Liberty

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A MAGAZINE OF RELIGIOUS FREEDOM

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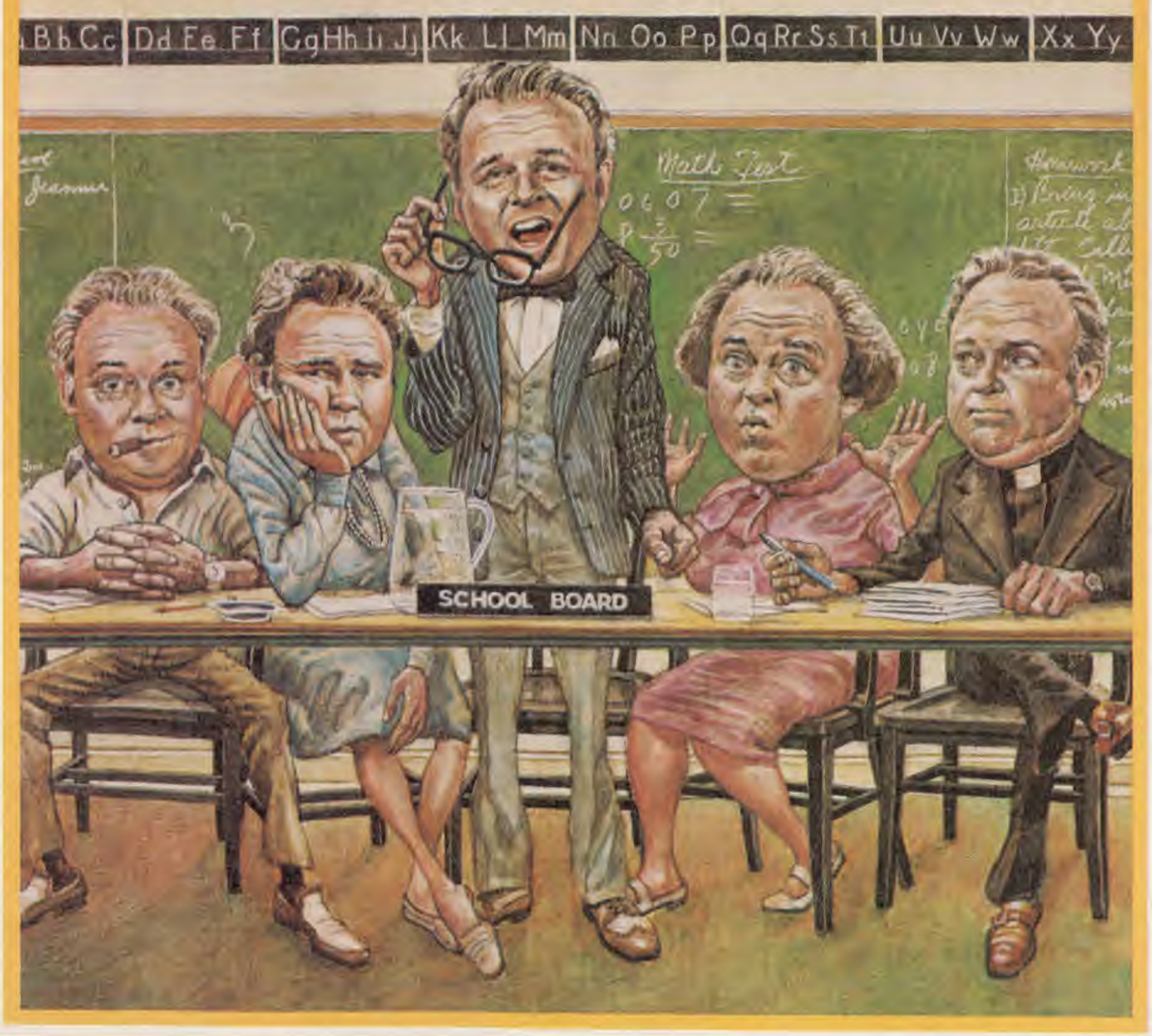

PHOTO BY THE WHITE HOUSE

Jimmy Carter on Church and State—2*

We're the "other guys" who got Candidate Carter in trouble back in 1976. We're back with (1) Mr. Carter's answers to three critical church-state questions that every American should demand answers to before voting, (2) a review of President Carter's performance against Candidate Carter's promises, and (3) a rating of Candidates Carter, Reagan, and Anderson on the basis of their commitment to First Amendment rights.

The date was September, 1976. James Earl Carter, Jr., 51, former governor of Georgia, was the Democratic aspirant for the presidency—and, if polls were to be believed, likely the next occupant of the White House. The polls were right, but just barely, and LIBERTY had a hand in the "just barely."

Earlier that year the candidate had consented to an interview on his church-state views. Reporter Ralph Blodgett caught up with Mr. Carter in Steubenville, Ohio, and shared the back seat of a limousine—and questions—with him on a hurried trip to Wheeling, West Virginia. Both the trip and Mr. Carter's response to one question were a bit too hurried:

"LIBERTY: How do you feel about taxation of church properties—the church building and subsidiary things such as publishing houses, church institutions, et cetera?

"CARTER: I would favor the taxation of church properties other than the church building itself."

Politics is not the art of giving your opponent the benefit of the doubt. In a speech in Dallas, Texas, a few days after LIBERTY was mailed to subscribers, President Gerald Ford said that if Carter was elected President, he would tax church-owned hospitals and orphanages! Source of his information: LIBERTY magazine. Yes, we were the "other guys" who got Mr. Carter in trouble. If memory serves, the President also gave an interview to *Playboy* . . .

Mr. Carter's other answers, more precisely stated, occasioned little comment, though some—particularly on abortion and birth control—may have cost him some votes. Among Mr. Carter's viewpoints:

The decisive factor in the election would not be economics, but jobs, not détente, nor politics, but the feeling that the country had lost its moral and spiritual underpinnings, its sense of purpose and direction.

"I believe that the American people have a deep hunger to see the precious

* See LIBERTY, September-October, 1976.

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COVER ILLUSTRATED BY VIC TAYLOR

things restored. They want three things: a government able to deliver the services they need, a government sensitive to their desires, and a government that is honest."

"My widely published religious convictions are not a political help. I do not hold them because of their effect on the electorate. I hold them *despite* their effect. I hold them because I believe them. They're part of the Carter package. They come with me."

"I would do everything I could to minimize the need for abortion, as I did in Georgia. I would favor a nationwide program . . . for sex education, for family planning, for access to contraceptives by those who believe in their use, and for better adoptive procedures."

Among other answers: Mr. Carter supported complete separation of church and state; opposed federal money going into any sort of religious institution for religious purposes; did not believe government should be placed in the role of writing a prayer and forcing any segment of citizens to recite it; did believe that a basic cornerstone of American foreign policy "should be preservation of the nation of Israel, its right to exist, and its right to exist in a state of peace"; would not favor an energy-crisis Sunday law.

But most newsworthy, it appeared, was his too-brief reply to the question on taxing church properties. Mr. Ford made the most of it, though he must have known that the attributed position was one no politician in his right mind would advocate. Of course, that's the kind of quote that reporters (and rival candidates) lust after . . .

For a while the editor of LIBERTY was the darling of the White House. He was assured that any views he wished to share with the President would be placed on his desk. The editor's bemused reply: I'll be glad to submit a few ideas—the day *after* the election.

Has President Carter lived up to the church-state positions of Candidate Carter? Emphatically, Yes. Fault him, if you will, on foreign policy, deplore his domestic programs or whatever, but give him high marks for fidelity to his stated church-state views. In several cases he has chosen principle over political expediency. One example: He unambiguously rejected the overtures of evangelical leaders who, a few months ago, in a meeting at the White House, sought his support for a religious amendment to restore prayer to public schools.

His views on this question and several related to it follow. We suspect most politicians would have been happy to plead lack of time to answer them by our deadline (as Governor Reagan did).

Based on what we know of the church-state positions of Mr. Reagan and Mr. Anderson, we would rate Mr. Anderson very close to President Carter in his commitment to First Amendment rights, with Governor Reagan a distant third.

The knock against Governor Reagan is his support of state-sponsored prayer in public schools, his sponsorship of tax aid for nonpublic schools while governor of California, and his commitment to an abortion amendment. Though not necessarily a religious liberty issue, an abortion amendment likely would come as part of a prolife, proprayer amendment, with broad backing from an evangelical-Roman Catholic coalition.

Mr. Anderson's positions may be as separationist as the President's, but Mr. Carter must be given the nod because of his demonstrated determination to stand up to pressure groups that seek to erode the wall of separation. Mr. Anderson's controversial support of a Christian Amendment as a freshman congressman does not concern us unduly; he has repented. And the proposed amendment, which stated that "this nation devoutly recognizes the authority and law of Jesus Christ," never had a chance of being enacted, as Mr. Anderson undoubtedly was aware. Supported by twenty-five other congressmen, the amendment was introduced in 1961, 1963, and 1965 before dying in committee.

Mr. Anderson, a member of the First Evangelical Free Church in Rockford, Illinois, says he was persuaded to introduce the bill by a clergyman who felt it would be good to reconfirm that "our nation was founded not by freebooters, but rather by godly men and women." Anderson now says his support was "ill-advised."

Picking a president is no one-issue matter, in our opinion. We leave it to our readers to determine whether the candidates' church-state positions are of such importance as to outweigh other considerations vital to the presidency. And, to be fair to Mr. Reagan and Mr. Anderson, readers should be aware that candidates backing some wild-eyed scheme or another often find it wise after being elected to declare their support of the Constitution. Mr. Reagan's record as governor of California outshines his present courting of conservatives who, if they had their way, would make this nation a "Christian republic."

We would urge all citizens who treasure First Amendment freedoms to heartily enter into Governor Reagan's plea to support his crusade with prayer (if not with a vote). The great issues of our nation are still in the hands of a God, who treasures the right of every man to say not only "I love You, God" but also "I hate You, God"—or, again, simply to say, "I ignore You, God."

More important than a candidate's views may be the appointments he makes. A Supreme Court Justice appointed by the President may stamp his mark on the wall of separation in such a manner as to affect its durability for decades. Mr. Reagan's courtship of the Far Right—indeed the *far*, Far Right—should be as much a warning light to defenders of religious freedom as should another candidate's courtship of the far, Far Left.

With Madison we must "take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of the noblest characteristics of the late Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle."

Madison could well have been looking prophetically at the Far Right's entrance into political affairs in our day when he concluded:

"Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?"—Madison's *Memorial and Remonstrance* (1785).

Following are the President's answers to three questions we considered of particular importance.

LIBERTY: Would you favor a religious amendment to the Constitution that would restore a state-written prayer to public schools?

CARTER: Prayer is a very important part of my own life and an integral part of my family life. Because of its importance to me, I would not wish to

be coerced or have my family coerced in any way into praying or taking part in a religious observance. Nor would I want to see any person, especially a child, forced by government or any other public institution to participate in an act of worship that is not personally meaningful or that is offensive to that person's beliefs.

Separation of church and state is very important to me. Each individual's relationship to God is intensely personal. The state should not encroach on that relationship either by restricting or mandating religious activity.

Therefore, from the standpoint of personal conscience and my commitment to church-and-state separation, I do not favor laws that could allow a state to dictate prayers in public schools. I do not object to truly voluntary prayer in public schools. By voluntary I mean a prayer that a pupil might say to herself or himself in the course of the day. I do not object to a teacher beginning the day by suggesting that the class have a moment of silent meditation, nor is there a constitutional problem with that. The problem comes when a teacher or other school authority leads a spoken prayer that might be offensive to a child or a child's parents.

For school boards to write prayers or mandate devotional times is to run the risk of overlooking a fundamental commitment to the nation—that is, the consideration for and protection of the rights of minorities. Imagine how you would feel if your child attended a public school in which he was embarrassed because his faith placed him in the minority position. We must honor the consciences of all youngsters and their parents. It is true that a child could leave the room during the prayer, but that places an unfair burden on how that youngster was forced to get up and leave during the prayer time. Such a thought causes me great personal pain.

There is another point to be made. Time and again the Bible and other holy books strike at hollow religious practices that do not come from the worshiper's heart. Just because prayers are offered in public school does not mean such experiences will be meaningful. In fact, routine prayers might well become mere rote experiences involving little real conviction. Such formal practices could even stand in the way of, rather than encourage, the kind of deep personal faith that would provide a sound moral compass for the young.

LIBERTY: Do you think it wise to leave the issue of school prayer practices up to the individual states, as the Helms Amendment would do?

CARTER: Senate Bill 450 (the prayer-in-public-schools bill) has attracted considerable attention. I will withhold any final decision about the bill until the Congress has acted on the legislation. However, I object in principle to any attempt by the United States Government or any of the several states to establish religious practices in public schools. For the government to establish such practices violates the most fundamental principles of our nation, the freedoms our nation was founded to secure.

LIBERTY: Several groups have committed themselves to making America a "Christian republic" by electing the "right kind of politician" to public office. Do you see a beneficial function for such a Christian coalition in the political processes of the nation?

CARTER: You ask about making America a "Christian" republic. I do not believe our founding fathers set out to establish a "Christian" nation in the sectarian sense of the word. I do believe it *was* their intention to create a nation that was moral, orderly, and keenly sensitive to the spiritual dimensions of individual human beings and of society as a whole.

My personal belief is that there is no better national spiritual foundation than the Judeo-Christian ethic. My hope and prayer is that our nation will always demonstrate the high principles of our religious heritage through its commitment to compassion, justice, and understanding.

What is the role of religion in government? I believe our noblest religious teachings should both bless and question government. When government is right and moral, let our religious institutions say so. When government is wrong and immoral, let the churches and synagogues of the land call the state and its leaders to account for their deeds. A healthy tension between government and religious institutions is good for state and church.

Every American voter has the right and responsibility to work for and seek to elect the leaders of his or her choice. Our American system of government is built on the participation of the people. I invite the personal involvement of the voters of the United States.

I do extend some words of caution: The problems confronting our nation are complex and deeply rooted. Citizens should make every effort to be fully informed, to look at all sides of the issues.

Furthermore, it is a mistake to label political issues "Christian" when in fact they are political issues. For instance, there are advocates and opponents of the Equal Rights Amendment who tend to define it as a "Christian" issue. In reality, there are people of all religions (and no religion) who come down on both sides of this complex issue.

Similarly there are Christians who believe we ought to provide more and more money for national defense, while there are others who believe we ought to disarm unilaterally. Political issues need to be seen in the clearest light possible, free from religious labels. Our religious beliefs necessarily affect our every decision, but they do not give us the right to preempt the freedom of others to express their religious beliefs in ways different from our own. My own freedom to follow my conscience depends on my willingness to grant others the same right.

Recent history has poignantly reminded us of the danger of state-enforced religion. The strength of our nation has always been its ability to find unity in our diversity, to find common ground in the midst of our varying views. Our nation is consistently refreshed by, and in turn refreshes, the faith and will of ordinary men and women, free individuals. Personal commitment is essential to true religious faith. Such eternal and everlasting faith, far from needing the state to prop it up, becomes the wellspring of the republic. □

PHOTO BY THE WHITE HOUSE

Move Over, Archie Bunker

By Dotty Lillo

Or, What happened when I spoke up against my school's Christmas program.

Archie would have felt right at home at the school board meeting. The atmosphere was explosive. And the philosophies expressed were Bunker-profound. Such as when Mr. Jacobs rapped his fist on the table and said, "I think that Christmas program was the best I ever attended! Why are kids so rotten today? Because the big cities have removed prayer from schools, that's why!"

Shoving his glasses back into position, Mr. Jacobs stood erect and directed his remarks to Pastor Hall. "What our school needs is *more* religion, not less! What have you got to say about *that*, preacher?"

"Would you like more of *my* religion in your school?" was the calm response.

Quiet. Dead quiet. Silent agreement. Neither the school board nor the fundamentalist Christians present wanted *that* preacher's religion promoted in the school.

That Christmas program was the best, according to Mr. Jacobs. A Christian and member of a local church, I felt it was illegal and blasphemous! The Saviour of the world received equal billing with Santa Claus!

At a parent-teacher conference I repeated my objections to an administrator. He replied, "That Christmas concert is the best public relations project the school has. We have parents who won't come for conferences; everyone comes to the Christmas program."

"So Christ is your PR tool! That's outrageous!"

"That's your opinion; I think Christ can serve both purposes."

A month later I accepted an invitation to present my objections to the school board. I was naive enough to believe that the board would quickly adopt a policy in accordance with the law. Following is a summary of the board's reactions:

"The atheists were responsible for those laws! Are the people in your church influenced by the atheists?"

"There are four hundred students in our school; do you think all those kids should have to give up their freedom for twenty members from your church?"

"I suppose we'll have to give up our freedoms; minorities are running the country today!"

"You must be against the government."

"So, you're against religion and for obeying laws; are you for abortion, too?"

Majority rights took precedence, as they did in the seventeenth century, when people fled to America to escape them. Still, few colonists considered tolerating other creeds. In Massachusetts, settlers were banished or hanged for not agreeing with the Puritans. Pennsylvania adopted a policy that included: "All persons who also profess to believe in Jesus Christ the Saviour of the world shall be capable to serve this government in any capacity."

Those colonists had a common affliction, "myrightitis," or, My rights are precious—your rights are trivial. One colony was the exception—Rhode Island. Christian and non-Christian religions were allowed freedom of worship there. Gradually other colonies also developed some tolerance for differing creeds, but "myrightitis" emerged repeatedly.

It was not absent in my school district. Following my appearance before the board, letters of criticism began to appear in the local newspaper and in my mailbox. Here are some—and my reactions:

"Christ has more respect than any man I know in this troubled world. . . . Why can't we celebrate His birthday along with George Washington's and Abraham Lincoln's?"

You can. But not in the public school. Christ is church; George and Abe are state. The Bible and United States law require that the two remain separated.

"You say you respect our rights to religious freedom. If so, why do you demand we take religion out of school? I do not approve of teaching a certain creed, but singing Christmas songs to celebrate Christ's birthday is part of every Christian's belief."

Christianity is a "certain creed."

"You're so sure your church and beliefs are the only true ones. So were the Pharisees, and Jesus called them vipers and hypocrites."

The Pharisees prayed on street corners so that others would see their piety. You want youth to parade their piety in the public school. Jesus taught His followers to pray secretly and to worship God "in spirit and in truth." The objectives hardly seem attainable through ceremonial religious services in public schools.

"The people in our town are hard-working and religious. You are a disgrace to the community. Why don't you move to Russia?"

For a while, Russia looked inviting!

"Communists will love you for this—take the prayers out of our schools for three generations, have a gun control law—they can move in and take over this country without firing one shot. Think about this."

When *that* anonymous letter arrived, I thought Archie Bunker *had* written it; but Archie would have signed his letter.

Did our school remove the Christ child from the program? No, and the prayers were said as usual.

I'm hoping that next time the board will include one on "myrightitis." Now *there's* something to pray about! □

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An Exercise in Futility

By Rabbi Leo Trepp

As the Nazis rose to power in Germany, students were being required to take religious instruction and to pray daily in the state schools.

Required prayer in public school, required religious education in public school—I witnessed it for nine years in Germany. I cannot say that I participated in it, for few did in the full sense of the word.

Prayer was required daily at the beginning of the first period. Religious instruction was mandatory, offered for one hour twice a week. The students were separated according to their religion and had different teachers. Later, during my university student days, I was to teach some of these classes myself.

Since public education's establishment in Germany, every German child had had between eight and twelve years of daily prayer in school and at least two hours of religious instruction a week. The religious exercises did not prevent the rise of the Nazis or their atrocities. My own experience tells me that the prayers and instruction were an exercise in futility.

There were two prayers composed by the school authorities: a brief one, possibly for the lower grades, and a longer one for the upper grades. Both were strictly neutral. In practice these prayers became interchangeable, even in the upper grades, and were simply called "the short one" and "the long one."

The short one said: "Dear God, make me free, that good and diligent I be. Amen!"

The long one said: "Almighty God, dear heavenly Father! In Thy name, let us now, in pious spirit, begin our instruction. Enlighten us, teach us all truth, strengthen us in all that is good, lead us not into temptation, deliver us from all evil, in order that, as good human beings, we may faithfully perform our duties, and thereby, in time and eternity, be made truly happy. Amen!"

Only in retrospect do I recognize that it was quite a good neutral prayer. At the time, I never thought about it. Actually I always felt uneasy, not merely because I had already offered my morning prayers, either at home or in the synagogue, but because it was an intrusion into my self. The compulsory character of the prayer, the state's telling me when and how to pray, disturbed me. I need not have felt uneasy, for no one took the activity seriously.

There was always a leader, one student who recited the prayer aloud. The rest were supposed to follow silently. Sometimes one of the students simply started reciting; at other times, the class decided who would lead, and usually a less-popular or less-gifted student would be pressed into the task. Later a small Jewish boy, Hans, on his own volition, became the more or less permanent leader. His participation produced an amused and condescending acceptance: The Jew *prays!* Well, let him. Who cares anyway?

Hans was able to meet the wishes of the class. If mathematics was our first period, he was to stretch the long prayer for several minutes, in order to shorten the period of sometimes painful instruction. If we had a test and needed every minute, the short prayer had to be said rapidly—unless the teacher was a few minutes late, in which case we hoped to persuade him that, following the long prayer, insufficient time was left for the test.

We had a Latin teacher who was a Lutheran. He had lost a leg in World War I and walked slowly with a cane. He made a rule that prayer was to begin when he appeared in the door of the classroom and had to be completed when he reached his desk.

Our math teacher did not care whether we recited the long or the short prayer. He turned his back on the class, folded his hands behind him, and looked out the window.

Another teacher would bang his fist on the desk when someone started the long prayer and would scream, "The short one!"

An English teacher sorted his lecture notes during prayer.

We had a drawing teacher, a devout Catholic, whom the class tortured. He always insisted on the long prayer. Before it started, he called us to concentration: "Let us be quiet now; let us attune our minds!" As quiet reigned: "Let us begin!" He bowed his head and made the sign of the cross. Once a student had a coughing spell in the middle of the prayer. Rapping on his desk, the teacher stopped us: "Let us pause; wait until his spell has passed, and then let us start over again." We did. But from then on, every prayer was interrupted, not once, but several times. Books would fall to the floor; chairs toppled over with a crash. The ringleaders had a marvelous time designing ever new means of disruptive action. The rest of the class snickered. No one ever objected; no one dared to object. We were indeed given an "education."

Ours was not a class of ruffians. After graduation we were told that, intellectually, it was one of the best classes that had ever gone through our high school. Among these students were quite a number who were religious boys, attended church regularly and prayed earnestly on their own. But there were also the future Nazis, already imbued with Nazi ideology; they had power, and official prayer gave them an outlet. Those who did not endorse Nazi doctrine, then or later, were students who came from deeply religious Christian homes and whose parents worshiped with them.

I also did some praying in school, in addition to my regular morning prayers at home. On difficult days, perhaps

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when the questions of a hard test lay before me, I would wait until the public prayer was over and then silently invoke God's help to sustain me in the task that lay ahead. The education received at home made me pray in the hour of need.

State-ordained prayer was self-defeating; state-ordained religious instruction even more so. I never took it. My parents disagreed with the religious orientation of the teachers. I had received private instruction since early childhood and later studied with the local rabbi. After talks with the school authorities, my parents succeeded in getting me released under the provision that the rabbi submit a grade in religion for me to the school principal every time reports were issued.

Religion was a major subject. Students who had a "4" (same as a D) in two major subjects had to repeat the grade unless they balanced the two low grades by at least one "1" (A). Parental pressure on the teachers of religion of poor students was relentless: "My son will fail unless you give him a '1'; yours is the responsibility. Where is your Christian charity (Jewish love)?" It became proverbial: "A student's '1' in religion reveals his failing in math."

Pressured, disrespected by their students, who knew that they could and would be manipulated, the teachers of religion lived a life of frequent agony in the classroom. The students did not care to learn and did not learn; disorder was rampant. Classes exchanged ideas about how one could make life miserable for the teacher.

I was in the midst of my rabbinical studies at the seminary and my general studies at the University of Berlin when the Nazis assumed power. Soon my younger brother could no longer endure the treatment he received from teachers and fellow students in his high school. My father decided to send him to a Jewish preparatory school affiliated with the Jewish teachers' seminary in Würzburg. He was placed in an advanced grade of the preparatory school—on probation; he needed tutoring.

My father told me to take a leave of absence from the seminary, go to Würzburg, and tutor my brother. I went, and after some difficulties I enrolled at the university. Though a carrier of the despised yellow Jew card, I found sympathetic professors, who made it possible for me to earn my doctorate at the very last moment. The professor directing my dissertation was a devout Catholic, yet he worked with me on Easter Day, as time was running out. Later he was "investigated" by the Nazis for the help he had given me and other Jewish students. There were, among the Nazi professors, some courageous men. The rector of the university was not one. Rather than sign the diploma of a Jew, he left town. Thus my diploma was signed by the acting rector.

My brother completed his course of studies and received his teacher's credentials; I returned to the seminary in Berlin and completed my rabbinical education.

By the time I went to Würzburg I was already licensed to teach religion in public school. I was assigned several classes, one in a trade school, which all apprentices had to attend several days a week. I shall not forget the charge of the principal; it was short: "I am obligated to have religious instruction in my school. The whole thing is a mess. I do not care the least what you do in class. I do not care whether your students learn anything. But I do not want any noise to come out of your room. I shall walk the halls. When I have heard noise coming from any room, I have fired the teacher. I shall not hesitate to do so with you. If you have trouble with a student, send a request to the custodian, and he will come and spank the culprit. I want quiet, that is all!"

I also taught at a girls' high school. I knew, of course, that access to the teachers' lounge would be denied me as a Jew. I never asked for a key. During free periods I would walk through a nearby park. Before long I met the Catholic priest who taught religion in the school. He had been forced to surrender his key to the teachers' lounge. We had interesting discussions. Würzburg was a Catholic town, and yet the teachers were afraid. Perhaps the priest would teach ideas not in accord with Nazi doctrine. Better be safe; better be able to tell the state, We have excluded him.

The rest is history. Both teachers and students had been products of state-directed prayer and state-directed religious instruction. Where was the result, the conviction, the spirit, the courage? Small wonder that I am a staunch advocate of separation of church and state—in the interest of religion itself.

I have often asked myself, How many parents may have eased their conscience by saying, I need to do nothing or little in religious education for my children; the state takes care of that! The religious education given by order of the state and under its supervision in Germany did not make religiously committed men and women. Had it been successful, the Nazis and their ideology would have been rejected. The religious education I received at home, in the synagogue, and in independent institutions has sustained me throughout my life, even in its darkest days.

I believe that the future of our nation depends on the religious education we give our children—an education that will take root as home and church or synagogue, in full and free commitment to the word and mandate of God, provide instruction through the Word and living example. □

ILLUSTRATED BY JEFFREY DEVER

God and Darwin in the Classroom

By Lynn Krupa

To June Ruyle, parent, creationism is both a religious truth and a scientifically defensible fact that should be taught in the classroom. To Thor Sabo, parent and teacher, creationism is an unverifiable religious concept that belongs in church, not in a public school. This fall the Hillsboro (Oregon) High School will try to satisfy both.

Ever since Darwin developed his theory of evolution, Christian parents of many denominations have anguished over the effects of Darwinism on their children's faith. How can the Biblical version of Adam and Eve live side by side with the theory that man evolved from lower life forms? What should their children be told when they study evolution in school?

For some Christians evolution is no problem—by one approach or another they accommodate to the theory. But the evangelical Christian finds evolution a heavy cross to bear. When taught in school, with the formidable academic community united in its defense, evolution challenges religious beliefs the parents have taught their children. And all too often, these parents complain, evolution is taught as fact rather than as the unproven theory it is.

In Hillsboro, Oregon, parent fears and frustrations about evolution recently culminated in a local school board decision to teach scientific creationism in the classroom. For June Ruyle, a leading proponent of the class, the decision was a long time in coming. The mother of four children ranging in age from 16 to 23, June believes that the theory of a divine creation should be an integral part of public education.

"It isn't fair to teach one theory [evolution] and not the other," she says. "I pay just as many taxes as the next person, but my children aren't getting a total education. I have to spend time teaching what the schools leave out."

Born into a fundamentalist Lutheran home, where the Bible is the indisputable authority, Mrs. Ruyle had her first introduction to creationism as an investigative discipline when she was 14 and read a newspaper serial on the subject. A few years later she got her hands on *You Might Believe*, by Henry Morris, a leading creationist. She laughs when she remembers standing in the bus aisle and trying to read while hanging desperately onto the strap dangling above her.

"Henry Morris believed in evolution until he began to investigate the theory of creation. His book was really exciting," recalls Mrs. Ruyle, who is an avid reader.

June and her husband, Tom, an industrial engineer, moved to Hillsboro, about a half-hour west of Portland, in 1963, when their oldest child was just starting the first grade. As an assembly-line worker for an electronics firm, she quit work to raise her family and didn't go back until the 1973 recession. Now June has her own business, selling inspirational books out of her home.

Although an active parent in the school system, she didn't become involved in the creation issue until recently. Instead, she confined her interest in creationism to Sunday school classes and neighborhood Bible study groups, which she taught for ten years. Every Wednesday women from various religious denominations would appear at the Ruyle home to discuss books, family problems, and social change.

"I don't care for idle chatter. The discussion group was an opportunity for me to influence my peers and have a deeper interaction with women. I emphasized the importance of raising children and keeping an eye on the schools," says Mrs. Ruyle.

She complains that evolution is in every school discipline.

"By and large, people are evolutionists because that is the only thing presented in school. Creationist books are available only in Christian bookstores."

Mrs. Ruyle blames teachers for being one-sided. They are already teaching values, she says, so they should include creationism. She cites her daughter's biology class as an example of what worries her about public education.

"The teacher said, 'I'm going to teach evolution as fact.' Many children whose parents are not creationists would not pick up that bias, but my kids did.

"Children who are taught creation one day and evolution the other five days don't know what to believe." Mrs. Ruyle holds that the two theories are "totally incompatible," because creationism takes a strong position on the value of man, while evolution does not.

Creationists in Hillsboro are not limited to conservative Lutherans. Several years ago a wide diversity of parents

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from this booming suburb of 27,000 people went to the state superintendent of schools to request a more balanced presentation of the two theories in the public classroom. While nothing came of their pleas, a former Hillsboro High School board member brought the issue into the limelight more than a year ago when he suggested that the district teach scientific creationism.

Stone Rose, 39, an electric company lineman and a conservative Baptist, wanted creationism taught wherever evolution was presented. That included the science classes.

He contended that scientific creationism does not conflict with the U.S. Constitution's guarantee of separation of church and state, because no particular religion is taught. He promised that the class would present only scientific data supporting the theory of a divine creation.

Rose's proposal was supported by fellow board member Charles Starr, also a Baptist. The three other board members chose to remain silent on the controversial subject, which they referred to a lay curriculum committee.

Six months and considerable study later, the committee recommended that the district teach the course somewhere in the curriculum. Due to almost unanimous opposition from the science teachers, who branded creationism a religion and not science, the committee did not stipulate where the course should be taught.

June Ruyle, who is a member of the committee, would like to see "a balanced approach" in every class but thinks the decision is a step in the right direction.

Most of the teachers and many parents in the community see the move as a big step backward. James Taylor, a former teacher and chairman of the parent curriculum committee, thinks creationism belongs in church, not the schools. He defeated Stone Rose at the polls last March.

"I'd rather not see the course taught in public schools at all, but I can live with it as long as it isn't taught in the science classes," said Taylor.

An even stronger opponent of teaching scientific creationism is Thor Sabo, a Hillsboro High School physics teacher and former science department head. As far back as 1971 he considered the possibility of teaching a two-model approach to both theories. Under the auspices of the Oregon Science Teachers Association, he organized a series of debates on creationism. It was then that he came to realize that creationism is not a science, but a religion.

"Creationists are still using a shovel to spade up a garden. They don't know how to use the [scientific] tools properly," said Sabo.

In response to parent complaints that evolution is being taught as fact and that creationism should be given equal time, Sabo contends that very little evolutionary theory is taught in the required biology classes in the Hillsboro Union High School District.

"It's unfortunate that we have to ignore evolution, but it creates less hassle. The biology teachers think they are doing pretty well now and don't want to upset the apple cart. Besides, they want to make the changes themselves and not under pressure from a lay board."

Sabo says biology teachers use evolutionary theory to tie things together and not to explain the origin of life. "If a teacher is talking about origins, I think he should include the theory of a divine creation. But it should be a five-minute discussion, not a big two-week unit."

Sabo is opposed to junior high and high school students' discussing creationism as if it were science, because, he says, they are not well enough versed scientifically and their arguments are emotional. Some science teachers are not qualified to argue the scientific merits of evolution and creation, he says.

The physics teacher has a particularly hard time understanding how the biology teachers in his district can tolerate downplaying evolution. "If somebody told me I couldn't teach the theory of light I'd be pretty upset. I'd take them to court."

A nonpracticing Unitarian ("because the church is too far away and my kids don't like to go anymore"), Sabo says he would go to court if his children were introduced to creationism in science classes. "Even if the course is an elective, my tax money should not be used to push a particular religion. I'd take the class to court and sell my land to finance it."

The father of four boys ranging from the seventh grade to a college sophomore, Sabo lives with his wife, Barbara, on a twenty-acre wheat farm north of Hillsboro.

He is definitely not an atheist, he says. "I believe in a supreme being, an organizer, that some people call God. But we are not created in his image and we did not fall from his grace." Sabo believes that God gave order to the universe but was not involved in the beginning of life. Therefore he sees scientific creationism as conflicting with his religious convictions.

There was little talk about religion when Thor Sabo was a child. "The only time I went to church was when my maternal grandmother came to see us. I remember my father telling me I should make my own religious choice when I grew up," says Sabo. His father was a quiet man. He never talked very much about why he left Norway, his native home. But Thor thinks he knows.

"My father came to America during the Depression, so maybe he was looking for a job. But I think he left Norway because of the state religion. Lutheranism was in the schools, and my father was educated to be a teacher."

The elder Sabo's intent was to meet a friend in San Francisco, but he ran out of money in Portland, Oregon, and ended up settling there. Unable to speak English well, he took on menial jobs and died a custodian. The Sabo family lived in a predominantly black working-class community in Portland. Typically, their greatest pleasure was to get Thor through college. They weren't disappointed. He graduated from a prestigious private college with undergraduate and graduate degrees in chemistry, and taught in Hawaii before returning to Portland. In 1965, Thor joined the Hillsboro Union High School District, where he has taught physics ever since.

A scoutmaster for eleven years and a program director for the past four years, Sabo says he picked up his religion from the Boy Scouts, where chapel at camp is a daily requirement. "I always insisted that the kids in my troop go to chapel," says Sabo. But he believes strongly in the separation of church and state. Religion belongs in the Scouts (a private organization) but not in public education. He adamantly refutes June Ruyle's contention that there is ample scientific evidence supporting the theory of divine creation.

The two Hillsboro parents are poles apart in their thinking about how public education should best serve the community. In an effort to bring these divisive poles together and avoid a split in the district, Hillsboro school officials have worked hard to come up with a satisfactory compromise. Only time will tell whether the opposing factions can work together to improve rather than impede their children's education. □

On Trial for a Home School

By Fred Barbash

PHOTOS BY SCOTT RANDLE

Ruth and Peter Nobel, of Dorr, Michigan, went into court with many friends, but little law, on their side.

In their studies, the children of Ruth and Peter Nobel were working well above their grade levels with a teacher they loved and respected. Their classroom was free of foul language, drugs, and overcrowding.

But their classroom also was their living room, not that of a Dorr, Michigan, school, and Mrs. Nobel was not licensed to teach. So local authorities arrested the Nobels and put them on trial.

The Nobels, devout Calvinist Christians, rejected conventional schooling for religious reasons. About 10,000 families—probably not as successful as the Nobels, but ignored or tolerated by local governments anyway—have their own justifications elsewhere in the United States. For some it simply may be the notion that they can do a better job than the schools.

The issue is educational standards: who sets them and who enforces them. The issue also is children: who is in charge of them, the parent or the state. And, for the Nobels and a relative handful of like-minded families, the issue is the fundamental one of religious freedom.

The family had little legal precedent on its side when it went into court late last year. In 1972 the U.S. Supreme Court had ruled that an Amish family could withdraw its children from the schools for religious reasons at age 14, two years before Wisconsin law allowed. But the court carefully drew the line at 14, saying nothing about younger children, alternatives to conventional schools, or government supervision of what the Nobels consider a religious exercise: education.

Each year since, small cases scattered around the country have been won or lost on lesser legal questions than the First Amendment.

Last December the Nobels became the first family in recent times to win on the Bill of Rights, when Michigan District Court judge Gary Stewart ruled that both conventional schools and teacher certification interfered with their religious freedom.

The Nobels' trial, in the rural Allegan County courthouse, lasted one day. It was, said the bailiff on duty, an extraordinary day, as churchgoers from all over Michigan filled the courtroom and crowded the lawn outside, peering into the courthouse and listening through the windows.

The Nobels and their seven children, five of school age, live about two miles from the Dorr Elementary School.

"Write the word *smiling*," says Ruth Nobel, at a table with her daughter Charity, 7, teaching spelling. "Now, remember a rule you learned yesterday. If it ends in *e*, what do you do?"

"Drop the *e* and add the *ing*," Charity responds.

"Now write the word *pile*," says Ruth. "Now *piling*."

"Is this the last one?" says the child. It is not, because school in the Nobel home ends at 3:15 P.M.

The other children, on a couch, are reading and writing, consulting an atlas, copying the flags of different countries from *The World Book Encyclopedia*.

Hope, eighteen months, and Luke, 4, weave in and out of the living room, demanding carrots from their mother, who gets up to help. Finally, Luke grabs a book, firmly places Hope in a chair, and proceeds to imitate his mother's teaching.

"Read this, Hope," he says, putting a book on the toddler's lap.

The schedule is precise for all the children. Abigail, 12, is up at 7 A.M. At eight o'clock there are chores. At nine, prayer; nine-fifteen, math; ten-fifteen, break; ten-thirty, English; eleven-thirty, reading; at noon, a break; one P.M., Bible (except on Fridays, when a book report is due); two, break; two-fifteen, government or science or art.

Ruth Nobel, 37, who was graduated from Calvin College in education, and Peter, 28, a carpenter, structure the

Fred Barbash is a staff writer for the Washington Post. *Reprinted with permission.*

teaching around a home-study course provided by the Christian Liberty Academy in Illinois. Each program is individually tailored to the child.

During the preparation for the Nobels' trial, a psychologist had given each of the children standardized tests for learning achievement. The results played a major role in the judge's decision.

Abigail tested at college freshman level. Charity, then 6, scored at the level of a second-grader. Naomi, 11, who would have been in sixth grade at an ordinary school, scored at eleventh-grade level. Priscilla, 10, and Eve, 9, performed equally well.

Peter and Ruth Nobel take the Bible seriously. It is, they explain, their entire life, which they are obligated to pass on to their children.

Doing so—even in the town of Dorr, Michigan—was not easy, they say. Public schools were out of the question from the start.

"Immorality, the dress, the attitude, the speech—and they can't turn out good students," Ruth Nobel declares.

The family tried a local Christian school but dropped it in August, 1978, because of what they describe as "doctrinal" differences. That was when they started teaching at home. The absence of five children from school in a town of several hundred did not long go unnoticed.

Under Michigan law, as in many other states, home-based schooling is permitted. But nearly all these states impose conditions. In Michigan the condition is certification—the process of licensing teachers. Ruth Nobel, though qualified for certification, refused to take the examination on religious grounds.

"We had to enforce the standards," said Michael Buck, an Allegan County prosecutor. "We need minimal standards to protect the state's interest in quality education."

Authorities issued a warrant for the Nobels' arrest on charges of contributing to truancy, charges with a maximum penalty of two days in jail, a $50 fine, or both. Peter and Ruth turned themselves in and were booked in February, 1979.

The couple are fundamentalists, as were their parents. They believe that neither the public schools nor a religious school would continue this heritage in their children.

They accept the U.S. Constitution the way they accept the Bible: literally.

"It [the Constitution] says that government is there to see that citizens keep their rights," says Ruth Nobel. "The government has no rights.

"It would have been so much easier to get certified. But for me, it would have been sacrilegious, giving an honor to the state that belongs only to God. I would not have kept my rights."

The Nobels went into court with many friends, but little law, on their side. One of the couple's supporters was the Rev. Paul Lindstrom, headmaster at Christian Liberty Academy in Illinois. Through a network of religion-oriented lawyers, Lindstrom helped provide expert witnesses and attorneys for the Nobels, who were represented by Washington Lawyer John Whithead and others.

Sometimes, in small rural courthouses, judges include their personal handwritten notes from a trial in the public record. Judge Stewart's notes summarizing the arguments presented in the case tell the story:

"It would violate her belief to send them to public school. It would violate her religious beliefs to accept certification."

"Would go to jail," he wrote on the final page of a yellow legal pad, underlining the words three times.

In his twelve-page opinion, Stewart said that "an evaluation of the Nobel children has indicated that all five are intelligent and appear to be well-adjusted and normal."

The state, he said, "has failed to produce any evidence whatsoever on the interests served by the requirement of teacher certification, and the [Nobels'] experts, to the contrary, demonstrated that there was no rational basis for such requirements. . . . For her to accept certification would not make her a better teacher, nor would it make her children more intelligent.

"It would, indeed," the judge concluded, "interfere with her freedom to exercise her religious beliefs." □

Ol' Grove City's Day

By Tom Dybdahl

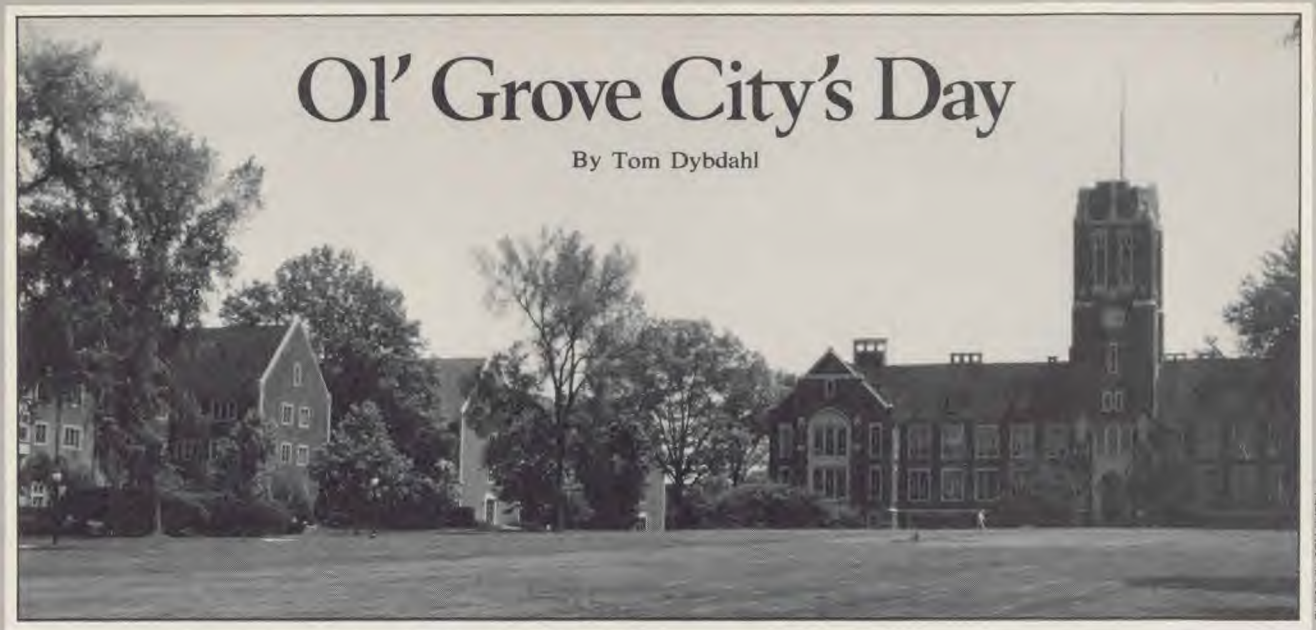

PHOTO BY TOM DYBDAHL

HEW'S Form 639A was a formidable foe, but Grove City College's fight song summed up the intrepid school's spirit: "We've got the team, We've got the steam, For this is ol' Grove City's day."

Almost any of the 8,000 people in Grove City, Pennsylvania, can tell you how to get to the college. Just turn off Route 208 at the Mister Donut shop, follow East Main Street past McNutt Motors, over Wolf Creek, and up to the top of the hill. The main entrance is on the left.

The Grove City College campus has a well-groomed look, with plenty of grass, trees, and some gentle hills, much like the western Pennsylvania countryside that surrounds it. It's a quiet college in a quiet town, and probably would have stayed that way if the president, Dr. Charles S. MacKenzie, had answered his mail.

In the summer of 1977, the college received a letter from the U.S. Department of Health, Education, and Welfare* containing Form 639A. This short document was to be signed by the college administrators to indicate whether the school was complying with Title IX of the Education Act Amendments of 1972, the section that prohibits sex discrimination in college programs. Since the letter specified that "applicants for or recipients of federal financial assistance" must sign, and Grove City College received no federal aid, MacKenzie ignored the letter. When the college board met in September, he told the members what he had done, and they expressed approval. MacKenzie assumed that would be the end of the matter.

But he assumed too much. In the fall, MacKenzie received several "harassing" phone calls from the department, threatening a cutoff of federal financial aid to Grove City students if the college did not sign the form. In response, MacKenzie asked HEW officials to state their claim in writing and to cite the basis for their contention that the college came under their jurisdiction. Nothing was forthcoming.

On December 8, 1977, then-HEW Secretary Joseph Califano announced that there were fourteen colleges—including Grove City—that had refused to sign Form 639A. If these offenders still would not sign after a grace period, he said, all federal aid to these colleges—including aid to students—would be terminated. Grove City officials learned about the ultimatum from an Associated Press wire story the next day.

When the college persisted in its refusal to comply, HEW scheduled a hearing to determine whether Grove City could be required to sign the form. Originally set for Atlanta, the hearing was moved to Philadelphia when Grove City protested the site. On March 10, 1978, MacKenzie and the college lawyer appeared before HEW administrative law judge Albert Feldman and stated their case, opposed by five HEW lawyers and several federal officials.

Some six months later, on September 22, Judge Feldman issued his opinion: Federal financial assistance to Grove City students in the form of grants or loans should be stopped unless the college signed. Feldman said he had found no evidence of any sex discrimination at Grove City College, but stated that the HEW administrator had "total and unbridled discretion to require any certificate of compliance that he may desire." His request might be unreasonable, but Grove City was still obliged to accede or face the consequences.

President MacKenzie labeled the decision "an indication that regulatory agencies are out of control as they seek to govern America," and charged that it was "patently discriminatory in that it would single out Grove City students from the millions of individuals receiving federal educational assistance." The college "believes in compliance," he said. "We just won't sign that d...

* Earlier this year, the education section of HEW became a separate government department.

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piece of paper."

School officials were angered by the judge's ruling. They felt that they were loyal Americans who were "being attacked by a gigantic arm of the bureaucracy." After consulting with the college board, they decided to fight back. On November 8, 1978, Grove City College, on behalf of itself and four students, filed a complaint against HEW in the U.S. District Court for the Western District of Pennsylvania, charging the agency with exceeding its rights by seeking to regulate a private college that accepted no government funds.

Grove City College had not asked for this fight, but once the battle was joined, school officials showed a real heart for the struggle. MacKenzie made it clear that the college would do "whatever is necessary to maintain our integrity as an independent institution." The college public relations department went to work, portraying the struggle as "David versus Goliath," an independent-minded small college defending itself against a massive federal bureaucracy. The government was not going to tell *them* how to run *their* school!

It was a spirit that the college founders would probably have applauded. The school had been started in 1876 by Dr. Isaac C. Ketler and other prominent Grove City men as a privately owned company, with stock held by local residents and parents of students. When the college was reorganized as a nonprofit educational institution in 1895, Ketler cleverly installed as chairman of the board of trustees one of his old teachers, Joseph Newton Pew. In the intervening years Pew had become a highly successful businessman and founded the Sun Oil Company (SUNOCO). Both his money and his beliefs helped shape the college.

Pew gave generously to Grove City College; and when he died in 1912, his son John Howard (class of 1900) was elected to the board, and later served as chairman for forty years. Today the campus includes the Mary Anderson Pew Hall—a women's dormitory named for Joseph's wife—and the J. Howard Pew Fine Arts Center, which includes the Pew Memorial Room and a substantial art collection donated by Mr. Pew. John Howard gave his money quietly—the family foundation did not make its gifts public until 1980—and when he was once approached for information about his philanthropies, responded, "I'm not telling anybody anything. It's my money, isn't it?" Some called his silence modesty; others suggested it was meant to hide Pew's heavy support of the Republican Party's most conservative wing. (Even today there is a Campus Republicans Club but no Democratic counterpart.)

Pew's aggressive capitalism also permeated the college. The board was always heavily laden with businessmen, and two old grads currently on the board include the president and chief executive of the R. J. Reynolds Tobacco Company and the president of the National Association of Manufacturers. One college publication (though supported by "outside funds"), *The Entrepreneur*, contains "articles and information pertinent to the free-economics order." The college has an Institute on Public Policy and Private Enterprise, which last year featured such leading conservative spokesmen as Congressman Jack Kemp (R-N.Y.) and Senator Jesse Helms (R-N.C.).

With such an orientation, it was no wonder that Grove City refused to yield to what its administrators saw as unfair government intrusion. After the college filed its complaint, HEW replied on March 22, 1979, making a general denial and asking for dismissal. Meanwhile, an HEW official announced that the agency would not take any action to cut off funds to Grove City students until the case was resolved. On November 13, 1979, both sides made their oral arguments in a ninety-minute hearing before U.S. district court judge Paul A. Simmons.

The issue—whether Grove City College could be required to fill out Form 639A—hinged on whether the college received federal financial "assistance." The institution itself had never received any direct federal aid, but Grove City students, as do students at almost every college and university in the country, participated in two federal assistance programs: the Basic Educational Opportunity Grants (BEOG) program and the Guaranteed Student Loan (GSL) program.

Under the BEOG program, students receive federal funds appropriated by Congress. The grants are based on need and are paid directly to the students by the Treasurer of the United States. They can be used for any educational costs: tuition, books, room and board, et cetera. The college's only involvement in the program is to certify that the student is actually enrolled.

In the GSL program, the federal government guarantees loans to students from private lending institutions. If the student can show financial need, the government will pay the interest until the student finishes college. Here, the government funds go directly to the lender, and the college simply certifies that the student is enrolled. At the time of the suit, 140 Grove City students were receiving BEOGs, and 342 were participating in the GSL program.

HEW's argument was straightforward: The BEOG and GSL programs constitute federal financial assistance, as defined by agency regulations, because these programs are financed with federal funds and are used by students to pay for their education. Thus, since the college received federal aid, it had to either sign the form or face losing the money.

Grove City's attorney countered by arguing that the BEOG and GSL money did not constitute federal assistance to the college, but rather to the students. In many cases, he pointed out, the moneys came indirectly to the college as part of school fees; but in other cases, such as payment for off-campus housing, they did not. Further, the attorney contended, the regulations that had proceeded from Title IX were too broad and should be restricted to programs that received federal help. And finally, he argued that by trying to apply these excessive regulations to the college and its students, HEW was violating their First and Fifth Amendment rights.

To Grove City administrators, the issue was more than whether government could tell them not to discriminate. As a conservative Christian college (affiliated with the Presbyterian Church), Grove City had a conscience. President MacKenzie believed that "under government jurisdiction the Biblical truths and values we have integrated into our academic program would disappear.

"In our day," he declared, "anything funded by the government is viewed as an extension of government. Since government has . . . become secular, then its extensions also must become secular. If a college or a hospital or a social agency accepts government moneys, it therefore becomes an instrument of government and must become religiously neutral or secular."

Then there was the matter of federal quotas. MacKenzie made no bones about the fact that he opposed open admissions. "We aren't going that route," he said, "because that would diminish the quality of education." He saw Grove City's role as "training

leaders for society," while public colleges, with their lower standards, educated the masses. "We hire a faculty for competence, and we don't want to get into the quota system."*

Finally, MacKenzie believed that accepting federal jurisdiction, even if it meant more government money, would lead to higher tuition costs—"I'd have to put on two or three extra people just to handle the paperwork." Expenses at Grove City for the 1980-1981 school year are $3,650 for tuition and room and board, some $1,500 to $2,500 less than at comparable colleges.

After the hearing Judge Simmons said he expected to make a decision by the end of December. But things went more slowly than planned, and it was not until March 10, 1980, that he announced his ruling. Grove City College did not have to sign Form 639A, and HEW could not cut off federal funds to students because of the college's refusal to sign. College officials were elated and celebrated by serving ice-cream sundaes to the entire student body. But behind the headlines proclaiming victory for Grove City was a decision that raised almost as many questions as it answered.

For Judge Simmons had ruled that Grove City did indeed receive federal financial assistance.† The fact that the money went directly to students was irrelevant; what mattered was that the college was, in the end, the "recipient" of this financial aid. "Since funds are provided which the college would otherwise have to supply from its own resources," the judge said, "the total funds available to the college to carry on its education programs and activities are increased." By giving students additional moneys, the federal funds "enlarged the population on which the college could draw for students."

The rationale for this decision, and much of the language, came from an earlier court case, *Bob Jones University v. Johnson.* In the *Jones* case, veterans' benefits were legally denied to students because the university practiced racial discrimination—it would not accept unmarried nonwhite students and expelled students who dated members of another race. The court here stated that "the method of payment does not determine the result." Even if the moneys went first to the student, they constituted aid to the university, since that's where the bucks stopped.

Nevertheless, Grove City did not have to sign because Judge Simmons agreed that the Title IX implementing regulations did indeed exceed HEW's authority. One particular section of the regulations—subpart E, 45 Code of Federal Regulations 86.51 through 86.81 inclusive—addressed sex discrimination in *employment* in educational programs and activities, rather than in the educational activities themselves. Consequently it represented an "unlawful extension of the statutory authority and legislative purposes" of the law. Any form to assure compliance with regulations that included this infamous subpart E was "null and void and of no legal effect."

But the judge went further. He announced that even if the regulations had been proper, there were two reasons why BEOG and GSL funds could not be stopped. First, as a matter of law, the four student plaintiffs were "entitled to prior notice and a hearing" before any benefits could be eliminated. Since the students had testified that without their federal assistance they could not have attended college, any termination of funds would have caused them "grievous loss. . . . All interested parties should be given prior notice and an opportunity to be heard before being deprived of educational financial benefits accorded to them by law."

Second, even if there had been a hearing for each student, federal funds could not be stopped unless there was clear evidence that sex discrimination was actually being practiced. The whole purpose of the regulations, the judge pointed out, was to prevent sex discrimination. Cutting off funds to the college in the absence of such discrimination would mean that "an innocent student would be unfairly punished by the loss of his or her BEOG or GSL benefit without receiving any concomitant benefit [i.e., being freed from the unholy effects of sex discrimination]." If sex discrimination had been shown to exist at Grove City College, HEW would have had "the right and duty" to eliminate federal assistance. But in the absence of such evidence, any termination would be unwarranted

Just ten days after the ruling, HEW notified the court that it disagreed with several of the judge's findings, and an appeal seems likely. HEW will almost certainly challenge the ruling that in order for the agency to terminate any BEOG or GSL funds each student affected must have a full hearing. If this decision stands, it will make it extremely tedious for the department to cut off these funds to any institution, since so many students are involved.

HEW is also faced with the decision to either change its regulations or challenge the ruling on Form 639A. If nothing is done, all the colleges that have signed compliance forms are not bound by them, because they are "null and void." Meanwhile, HEW is stuck with some 19,500 copies of Form 639A.

Despite the ruling against HEW, however, Judge Simmons made it clear that "this court is not holding that the college is totally exempted from an obligation to execute an Assurance of Compliance under all circumstances." Thus he implied that in a hypothetical situation where (a) the college refused to sign a properly drafted form and (b) where actual sex discrimination in student programs could be proved, since the BEOG and GSL programs constituted federal "assistance," HEW might legally take some kind of action against the college.

Grove City officials realized that their fight was only beginning. "We have won the first round," President MacKenzie said, "but Goliath is powerful. We can expect that he will continue the effort to subjugate the private Christian colleges of America."

The college also recognized that the single most important issue—the question of whether aid programs to students constituted federal assistance to the college—had been decided in HEW's favor. And that decision, if it stands, could have far-reaching effects on many other colleges that take no direct federal aid and that, despite signing various HEW compliance forms, wish to maintain independence from the federal government. The college filed an exception to this part of Judge Simmons' ruling, and if the case is appealed, this issue will once again be central.

Despite the future uncertainties, the decision was sweet to Grove City College. A prepared statement called it a "substantial victory" for the school and a "landmark in the fight for freedom from the tyranny of the bureaucracy." And for the moment, at least, the final words of the college fight song summed things up: "We've got the team, We've got the steam, For this is ol' Grove City's day." □

* Grove City's faculty has 90 men and 25 women.

† In the preliminary decision this included only the BEOG program, but in the final decision both the GSL and BEOG programs were included.

Whatever Became of Sister Fidelis?

By A. D. Kline

Recently a teacher with thirty years' experience wrote, "Discipline is at its lowest ebb in the history of the public school system. Valuable teaching time is spent maintaining order in the classroom. Memorizing facts is considered old hat. Grades are 'bad' because they can be hard on a child's ego. Our schools are geared to the nonachiever. The result is mediocrity.

"In our day we learned how to compete and cope with the world. Now students are encouraged to 'do their own thing.' If they don't learn anything, the world is supposed to cope with them."

That teacher should have known Sister Fidelis. She taught eighth grade at Sacred Heart. There were eleven in that class: eight boys and three girls. Roman, a kid the rest of us called "the dummy," graduated at the bottom of the class with a 94.2 percent average!

I will never forget a lesson I learned the hard way, a lesson in memory, discipline, and honesty. At Sacred Heart we attended a mass every morning before classes. Normally the altar boy had to light only two candles on the altar. During May, which is dedicated to the Blessed Mother, we had benediction after mass each morning. For benediction *all* candles should be lighted. I was the altar boy and I forgot all about lighting all the candles.

After mass Sister Fidelis, her steely gray eyes blazing, told me in no uncertain terms not to forget to light *all* the candles for benediction. The next day I forgot again. Sister, looking seven feet tall in her long black robe, said, "Young man, in order to help you to remember to light all the candles, you will write one thousand times 'I will light all the candles on the altar for benediction.'"

After three nights I had written that sentence a little more than 700 times. A couple of girls felt so sorry for me that they decided to help. One had written the sentence 100 times and the other 50 when Sister Fidelis caught them. "Well," she said, "since you all like to write so well, I'll let each of you start over and each one will write the sentence one thousand times." She slowly

and carefully picked up all that we had written, tore the sheets into several strips, and dropped the pieces into her wastebasket. Do you think I ever forgot to light *all* the candles on the altar for benediction?

I'll never forget an experience we had with Roman. He put us all on the spot. It was right after lunch, and Sister hadn't returned to the classroom yet. Someone threw an eraser across the room. Naturally, someone threw it back. Roman rubbed chalk on it and let it go again. As Sister entered the room it caught her flush on the cheek. She picked up the eraser and placed it in the rack at the bottom of the blackboard. Slowly she brushed the chalk from her habit. Each of us could hear the other ten breathing.

Sister looked slowly into our faces. "Now," she asked softly, "who threw that eraser?" No one held up his hand. No one said, "I did, Sister." No one said anything. It seemed like five minutes before Sister said, "Very well. You may all stay after school until five minutes to five each day, or until someone admits having thrown the eraser." The only reason we didn't have to stay later was because Sister had to be in the convent across the street by five o'clock for vespers.

Now we all knew who had thrown the eraser, but no one wanted to be a tattletale. But by the third day we were getting tired of sharing the blame. Several of us told Roman to confess or we would take care of him. That evening he withstood our glares for an hour and then suddenly stood up and, his voice barely audible with shame, said, "Sister, I did it." No one ever asked Roman what his penance was—and he never told us either!

One day I learned a valuable lesson in obedience, silence, and discretion. At Sacred Heart we were punished, if caught, for talking to the one sitting behind us. I turned around one day but hadn't got a word out when—wham! I don't know how Sister got to my desk so quickly, but she had just slapped my face.

I was really mad when I got home and told my mother what had happened. All she said was, "What did you do?" Now, I didn't feel any obligation to tell her what I intended to do. So I told her I had done nothing. Before I could blink my eyes my mother slapped my face. "I'll ask you once more. What did you do?"

"I told you, Mamma. I didn't do anything!"

Muhammad Ali couldn't have slapped my other cheek more quickly. "Young man, don't ever tell *me* that Sister is going to slap you for doing nothing! Nuns don't do those things!"

Did writing that memory-jogging sentence nearly two thousand times injure my psyche? Did the confession of Roman, the class "dummy" with a 94.2 average, hurt his ego? Did I feel rejected because I was punished at home for the same thing I had been punished for in school?

What's wrong with instilling in students the necessity to learn? What's wrong with teaching the basics of "readin', writin', and 'rithmetic"—yes, even "to the tune of a hickory stick"?

I wonder whatever became of all the Sister Fidelises? □

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ILLUSTRATED BY MARSHA LEDERMAN

An Inquisition of Lunacy

By Rabbi Arthur A. Chiel

When Warder Cresson converted to Judaism, a jury was confronted with the question of whether a man's religious opinions can be made the test of his sanity.

On May 15, 1849, Warder Cresson, scion of a respected and well-to-do Quaker family, was brought before a Philadelphia sheriff's jury on a charge of insanity. His wife, Elizabeth, and Cresson's immediate family had obtained an "Inquisition of Lunacy" against their husband and father. More than a year earlier, in March, 1848, Warder Cresson had converted to Judaism in Jerusalem. Now, on his return to Philadelphia, he was being charged with incompetency to manage his financial affairs.

Cresson's family averred, among other things, that he was planning to waste the family's assets in the rebuilding of the Temple on Mount Moriah. Surely a man who fostered such a plan must be mentally incompetent; he could well squander the family's property on this obsession. After brief deliberation, the jury of six declared Warder Cresson insane.

But the legal contest over Cresson's sanity had only begun. It would be battled over the next two years and climaxed by a sensational second trial in 1851. "This decision is of vital importance," reported the Philadelphia *Public Ledger*, "settling forever the principle that a man's 'religious opinions' never can be made the test of his sanity."

Early nineteenth-century America was a period of great religious ferment. Political freedom, social mobility, and a boldness inspired by frontier expansions contributed to an atmosphere conducive to spiritual innovation.

"It was a time of rapidly shifting social standards and institutional life," writes Sydney E. Ahlstrom in *A Religious History of the American People*. "After the War of 1812 nationalism had a new birth, and with it came a unique blending of jingoism and Christian eschatology. . . . Tumultuous population growth and westward movement transformed the map and makeup of the country. . . . Yet there were frustrations of equal magnitude for those who were displaced by the new egalitarian order, and more drastically for those left behind in the race."

Sects proliferated, and each challenged anew the authority of the established churches. Shifting of religious loyalities was commonplace. Warder Cresson was one of the many caught up in this religious maelstrom. Among the Quakers, of whom Warder Cresson was one, there were stirrings of dissent. In 1806, Philadelphia Quakers disowned members for denying the divinity of Christ, revelation of the Holy Spirit, and the authenticity of Scriptures. Further disruption came in 1827, when the Quaker Society divided between those emphatic about the "inner light" and those who insisted that Scripture was not an end in itself, but should be studied for enlightenment. On Long Island, Elias Hicks became the leader of the schismatics, and "the Society of Friends was fast becoming a society of enemies." This religious quarrel drew lines between Quaker families, schools, and even cemeteries.

The Quakers' internal controversy was not one of mere theological character. It was accompanied by vehement attacks on wealth and privilege. Pamphlets recalled William Penn's instruction to his followers to wear garments "plain and simple." Criticism was leveled at the exploitation of the "oppressed poor" by "pseudo-Quak-

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ILLUSTRATED BY MARSHA LEDERMAN

ers." The affluent among them were described as people "who regularly import the newest fashionable patterns of coats, vests, and pantaloons." Their children were being misled by being given "lessons in dancing, fencing and boxing schools."

In 1827, at age 29, Warder Cresson entered the Quaker affray by attacking the privileged among his brethren. His first published religious tract was "An Humble and Affectionate Address to Select Members of the Abingdon Quarterly Meeting," in which Cresson revealed a strong preoccupation with Scriptures, along with contemporary social problems. This Cresson pamphlet was hardly as humble or as affectionate as the title suggested.

"I was called by the Lord," wrote Cresson, "to declare unto those that were gathered, the difference between the righteousness of the letter, or law, and the righteousness of the Gospel." He was critical of the external aspects of religion. "External things," Cresson asserted, "cannot reach into the internal nature of the soul."

In 1830, Cresson published yet another tract, with the title "Babylon the Great Is Falling! The Morning Star or Light From on High, Written in Defence of the Rights of the Poor and Oppressed." Using prophetic and eschatological allusions to which the religious community was well attuned, Cresson attacked wealth and social snobbery. "It will certainly be admitted," he wrote, "that all the misery and troubles that affect the human family arise and spring from selfishness." The lack of authentic religion, he argued, a faith that ought to be demonstrated by self-denial and universal love, had caused tyranny, slavery, and wars.

Cresson attacked the monopolistic ways of wealth "by bank charters . . . lotteries . . . licensing of thousands of unnecessary taverns . . . by the endowment of colleges and seminaries which only prepared thousands of 'locusts' to eat up every 'green thing in the land,'" taking away money from the "industrious and laborious." He denounced the government as a "set of selfish laws and selfish appointments in the thousands of legislators and self-seeking officials." Even the "once happy republic, the glory of the world," the United States, must fall as did all earlier republics "unless they come out of all selfishness and equalize wealth and education."

Cresson singled out the Quakers especially for their blindness to the wrongs in society. Had they not been intended to be "living witnesses for God"? Instead their faith had weakened, and they had turned "to buildings and erecting another Babel on the ruins of the old." There was little difference now between priest and Quaker. "The Quaker," said Cresson, "is a hireling for praises and pre-eminence; the priest is a hireling for money." Quaker relationships had degenerated into mundane business connections.

In the meanwhile, Warder Cresson and his wife, Elizabeth, farmed at Byberry, Pennsylvania, and reared their family of seven children. But there were religious differences, over the years, between the Cressons, and estrangement would eventually follow.

During the 1840's Warder Cresson developed a friendship with Rabbi Isaac Leeser, of Mikveh Israel Congregation in Philadelphia, editor of *The Occident*, and advocate of traditional Judaism in the United States.

Leeser had come to national prominence as a Jewish leader and spokesman in 1840. That year, the Jews of Damascus were suddenly accused of ritual murder. The torture of leading Jews, one of whom died during the ordeal, elicited a forced confession of murder. The investigation by the Damascus authorities was accompanied by a campaign of incitement against Damascus Jews. There was a public outcry in the Western world, with Moses Montefiore, of England, and Adolphe Crémieux, of France, leading the protest. Leeser organized the Philadelphia reaction and invited Christian clergy to speak from his pulpit.

Several years earlier, in 1833, Leeser had published his first important work, *The Jews and the Mosaic Law*, in which he expounded the basic tenets of Judaism for Jewish and non-Jewish readers. In this book Leeser affirmed his belief in "the ultimate restoration of the Israelites and the gathering in of the captives." He argued that countries such as Spain, which had expelled the Jews, had suffered impoverishment as a consequence. On the other hand, England had risen to eminence after Cromwell had permitted their return to that country.

Leeser returned to the theme of Israel's "ingathering" in his *Discourses*, published in 1836. It would be an "auspicious period when universal peace should prevail and Israel be again in the land of Palestine." *Discourses* is replete with the theme of Israel's return to their land. Cresson not only read Leeser's works but no doubt discussed the theme with his Jewish friend on many occasions.

It should be borne in mind that Palestine and the Near East were beginning to take on strong significance in the early 1840's among literalist interpreters of Biblical prophecies. In the United States and Europe there was much discussion about the "ten lost tribes." The steady decline of the Ottoman Empire was often cited as a sign of the early redemption of the Holy Land. The followers of William Miller were convinced that the world was coming to an end and that the advent of Christ was close at hand.

In New York, Mordecai Manuel Noah was drawing large Christian and Jewish audiences in the early 1840's, urging in dramatic lectures the return of Jews to Zion as the solution to the Jewish problem. The United States, Noah declared, was the most logical country from which to launch the effort. Isaiah 18 clearly pointed to America's chosen role in this regard. For was it not a "land shadowing with wings, which is beyond the rivers of Ethiopia" (verse 1)? It is this land, averred Noah, that would send its ambassadors by sea. Noah would end his powerful orations before large gatherings on a note of high drama. The prophet Ezekiel had described the great battle against Gog; this was Russia, which would attempt before long to wrest India from Britain and Turkey from the Ottomans. In the process of this struggle, Russia "will make the Holy Land the theatre of a terrible conflict; then will ensue the battle so sublimely described by the prophet: the fire and the hailstones . . . the advent of the Messiah and the thousand years of happiness and peace."

Warder Cresson might have heard Noah's orations. Certainly he read them, for they were reported in his friend Leeser's periodical *The Occident*. Cresson's thinking may be assumed from a significant decision: he decided to go to Washington to apply for the post of first American consul to Jerusalem.

In his quest for the consulship Cresson solicited the support of two respected Philadelphians, Dr. I. A. Birkey and Congressman Edward Joy Morris. The latter had recently returned from a tour through the eastern Mediterranean countries and was persuaded to write a letter recommending Warder Cresson as the first appointee.

In a letter of May 1, 1844, addressed

to the Secretary of State, John C. Calhoun, Congressman Morris wrote: "I take pleasure in introducing to your acquaintance Mr. Warder Cresson of Philadelphia, who desires an appointment as American consul of Jerusalem in Palestine. . . . Jerusalem is now much frequented by Americans. A consulate there will be of service to our citizens." Morris concluded his letter to Calhoun by commending Warder Cresson as "a gentleman of capacity and probity who intends to make Jerusalem his place of residence." It was to be a volunteer assignment by Cresson, without compensation.

On May 17, 1844, Warder Cresson was appointed America's first consul to Jerusalem. But it proved to be one of the shortest appointments ever made by the U.S. Government. Soon after the newspapers reported the assignment of Cresson, Samuel D. Ingham, who had served as Secretary of the Treasury under President Andrew Jackson, wrote a letter to Calhoun:

"The papers have recently announced the appointment of Warder Cresson consul to Jerusalem. . . . But the consul has been laboring under an aberration of the mind for many years; his mania is of the religious species. He was born a Quaker, wanted to be a preacher, and they would not. . . . He has gone round the compass from one job to another, sometimes preaching about the church door and in the street; his passion is for religious controversy and no doubt he expects to convert Jews and Mohammedans in the East. . . . His appointment is made a theme of ridicule by all who know him. I cannot make allowance for the gross imposition practiced by the appointing power."

Following Ingham's letter of condemnation, Secretary of State Calhoun wrote Cresson: "I am instructed by the President to inform you that, having reconsidered the proposal to establish a Consulate at Jerusalem, he is of the opinion it is not called for by public service, and therefore declines to establish it at present."

But this notice of revocation did not reach Cresson immediately. He was already on his way to Jerusalem. Cresson stopped off in England in the summer of 1844, where three of his tracts were published, including "Moses and Elijah and Jerusalem, the Centre and Joy of the Whole Earth." In this essay Cresson expounded his Zionist ideas: "The signs of the times announce extraordinary events about to take place in regard to the Jews." He alludes to the Pharaohlike treatment by the Czar of Russia of "thousands and tens of thousands of Jews in his dominions." Cresson had personally chosen to leave his "beloved and virtuous wife and lovely family" and to take the consular post in Jerusalem so that he might be privileged to dedicate himself completely to the Israel "now despised," but which soon would be again the "Crown of Glory and a Royal Diadem in the hand of thy God."

Cresson reached Jerusalem in early fall of 1844. Believing himself still to be the American consul, he established his residence and office at the recently deserted American Missionary Establishment. Cresson was himself highly critical of all Christian missionary efforts among the Jews, and he wrote gleefully that for all their efforts during their years in Jerusalem the American missionaries had failed to win over a single Jew.

Also arriving in Jerusalem that fall was William Makepeace Thackeray, the renowned English author. In October, 1844, Thackeray was satirizing and sketching his way through the Middle East. On the way from Jaffa to Jerusalem he encountered a party of armed horsemen. They were led by two Janizaries, holding silver maces, who were escorting "the new American Consul-General of Syria and Jerusalem, hastening to that city, with the inferior

consuls of Ramleh and Jaffa." Thackeray talked with Cresson and learned that "he expects to see the Millennium in three years, and has accepted the office of consul at Jerusalem, so as to be on the spot in readiness."

Cresson invited Thackeray to have breakfast with him in his Jerusalem quarters. By "a hospitable one-eyed Armenian subaltern they were served rice soup in pishpash, flavored with cinnamon and spice . . . boiled mutton . . . fowls swimming in grease . . . brown ragouts belaboured with onions and a smoking pilaff of rice."

Thackeray was amused by Cresson and his notions. He described the American as "a tradesman, who had made a considerable fortune, and lived [in the United States] at a country-house in comfortable retirement." Thackeray reported, too, that soon after his arrival in Jerusalem, Cresson "sent and demanded an interview with the Pasha; explained to him his interpretation of the Apocalypse, in which he has discovered that the Five Powers and America are about to intervene in Syrian affairs, and the infallible return of the Jews to Palestine." Thackeray doubted that the Pasha would pay heed to "so queer an ambassador."

Warder Cresson turned his full attention to the Jews of Jerusalem, who made up half the total population of approximately 16,000. In a letter to Leeser's *Occident*, published in Philadelphia in the spring of 1846, Cresson reported "a very melancholy picture of the destitution of the Israelites in the seat of their ancient glory." Cresson's interest in the Jews grew even more intense. He was determined to take practical measures to ameliorate their sad condition. He was particularly agitated by the "soul snatching" enterprises of American and English missionaries, and charged them with exploiting the poverty of Palestine Jewry. Cresson expressed regard for these "poor outcast" folk who refused to exchange their souls for bread and other missionary blandishments.

Meanwhile the American minister at Constantinople, Dabney S. Carr, carried on a diligent letter campaign. Writing to officials in Washington, he charged Cresson with offering papers of protection to Jews who were not citizens of the United States. Cresson must be discharged from his consulship before he brought "us into ridicule."

By the end of 1847, Cresson was no longer American consul. He considered himself more Jew than Christian and carried on a vigorous campaign against the Christian missionaries. In a letter to Mordecai Manuel Noah in New York, Cresson asked Noah to use his newly chosen name, Michael Boaz Israel, if he was to publish a Cresson epistle.

It was in 1847, too, that Cresson published his most personal work, *The Key of David; David the True Messiah.* Jerusalem had its powerful impact on Cresson. Everywhere he moved in that ancient city he found evidence of Judaism's authenticity. The archeological diggings were tangible proof to him of the existence of Solomon's Temple and the walls of Herod's palace. He was certain that "the Holy Sepulchre was not the place of Jesus' death."

In *The Key of David*, Cresson writes: "I remained in Jerusalem in my former faith until the 28th day of March, 1848, when I became fully satisfied that I could never obtain Strength and Rest but by doing as Ruth did, and saying to her Mother-in-law, or Naomi, 'Intreat me not to leave thee, or to return from following after thee: for whither thou goest, I will go; and where thou lodgest, I will lodge: thy people shall be my people, and thy God my God.' . . . Upon the 28th day of March, 1848, I was circumcised, entered the Holy Covenant, and became a Jew." Cresson was, at his conversion, 50 years old.

On May 7, 1848, he began the return journey to Philadelphia. He was "anxious of once more beholding the faces of those I loved most dearly above anything else on earth." Moreover, he was hopeful that he might be able to persuade his wife and children to share with him his newly chosen faith. Four months later, in September, 1848, Cresson arrived in Philadelphia.

"Soon after my return home to my family," he writes, "I found that there was growing opposition and enmity toward the course I had taken, which were daily more and more manifested against me." A violent domestic crisis ensued. His wife, Elizabeth, who, like him, had originally been a Quaker, had during his absence of four years become "a rigid Episcopalian." To add to this complexity there were financial problems. Cresson had given his wife power of attorney prior to his departure for Jerusalem and now found himself without property. He became convinced that his wife and children had connived to rob him of his worldly goods. Recrimination followed.

Now the battle lines were drawn. Elizabeth Cresson obtained an "Inquisition of Lunacy" against her husband. She and her family charged that he was mentally incompetent to handle the family's financial affairs, and that he wanted to squander their assets on a mad project—the rebuilding of the Temple on the Mount. Warder Cresson was declared insane by a sheriff's jury of six on May 15, 1849.

Cresson was not consigned to an asylum. He engaged one of Philadelphia's outstanding lawyers, General Horatio Hubbell, who made appeal on Cresson's behalf. A traverse was granted, and the case next came before the Philadelphia Court of Common Pleas. On May 13, 1851, two years after the first court decision had been handed down, the second trial got underway before a jury of twelve.

Elizabeth Cresson's attorney, David Paul Brown, presented a series of charges intended to prove Cresson "a lunatic" unable to handle his affairs. Brown's accusations were numerous. Cresson had flirted with a variety of religious sects before his departure to Jerusalem and conversion to Judaism. Cresson had preached on the streets of Philadelphia; he and associates had circled a certain house, on one occasion, in the expectation that the walls of that abode would collapse in Jericho fashion. Cresson had asserted that the ten lost tribes were to be found in Africa. On leaving for Jerusalem, Cresson had carried with him a U.S. flag and a live dove, and declared he would be "a door-keeper in the House of the Lord." The most serious charges made by Attorney Brown were that Cresson had been frittering away the family's resources and had "attempted by violent means to compel his wife and children to embrace the Jewish religion and threatened to shoot the family."

Two days after the extended presentation of the family's charges before Judge Edward King, Cresson's attorneys, led by Horatio Hubbell, launched their rebuttal. In particular they countered allegations that brought into question Cresson's competency to deal with his business responsibilities. Cresson had bought two neglected farms over the years and had brought them to good productivity. Proof of the fact that the family considered him perfectly rational was to be found in letters that Cresson's lawyers produced as evidence. In these letters his family had urged him to return from Jerusalem "and help them sell the farm as they were not capable to do this without you."

As for Cresson's concern for the welfare of his wife and children, it was contended that Cresson had signed over half the mortgage on his property to his wife. Cresson admitted that he had tried to sway his wife to accept Judaism but denied vigorously that he had resorted to any threats in the effort. As for the story about using his money to rebuild the Temple, how was that conceivable? Mount Moriah was occupied by the Mosque of Omar.

Seventy-three witnesses were called in Cresson's defense. Among them were a number of medical men, who testified to his sanity. A particularly interesting defense witness was Colonel Peter A. Browne. Presumably a researcher in scientific matters, Browne maintained that on the basis of very extensive research, by examining the roots of hair under microscope, he was able to judge the sanity of individuals. There was a marked change in the color of the hair of insane persons. Browne had collected hundreds of hair specimens in asylums, and he submitted samples to the jury.

Newspapers that gave extensive coverage to the Cresson trial compared his case with that of Morgan Hinchman, another Quaker, who had been committed to the Friends' Asylum several years earlier in circumstances resembling those of Cresson. After six months' confinement in the asylum, Hinchman had brought suit against his family and won his release. In the Hinchman case too the family had leveled the charge of incompetency to conduct financial affairs.

In his closing defense speech in Warder Cresson's behalf, Attorney Hubbell emphasized the issue of religious freedom. What good reason was there for accusing Cresson of madness for the fact that he converted to Judaism, "that old and venerable faith whose institutes were founded amid the solitudes of Sinai and which belongs to a people hoary with antiquity, whose history exhibits them tenaciously preserving the golden thread of their religion amid the shock and dissolution of empires?" Hubbell hammered away at the sacred rights of Americans to worship as they pleased. He cited Thomas Jefferson's argument that as long as an individual fulfills his responsibilities as a citizen "it is immaterial whether a man worships one god or twenty."

Horatio Hubbell was severely critical of the Cresson family, including Warder Cresson's elder brother, Elliot, an enthusiastic abolitionist and an advocate of black colonization in Liberia. "If one [Warder] is crazy upon the subject of religion, the other [Elliot] may be pronounced so on the subject of slavery." The accusations of "delusion" or "odd behavior" were absolutely without substance. In conclusion, Hubbell pleaded with the jury not to consign Warder Cresson "to the gloomy walls of an insane asylum and to relentless persecutors, who, like the Inquisitors of Spain, would gloat with malignant vengeance over their immolated victim, as they forced him to sacrifice his faith."

The jury deliberated briefly. On May 19, 1851, Warder Cresson was vindicated of the charges brought by his family. The newspapers were jubilant over the jury's decision. "If he had become a Roman Catholic," wrote one of the Philadelphia papers, the family "would probably have acquiesced. They could permit him to become a Shaker, a Millerite, or a Mormon, but when he became a Jew, all confidence in his sanity was lost."

Having been adjudged sane, Warder Cresson determined to implement his plan of helping restore Jews to Palestinian soil. In the October, 1852, edition of *The Occident*, Isaac Leeser reported: "Mr. Warder Cresson (Michael Boaz Israel), who is himself a thorough farmer, . . . is about returning to Palestine to open, if possible, an extensive farm outside of Jerusalem in the Valley of Rephaim." Leeser was optimistic that Cresson's plan for agriculture could well become a model for large numbers of Jews to follow.

Meanwhile Cresson had published yet another pamphlet: "The Great Restoration and Consolidation of Israel in Palestine." In this tract he addressed "the Jews of the House of Israel, scattered throughout the United States of America, England and all of Europe." Cresson proposed the organization of a "Great American and Foreign Association for Colonizing and Promoting the Welfare and Interests of the Jewish People." It would be the task of this organization to achieve the recognition of the Jews by American and European powers, and help facilitate their emigration to Palestine. Cresson also urged the establishment of schools in which the Palestinian settlers would receive instruction "in agriculture and rural sciences."

For several years Cresson continued by pamphlets and correspondence to the press in the United States and England to propagate his Zionist ideals. He was unhappy over the trend to encourage Palestinian Jews to go into manufacturing. In a letter of 1855 to *The Occident* he expressed concern that money left by the late Judah Touro, of New Orleans, for the assistance of Palestinian Jews not be "appropriated to employing young men and young women in manufacturing in this place." Let the same money rather be utilized in agricultural endeavor, for there is "a great difference between the moral and physical health of those educated and brought up in large manufacturing districts, and those brought up in agricultural pursuits."

Cresson argued along the lines of later pioneer Jewish Zionists that only through return to the soil would the Jew be regenerated and the land redeemed. Through tilling of the land, the Jew would hold "intercourse and communion with God, through the works of his own blessed hand."

But like so many other idealistic enterprises of his and later eras, Cresson's "agricultural experiment" failed. There were insufficient funds and lack of popular interest. Cresson was profoundly unhappy over the daily lot of Palestinian Jews: "The wants of the poor and needy, and the cries of widow and orphan, are still rife in our streets."

The last four years of Cresson's life were reasonably peaceful ones. He married a Sephardic woman, Rachel Moleano, with whom he had two children, David Ben Zion and Abigail Ruth. He was a bearded patriarch well known in the alleyways and streets of Jerusalem.

Herman Melville, the American author, met Cresson in Jerusalem in January, 1856. He rejected Cresson's notions and wrote in his *Journal:* "The idea of making farmers of Jews is vain. In the first place, Judea is a desert, with few exceptions. In the second place, the Jews hate farming, and besides the number of Jews in Palestine is comparatively small. And how are the hosts of them scattered in other lands to be brought here? Only by a miracle."

But obviously Warder Cresson had an impact on Melville, for in his spiritual poem "Clarel: A Poem and Pilgrimage in the Holy Land," he portrays Nathan, a Christian turned Jew. Cresson was Melville's model.

Michael Boaz Israel died in Jerusalem on October 27, 1860. He was buried on the Mount of Olives "with such honors as are paid only to a prominent rabbi." □

Fallout from the Worldwide Church of God case:

California Attorney General's Surveillance Power Curbed

By Peg Brickley

In no-holds-barred hearings, California churchmen convinced their legislators that the state's charitable trust theory was a throwback to the Middle Ages.

Outraged over the January, 1979, pillage of the Worldwide Church of God, California's churches this year mounted a successful legislative challenge to the state attorney general's blanket surveillance power over religious corporations.[1]

The instrument of their wrath is called Senate Bill 1493, which repealed that section of the Nonprofit Corporations Code that California attorney general George Deukmejian used to put the Worldwide Church of God under receivership.

The churches blasted California's unique charitable trust theory, calling it a "throwback to the Middle Ages."[2]

"Over a period of years, the attorney general has adopted a theory that all assets held by churches have been given for charitable purposes and are held in 'charitable trust' for the public benefit," explained Claude Morgan, vice-president of the Church-State Council of the Seventh-day Adventist Church.

The bill itself insists that "government action regarding religious bodies must be narrow and minimal."[3]

Claiming the charitable trust doctrine empowers him to track expenditures of money raised by nonprofit corporations—churches included—Attorney General Deukmejian denies applying the law repressively. "If charitable funds are being diverted to other purposes, they should be returned to the people who were induced to give them up under false pretenses," says Deukmejian.

Deukmejian's lobbyists stormed out of one session—described as "a real donnybrook" by American Civil Liberties Union representative Brent Barnhart—when Raymond Helge, of the Worldwide Church of God, confronted them over entanglement in his church's business.

"They were getting carved up pretty badly," said Barnhart. At issue in Senate Bill 1493, sponsored by State Senator Nicholas C. Petris, was the definition of civil fraud.

"The attorney general has interpreted civil fraud so broadly that it includes any kind of mistake a church leader might make," says Claude Morgan. "If I—as a church leader—make an error, it should be a matter for ecclesiastical law, not secular law."

In testimony before the State Senate Judiciary Committee, Dean M. Kelley, of the National Council of Churches Division of Law in a Free Society, attacked California Corporations Code section 9230[4]:

"What we are really alarmed about is not just this single case [the Worldwide Church of God]—appalling as it is," said Kelley. "What bothers the coalition is the position of California's attorney general in the case—that 'contributions made to a church create a charitable trust' that the state has an obligation to oversee."

Kelley lashed out at section 9230 for allowing the attorney general to inspect the books of churches while tying up their property.

"I don't think there's any concerted conspiracy to get the churches," Kelley explained. "What we're seeing in California is the natural drive of the bureaucratic mind—centralizing, regularizing, and increasing its jurisdiction."

Section 9230, which took effect on January 1, 1980, after the Worldwide Church of God case began, was the product of years of work by a committee of the State Bar of California and the State Assembly. Drafted by University of San Francisco Law School professor Michael C. Hone, the section was said by its defenders to restrict the attorney general's broad powers as exercised in the Worldwide Church of God case. No legitimate religion need fear intrusive state scrutiny under section 9230, claimed Hone.

"If Hell's Angels or General Motors wanted to claim they were a church, there has to be a way for the state to say, 'You're kidding.'" Hone said. "Section 9230 doesn't let the attorney general just march into a church whenever he wants. He has to observe government code procedures and make a showing of reasonable cause to believe civil fraud has taken place."

Section 9230's ancestor—section 9505—laid no ground rules for civil probes and offered the churches no protection at all, the professor asserted.

Section 9505 was the law used in the invasion of the Worldwide Church of God. Enacted in 1947, it subjected any nonprofit corporation to investigation by the attorney general "to ascertain the condition of its affairs and to what extent, if at all, it . . . may depart from the general purpose for which it is formed."[5]

Whatever section 9230's intent, the churches didn't like it. Among those insisting on revisions: the Roman Catholic Church, the Methodist Church, the Episcopal Church, the Christian Science Church, the Worldwide Church of God, and the Lutheran Church. Focus of the churches' attack on the law was a section giving the attorney general power to decide whether a corporation "qualifies" as a religion.

Admitting the section was "extremely sensitive" and "easily misread," Hone agreed to drop it in

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PHOTO © BY HERBERT W. ARMSTRONG

State officials on way to reoccupying Hall of Administration at the Pasadena headquarters of the Worldwide Church of God after a sit-in by up to 4,000 church members had forced removal of the state-appointed receiver.

favor of procedures allowing reclassification of entities that are clearly not religions.

Without challenging the attorney general's power to enforce criminal laws, Barbara Moone, of Americans United for Separation of Church and State, spoke out against the provision in testimony before lawmakers.

"The attorney general should not be granted the opportunity to conduct a fishing expedition with the potential devastating effect on matters religious in character," Moone said. By empowering the attorney general "to determine what is and is not part of the religious mission of a particular church," she added, section 9230 threatens "the very core of the constitutional guarantee against religious establishment."

Hone had a different perspective: "The need to protect churches against fishing expeditions and outrageous intrusions doesn't mean that anyone—the Red Cross, a museum, or a church—should have immunity from prosecution for civil fraud," he said. "The problem is how to prevent the state from being overbearing while not telling every con artist in the country, 'Come to California and you can engage in all the civil fraud you want.'"

Section 9230, he explained, was an effort to "balance the legitimate interests of the state in the purely secular affairs of groups taking advantage of the corporate form against the extremely broad assertions of constitutional privilege by the religions."

Negotiations over the language "sparked a lot of hostility on the part of the religions," Hone said. "They thought the attorney general was trying to outplay them."

He was.

While deputy attorney general Lawrence Tapper wielded the charitable trust club in litigation against the Worldwide Church of God, lobbyists for the attorney general's office denied section 9230 could be interpreted to support such an assault.

"They weren't dealing straight with us," charges Petris' aide Carolina C. Capistrano. "By not completely defining religious corporations, the law left too much to the administrative discretion of the attorney general.

"How are the churches supposed to defend themselves against stockpiles of electronic surveillance equipment? Meanwhile, the government attorneys are whimpering about their lack of power," the senator's aide said.

Until the Petris bill passed, private businesses in California had more protection from state intrusion than did churches, according to the religious coalition.

"Corporations Code section 9230 essentially treats every church, synagogue, and chapel as a regulated industry," charged Barnhart. "Though, ironically, with less procedural protection than private businesses enjoy."[6]

Said Americans United's Barbara Moone: "In the case of the churches, the only necessary showing to launch an investigation was 'reasonable grounds'—the attorney general's opinion. Written into section 9230 is a broad assumption of guilt." Criminal fraud laws are sufficient, she contended, "without California leading the nation as the first to use its corporations code to repress the churches."

Church members who disagree with the way church funds are spent retain a number of options, including joining another church, Moone pointed out.

"What the corporations code should say is that churches are exempt from regulation under its terms," she declared. "However benign their intent—however fair and reasonable in appearance such laws may be—it is both inappropriate and unconstitutional to subject churches to such regulations."

Acknowledging the legitimacy of state evaluation of churches for taxation, Moone said, "The mere fact that a church in order to do business in modern society—to hold property, pay employees—almost has to incorporate does not abrogate its First Amendment rights."

She accused Hone of aligning the Assembly Select Committee on Revision of the Nonprofit Corporations Code with the attorney general in a last-minute tactic designed to ram section 9230 down the throats of the protesting churches in 1978.

Hone blamed legislative deadlines for limiting the extent of revisions in the clean-up bill that became section 9230. Legal analysis indicated the attorney general must observe government code procedures, winning court approval before subpoenaing church records when civil fraud is suspected, he said.

In further testimony Barnhart wasn't buying the explanation. "What the state is saying in that law is that the church doesn't exist. Churches are viewed as state property," he charged. "As the Worldwide Church of God case shows, nice, neat, legal hypotheticals can easily be turned into a monster of state interference—a monster worse than our worst nightmares," the ACLU spokesman warned.

Pushing for a narrower civil fraud definition, the church coalition insisted that nothing in SB 1493 hindered the attorney general from exposing criminal organizations masquerading as religions.

"We in California have so many scam types of religions, there's a tremendous hue and cry to put an end to them," said Rabbi Lester A. Frazin, head of the Pacific Association of Reform Rabbis' Church/State Committee. "Financial matters should be regulated by ecclesiastical law determined by church members—if, in fact, the members are the general church body," he added. "But if the members are the director, his wife, and three kids, I have doubts."

Out of deference to legitimate state concerns over misuse of funds under the guise of religion, Petris agreed to amend SB 1493 by incorporating a limited form of the "onerous" charitable trust doctrine. Money solicited from the public at large for a specific charitable purpose—Cambodian relief or food for the poor—would be monitored to ensure it is used for that purpose. Funds contributed by church members are exempt from state scrutiny.

Assailing section 9230, the churches said it allowed the attorney general to second-guess whether a given action is consistent with the typical—and very general—statement of religious purpose: "to spread the word of God."

"One church may find ornate chandeliers indispensable in expressing the glory of God; another may be content to meet in a Quonset hut or a warehouse, and spend all its money on Cambodian relief," argued the churches in a position paper issued as part of the lobbying effort.[7]

Where there is no fraud or misrepresentation, the state has no business regulating expenditure of church assets, the religionists contended.

"Where criminal laws are violated, the attorney general and district attorney have power to act. Where tax exemptions are abused, taxing authorities have power to act. But no state interest is served by examining and regulating the internal affairs of churches," said Claude Morgan. "Such regulatory power creates the opportunity for intimidation and oppression of religious groups."

Early news reports that Petris was proposing SB 1493 on behalf of Synanon, the controversial drug and alcohol rehabilitation organization, "almost dealt a mortal blow" to the bill, said Barnhart, of the ACLU. Political poison in the aftermath of the mass suicide of People's Temple members, the "cult" stigma was difficult for the religious coalition to shake.

Viewing the Worldwide Church of God's plight as their own, the churches unified in defense of religious freedom, regardless of creed.

"I do not agree with much of the slick religion being peddled by radio and television," said Glen Hollman, director of the California Church Council's Office for State Affairs. "I believe, however, that the First and Fourteenth Amendments to the Constitution grant the right to all seekers of salvation to choose what some may consider foolishness without the government getting into the act."

"As long as they are in good faith in asserting they are a church—as bizarre as some people's beliefs are—the law has no right to question the truth or falsity of a religious belief," said Hone, citing a ruling by the nation's High Court.[8]

Also in support of SB 1493 were nontraditional religious groups.

"Because we include Scientologists, Buddhists, Hindus, and a lot of different groups, we're probably more sensitive to what comes down on the new groups, because what comes down on one eventually comes down on all of us," said Bill Shive, of the Berkeley Interfaith Council, one of SB 1493's backers.

Shive and other church leaders objected to section 9230 in part because it allowed "the person occupying the office of the attorney general to exercise personal bias against any group."[9] Even without personal animosity, they added, government agents can have "an implacably corrosive 'chilling effect'" on a church's vitality simply by tying it up in too many technicalities.

Legal precedents in favor of SB 1493 provisions were cited by many speakers, including Americans United's Barbara Moone. In a Puerto Rico case, she said, the U.S. First Circuit Court of Appeals banned forced disclosure of church books and records, reasoning such disclosure carries "the potential for substantially infringing the exercise of First Amendment rights."[10]

Petris' bill was "an opportunity for the legislature to clear up its intent on religious freedom, before the Supreme Court knocks down the attorney general's theory," Moone said. She and other church leaders convinced lawmakers that a clear line of demarcation must be drawn between internal church affairs and charitable activities.

Under the law passed by the Senate in May and approved by the Assembly in July, only the latter category of activities will be subject to state regulation, if Governor Edmund G. Brown, Jr., signs the bill into law.

During a no-holds-barred floor fight, Petris held off a drive to amend his bill to preserve ongoing probes of Synanon, the Worldwide Church of God, and Faith Center.

Denying his bill would erode the state's power to uncover fraud, the Oakland Democrat asked: "Have we really reached the stage where we fear abuse by religions more than we fear loss of our right to freedom of religion, freedom of thought, and freedom of conscience?" □

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[5] Calif. Corp. Code section 9505 (West, 1977), repealed.

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[7] Coalition position paper, *op. cit.*, p. 4.

[8] *U.S. v. Ballard*, 32 U.S. 78 (1944).

[9] Coalition position paper, *op. cit.*, p. 5.

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ILLUSTRATED BY JACK PARDUE

"'Take Care What You Do With These Men'"

By S. J. Schwantes

"Do you hear their preposterous claims?"

"According to our law these men ought to die!"

"Prison for life is what they deserve!"

"If they continue this heretical propaganda, the very foundation of the nation will be shaken."

"Blasphemy!"

One might think this vituperation came from the volatile mob on the street. But, no, these were interchanges on the floor of the Jewish senate; and the villains were none other than the first apostles of Christ, arraigned as disturbers of the peace.

One venerable senator asked for the floor:

"'Men of Israel, take care what you do with these men'" (Acts 5:35, R.S.V.).

Dismay filled the chamber. The dissenter was none other than Gamaliel, a lawyer "held in honor by all the people" (verse 34, R.S.V.).

Gamaliel proceeded to relate the fate of previous mobsters who had led the

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nation to the brink of insurrection under false pretenses. Then he paused and weighed every word:

"'So in the present case I tell you, keep away from these men and let them alone; for if this plan or this undertaking is of men, it will fail; but if it is of God, you will not be able to overthrow them. You might even be found opposing God!'" (verses 38, 39, R.S.V.).

Gamaliel's eloquent plea for religious toleration won the day, and the apostles were freed. But memories are short, and tempers shorter still. With authorization of the Sanhedrin (see chap. 9:14) Saul was soon hounding the followers of Christ, "breathing murderous threats" against them (verse 1, N.E.B.).* And, later Christians deepened Saul's footsteps in forays against pagan, Jew, and nonconforming Christian.

Then, in the wake of the Reformation came an awakening of conscience. Again men considered the dimensions of religious freedom. And again Gamaliel's words of wisdom were invoked. Through spokesmen far removed from his day, he stood once more before councils to sound his warning—"'Take care what you do with these men.'"

One such spokesman was Dirck Coornhert (1522-1590), a Christian humanist in the best Erasmian tradition. The intolerance of his milieu is well described by the Dutch historian Pieter Geyl:

"It was apparent that no agreement existed on the elementary principles which should govern the relations of church and state. The Church wanted to keep her doctrine undefiled; she wanted to be able to censure, and, if necessary, to expel those who were lax, careless, or unorthodox, even when they sat in the seats of the mighty. She regarded it as the godly duty of the secular authorities, under her direction, to give effect to the precepts of Calvinism in the life of society and to suppress dissenting groups."[1]

In 1582, Coornhert published his most important book on religious freedom, *Synod of the Freedom of Conscience*. In the style of a dialogue, much in vogue at the time, the author reports on a fictitious synod in the imaginary city of Freeburg. At the head of the conclave are Dr. Jezonias, vice-president; a Catholic doctor; a Reformed doctor; and Gamaliel, who is the spokesman for Coornhert. The presidency is attributed to Daniel, but he is absent, since he stands for Christ, who will appear only at the end of time (a reference to Daniel 12:1).

The synod consists of nineteen sessions, each dealing with a specific question, including Does the judgment of heretics belong to ecclesiastical authorities or to civil authorities? What is freedom of conscience? May heretics be put to death? Session 2 on religious liberty merits special attention. Gamaliel shows by the examples of Germany and Poland that such freedom doesn't disturb the life of the state. Freedom of worship should be allowed, since many consider it essential to salvation. Coornhert, alias Gamaliel, loves to quote the words of the apostles "'Whether it is right in the sight of God to listen to you rather than to God, you must judge'" (Acts 4:19, R.S.V.). He cites also the golden rule, the law of reciprocity proclaimed by our Lord: "'So whatsoever you wish that men would do to you, do so to them'" (Matthew 7:12, R.S.V.).[2]

Remarkable is the position of Coornhert in relation to the power of the magistrates. In the *Synod* he denies the competence of the magistrates in matters of heresy or religion. "Was it not," he asks, "in virtue of this supposed competence that the prophets, the martyrs, and Christ Himself were put to death?"

It is along the same line that Gamaliel addresses himself to the Christian princes at the end of Session 19:

"Don't believe those who advise you to shed blood on account of religion and who want to make of you executioners. Know for sure that they would advise you differently if they themselves were persecuted. . . . Cause peace to reign by the sword which God has given you! Punish murderers, chastise traitors, chastise false witnesses and suchlike people. In what concerns religion protect the children of God against the violences of their enemies; that's your function. . . . If a good physician can prove his doctrine to satisfaction without the help of the magistrate, why couldn't the theologians do the same? Christ could; the apostles also; their successors can do it too."[3]

A few years later C. P. Hooft, twelve times mayor of Amsterdam between 1588 and 1626, drew on Gamaliel to defend religious freedom. Goosen Vogelsang, a worker in velvet, had written a strange book expounding his ideas on divine omnipresence, the Trinity, and the divinity of Christ. The consistory of Amsterdam not only excommunicated Vogelsang but wanted the magistrates to take stern measures against the "heretic."

Hooft intervened. He argued that the civil union that enabled the Low Countries to triumph over Spain demanded freedom of conscience. In a second plea, of January, 1598, Hooft deals more specifically with the persecution of dissenters. Let the church excommunicate Volgelsang for his heterodox teachings if it wants. But it is intolerable to cast in prison the head of a family of five children, whose wife is pregnant. To say that Volgelsang's ideas are offensive is not sufficient. Other religious people hold strange doctrines, but they are not persecuted on that account. To punish for blasphemy won't do either, because who will define blasphemy? Would it not be better, asks Hooft, to recognize that in matters of religious opinion the use of force is to be excluded?

"Persecution is dangerous," remarks Hooft, "since one doesn't know where to stop. . . . Even on this earth persecution appears powerless to change the opinions of men. The bonfires and the massacres of the king of Spain have not been able to stop the progress of the Reformation. Far from discouraging its adepts, they have only contributed to stir them to greater zeal."[4] Well acquainted with the Scriptures and with the works of Coornhert, Hooft ends by recalling the attitude of Gamaliel (Acts 5:39); of the proconsul Gallio, who refused to judge in matters of religion (chap. 18:12-15); and of the tribune Lysias (chap. 23:25-30). "Why choose a different conduct and promote by our acts persecution for the sake of religion?"

Not all who appealed to the example of Gamaliel did so consistently. Zwingli, the reformer of Zurich, in a letter to the bishop of Constance cites the argument of Gamaliel in the hope of persuading the bishop not to take steps against the sympathizers of the Reformation. But Zwingli shows no inclination to grant the Anabaptists the freedom he claims for his followers. The same year this letter was written, 1527, the Anabaptist Felix Manz was condemned to death and drowned. The minutes of the process give the following reasons for the condemnation of Manz:

"He administered baptism [to an

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* From *The New English Bible*. © The Delegates of the Oxford University Press and the Syndics of the Cambridge University Press 1961, 1970. Reprinted by permission.

adult] against Christian rule; he could not be led to retraction in spite of all admonitions; . . . he and his adepts have separated themselves from the Church and have joined themselves seditiously to form a schism and to constitute an independent sect, under the cover of a Christian assembly; he rejected the death penalty."[5]

Gamaliel's eloquent plea for toleration found an echo not only in Holland and Switzerland but also in Poland. A series of liberal Catholic monarchs had made of Poland, in the latter part of the sixteenth century, a haven for religious refugees. Among these was John Crell, won to Unitarianism in the Socinian center of Altdorf. In 1612 he fled from Germany and took refuge in Rakov, the New Jerusalem of the Unitarian sect. A school had been founded in Rakov that attracted students from all over Europe. Rakov thus became the Geneva of Unitarianism, but a Geneva without the authoritarianism of Calvin.

Here John Crell wrote his book *Vindication of Religious Liberty*. Published after his death, it was translated into many languages. To buttress his case for religious liberty, Crell invokes the parable of the tares and Gamaliel's plea for tolerance toward the disciples of Jesus. He rejects as no longer applicable examples of laws against idolatry and the false prophets drawn from the Old Testament. Even the Sadducees, he argues, though harboring such aberrant notions as the nonresurrection of the dead, were not on that account "rejected from the city, nor excluded from the magistry or public functions."

According to Crell, religion discredits itself when it employs carnal weapons:

"Those who attempt to oppress another religion make thereby suspect their cause and their religion. . . . Lowering themselves to violent methods, they seem to show that they have no confidence in the goodness of their cause; that they despair from victory, if the fight is pursued with arguments; that they turn to force because they are devoid of reasons; that they resort to carnal weapons because they are short of spiritual weapons which one uses to persuade souls."[6]

As a good humanist, Crell believes in the inevitable triumph of truth in the free confrontation of ideas. Heavenly truth, says Crell, "has its own light, a marvelous splendor, by which it charms the spirits, when one doesn't close his eyes to its brightness."[7] In his opinion, toleration can bloom only in a state where there is a clear distinction between the civil and the ecclesiastical order. Such a political order, he argues, can well accommodate the diversity of religions. Even the Turks have Christian minorities. Should Christians do less? To grant dissenters in the civil sphere the security and protection that a state owes its citizens does not mean approval of their opinions. In Crell's view, which anticipates that of a much later age:

"All those who contribute to the existence of the civil society and do not trouble the tranquillity of others . . . cannot in justice be excluded from civil society and by no means can one refuse them the peace."[8]

A final example of the use of Gamaliel's argument for religious toleration comes from the writings of John Goodwin (1594-1665), vicar of Saint Stephen's in London. In a tract titled *Theomachia*, he uses Gamaliel's warning—you may "be found even to fight against God" (Acts 5:39)—in defense of what he calls the Congregational way:

"It is an extreme foolishness on the part of man to run the risk of fighting against God in trying to suppress 'ways' which . . . [may be] the 'ways' of God. If they are not, . . . God Himself will testify against them from high heaven at the opportune time."[9]

Though sanctioning excommunication, which enables churches to preserve their purity, Goodwin rejects the brutal intervention of public powers to crush heresies. One must leave to God the care of discerning between the good and evil "ways." Only thus may one avoid fighting against God.

Following the logic of his position, Goodwin moves gradually to support of complete separation of church and state. If one gives to the Christian magistrate the power to root up what he considers heresy, one must grant the same prerogative to the pagan magistrate. To avoid this scandalous consequence, it would be better to limit the competence of the magistrate to the temporal sphere.

What, then, of Romans 13:4, where the apostle Paul says that the magistrate "is the servant of God to execute his wrath on the wrongdoer" (R.S.V.)? Goodwin argues with great cogency that the wrongdoing here means evil of which the magistrate has knowledge, and of which any magistrate, pagan or Christian, is the competent judge. Such evil is a civil evil, therefore, and thus belongs to the civil domain rather than the religious, to which the magistrate's competence doesn't extend.[10]

In his pamphlet *The Tormentors*, published in 1657 against the commission Cromwell had created to define the "Fundamentals," Goodwin goes a step further. The state cannot define heresy, he argues, for the following reason: The power of government is delegated to the authorities by the people. But this delegation of power cannot extend beyond what is defined by natural law. Therefore if people confer on the government powers that it has not received from God, this delegation is null and void. He proceeds:

"Now it is certain that no people or community has received power from God, whether by natural law, or otherwise, to establish a rule according to which all would be obliged to believe the same things on all points of the Christian faith or to conform their judgment, in matters of faith and worship, to the decision of some, and this under pain of civil punishment. God, in fact, has never given power to any man, nor to any group of men, to subject human conscience in matters of which He alone is Master."[11]

So it was that Gamaliel spoke again in many councils through many spokesmen. And still his voice is heard, in our more tolerant age, saying, "'Take care what you do with these men. . . . You might even be found opposing God!'"

Who is to say, in this day of growing antagonism toward cults, that his wisdom may not be needed once again? □

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[2] Quoted in J. Lecler, *Histoire de la Tolerance*, II (Paris, 1955), pp. 239, 240.

[3] *Ibid.*, p. 241.

[4] *Ibid.*, p. 254, quoting from G. Brandt, *Reformatie* (Amsterdam), p. 1677 ff.

[5] A. Brons, Ursprung, *Entwicklung und Schicksale der Taufgesinneten oder Mennoniten* (Norden, 1884), quoted in Lecler, *op. cit.*, I, p. 207.

[6] From Crell's *Vindication of Religious Liberty*, quoted in Lecler, *op. cit.*, I, p. 394.

[7] John Crell, *Vindication of Religious Liberty*, 5th Latin edition with Polish translation (Cracovie, 1957), pp. 30, 35.

[8] *Ibid.*, p. 15.

[9] William Haller, ed., *Tracts on Liberty in the Puritan Revolution, 1638-1647*, Vol. III (New York: Columbia University Press, 1933), p. 23. This re-edition includes Goodwin's *Theomachia*.

[10] John Goodwin, *Hagiomastix*, pp. 51, 61.

[11] *The Tormentors* (London, 1657), pp. 18, 19.

International

New York's Governor Vetoes Cult Bill

ALBANY—Governor Hugh Carey has vetoed a bill legalizing attempts by parents to forcibly "rescue" their grown children from religious groups alleged to practice deception and mind control.

"Although this bill represents a sincere effort by its sponsors," Governor Carey said in his veto message, "it places in jeopardy constitutionally guaranteed rights and raises false hopes by appearing to create an acceptable procedure—but which ultimately would prove to be both unworkable and unconstitutional." He said his office will try to negotiate with sponsors of the so-called "cult bill" to develop an acceptable way of dealing with the problem.

Governor Carey said he was urged to veto the bill by the National Council of Churches, the New York State Catholic Conference, the New York Civil Liberties Union, and the New York State Bar Association.

Opponents of the bill charged that the measure would legalize kidnapping for the purpose of "deprogramming," a procedure they said violates constitutional guarantees of individual liberty.

The bill would have permitted parents or guardians to remove children over age 15 from the allegedly deceptive cults and supervise them for up to ninety days while attempts were made to shake them from the groups' life styles and beliefs. The bill empowered courts to appoint a parent or guardian as "temporary conservator" of the adult child if it was proven that the child suffered radical changes from association with the group, and required supervision.

Richard Brown, the governor's counsel, said Mr. Carey received a "tremendous volume of mail" on the bill, much of it from supporters whose family members or friends had joined the Unification Church of Sun Myung Moon, the Hare Krishnas, and other controversial groups. The bill was designed to help parents whose children had become entangled in such groups.

Police Chaplains Lose Out In Court Bid to Raise Pay

NEW YORK—Police department chaplains were turned down in their efforts to get local courts to order an increase in their $5,970 yearly salaries.

The seven chaplains—three Protestant ministers, two Catholic priests, a Greek Orthodox priest, and a rabbi—had asked for pay parity with inspectors and police surgeons, who earn $30,000 and $29,000. The clergymen said they work 40 to 60 hours a week, are on 24-hour call, and have made several arrests for which they received department commendations.

Judge Andrew Tylor, however, ruled that clergymen are not covered by federal or state minimum-wage requirements. He suggested they try collective bargaining. Chaplains currently are not covered by the bargaining agreement of the Patrolmen's Benevolent Association, the local union.

Charles Peterson, PBA president, said, "It was outrageous for a judge who doesn't know or understand the job of a police chaplain to deny livable increases for all they do for the morale of all police officers."

State Attorney General Sues Mail-order Church

NEW YORK—The New York State attorney general's office has started legal action to stop the Life Science Church from selling minister's credentials by using "fraudulent" promises of tax exemption.

Attorney General Robert Abrams also seeks to freeze the assets of the California-based church and to stop it from promoting its scheme through an illegal chain distributorship plan sometimes called the "pyramid scheme."

State officials said the Life Science Church appears to be one of the growing number of organizations formed under religious guises for the real purpose of obtaining tax exemption. These "mail order" churches sell clergy certificates, promising tax shelters to buyers—and often offering get-rich schemes as part of the deal.

"At least 5,000 people in the Metropolitan New York area have each paid $3,500 or more to the Life Science Church for these certificates, most of them in the past 6 to 7 months," said Daniel Kurtz, assistant attorney general in charge of charities, trusts, and estates. "People who purchase these credentials are virtually guaranteed tax exemptions. They are supposed to attend three classes and are then issued these ministerial certificates. They're told to take a vow of poverty."

Kurtz said these mail-order churches don't fit the requirements for tax-exempt religious organizations under New York State laws, and "these people who claim tax exemptions will be liable for back taxes later."

State supreme court justice Charles G. Tierney has issued a temporary injunction freezing the $17.5 million assets of the Life Science Church in New York, which has its offices in Oceanside, Long Island. Officials of the church have been ordered to appear in court to show cause why a restraining order shouldn't be levied against the church.

The state is also seeking to stop the church's pyramid promotion scheme, in which "ordained" ministers are told they can make $500 a head for recruiting two others, and could make $1 million a year.

The Life Science Church was founded by a disbarred lawyer from Minnesota who calls himself Archbishop William Drexler. The church has recruited successfully in some eight other states and has grown rapidly in the last year, Kurtz said.

New York State has been involved in a dispute for several years with another mail-order group, the Universal Life Church. A state supreme court justice in March, 1979, voided the religious property tax exemptions given to hundreds of mail-order ministers of the Universal Life Church and ordered the property returned to the tax rolls. The case involved residents in Hardenburgh, Liberty, Rochester, and New Paltz, New York.

PHOTO BY RELIGIOUS NEWS SERVICE

ISRAELI-OCCUPIED WEST BANK—A Palestinian youngster learns to handle a gun as he sits with his grandfather in a West Bank refugee camp. The old man has lived at the facility for 30 years.

The picture, one of more than 100 by photojournalist Donald McCullin, is included in a new book by Jonathan Dimbleby, "The Palestinians" (Quartet Books).

Letters

Down the Road

"Down the Road to a Christian Republic" (May-June, 1980) is the finest assessment of the resurgent religious right wing that I have read. You have assessed the situation perceptively and put it in the right perspective. You have helped me to understand the situation better.

The historical references are excellent, and we are grateful for your many efforts to preserve our historic separation of church and state. LIBERTY is playing a chief role in the battle for religious liberty. I use it extensively in my speaking and writing.

G. WEIR HARTMAN
Ohio Association for
Public Education and Religious Liberty
Columbus, Ohio

The First Amendment is, to me, not only a guarantee of personal religious freedom but an important force for religious peace in our country. When religionists begin to flex their political muscles, I have to ask myself whether we are facing a new Dark Age of religious intolerance and persecution.

To suggest that the lack of prayer in our public schools is responsible for a whole array of crimes and immorality is a dangerous distortion. Should we be surprised at an increasing disregard for moral or legal restraint? Many people have been told again and again for more than a hundred years by well-meaning ministers that, once saved, they are under grace and absolved of any further obligation to the Ten Commandments. Should it surprise us that such teaching produces crime and a disregard of the rights of others? Is it to be supposed that government-sponsored religious exercises can reform young or old, willing or not, and thus regain the favor of God for our country?

Those who would urge a return to government-sponsored religious exercises would do well to remember the long history of the evil results of state religion. When our constitutional safeguards are repudiated or downgraded, persecution of dissenting minorities is assured.

I have received material from a so-called Leadership Foundation that seeks to enlist my support of religious legislation. It is an appeal based on threatened retaliation at the ballot box. This is another example of the kind of pressure that is orchestrated by a few and then thrust upon our lawmakers as the will of the people. Does the end in view justify the anti-Christian means employed today by political religionists? There is no more connection between Christian principles and political-action committees today than there was 2,000 years ago.

People who think clearly about the issues of religious freedom and responsibility will be sensitive to the moral needs of our time, but they will not be found supporting legislation as a reasonable remedy.

RICHARD H. BURNS
Norwich, New York

I have always been wary of those who cry out "God bless America" while parenthetically adding "and to hell with everyone else." I begin to wonder whether those who call for bringing America back to God will be among those to whom God will say, "I never knew you."

DANIEL J. DRAZEN
Berwyn, Illinois

In "Down the Road to a Christian Republic" you state that you think the U.S. Constitution reflects some of the finest ideals ever penned by men. You go on to say that separation of church and state is one of these fine ideals. Would you please send me a copy of the Constitution where you read that there is separation of church and state, for I can't seem to find it. My copy says only that "Congress shall make no law respecting establishment of religion, or prohibiting the free exercise thereof." That certainly isn't separation of church and state!

That amendment only limits the government from establishing any religion, whether it be secular or Christian. But it nowhere limits individuals or groups of Christians from speaking and influencing government with Christian values.*

If you will check you will find separation of church and state in the Soviet Constitution. There it is used to persecute Christians.

Next time please quote the Constitution of the United States as opposed to the Constitution of the U.S.S.R.

DAN I. RODDEN
President
Student Action for Christ
Herrin, Illinois

[*Of course it doesn't. It protects their rights to do so. And also our right to point out the dangers of a Christian republic, which would deny such rights to the atheist.—Eds.]

Every article (May-June, 1980) was informative, incisive, and well presented. "Down the Road to a Christian Republic" was the most balanced and carefully thought-out evaluation of Christian Voice that I have seen in any evangelical publication.

Imagine my chagrin to find this counterbalanced by the unkind and anachronistic statements in the short article "Gay Groom's (Bride's?) Claim Annulled." Surely the difficult and important issue of homosexuality deserves more from LIBERTY than a one-paragraph slam! Is this the same R.R.H. who wrote "Down the Road . . ."?

PASTOR BRUCE ROLLER
Harrodsburg, Kentucky

[An unreasonable facsimile thereof.—R.R.H.]

Severely Shaken

My faith in your usually sound moral judgment was severely shaken when I . . . [realized that you vehemently take] the position that Congress should not even have the liberty to vote on voluntary prayer in schools. Your credibility has indeed sustained a great loss. You have aligned yourself with Godless atheism, moral relativism, permissiveness, and the continued destruction of government education.

I hope you will see a list of Congresspersons [and their probable votes on the Helms Amendment] and see just what kinds of persons do not want to permit Congress to have the liberty of even debating and voting on this great moral issue.

DAN COIT
Attorney
Meridian, Mississippi

[See Perspective, page 31, for our reply.—Eds.]

Airport Chapels

I am very pleased with the article on the chapels at Kennedy Airport in New York ("Up in the Air Over Airport Chapels," July-August, 1980).

I greatly admire and almost envy (is that permitted under Christian ethics?) the quality and excellence of LIBERTY. I could not stop reading this latest issue until I had been all through it.

Thank you for your continued friendship with our organization and the brotherhood in the common cause of religious liberty and separation of church and state.

R. G. PUCKETT
Executive Director
Americans United for Separation of Church and State
Silver Spring, Maryland

Let's Study Words

"Let's Study Words" (May-June, 1980) points out an important problem in present-day schools—government control of education. Education cannot be neutral, for it must have a reason for its existence, an underlying philosophy, and basic presuppositions and beliefs. A choice of an ultimate criterion must be made—a choice of a god, as it were. Arrangement of values and knowledge according to presuppositions about truth is a part of a basic philosophy of education. The determination of schools' basic philosophy, world view, and system of thought must surely involve religion. Considering the religious nature of education, how can the state's assumption of the role of educator be consistent with the First Amendment? The state should no more determine what constitutes a proper school than what constitutes a proper church or proper newspaper. Control of education should be returned to parents.

RICKY NORRIS
Boone, North Carolina

Freedom Map

A map in LIBERTY (May-June, 1980, p. 27) purported to show the relative degree of freedom enjoyed in the various nations. By and large the map seems to be accurate. I lay claim to no great knowledge of the subject—only impressions.

But I was mystified to see Argentina and Uruguay classified as "Not Free." Let me point out that there is a degree of freedom of religion enjoyed in those lands that is not enjoyed in such lands as Iran and Greece, classified on the map as "Partly Free" and "Free," respectively. Missionaries of the Mormon Church are free to function in Argentina and Uruguay—not so in Iran and Greece. I would have thought that LIBERTY would feel that factor to be of greater importance.

FRANK WILLARD RIGGS
Montgomery, Alabama

[The map was not reporting on only religious freedom. Nor are the conclusions of the group that prepared it necessarily those of LIBERTY.—Eds.]

Good Words

Thank you for the obvious hard work that goes into your publication. I agree with enough of your analyses of the issues to say Thanks.

As a conservative on both the subjects of personal faith in Christ and social issues, I can appreciate fine journalism that examines current events honestly.

PAUL R. STRANGE
Oak Harbor, Washington

I was raised a Catholic and am now a hippie. I've really appreciated the high standard of tolerance and inquiry that you folks are actualizing. It's not often that the subject of religion comes up for those of us who don't go to church, and having your magazine around has sparked awareness often. I pass on my old issues to an old homesteader whom I've planted and harvested potatoes for. He and his wife are Adventists.

THOMAS F. BROWN
Anchorage, Alaska

Amnesty Advocate

I have been reading your magazine avidly in the last year because of your informative approach to "human rights." I appreciate your efforts. Perhaps you could have an article about the work Amnesty International has been doing since the late 1940's. Amnesty helps free prisoners of conscience—which in many parts of the world means people of religious belief. For more information, you can contact Amnesty International in New York City.

IRENE WELCH
Detroit, Michigan

Perspective

A Matter of Alignment

An attorney has written to say that our opposition to bringing the Helms Amendment out of committee has shaken his faith in our "usually sound moral judgment. . . . You have," he continued, "aligned yourself with Godless atheism [is there any other kind?], moral relativism, permissiveness, and the continued destruction of government education." (See Letters.)

It is true that we would rather see the prayer-in-public-schools issue considered in a nonelection year, when congressmen may be more concerned with the consequences of the legislation than with the consequences of their vote. At the least, we believe that responsible religious, and other, bodies should be given opportunity to be heard on the grave issues inherent in the amendment—among them, that each state could do as it wishes with hardly a nod to the First Amendment.

Of more concern to us is the guilt-by-association charge—particularly sobering when it comes from an attorney. Has he never represented a client against whom the "respectable" citizens are united? Is truth and justice always on the side of the guys who wear white hats? We think not.

But, as it turns out, our alignment is not so bad after all. First, we are aligned with twenty-eight major denominations that, through their responsible committees, have considered the morality of state-written and -enforced prayer in school and have said to government, in effect, "Keep your hands off our prayers." We are aligned with these responsible groups rather than with the few religious spokesmen voicing their personal convictions instead of those of their denominations.

We are aligned, further, with the First Amendment to the United States Constitution—"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

But more important, we believe that we are aligned with One who said He wishes to be worshiped "in spirit and in truth"; who said His "kingdom is not of this world"; who instructed His followers to give to Caesar that which was his (certainly not prayer) and to God that which was His (certainly prayer). We are aligned with One who knew only the coercion of love.

Not a bad alignment, we think.—R.R.H.

FEATURES

DEPARTMENTS

STAFF

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The Kingdom of Christ

"Today in the religious world there are multitudes who, as they believe, are working for the establishment of the kingdom of Christ as an earthly and temporal dominion. They desire to make our Lord the ruler of the kingdoms of this world, the ruler in its courts and camps, its legislative halls, its palaces and market places. They expect Him to rule through legal enactments, enforced by human authority. Since Christ is not now here in person, they themselves will undertake to act in His stead, to execute the laws of His kingdom. The establishment of such a kingdom is what the Jews desired in the days of Christ. They would have received Jesus, had He been willing to establish a temporal dominion, to enforce what they regarded as the laws of God, and to make them the expositors of His will and the agents of His authority. But He said, 'My kingdom is not of this world.' John 18:36. He would not accept the earthly throne."—E. G. White, *The Desire of Ages,* p. 509.