belk, Ph.D., is chairman of the department of history and political science, Sterling College, Sterling, Kansas.*



## From Many Lands

**L**iberty speaks to all men, regardless of their nationality or religious faith. This truth was never better exemplified than in the American Revolution. For the struggle for independence found a ready response in the hearts of men from many different countries and churches.

They came from across the ocean and from all parts of the thirteen colonies. Some were in America before the Revolution, others came specifically to fight for freedom in America. Some from abroad remained in the States, others returned to their own countries, satisfied that they had contributed to the cause of freedom in the new world.

Unlike the long religious wars of Europe, where men fought to establish the supremacy of one church over others, the American Revolution saw men from Catholic Poland, France, and Ireland unite with Lutherans from Germany, Presbyterians from Scotland, and Anglicans from England.

**POLAND:** Even though Poland itself was under the rule of Russia, it contributed two men who believed in the cause of liberty.

Count Casimir Pulaski had already engaged in a fight for freedom—in his homeland. When the Polish forces were defeated by the Russians, he fled to Turkey. From there he sailed for the United States to join in its struggle to obtain freedom from England. As an experienced officer, Pulaski distinguished himself at the

Battle of Brandywine.

Shortly after this battle, General Pulaski organized an Independent corps within the Continental Army staffed primarily by officers from Poland, France, and Germany. The enlisted personnel were largely Pennsylvania Germans. And so a Catholic Polish General led German Lutherans from a State founded by an English Quaker in a struggle for liberty.

Pulaski contributed money from his private income to support his troops, and on October 9, 1779, gave his life in the cause of freedom. He died, fittingly, on an American warship anchored off the coast of Georgia, succumbing to wounds received in the Battle of Savannah.

Tadeusz Kosciuszko, like Pulaski, was a Polish freedom fighter, born in the Grand Duchy of Lithuania. When he arrived in the colonies in 1776, he was immediately commissioned a colonel in the Corps of Engineers.

The wisdom of this move became apparent when the new Polish colonel selected the site of Bemis Heights for the Continental Army at the Battle of Saratoga, a turning point in the war for the colonists. After this victory, Kosciuszko was assigned the task of fortifying the highlands around West Point. And as the *Encyclopedia Americana* notes, "Kosciuszko made those heights impregnable."

In 1783 Congress awarded the Polish patriot U.S. citizenship, advanced him to the rank of brigadier general, and took care of his back pay with a land grant in the frontier West.

But Kosciuszko didn't remain in

America long after independence was won—Poland still wasn't free. So he returned to carry on the fight for liberty there.

However, in 1796 Kosciuszko returned to the United States to visit with Thomas Jefferson. The Polish freedom fighter deeded his land to Jefferson for the purpose of purchasing the freedom of Negro slaves and educating them in a trade—one that would permit them to live a decent, self-supporting, self-respecting life.

**GERMANY:** Like Poland, Germany also contributed two generals to the Continental Army.

Baron Johann de Kalb was born in Bavaria but spent his military career in the French Army. In 1768 he was sent by France to America as a secret agent to the men who were already formulating ideas of revolt against the British. Upon his return to France he arranged Lafayette's first meeting with Silas Deane, the Continental Congress' representative to the French court.

And when Lafayette sailed to the aid of the colonists, De Kalb accompanied him. Because of his previous military experience, he was made a major general in 1777. In 1780 he led the troops from Maryland and Delaware in the attempt to wrest control of the South from the British. De Kalb was wounded at Camden, South Carolina, and three days later died from his wounds.

It is fitting that in 1825 Lafayette returned to the United States to lay the cornerstone for the monument to





By Thomas W. Klewin

this German general who died fighting for the liberty of another nation.

Baron Friedrich von Steuben was another German who went to France, where he met with Benjamin Franklin and Silas Deane, who persuaded him to join the cause of freedom by sailing to America.

Von Steuben's training with the Prussian Army offered Washington opportunity to appoint him inspector general of the Continental Army. He trained the troops, instilling discipline, orderliness, and a sense of purpose in their battle formations.

The marching ability and battle performance of the troops at Monmouth, Stony Point, and at Yorktown proved that the Continental Army had learned their lessons well.

After the war, Von Steuben became a U.S. citizen. He lived in the Mohawk Valley in New York State, on a land grant of several thousand acres, given him by the grateful legislature.

**FRANCE:** Three of the four officers who fought with the Continental Army are well known:

Lafayette came to the United States as a 20-year-old. He served under General Washington at Brandywine, and was later entrusted with the defense of Virginia.

Comte Jean de Rochambeau, a French aristocrat, led 6,000 French troops to the United States to help the struggling colonists gain the upper hand over the British.

Comte François de Grasse was also sent by the French Government to aid the Americans. While Rochambeau

led the troops, Grasse commanded the French fleet that patrolled the West Indies against the British and finally participated in the siege of Yorktown by sealing off the town from the British Navy.

In 1883 a monument was erected at Yorktown to De Grasse. It is fitting that it includes the names of the two other key figures in the siege of Yorktown—General George Washington and the Comte de Rochambeau.

Major L'Enfant is perhaps the least known of the four Frenchmen who played a prominent role in helping the colonists. L'Enfant was an engineer and architect rather than an infantry officer or naval leader. He spent his first winter in America at Valley Forge. He was wounded in the assault on Savannah in 1779, and after he recovered he was captured at the battle of Charleston, South Carolina.

L'Enfant is best known not for his contribution to the war, but for what he did after the war. More than anyone else he is responsible for the present layout of Washington, D.C., for he designed the city as a fitting symbol of a great nation.

**ELSEWHERE:** Others who participated in the struggle for liberty came to America before the Revolution. Two clergymen, one a Scotsman, the other German, served the Continental Congress and Continental Army. John Witherspoon, the Scotch Presbyterian, became the president of Princeton, signed the Declaration of Independence, and served in the Continental

Congress.

Peter Muehlenberg, a Lutheran, came to the United States as a boy with his clergyman father. When the war broke out, Muehlenberg left his pulpit, took off his preaching robe, and donned his military uniform.

Scotland also sent John Paul Jones, who arrived in the United States just three years before the Revolution. His exploits on the seas are known by every American schoolboy.

England sent Horatio Gates, a professional soldier. He had first come to America as a British officer and took part in General Braddock's ill-fated campaign. Gates returned in 1772 to settle in Virginia, for he had learned to love the land and its people. When independence was declared, Gates took up the cause of liberty against the army he had at one time served.

In 1772 Alexander Hamilton arrived from the British West Indies. A young man of just 17, he was looking for a land where opportunity awaited anyone who wished to seize it.

They came from many lands, with a wide variety of denominational preferences, and set America on a course that would give liberty to all, regardless of nationality or church affiliation. We can only follow their lead, offering to all the right to choose their religion, their occupation, and their way of life. □

*Thomas W. Klewin is a free-lance writer in Pleasantville, New Jersey.*

**C**rowned king when only 16, Uzziah reigned longer than any other monarch of Judah or Israel except Manasseh—fifty-two years. This youthful ruler heeded the messages of God's prophet. For many years he distinguished himself by his building program and his military exploits.

Heaven blessed his obedience: His armies broke the power of the Philistines and the Arabians. The Ammonites paid him tribute. He regained lost territory and fortified cities. His fame grew until Judah enjoyed a prestige as in the days of King Solomon, almost two hundred years earlier. Uzziah's army of 300,000 plus stood ready at all times to defend the country. The king had built towers in Jerusalem to rain down arrows and large stones upon attackers. Thus far "he did that which was right in the sight of the Lord" (2 Chronicles 26:4).

Peacetime activities also claimed Uzziah's attention, as he "loved husbandry" (verse 10) and planted large vineyards. He dug many wells to supply his numerous cattle with water. Blessed of God, "he was marvellously helped, till he was strong" (verse 15).

So far so good!

# The Meddlesome Do~Gooder

**How tempting it is  
to give the Lord's cause  
a little legislative boost.**

By Lois Christian Randolph

Then came a sad, sad *but*. "But when he was strong, his heart was lifted up to his destruction: for he transgressed against the Lord his God, and went into the temple of the Lord to burn incense upon the altar of incense" (verse 16).

When King Uzziah meddled in the duties of the priesthood, he stood in a place not assigned him by God. The high priest hastened after the king, now a man about 60 years old. Eighty valiant priests followed to withstand their monarch and oust him from the sanctuary. They acted upon instruction in Numbers 18:1-7, stating that only members of Aaron's house should burn incense in the temple.

The king must not take upon himself religious duties.

Firmly the priests issued their orders: "Go out of the sanctuary; for thou hast trespassed; neither shall it be for thine honour from the Lord God" (2 Chronicles 26:18). Uzziah's heart seethed with wrath and rebellion. Had he not for many years served his country and his God with distinction? Were the priests



any better than he? Why deny him his greatest wish—to burn incense in Solomon's temple as a consecrated priest?

God took sides in this contest between the priests and the king. Suddenly leprosy appeared on Uzziah's forehead. The horrified priests stood ready to make a forcible eviction, but now recognizing the curse of God, the king himself hastened out of the Temple. Never again could he enter Solomon's magnificent structure, even as a humble worshiper. Though a king, the leper must dwell in a house apart, his uncleanness a testimony to an offended Deity, particular about keeping religious and civil duties separate and distinct.

One act of presumption marred Uzziah's glorious reign. No past goodness could atone for his disobedience.

Uzziah was not the last civil ruler to meddle with religion. Scores, since the leper king's time, have violated the wall of separation Jesus enjoined between the church and the state—"Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's" (Matthew 22:21).

One notable transgressor was Constantine, who overstepped his bounds by making a law that Sunday should be kept as a day of rest. In A.D. 312 Constantine entered Rome in triumph and took the title of "pontifex maximus." As a regal opportunist, he felt that in Christianity he might find the moral support, the focal point of unity, he needed to repel the barbaric hordes threatening the Roman Empire. Listen to his reasoning:

*"My father revered the Christian God, and uniformly prospered, while the emperors who worshiped the heathen gods, died a miserable death; therefore, that I may enjoy a happy life and reign, I will imitate the example of my father, and join myself to the cause of the Christians, who are growing daily, while the heathen are diminishing."*<sup>1</sup>

By the fourth century Sunday had gradually become a day for religious service for Christians and also a day of prayer to the sun god for pagans. Constantine decided that he might please both groups by issuing a Sunday edict:

*Let all judges and all city people and all tradesmen rest on the venerable day of the sun; but let those dwelling in the country and with full liberty attend to the culture of their fields, since frequently it happens that no other day is so fit for the sowing of grain or the planting of vines; hence the favorable time should not be allowed to pass, lest provisions of heaven be lost.*<sup>2</sup>

We note the leniency here portrayed. Farmers were to keep Sunday only when it did not interfere with their livelihood, not as a matter of principle. By catering to the religious minority without displeasing the majority—the pagans—Constantine hoped to strengthen his empire. Here's why:

*They [the heathen] wished that they could exchange their inconvenient holidays for a regular rest on the day of the sun. . . . Though he [Constantine] was doubtless influenced mainly by the wishes of his Christian supporters, it was not as "the Lord's day" but as the "venerable day of the sun" that he described the new public holiday.*<sup>3</sup>

For his army Constantine had a different standard. Schaff claims that he went "beyond the limits of negative and protective legislation, to which the state ought to confine itself in matters in religion, and enjoined a certain positive observance of Sunday, in requiring the Christian soldiers to attend Christian worship, and the heathen soldiers, in the open field, at a given signal, with eyes and hands raised toward heaven, to repeat the following . . . :

*"Thee alone we acknowledge as God, thee we reverence as king, to thee we call as our helper. To thee we owe our victories, by thee have we obtained the mastery of our enemies. . . . We all fall at thy feet, and fervently beg that thou wouldest preserve to us our emperor Constantine and his divinely beloved sons in long life, healthful and victorious."*<sup>4</sup>

Figuratively speaking, thus another Uzziah ventured into the sanctuary to usurp the duties of the priesthood, when Constantine made laws telling his subjects how and when to worship. Innocuous as the first Sunday law appears, it is the nose of the camel (the state) entering the tent (the confines of religion) to dictate matters of conscience that should be left between each person and his God. Under Constantine, civil and religious rights are interlocked. The church and the state act as two arms of a divine government on earth. This arrangement is contrary to the statement of Christ to Pilate at the time of His trial, "My kingdom is not of this world: if my kingdom were of this world, then would my servants fight" (John 18:36).

Christ still registers His protest against man-made laws, enforcing the rules of His spiritual kingdom. What kind of worship is engendered by a religion established or protected by the state? "In vain they do worship me, teaching for doctrines the commandments of men" (Matthew 15:9).

Go out, Uzziah; go out, Constantine—out from God's sanctuary. Confine your lawmaking to secular statutes. Leave the enactment of religious laws—no matter how cleverly they are disguised—to the priesthood. □

#### REFERENCES

<sup>1</sup> Philip Schaff, *History of the Christian Church*, 1844 ed., third period, vol. 1, sec. 2, pp. 19, 20.

<sup>2</sup> *Code of Justinian*, book 3, Title 12, Law 3. In *Corpus Juris Civilis*, vol. 2, p. 108.

<sup>3</sup> *Encyclopedia of Religion and Ethics*, James Hastings, ed. (1921 ed.), vol. 12, p. 105.

<sup>4</sup> Schaff, *op. cit.*, sec. 75, pp. 380, 381.

*Lois Christian Randolph is a retired teacher in Colfax, California.*

# INTERNATIONAL

## Senator Reports Few Christian Churches in China

WASHINGTON, D.C.—Only Peking and a few other cities in the People's Republic of China are known to have regular Christian church services, according to the Seventh Congressional Delegation to that country.

At a Senate Prayer Breakfast, Sen. Charles H. Percy (R.-Ill.) quoted Article 78 of the new Chinese constitution: "Citizens enjoy freedom of speech, correspondence, the press, assembly, association, procession, demonstration and the freedom to strike, and enjoy freedom to believe in religion and freedom not to believe in religion and to propagate atheism."

"From our observations," Sen. Percy told his colleagues, "party membership is not granted to anyone who practices a religious belief. Attendance at a university and certain other privileges also would be denied."

He then read from a report of his delegation on the subject of religion: "In Yangchow we visited the Fa-ching Monastery. This Zen (China) Buddhist monastery was founded more than 1,200 years ago in the T'ang Dynasty. . . . There are some 200 believers in Yangchow, which has a total population of 200,000. . . .

"There is no Christian church in Yangchow; the monastery, therefore, is the only practicing religious institution in that city. We learned that there exists only vestigial remains of Christianity in China. There is a regular, sparsely-attended Christian church service in Peking, and Prof. Ting Kuanghsun, a Union Theological Seminary (New York) graduate of 1948, teaches Christian theology to a few dozen students at Nanking University.

"The number of students is dwindling and even these are being trained to serve the State. Professor Ting is also a delegate to the National People's Congress as representative of Chinese Christians.

"Only a few cities other than Peking are known to have regular Christian church services, and these on a small scale. Christianity continues to be practiced in some homes, but to practice this or any religion is incompatible with Communist Party membership."

By contrast with the anti-theistic stance of the Chinese constitution, Sen. Percy reminded his audience that "throughout the evolution of the American spirit, there exists deep religious motivation. God is accepted as an historic force, the true source of all order, law and right. . . ."

"God was the Provider and the Protector. God was the source of all freedom and justice" in the new republic when formed 200 years ago. "Civil liberties sprang from Divine law," he noted.

## Measure Calling for Euthanasia Stirs Controversy in England

LONDON—A new controversy over euthanasia, or mercy killing, is developing after introduction in the House of Lords of a bill by Lady Wootton of Abinger, a member of the ruling Labor Party.

Lady Wootton's legislation seeks to "enlarge and declare the rights of patients to be delivered from incurable suffering." It would permit a person to make a written declaration that if, at some time, he becomes permanently incapable of giving directions, by reason of brain damage or degeneration, he should be regarded as refusing to receive life-sustaining treatment. His statement would be attested by two witnesses.

Another clause would allow an incurable patient to receive "whatever quantity of drugs may be required to give him full relief from pain and physical distress, and to be rendered unconscious if no other treatment is effective to give relief."

There is also a provision for the patient who takes his own life with an overdose. This would be regarded as "self-deliverance" and treated as "misadventure."

Another clause states, "No person shall be under any duty to interfere with any course of action taken by an incurable patient to relieve his suffering in a manner likely to cause his own death, and any interference intentionally undertaken contrary to the known wishes of the patient shall be unlawful."

The last part of this clause, in fact, inhibits any act to prevent what to all intents and purposes is suicide.

The mass-circulating Roman Catholic newspaper, the *Universe*, said the bill was "a new assault on the sanctity of life," while a prominent surgeon, J. F. Searle, described it as "another expression of the view that doctors can no longer be trusted to act with compassion and in the best interests of patients."

## Sunday Store Sales Advocated for Jewish, Adventist Owners

TORONTO—Ontario's provincial government has amended Sunday-closing laws to permit Jewish and Seventh-day Adventist shopkeepers who close on Saturdays to open their stores on Sundays.

The proviso: That they assign no more than three people to work and use only 2,400 square feet of selling space on Sundays.

Solicitor-General John MacBeth drew up the amendment to permit Jews and Adventists particularly to observe Saturday as their Sabbath and conduct business on Sundays.

The amended law says no goods or services must be offered during the 32 hours before Sunday begins, taking the necessary closing time back to 4:00 p.m. Friday for those who may open on Sundays.

The government change still has to be debated by a legislature committee, which may amend the staff and size limitations.

## Trappist Monks Retreat From Israeli Wine Battle

TEL AVIV—The abbot of a Roman Catholic Trappist monastery nearby has disassociated himself and 30 monks from a lawsuit brought against Tel Aviv's chief rabbinate by distributors of well-known wines made by the monks and sold in various parts of Israel.

In a case submitted to Israel's Supreme Court, the distributors have claimed that the Tel Aviv rabbis discriminate against the wines made at Our Lady of the Seven Sorrows at Latroun—a town on the Jerusalem-Tel Aviv highway—by refusing kosher certificates to hotels and restaurants selling the wines. At the same time, the distributors claim the rabbis allow the sale of expensive foreign liqueurs from abroad.



# INTERNATIONAL

According to Jewish ritual law, any wine handled by Gentiles at any stage of production or distribution is prohibited to Jews. There has been some controversy about whether the rabbis should award kosher status to hotels where food and drink are strictly ritual but where Sabbath laws are not strictly observed.

Abbot Elie Corbisier, O.C.S.O., expressed the "deep regret" of his monks at the distributors' action and said they acted "on their own initiative, without informing the monastery."

"Because of their veneration for the revelation of the Blessed Lord to the people of Israel, the monks totally disapprove of the action of their representatives," he noted.

The monastery was founded in 1890 near the ruins of a Crusaders' castle, at one time held by King Richard (the Lionhearted) of England, and located not far from the New Testament site of Emmaus. During the partition of the Holy Land, from 1948 to 1967, the Trappist monks were located in a "no man's land" between Israel and Jordan in the Biblical valley of 'Ayyalôn.

Since 1967 the monks have found a ready market for their wines in Israel and have cultivated relations with the neighboring kibbutzim and Arab villages.

## Italy Will Vote on Abortion Question

ROME—A Federal court has announced that sufficient signatures have been obtained to force a referendum that could legalize abortion in Italy.

The court said that of the 800,000 signatures submitted by pro-abortion organizers, led by the Radical Party, 558,000 were valid. Under Italian law, if half a million citizens petition for a referendum it must be held. President Globanni Leone must now set the date, most likely late this spring.

Abortion is illegal in Italy, and anyone seeking an abortion, undergoing one, or assisting in carrying out one is subject to prosecution. However, feminist groups say that more than a million abortions are carried out illegally each year, and figures from the United Nations World Health Organization support that figure.

There are several bills before the Italian Parliament that would legalize

abortion, some more restrictively than others. Should one of the more liberal of these bills pass in the coming months, the referendum could be canceled. However, similar bills have been before Parliament for several years, and the lack of action so far indicates that the chances of early passage are slim.

Promoters of the referendum want to permit abortion on opinions of two physicians that the physical or mental health of the pregnant woman is endangered. Most of the bills before Parliament are more restrictive.

## Justice Douglas Retires at 77; Church-State Separation Advocate

WASHINGTON, D.C.—Supreme Court Justice William O. Douglas, long noted as a staunch advocate of the separation of church and state, announced his retirement on November 12, 1975.

After a stroke in December, 1974, Justice Douglas had made a strong effort to regain his strength and take up his duties at the Supreme Court, where he had already served longer than any other justice in U.S. history.

But in a letter to President Ford, Justice Douglas, 77, said, "I have been bothered with incessant and demanding pain, which depletes my energy to the extent that I have been unable to shoulder my full share of the burden."

Whether he would be able to carry a

full load of work had come to be widely discussed, and there was speculation that he wished to hold out at least beyond the 1976 Presidential election.

The son of a Presbyterian minister from Nova Scotia, he was born in Minnesota and grew up in the State of Washington. After receiving a law degree from Columbia University, he taught at Columbia and Yale before being appointed by President Franklin D. Roosevelt to head the Securities and Exchange Commission.

Then in 1939 President Roosevelt appointed the 40-year-old Douglas to the Supreme Court, the youngest justice appointed in 125 years. On October 28, 1973, he passed the record for length of service on the Supreme Court that had been set by Justice Stephen J. Fields in 1897.

But Justice Douglas was noted more for his leadership of the liberal bloc on the Court rather than for longevity. His appointment by President Roosevelt was a move to shift a conservative court in a more liberal direction; during the activist era of the Warren Court, Justice Douglas formed part of the majority; and then with a shift brought by appointees of President Richard M. Nixon, Justice Douglas again found himself in the minority, noted for the number of his dissents.

He was always a champion of the strict view of church-state separation. In 1962, when the Supreme Court ruled that daily recitation of a prayer in New York public schools was unconstitutional, Justice Douglas wrote a separate concurring opinion in which he said many other forms of government-financed religious exercises were also unconstitutional.

Among the practices he would have ruled out were reduced postage for religious publications, the later-outlawed compulsory chapel services at military academies, income tax deductions for charitable contributions, use of "In God We Trust" on currency, and inclusion of "under God" in the pledge of allegiance to the flag.

The Supreme Court itself indulges in an unconstitutional practice when it opens sessions with a prayer, Justice Douglas suggested. He went on to say that payment of salaries for chaplains in the United States Congress and State



Justice William O. Douglas

legislatures violated the same principle.

Looking back at the 1947 Everson case, in which Justice Douglas joined the majority in a 5-4 decision to permit tax-financed bus transportation for parochial school students, he said it seemed "in retrospect to be out of line with the First Amendment."

In 1963, when the Supreme Court ruled out Bible reading and recitation of the Lord's Prayer in public schools, he again voiced his strong views on church-state separation in a short separate opinion.

Arguing that the practices meant tax support for religious activity, he declared, "Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the establishment clause."

Justice Douglas was also known as an absolutist on the Constitutional protection for freedom of speech and the press, firmly opposing restrictions in the area of pornography or unpopular political opinions.

## **Private Hospitals May Prohibit "Elective" Abortions**

WASHINGTON, D.C.—The United States Supreme Court has let stand a lower court ruling upholding the right of a government-supported but privately operated hospital to forbid doctors to perform "elective" abortions.

The Court declined to review a case involving Orange Memorial Hospital in Beaumont, Orange County, Texas. The hospital was built by the county government with local and Federal funds on land owned by the county. But in 1973, the hospital and land were leased for \$1 a year to a nonprofit corporation established to operate the hospital.

In 1973, shortly after the U.S. Supreme Court's landmark decision liberalizing abortion laws, Dr. John C. Greco began to perform elective abortions at the hospital. The board of directors of the hospital corporation adopted a motion by the medical staff preventing further elective abortions—as opposed to medically necessary or therapeutic abortions. Dr. Greco sued to change the regulation.

Both the Federal District Court and the Court of Appeals for the Fifth Circuit supported the hospital. The district

court ruled that if the hospital were a public institution it would have to allow elective abortions. But since it was private, it could constitutionally forbid non-therapeutic abortions.

The appeals court affirmed the district court ruling, with mixed reasons. Two of the three judges agreed that since the hospital was privately operated, there was no state or government action, and thus no Constitutional violation.

The third judge appeared to disagree on whether there was enough government involvement to constitute state action, but found no requirement to allow abortions.

The Supreme Court refused to review the case, over the dissents of Justice Byron R. White and Chief Justice Warren E. Burger.

"The question is important, the conflict is clear, and this Court has a responsibility to resolve it," Justices White and Burger said. "The task of policing this Court's decisions (on abortion) is a difficult one, but having exercised its powers as it did, the Court has a responsibility to resolve the problems arising in the wake of those decisions."

## **Delaware Court Upholds Masses at University**

NEWARK, Del.—Overturning a lower court ruling, the State Supreme Court has upheld the right of two Catholic chaplains to celebrate Mass on the campus of the University of Delaware.

University officials had contended that allowing use of campus facilities for religious services would violate the First Amendment.

But Delaware's Supreme Court said the university policy "constitutes a legal burden" on the students' right to worship, and that the university would have to prove a "compelling state interest" to continue the prohibition.

A decision on possible appeal by the university was not immediately announced.

The case began with an incident in September, 1973, when a chaplain assistant, Newman Apostolate, was prevented from using a dormitory commons room for a Mass. They had celebrated Masses on two previous Sundays without incident. The location was more than a mile from the Newman Center,

and students had asked for a Mass closer to their residences.

## **Physicians Must Report Abortion Names, Addresses**

NEW YORK—The New York State Court of Appeals has upheld the right of the City Health Department to require physicians to report the names and addresses of all women obtaining legal abortions.

The 4-to-3 decision covered a suit filed by a Bronx physician. He had asked that the health department regulation be set aside because it violated a woman's constitutional right to privacy when she had an abortion.

In a 13-page majority opinion written by Judge Domenick Gabrielli, the court said "the reporting requirement with centralized computer recording does enable the city to obtain and have usefully available current statistical data on the basis of which to discharge the city's responsibility for effective, up-to-date monitoring of abortion practices as well as to plan for the availability and distribution of services and facilities."

The required reporting "does not infringe on a woman's right to have an abortion or to interfere with a woman's decision to have an abortion," the court majority opinion ruled.

It also noted that "the city has adequately assured" that the personal information concerning patients "is cloaked by confidentiality and shielded from disclosure to unauthorized persons." Under the law, the confidential information is "not subject to subpoena" or to "inspection by persons other than the Commissioner or authorized personnel of the department."

Judge Sol Wachtler, in a five-page dissent, held that "in my view the right to privacy, which the Supreme Court extended to a woman's decision to abort, necessarily extends to and includes her right to guard her identity from a centralized abortion registry" and "keep her intimate decisions personal."

In a ten-page dissent, Judge Jacob D. Fuchsberg noted that abortion is still a highly "emotionally charged" issue and the "potential for stigmatization" of women who have abortions "is multiplied by the unnecessary collection and centralization" of the information.



# PERSPECTIVE

## A Fearsome Thing?

The lay editors of the *National Catholic Reporter* are upset because they think the National Conference of Catholic Bishops (NCCB) may have created a Roman Catholic political party.

What's the background?

In November the NCCB passed a comprehensive pastoral plan for anti-abortion activities, including establishment of a "public interest" group in every Congressional district to work for passage of an antiabortion constitutional amendment.

The plan lists a dozen specific objectives, including:

- ✓Setting up a telephone network in each Congressional district so the committee can take fast action.

- ✓Maintaining an information file on the abortion position of every elected official and potential candidate.

- ✓Working for candidates who will vote for a constitutional amendment and "other pro-life issues."

Trying to avoid violating Federal tax laws prohibiting tax-exempt groups from using a substantial portion of their income for lobbying, the NCCB specified that the Congressional political groups are to be neither agencies of nor "operated, controlled, or financed by" the church. In fact, the NCCB urged that the political groups be "bipartisan, non-sectarian."

But the *Reporter* remains unconvinced: "Bishop Thomas Gumbleton . . . was correct when he warned his fellow bishops that 'no one will believe' the bishops when they insist they do not and will not control the lobby."

"The further risk is that many Catholics will not believe it either. The likelihood arising from this second point is that the pro-authoritarian Catholics, possibly the majority in this country, will combine righteousness over abortion with their political opinion to produce a personal religious-political ideology."

Continued the *Reporter*, "If the bishops have created a Catholic party, and only time will tell, they have unleashed a fearsome thing. The Catholic Church—and its bishops—will have moved into the upper reaches of national politics as an identifiable political lobby/party of massive proportions. Such proportions, given the 48 million Catholic

population . . . , could yet rival or counterbalance the largest political parties or lobbies in this country."

These are thought-provoking words deserving comment.

First Amendment guarantees, of course, give every American—including a bishop—the right to petition government, to free speech, to free exercise of religion. Thus we have no quarrel with the bishops as they plan to inform Roman Catholics, the general public, and public officials about their position on the emotional abortion issue.

But this "highly political act," as the *Reporter* phrased it, goes well beyond customary petitioning of government. Telephone networks, information files, and political action in every Congressional district can only be interpreted as a challenge or threat to every politician in the country.

Even if conservative Protestants and Jews and others join the bishops in the crusade, in back of everyone's mind will be the fact that the lobby is part of the Pastoral Plan for Pro-Life Activities of the National Conference of Catholic Bishops. The plan calls the lobby "complementary to denominational efforts."

One factor that could give the bishops hesitation in implementing the lobby is Congress' suspicions of the plan. Several Congressional offices reportedly are studying the plan to see whether it violates Federal tax laws. Wrote one observer, "Whether legislation results or not, it is predicted the hearings to be held on proposed laws could be more damaging than the passage of the law itself." It remains to be seen whether Congress—in an election year—will look into this matter.

But perhaps the biggest threat to the bishops' plan is that a majority of Americans favor abortion in at least five circumstances, with Roman Catholics agreeing in four areas.

In the fall of 1974 the National Committee for Human Life Amendment, Inc., an organization established and funded by the U.S. Catholic bishops, commissioned a highly respected polling firm to conduct a national sampling of public opinion on abortion.

The results indicated that the majority of Americans favor allowing abortion "if it is necessary to save the mother's life" (92.6%); "if the pregnancy seri-

ously endangered the woman's physical health" (84%) or "mental health" (74.7%); "if the woman had been raped" (73.6%); and "if the woman had good reason to believe the child might be deformed" (55.5%). Roman Catholic responses in the same respective categories were 88.2%, 77%, 69.2%, 67.7%, and 47.7% for allowing abortion.

The same respondents, however, did not support abortion in all circumstances. Less than half support abortion "if the woman was not married" (43%); "if the couple could not afford another child" (38.1%); "if it has to be done at government expense" (35.8%); "if the couple didn't want any more children" (35.4%); "if the woman wants an abortion for any reason" (29.8%); "if the father is against it" (24.3%); and "if she is more than three months pregnant" (19.8%).

Assuming the NCCB national poll is correct, antiabortion forces of all religious persuasions might better spend their resources persuading Congress and State legislatures to enact a constitutional amendment limiting abortions to the categories approved by the national consensus as shown by the NCCB poll.

But the NCCB apparently wants to outlaw *all* abortions—a position clearly outside the American mainstream, according to the NCCB's own poll. In that light the NCCB political thrust seems less like a move to protect the public welfare and more like an attempt by the bishops to enforce on Roman Catholics and nonbelievers alike a Roman Catholic theological position that even a majority of Roman Catholics disapprove of at least in certain circumstances. The NCCB position thus raises serious questions about church/state separation.

Finally, as the *Reporter* editorial asks, Where will the NCCB plan lead? We wonder who will control the resulting organization? What are "other pro-life activities"? If an abortion amendment of some kind is added to the Constitution, will the lobby disappear? Or are there other battles? Other forms of birth control? Parochialism? And on down the list.

Only time will tell whether the bishops have unleashed a fearsome thing into the already battered body of American politics.—R. W. N.

# LIBERTY AND THE LAW

## Prison Warden in a Kosher Pickle

By Elvin L. Benton

*United States v. Kahane*, 396 F. Supp. 687 (E.D.N.Y. 1975).

Must a convicted criminal's First Amendment rights be left outside the clanking door of a federal prison cell? The question gets uncommonly complicated when the right involved is the privilege of free exercise of religion, and its tenacious claimant is a Jewish rabbi.

Federal prisons are not known for their encouragement of individual preferences among inmates. The Federal Bureau of Prisons gets understandably tense when one prisoner asks special consideration. If the favor is granted, fifty other inmates may form an instant line to demand the same. Yet a convict with a conscience may need special consideration to keep that conscience clear. To how much trouble should prison officials go in order to help?

Meir Kahane, an ordained orthodox rabbi, pleaded guilty to charges of attempting to make a bomb. The United States District Court for the Eastern District of New York sentenced him to five years' probation, on condition that he avoid involvement with guns or explosives anywhere in the world, including Israel, where he went with his family to live. While there, he engaged in some of the activities forbidden by the court. Upon return to the United States, he was arrested for violation of the terms of his probation and sentenced to a year in federal prison.

Knowing that standard prison fare is not prepared with Jewish dietary law (*kashruth*) in mind, Rabbi Kahane requested and was granted an order of the court that "he is to be placed in an institution, and in a setting so that he can obtain . . . kosher foods and [comply with] other religious requirements that he may reasonably have." Upon inquiry, Kahane discovered (and the government admitted at trial) that prison officials planned to deny him kosher food. Rejection of such requests was a long-standing practice, and no exception would be made.

When Rabbi Kahane complained to the court, the government contended that the court was out of place to con-

sider whether Kahane was entitled to kosher food. Besides challenging the court's jurisdiction, prison officials argued that the court's ordering the accommodation would make it unduly burdensome to meet the dietary requirements of their diverse prison population.

At a court hearing, several rabbis who specialize in Jewish dietary laws testified that the observance of those laws is central to the religious observances of orthodox Judaism and that an orthodox Jew must be in danger of dying before eating non-kosher food. One rabbi testified that "up until forfeiture of life, man must forfeit everything he has, company of his wife and children, his entire wealth, to enter into the realm of the most poverty-stricken rather than transgress the *kashruth* laws." Other rabbis testified that they knew Rabbi Kahane to be a meticulous observer of all the tenets of Biblical and rabbinic law, including *kashruth*. This evidence was not contested by the government.

Others testified that some prisons permitted kosher food to be brought to prisoners or allowed them to buy it for themselves, and that frozen kosher meals were available without substantial increase in prison food costs. Such accommodations were not universal, however, according to testimony of one federal warden who admitted refusing to let several rabbis furnish the frozen kosher dinners for incarcerated Jews without cost to the government.

District Judge Jack B. Weinstein's rather lengthy opinion is flavored from beginning to end with a concern that government's asserted need for uniformity not be permitted to outweigh the privilege of free exercise of religion of those whose lives have come wholly under federal control. "A person does not lose his basic humanity and constitutional rights because he has been convicted or is serving a term in prison," Judge Weinstein insisted. "In this respect we differ fundamentally from some governments which consider its [*sic*] citizens' rights forfeited upon incarceration and engage in abuses of prisoners that amount to a form of slavery. Our courts have made it clear that, to the extent consonant with effective administration of correctional institutions, the First Amendment rights of prisoners cannot be ignored."

An interesting facet of Judge Weinstein's decision is his succinct answer to the government's contention that the case was not "ripe" for decision because Kahane had not yet suffered any harm. "There is no need," said the judge, "to wait until the defendant (Kahane) approaches death through starvation."

Judge Weinstein did not hold that accommodation be made in every conceivable circumstance where a prisoner bases a request on his religious belief. He conceded that a genuine "compelling state interest" could exist, where even a religious request might pose a "substantial threat to public safety, peace, or order." Weinstein recognized also that frivolous religious claims could prove a problem. "The government is entitled to make some effort to determine the sincerity of religious beliefs where obligations and rights flow from that determination."

The judge didn't recognize in Rabbi Kahane's request either a lurking danger to the federal government or an attempt to hoodwink prison officials. Citing the precedent of other federal court cases ordering pork-free diets for Black Muslims, Weinstein held that "in this case the Constitution requires that the religious needs of the defendant to practice an important tenet of his faith be respected," and that "the minor practical problems presented can be easily met if the government tries in good faith to do so."

Judge Weinstein is to be commended for keeping a cool head about one who has flouted the conventions of society. Weinstein said it well: "However misguided and violent his past activities, the defendant is a religious person, an observant orthodox Jewish rabbi. To deprive him of opportunities to observe basic religious practices in light of his particular beliefs can only amount to a cruel and unusual form of punishment."

Perhaps the most stringent test of basic freedoms comes when we are called upon to ensure them for those with whom we most fiercely disagree, as well we may with at least some prison inmates. The mark of a true lover of freedom is his protecting an inherent right of his most violent antagonist, at a time when glandular reaction clamors for its denial.



# LETTERS

## Mary Dyer

With respect to the article on Mary Dyer in your January-February, 1976, issue, I enclose an excerpt from the letters of my great-grandfather, John Stanton Gould, relating to my great (six times)-grandfather, Edward Wanton, and Mary Dyre (as he spells it). Apparently, Mary effected a more immediate conversion than she could have expected, and it has lasted for seven or eight generations.

"Excerpt from Letters on the History of the Gould Family to Mary. W. G. Baldwin by John Stanton Gould. 1862-5:

"Edward Wanton is the root of the family tree in this country. I know nothing with certainty of the place in England from whence he came, nor the exact time of his arrival here. He first emerges into historic life as a merchant in Boston at the time of the hanging of Mary Dyre [sic] and her companions. In Deanes history of Scituate, it is stated that there was a tradition that he came from London, and that he was in Boston previous to the year 1658. He attended officially at the execution of Mary Dyre either as captain of the guard or Sheriff of the county; I have heard both statements, but am unable to say which is the true one. At all events he was greatly impressed by the words and bearing of Mary Dyre on the scaffold and, on returning to his home, he took off his sword and told his mother that he should never put it on again, for said he, I am sure mother that we have been killing the people of the Lord. His mother was at this time his housekeeper. The agony of his soul in consequence of the judicial murder in which he had participated was awful and overwhelming. He kept his bed for some weeks, and was racked with the most troubled tortures of conscience. It was not so much the injury that he had inflicted on Mary Dyre that afflicted him; for he had no doubt that she stood before the throne with white robes and palms in her hands with the countless throng of the redeemed. It was his sin against God that afflicted his soul. . . .

"The Quakers heard of his distress, and in that beautiful loving spirit which then characterized them, they went to visit their old enemy. . . .

"Becoming at full length fully con-

vinced of their doctrine, he entered into their communion and soon became one of their most gifted and successful preachers."

JOHNSON STODDARD

Attorney

Fairfield, Connecticut

Thank you for your "Mary Dyer: Quaker, Martyr" article in the January-February LIBERTY. Perhaps your author, Marjorie Spiller Neagle, did not know it, but in the United States there are three of this statue of Mary Dyer. As stated in the article, one is in Boston. A second is in Philadelphia, which many will see this year as they visit the city of brotherly love during the Bicentennial. The third statue is on the campus of Earlham College, Richmond, Indiana, near Stout Meeting House.

ROBERT E. HEAVILIN, SR.

Co-pastor

Fairport Avenue Friends Church

Dayton, Ohio

## Euthanasia

I am writing in reference to your November-December article "Euthanasia: Mercy or Murder?" by Eric Cameron.

My sister died in June, 1973, after an accident resulting in damage to her brain that would have left her a vegetable. She lived for 14 days after the accident, but her body had received massive cuts (because she had been wrapped in barbed wire) and internal injuries. The only part of her body that had not received injury was her kidney, which finally also failed. After extensive surgery, requiring packing her liver and other organs, and removing part of the already damaged brain and skull to allow room for the swelling fluid, she was kept alive by machines of different types. Finally she died. She had never regained consciousness, and did not respond to pain or reflex action tests. The motor part of her brain was gone.

My sister was 29 years old, three years my senior. She was a beautiful woman with two children, and was carrying a third at the time of the accident. She was due to deliver in eight days, but the baby smothered in the blood in my sister's womb and lived only three hours after the doctors delivered her.

The doctors at the University Medical Center in Lexington, Kentucky, did everything humanly possible, but they couldn't make my sister right again. They couldn't replace her brain, they couldn't successfully repair her massive scars. They couldn't replace the hair on her head, make her smile, feel emotions, or feed herself. They could not change anything. They are only humans—not God.

The doctors didn't know how long she could live like that—one day, one month, one year, ten years. They did know she couldn't live without machines and hospital confinement.

I loved my sister, and she's still alive in my mind and heart. When I prayed, I did not ask God to keep her alive—I asked Him to be merciful. My sister no longer felt pain or anguish, but my parents, niece, nephew, and I did. It tore me apart to see her like she was. It tore me apart to think of her never looking at me again, teasing, laughing, or crying—just lying there attached to machines. I couldn't stand the thought of people staring at her scars. She had been too beautiful.

In my opinion, God did the merciful thing. He took her, and now we can rest. I knew my sister, and she wouldn't have wanted to go on living by machine. She was too vibrant to want that. But she couldn't be asked what she wanted.

It is my opinion that in cases of this sort it is cruel to go on keeping a patient living when there is no possible way of their functioning on their own.

I remember how I felt when she died. I knew I would never see her again, but I knew also that these were only physical contacts, and that she would go on living in my mind and heart, and through her children. She was then at peace—at rest. It hurts now that she is not with us physically, but it would have hurt much more in a different way having only her body. Her children would have suffered most of all, as they are now 9 and 11 years old. At least this way they can remember their mother as the beautiful, loving person that she was. The pain of her not being with us is strong, but we can thank God for not prolonging the suffering, as would have been the result of going on day after day on the machines. She would not have lived six hours had it not been for those

# LETTERS

machines.

I know I would never want my husband, children, parents, or sister's children to go through that pain and agony. I don't want the dying process prolonged for myself. It is too painful for those I love.

OVA GAY POWELL  
Killeen, Texas

"Euthanasia: Mercy or Murder?" was fantastic! I am involved in writing a term paper on that subject. Could I refer to the *LIBERTY* article?

J. MARK BEAN  
Montgomery, Indiana

*LIBERTY* is doing well in causing some violent reactions. Either religion or politics can cause debates and in the magazine they are combined and spiced with your comments to cause a tasty stew for some and an unpalatable mix for others. I doubt if there are many neutrals.

Euthanasia is the latest hassle. If God gives life, why not ask Him to take it or let it be taken? Why leave Him out of this? When Israel was a theocracy, the high priest received a direct Yes or No from God by the Urim and Thummim. Sometimes an audible voice spoke to the leader of the people.

There were other ways God communicated *directly* with man. Should we be any less favored? I know that the last-day church, symbolized Laodicea, lacks faith and love, but are there not a few who walk so closely with God that they can hear His counsel? A favorite quotation reads: "The Lord will teach us our duty just as willingly as He will teach somebody else. If we come to Him in faith, He will speak His mysteries to us personally. . . . Those who decide to do nothing in any line that will displease God, will know, after presenting their case before Him, *just what course to pursue*. And they will receive not only wisdom, but strength. Power for obedience, for service, will be imparted to them, as Christ has promised." —*The Desire of Ages*, p. 668. (Italics supplied.)

It would be in harmony with the Bible should some faithful Christians, after a prayer of preparation, approach a family that needs an answer from God (as in euthanasia), and ask whether they

may help to obtain an answer. God may physically heal these terminal cases and *certainly* there will be spiritual (moral) healing for all present who have faith.  
GEORGE A. SURKEY  
Citrus Heights, California

I enjoy and appreciate *LIBERTY* very much. It's so nice to find theists who are so enlightened about the issue of individual liberty.

Those who are against "pulling the plug" on someone who is being kept alive via solely involuntary technological means need to face the fact that without the "plug," the patient would die. God didn't provide man with this plug. Man provided it through his own ingenuity and resources. "If God wanted man to be kept alive artificially," I can just hear them saying years ago, "He would have provided us with artificial life-extending machines." If it's immoral to "pull the plug," what about the morality of a plug in the first place?

MARK COLEMAN  
Honolulu, Hawaii

## When Patriots Persecute

Recently I started working for a law firm of which several of the members are subscribers to *LIBERTY*. Yesterday, while I was sorting the mail, the cover of the January-February issue caught my eye. After reading the cover story, I was so impressed with the religious significance that I began reading the magazine from cover to cover.

The article "When Patriots Persecute" by Richard Coffen completely overwhelmed me. I was so surprised to see such an article as this in my boss's magazine. I am 18 years of age, and was brought up in a strict Roman Catholic family. I was always religious to a certain extent, but became a born-again Christian only three years ago.

In the past three years I have spent hours arguing the Scripture, especially the prophecies set forth in Revelation. So many people believe the Bible is only a book of fairy tales, and trying to explain a book as complex as Revelation is nearly impossible. I don't even understand it myself. I've read several books on Revelation, but none have given me the understanding as did this article. Mr.

Coffen had a way of putting Revelation into words that even a nonbeliever could see some truth to.

KAREN L. HAWK  
Pittsburgh, Pennsylvania

## Religion in the Public School

I never quite understood how a religious group could be so doctrinaire in support of "separation." Like most of my own Jewish coreligionists I attribute it to an anti-Catholic reflex. I note with satisfaction, however, that you are coming around to realize what I pointed out more than 15 years ago in the "Myth of Neutralism"—that there is no middle ground between paganism and monotheism. Any significant human act implicitly commits its doer to either one religion or the other. Hence schools without a monotheistic orientation inexorably become agents of secularist indoctrination.

REUBEN E. GROSS  
Attorney  
Staten Island, New York

Many people think that there is an existing legal apparatus whereby they have a Constitutional right to say prayers and to read the Bible in school. Which assumption, of course, is based in ignorance of the law.

Likewise, our public servants, elected or appointed, claim the right and legal authority to change the Constitution or any amendment thereto. I do not advocate rebellion or revolution. I do not need to; the politicians in Washington and many State capitals are doing a magnificent job of it, and with such haste.

After all, with their claims of a legal right to change any amendment of the Constitution, they must come face to face with their oath of office, and at the judgment, face to face with Almighty God.

JOHN W. CROWE  
Pine City, Minnesota

Re A. Bernstein's letter (*LIBERTY*, November-December 1975).

Bernstein elicits a "Yes and No" reply. Agreed, keep state and religion separated, thus preventing a welter of religious organizations from inducting



# LETTERS

children into their particular creeds, with the inevitable result of the strongest getting the upper hand. But teaching of religion as an objective subject is quite another matter. It doesn't mean propaganda at all, any more than math, grammar, or even the theory of evolution. While I, like Bernstein, wouldn't want my children converted to the utterly absurd fantasies of some far-out sect or cult, I certainly want them to know something about the religious beliefs of the teeming millions of China, India, et cetera. To deny American children this most basic information is to do them serious harm. In fact, this subject is more fundamental than many of the other subjects being taught to no real creative purpose. We had better learn the real facts about communism, which has become the dogmatic religion of far too many, or we too may go the same way for lack of knowledge. To any criterion of common sense, it is petty, narrow, and intolerant to disallow such teaching of religion—in fact, it just becomes another religion of obscurantism.

"Evolution or Creation?" (September-October, 1975) isn't "either/or" but "both/and." Obviously, the Creator uses the evolutionary process to create an oak or a new sun, in such a way as to be "fiat." Evolution is a process of development and as such needs guidance, direction, and purpose down to a gnat's eyebrow. No watch makes itself without makers who, of course, use evolutionary processes. In a word, evolution itself leads to the question of God, even though He is denied. It is impossible to deny God unless it is in the name of another god.

PAUL BRINKMAN  
Cannon Beach, Oregon

## Evolution or Creation?

I was recently given a copy of the September-October, 1975, issue of *LIBERTY*. I read with interest the articles dealing with the Evolution/Creation controversy.

I was particularly interested in the article by Harold Coffin, "Evolution or Creation?" It is a very precise and concise review of the evidence and what it means. I feel articles such as this are very useful to Christian students in the high school where I teach, in order to

give them a more balanced view.

I should like to receive your permission to reprint the article in order to make it available to students, and to distribute it to interested churches for use in their Bible classes.

JOHN HOFSTEE  
Listowel, Ontario  
Canada



A letter by Eva Newton, which appeared in the November-December, 1975, *Liberty* "Letters" section, indicated that the photo accompanying it was taken of Ms. Newton and her python many years ago. It has been called to our attention that the photo is a recent one and that the snake is a boa.—Eds.

## Snake Handling

I find your magazine most pleasing, having seldom seen any publication trying to promote any of our country's freedoms with any integrity. Freedom deserves undying support.

I should like further to comment on Richard Bauman's article on "Snake Handling" (May-June, 1975), which refers to Evel Knievel's famous Snake River Canyon jump. The article seemed to me to imply that this jump was performed at great risk to the lives and safety of Evel and the onlookers.

Perhaps Mr. Bauman exercised more license than literary in implying that our government sanctions deliberately dangerous practices for the publicity seekers. If a comparison of Evel's jump is to be valid, the snake handlers must use

thick gloves and boots, and keep doctors and snake-bite kits handy. Such measures, I'm sure, would defeat the purpose of the snake handlers as surely as Christ's purpose would have been defeated had He jumped from the pinnacle of a tall building.

M. BENNETT  
Sutherlin, Oregon

## Organized Religion

I believe in God with all my heart, but organized religion, that's something else.

Seven major Protestant denominations have combined assets estimated at \$160 billion, and combined disbursements estimated at \$22 billion a year, second only to the assets and disbursements of the United States Government.

Roman Catholic assets and real estate holdings in the United States exceed the combined assets and holdings of Standard Oil, American Telephone and Telegraph, and U.S. Steel.

The wealth of American churches is awesome.

J. T. OSBORNE  
Avon Park, Florida

## MING? MOV

Please notify us 4 weeks in advance.

Name \_\_\_\_\_

Address (new, if for change of address) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

To subscribe to *LIBERTY* check rate below and fill in your name and address above. Payment must accompany order.

Mail to:  
*LIBERTY* subscriptions, 6856 Eastern Ave., NW, Washington, D.C. 20012.

☐ 1 year \$3.50

ATTACH LABEL HERE for address change or inquiry. If moving, list new address above. Note: your subscription expiration date (issue, year) is given at upper right of label. Example: 0375L1 would end with third (May-June) issue of 1975.



## ABORTION—Not a Catholic Issue

Ann Toland Serb is Catholic, "totally opposed to federal or state aid to religious schools," and just as totally opposed to the Supreme Court decision legalizing abortions.

"I'm a rather odd bird in these times," she confesses. "I support the Equal Rights Amendment, since I believe it to be simple justice. Since I am a full-time homemaker, wife, and mother of eight, it certainly is not going to affect my life, nor would I want it to. But justice is justice, even though I am not in need of this particular kind.

"I also support a human life amendment, because I feel the same principle is involved. Human justice for all, regardless of age, sex, or human condition. We must seek legal acknowledgment of the rights of all persons, whether they be women, unborn children, elderly, or abnormal individuals."

While believing that no religious group should be allowed to legislate its morality, Mrs. Serb argues that there are times when citizens must speak out in regard to human justice. "Here," she says, "it is appropriate that we are sometimes led by our clergy, for human justice is a legal issue—on which we must take a moral stand."

Both Mrs. Serb and Harrison W. John, a writer-editor for the National Clearinghouse for Alcohol Information in Gaithersburg, Maryland, who lives in Wheaton, Maryland, with his wife and four-month-old son, entered their articles for a Mr. Freedom Award. And both won honorable mention in an impressive field of entries. Readers can compare their entries and philosophies beginning on page 1.



Do our eyes deceive us or is Justice not only blind but pregnant?

ILLUSTRATED BY MARY MOSSER

VOLUME 71, NUMBER 2, MARCH-APRIL, 1976

DO WE NEED AN ABORTION AMENDMENT?	Ann Toland Serb, Harrison W. John	1
STATE OF OHIO vs. WHISNER, ET AL.	Albert Dittes	8
PRIVATE ROBERT SHURTLEFF—AMERICA'S FIRST WOMAN SOLDIER	H. T. Kellner	12
LAST BEST HOPE FOR A BETTER LIFE	W. R. Beach	14
SOVIET MENNONITES WANT TO EMIGRATE	Fred S. Belk	18
FROM MANY LANDS	Thomas W. Klewin	22
THE MEDDLESOME DO-GOODER	Lois Christian Randolph	24

## DEPARTMENTS

INTERNATIONAL	26
PERSPECTIVE	29
LIBERTY AND THE LAW	30
LETTERS	31

## STAFF

ROLAND R. HEGSTAD—Editor  
 W. MELVIN ADAMS, GORDON ENGEN, ROBERT W. NIXON—Associate Editors  
 CAROL MARIE LONGARD—Editorial Assistant  
 ELFRED LEE—Art Advisor  
 HARRY KNOX AND ASSOCIATES—Layout and Design  
 B. B. BEACH, THEODORE CARCICH, W. J. HACKETT, DARREN MICHAEL, N. C. WILSON—Consulting Editors  
 EDMUND M. PETERSON, JOEL W. HASS—Circulation  
 WARREN L. JOHNS—Legal Advisor

LIBERTY is a publication of the Religious Liberty Association of America and the Seventh-day Adventist Church.

The Religious Liberty Association of America was organized in 1889 by the Seventh-day Adventist Church. Dedicated to the preservation of religious freedom, the association advocates no political or economic theories. President, Neal C. Wilson; general director, W. Melvin Adams; associate directors, Gordon Engen, Roland R. Hegstad, Robert W. Nixon.

© 1976 The Review and Herald Publishing Association. All rights reserved. Reproduction in whole or in part by permission only.

LIBERTY is a member of the Associated Church Press.

Editorial correspondence: Please send to LIBERTY, 6840 Eastern Avenue NW., Washington, D.C. 20012.

Send address corrections to LIBERTY, 6856 Eastern Avenue NW., Washington, D.C. 20012.





“If the Constitution  
be picked away by piecemeal,  
it is gone — and gone as  
effectively as if some military  
despot had grasped it  
at once, trampled it beneath  
his feet, and scattered its  
loose leaves in the  
wild winds.”

Daniel Webster

"Unless that liberty, which is of such a kind as arms can neither procure nor take away, which alone is the fruit of piety, of justice, of temperance, and unadulterated virtue, shall have taken deep root in your minds and hearts, there will not long be wanting one who will snatch from you by treachery what you have acquired by arms." — John Milton, *The Second Defense of the People of England*.

