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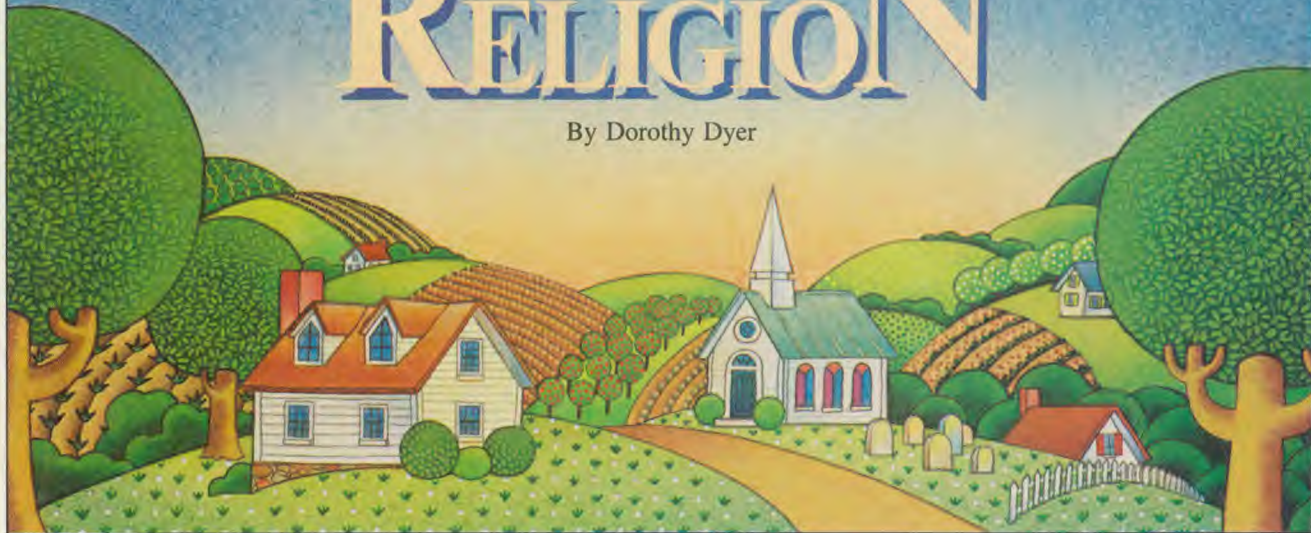


RING AROUND THE CLERICAL COLLAR

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Small-town RELIGION

By Dorothy Dyer



The story of one family's struggle to remain true to conviction, and of the prejudice that drove them, at last, from their home.

Our shadow-green farmhouse stands on 240 acres on the outskirts of a small southeastern Minnesota town. Belted by cottonwoods on the east and honeysuckle and evergreens to the north and west, it is typical of the dream houses of millions of Americans who love the rural life.

We'd returned to the farm from the Twin Cities after our third child was born. My husband, Roy, and my father ran the farm and the seed business that was part of it. With equipment and all figured in, it was a million-dollar-a-year operation.

It wasn't the money that brought us there, however. Roy's income as a mechanic in Minneapolis was adequate for our modest living scale. Most important was the character development of our four children—Rhonda, 15; Deanna, 12; Brian, 8; Benjamin, 3. To us, that meant church and all the activities that go with something more than just "playing church." The week we moved, we joined the local Lutheran church, a small congregation that held to the basic Bible truths we had come to believe and practice.

It was these beliefs that put us on a collision course with the local school board and drove us, at last, from the land that had been home to five family generations.

I shall never forget September 28, 1980. Earlier Saturday evening the children had reviewed their Sunday school lessons and memory verses, bathed, and said their bedtime prayers. I'd gone over the lesson to be shared the next day with my class, which I'd taught for years. Farmers aren't

known for late hours, and we were no exception; by 10:00 P.M. we were all sleeping soundly in the upstairs bedrooms.

About 2:00 A.M. a darkened car stopped near the house. Four men slipped out. Working quietly, they erected a six-foot cross on our front lawn. One struck a match. Flames caught the burlap wrapping. The cross blazed.

At 3:00 A.M. our phone rang. Roy stumbled across the room to pick it up. "Hello?" Silence. Click. Wrong number? Roy was too sleepy to wonder. He crawled back into bed.

Sunday morning was the usual chaos of getting four children and one's husband ready for church. Breakfast. Hair combed and inspected. Teeth brushed. Good shoes on. The countdown continued. Two minutes to go . . .

We were ready to walk out the front door when the police car pulled into our driveway. A uniformed officer rang the front door bell. He motioned toward the lawn. "Did you notice?"

"Notice what?"

We looked. We stared, disbelieving. A piece of wood smoldered on the scorched grass. Bent nails lay scattered in the ashes.

"It was a cross," the patrolman said. "Someone called our office." He hesitated and turned to Roy. "I guess you should know that your life has been threatened."

There was no time for pondering; I had a Sunday school lesson to teach.

Prejudice can be cruel in any context. In a small town, where everybody knows everybody, it can quickly become unendurable. In our town of 800 it started in the early 1960s, soon after the U.S. Supreme Court ruled against state-written

Dorothy Dyer is a pseudonym. She and her family now live in Eau Claire, Wisconsin.

prayer in schools. Prayers had always been a part of town life, given at Farm Bureau, 4-H, and Lions Club meetings as well as in school. Prejudice developed when our Lutheran church chose not to join in community ecumenical services. It intensified when our pastor asked that church members' children be excused from the public school's religious activities.

Soon after we moved to town, the school began to prepare for its annual Christmas program, which included Christian hymns and carols. Our pastor wrote to the school principal: "We believe that the holy name of God is to be used only for worship, and not for mere entertainment or musical practice."

Town reaction wasn't charitable. Several children from our church were ridiculed by teachers as well as classmates for refusing to participate in music class. Students in my Sunday school class reported that one of them had been called to the front of her classroom and ordered to sing a religious song.

"What should we say," they asked me, "when the kids poke fun and ask us why we won't sing?"

"Try to explain to them," I said gently, "that we don't believe public school is the place for religion."

I called the school principal about the matter, and he invited me to present my church's views to the school board. The result wasn't exactly a shouting match, but it wasn't a love feast either. The board temporized: Religious content of the Christmas program was cut back, but not eliminated.

Explained the principal: "We teach students to wash their hands before eating, and we will also teach them religious music. It's good for them. It's tradition."

Far from resolving the problem, the board's temporizing enraged many in the community and sparked a letters-to-the-editor campaign encouraging citizens to rally round the school board and demand more religion in programs.

Then some sixth-graders—not from our church—cashed in on the conflict by refusing to sing in the Christmas program. These "conscientious objectors" simply didn't like music class. The principal blamed me for his discipline problems and ordered all children to remain in the classroom during music practice. "I will personally ridicule any child refusing to sing," he is reported to have said, "until I receive a written excuse from his parents."

The confrontation wasn't confined to the classroom.

Soon after the board meeting, people I'd known all my life began avoiding my family. Farmers cancelled seed orders they'd made through our family business earlier in the year. Most didn't say why, but we heard from seed salesmen in the neighboring district that they were no longer doing business with us "for religious reasons."

On two occasions our Holstein dairy herd was let out of pasture. Once our barbed wire fence was cut, letting the cows into our cornfield. Another time the aluminum gate was rolled back; the cows damaged our bean crop and wandered onto the road.

We began to receive midnight phone calls. Our answer would be met with silence. The most threatening came on Halloween, when a man called to inform us that our farm machinery—worth well over \$100,000—would soon be

destroyed. We called the police. Deputies, neighbors, and relatives helped us keep watch through the weekend. Nothing happened—then.

Later, when my father left equipment overnight on an unoccupied farmstead, the back window was shot out of the cab of his International tractor. Headlights, windshields, and side windows were smashed on two Chevy grain trucks. Air was released from the inside dual tires, where it wouldn't be noticed until we drove the trucks and ruined the tubes.

The situation grew even more threatening. Roy's tractor stalled during corn harvest while he was plowing. He was trying to start it when he heard bullets ricocheting from the dirt. Without stopping to investigate, he ran to the shelter of nearby farm buildings. He reported the incident to the local police chief. We tried to believe that the shooting was unintentional.

A few nights later a car stopped on the road by our house, and someone fired several shots. Nothing was hit. But we concluded that someone was trying hard to scare us.

In town the vendetta continued, as gossip spread with small-town speed and viciousness. It filtered back to us that people believed we were trying to elect Roy and my brother to the school board with a write-in campaign; we were taking action to stop area ecumenical services; we were petitioning to close area liquor stores. None of it was true. We saw that prejudice had outgrown the real issues.

There were other incidents, some of which struck cruelly at our children.

I was reminded of a verse from an old song:

"Go ahead and hate your neighbor,
Go ahead and cheat a friend;
Do it in the name of heaven,
You can justify it in the end."

I suppose the "crusaders" hoped to win silver stars for their crowns. Certainly, religion had to be practiced on their terms. We couldn't do it. But neither could we endure anymore.

Recently we left the family homestead and moved to another state. Our children are now enrolled in a parochial school. But sometimes we wonder: Have we really left the burnt-cross ashes behind? Or is there a cross for everyone, wherever, whenever, discipleship is at stake? □

INTOLERANCE

Across the way my neighbor's windows shine,

His rooftop shields him from the storms that frown;

He toiled and saved to build it, staunch and brown.

And though my neighbor's house is not like mine,

I would not pull it down!

With patient care my neighbor, too, had built

A house of faith, wherein his soul might stay,

A haven from the winds that sweep life's way.

It differed from my own—I feel no guilt—

I burned it yesterday!

—Molly Anderson Haley



hat's the trouble with the President's prayer amendment. It lulls you to sleep. Who, after all, can argue with words so wondrously reassuring as the following:

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer."

So why are some "obstructionists" in the Senate and House, not to mention the press and pulpit, fulminating about the amendment? Has it no merits?

It does. And we shall list them. But it also has demerits, as revealed both in its wording and in the words of the President who proposed it. Should we fail to perceive the amendment's potential for constitutional mischief, we may awaken some morning to find that our nightmare of lost freedoms is all too real.

Here are the favorable features of the amendment.

1. It doesn't remove the Supreme Court's authority to hear appeals in designated areas, such as prayer, as legislation recently introduced by Senator Jesse Helms would do.

2. It recognizes the right of school children and others to pray when they wish.

3. It recognizes the right of school children and others to refuse to participate in prayer when they wish.

4. It corrects excesses of school officials who, misconstruing the U.S. Supreme Court's prayer decision, have ruled out even voluntary and spontaneous expressions protected under the Free Exercise clause of the First Amendment. (We think of the Chicago high school student denied her right to pray and discuss her faith with classmates during recess and lunchtime.)

5. It doesn't mandate a prayer written by the state.

6. It doesn't attempt to mislead through misuse of the term "voluntary," as other prayer bills have done.

7. It requires ratification by the states, thus affording the safeguard of the full democratic process.

The amendment may have further merits, but none come immediately to mind.

Here are its dismaying features.

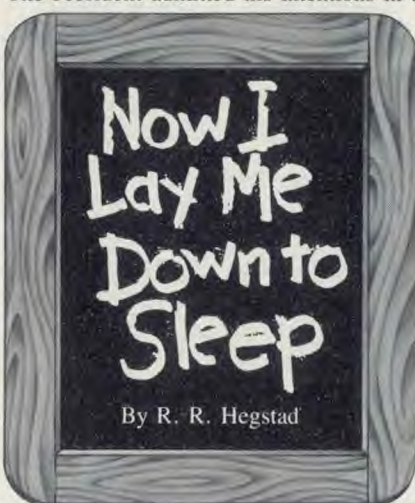
1. It is unnecessary. The Supreme Court, in its prayer decisions, protected the right of any person to pray in public schools and other institutions, as well as the right to refuse to participate in prayer.

2. Behind innocuous language it disguises (a) the radical redefining of First Amendment freedoms that could result from its passage; and (b) the true intent of

the Administration—to foster prayer in public schools, hardly the business of government.

3. Though professing to get the "federal government out of the business of protecting or invalidating prayer" (as an aide described the President's intentions), it puts fifty states into that business in a manner hitherto unconstitutional, thus enhancing the fiftyfold likelihood of "entangling alliances" between church and state.

4. By leaving in limbo the definition of "group prayer," it opens the way to state-written and state-mandated prayer. The President admitted his intentions in a



letter to the Speaker of the House and the President of the Senate: "The amendment I propose will remove the bar to school prayer established by the Supreme Court." What did the Supreme Court bar? In the words of Justice Black (*Engel v. Vitale*): "We think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any groups of the American people to recite as part of a religious program carried on by government."

5. It opens the way to establish the dominant faith in each of the fifty states. Remove the "bar to school prayer," as the President designs that the amendment shall do, and you make permissible what the Supreme Court denied. Said Justice Black in the majority decision: "There can be no doubt that New York's State prayer program officially establishes the religious beliefs embodied in the Regents' prayer."

6. By removing the "bar" to such unquestioned religious exercises as the court prohibited in *Engel v. Vitale*, the amendment breaches the wall of separation between church and state, which has kept our pluralistic nation from fragmenting into

warring sects.

7. It attacks the "unity in diversity" that has characterized those "huddled masses yearning to breathe free" who found their way to our shores, and yet entrust their children to us.

8. It requires, through compulsory school attendance laws, that students be present where a prayer that may be offensive to them is recited, or that they absent themselves, subject to the humiliation such a course may bring.

9. It permits each state and community to determine for itself whether a ceremonial prayer, as distinguished from a meaningful personal expression of faith in a Supreme Being, is to be said in its schools.

10. It trivializes prayer by (a) trying to make its form acceptable to everyone, and (b) entrusting its utterance to teachers, students, and others who may not believe in a Supreme Being.

11. It invites demands for equal time where prayers with sectarian overtones are uttered ("Hail Mary . . ." "Hare Krishna . . .").

12. It makes what is constitutionally permissible in one state potentially illegal in another.

13. By permitting a religious exercise in public schools, which are supported by tax funds, it removes the constitutional barrier to funding parochial schools with public money.

14. It creates unrealistic hopes for national regeneration, which will come, if at all, not from a common-denominator prayer mouthed at the beginning of the school day, but from the hearts and homes and altars of a free people who freely choose to pray.

During the Supreme Court hearing on prayer, an attorney general demanded of the justices, "Have you considered the consequences if you rule out prayer! Have you considered the consequences!" Responded Justice Black quietly, "And have you considered the consequences if we approve?" The Justice's question is one each American should ask before supporting the President's prayer amendment. And let each consider well the words of the court in that case:

"The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support, or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office."

Are you listening, Mr. President? □

SCHOOL RELIGION



Eastern religious mysticism and prayer forms are being introduced gradually and subtly into many public schools in the U.S. in probable violation of U.S. Supreme Court rulings. This is the conclusion of Frances Adeney, director of research for the Spiritual Counterfeits Project (SCP), a nonprofit evangelical Christian group in Berkeley, California.

Adeney maintains that some programs of "confluent education" in Los Angeles public schools contain significant religious elements and would certainly warrant legal scrutiny.

One such program is the brainchild of Dr. Beverly Galyean, a former nun and foreign language instructor who is now a psychological counselor specializing in teacher training. Galyean has been project developer for several federally funded (ESEA Title IV) pilot programs since 1978 in the Los Angeles Unified School District.

According to Adeney, "Galyean's system of confluent education relies heavily on meditation techniques as well as a forthright proclamation of Hindu and occult beliefs. Children meditate daily. They are taught to visualize a light within them which contains all knowledge and all love, and to which they can turn for insight and power."

In the first grade, students are introduced to "spirit guides." But Dr. Galyean candidly admitted, "Of course, we don't call them that in the public schools. We call them imaginary guides." The child is told to relate to the guide when comfort or advice is needed.

How does this work in practice? Adeney described a typical public school classroom:

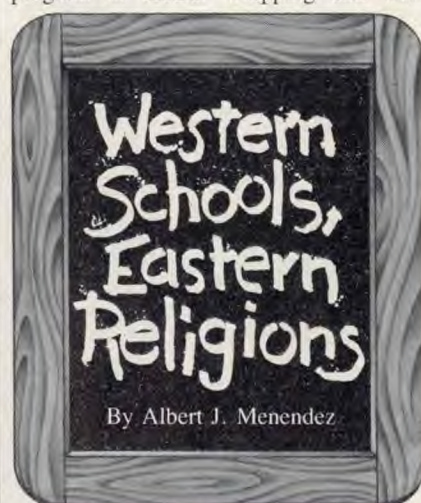
"Twenty-five first-graders lie in motionless silence on the classroom floor. The teacher intones soothing phrases to aid relaxation. Within moments, the meditative journey begins. The children imagine the sun, shining its brightest, radiating intense light toward them. They gaze directly into it and despite its strength the sun's brightness doesn't hurt them. Then, in their mind's eye, the children are told to bring the sun down, down from the sky and into their own bodies. Its light pulses from the head, down into chest regions, further and further until the body is ablaze with light.

"Now picture yourself doing something perfectly," says the teacher. "Keep watching yourself being perfect. Fill yourself with the knowledge of being perfect. This is your light, your intelligence, your sun. Your whole body becomes a beam of light." The teacher tells them to see themselves as full of light. Now they contain all of the light in the universe. With that light, the teacher says, they now feel at peace—they are

perfect. As they return from this fantasy journey, the children are reminded that they are intelligent, magnificent, and that they contain all of the wisdom of the universe within themselves."

"Imagine this incident taking place in a Los Angeles public school classroom, because that is exactly where it has happened, among other places."

To be sure, Galyean has packaged her program in secular wrapping and with



Lessons based on Eastern religions, now used in some Los Angeles schools, could spread across the nation if President Reagan's Religious Amendment to the Constitution becomes law.

ribbons of glittering academic promises. In an article directed to elementary school guidance counselors, she said that her program for foreign language teachers would "improve language skills" and "teach the children lifelong processes for introspection, self-identification, self-esteem, and positive interpersonal relating."

Then she admitted that "Chinese acupuncture techniques, massage, touch and art drama activities frequently supplement the quieter meditation activities." She commended a class in which students used their "inner eye" to see themselves doing the task at hand perfectly while Zen Buddhist records played in the background.

A further course objective, as enunciated by Galyean, contains some disturbing biases. "Our hope is to merge counseling, transpersonal psychology, kinesthetics,

values, and self-realization techniques in one standard curriculum." This transpersonal activity "enables students to discover the resources of their inner wisdom, their 'higher self,' and to source themselves from within rather than depend on outside persons and events for nurturance." Some parents would find this highly questionable, especially since the children in the program would be in the first three grades in school, when they are most impressionable.

Inductive and introspective education in a public school context is subject to infiltration by competing value systems. The Galyean approach, says critic Adeney, "is linked inextricably to a set of Eastern/occult assumptions." Adeney describes these as coming close to Pantheism. She says children are to be taught that "in essence we are not individuals but part of the universal consciousness, God, or spirit, which has manifested itself in the material world."

In an interview Galyean admitted that she held a distinct, observable world view, saying, "Once we begin to see that we are all God, that we all have the attributes of God, then I think the whole purpose of human life is to reown the Godlikeness within us; the perfect love, the perfect wisdom, the perfect understanding, the perfect intelligence, and when we do that, we create back to the old, that essential oneness which is consciousness. So my whole view is very much based on that idea."

"When the U.S. Supreme Court ruled mandated prayer in the public schools unconstitutional, Christians were dismayed," says SCP's Adeney. "As our culture changes, however, and Eastern religions become popular, that same ruling protects our children. It is now illegal to practice public prayer in the schools. If a child is taught to meditate with a mantra or use posture and breathing techniques as a path to higher consciousness, Christians may protest."

"Eastern prayer is not identical to Christian prayer," she said. "We need to recognize that our society is changing from a Christian-based culture to one where other religious traditions are prevalent. If prayer is again introduced into the schools as a constitutional right, Christian prayer may not be the form most practiced. Mantra meditation and other Eastern types of prayer may become current offerings as well." □

Albert J. Menendez is a free-lance writer, specializing in church-state issues, from Gaithersburg, Maryland. This article first appeared in the April, 1982, issue of Church & State. Reprinted by permission.

RING AROUND THE CLERICAL COLLAR

BY TIM PONDER

*No four years of college.
No additional years of seminary.
No call from the gospel ministry.
Just a bit of avarice in the soul and
a coupon in the mail.
Presto: Tax-free living!
(Oh, yeah!—IRS.)*

With government taking ever larger bites out of our depressed incomes, few Americans are looking for opportunities to pay more taxes. In fact, some are leading revolts against exorbitant tax rates—witness the success of California's Proposition 13 and demands for reduced spending on all levels of government. But nowhere has creative tax avoidance reached more exalted heights than within the "tax churches"—"ecclesiastical organizations" set up for the purpose of cutting or eliminating taxes.

It is no secret that religion in America enjoys, in company with other public service organizations, exemption from taxation. As a result, in most communities, taxpayers must shoulder a heavier load. And, doubtless, thousands of taxpayers have contemplated the benefits of ordination. If only one could be ordained without a sacred calling, without years of seminary, and thousands of dollars of expenses . . .

One can. Within the past few years, claims the Universal Life Church, 8 million have become mail-order ministers, a figure an IRS spokesman calls baloney. Whatever the number, "instant reverends" are a recent phenomenon. They may do it for a conversation maker at office parties or to feed the huckster lurking beneath their gray pin stripes or mechanic's coveralls. But, increasingly, they do it to avoid paying taxes.

Belying their "bad guy" image, the IRS points out that tax avoidance is perfectly legal. One may, indeed, arrange one's financial affairs to take advantage of every deduction, credit, and exclusion the law allows. On the other hand (the hand the IRS uses for collecting), tax *evasion*, as distinguished from tax *avoidance*, is very much against the law.

Americans seemingly will do anything to strike back at Form 1040, including starting their own church, getting divorced, and getting ordained.

Taxes seem prominent among reasons people seek mail-order ordination. Given the number of taxpayers and claimed mail-order ministers, however, IRS figures are not

impressive. In 1980, the IRS detected 382 schemes involving 4,296 tax returns claiming \$7,073,400 in refunds. During 1977-1980, only 1,657 schemes were detected.¹ During the past three years, something less than 6,000 mail-order minister tax returns have been received by the IRS. "Many," says an IRS spokesman, "are apparently using the scheme merely to evade property, state, and local taxes. They're not taking on the IRS."

For good reason, it would seem. Says Larry Battorf, public affairs officer for IRS's national office in Washington, D.C.: "We have won 39 consecutive decisions against mail-order ministers. We have not lost one case. All our decisions have been upheld."

Battorf disputes the claim of Universal Life Church that it has ordained more than 8 million ministers and has chartered 45,000 U.S. congregations.² "That figure's a psychological tool used to recruit new people," he says. "If this many were trying to evade taxes through mail-order ministries, we'd have an all-out tax revolt, which is not the case."

Though a number of instant-ordination churches are operating, Universal Life Church is the most popular. Its preeminent position can be traced to its success in gaining recognition as a bona fide tax-exempt organization. Said the federal court for the Eastern District of California in 1974:

"Neither this Court, nor any other branch of this government, will consider the merits or fallacies of a religion. Nor will the Court compare the beliefs, dogmas, and practices of a newly organized religion with those of an older, more established religion."³

But as Universal Life Church tax evaders are learning, one legal victory doesn't put the IRS or local government tax agencies out of business. On the other hand, tax churches aren't giving up the faith. Some, like Liberty Ministries, of Richmond, Virginia, even conduct seminars on tax avoidance. The typical plan for reducing income taxes calls for the newly ordained minister to assign 50 percent of his income annually to the church. This "contribution" then may be used to pay the minister's salary. Another plan, claiming the potential of avoiding taxes altogether, has the minister taking a vow of poverty and transferring all his assets and income to the church. His poverty is then alleviated by gracious compensation from the church.⁴

"This is not a new tax avoidance wrinkle to the IRS, nor a particularly astute one," says Bob Deurbrouck, public affairs officer of the Oklahoma City district office. "The courts have repeatedly ruled that a church qualifying for tax advantages must be organized and operated exclusively for

Tim Ponder is a Seventh-day Adventist minister living in Oklahoma City.



religious purposes. There can be no private monetary benefit to such a church founder."

The provision for parsonage exclusion also makes it tempting to get ordained. The tax system allows the ordained minister to exclude from his adjusted gross income the expenses he incurs in his home, including mortgage payments, home improvements, and maintenance.

Group benefits of tax churches seem to have captured the imagination of some taxpayers. Fifty employees of the Oklahoma City General Motors plant became ministers through Liberty Ministries. Leader of the group, Thomas J. Rinkel, was not bashful in setting forth the group's theology and priorities: "We give to religious and charitable activities of our choice rather than the government's choice," he said. "We feel God is first, then people, and then the government is at the bottom of the totem pole."⁵

The bottom of the totem pole is now exacting its due. A number of the 50 "ministers" have been audited and are paying interest and, in some cases, penalties.

The Basic Bible Church has been unsuccessful in a series of cases. The Minnesota Supreme Court, on statutory and constitutional grounds, held that Chapter 8035 of the church was not entitled to real property tax exemptions on its "church," "parsonage," and "church office," and the Supreme Court of the United States has declined the review of that decision.⁶ The federal courts have ordered church records opened so that the IRS can determine the church's tax-exempt status.⁷

George McLain, of Liberty, New York, was a plumber and volunteer ambulance driver until he saw an ad in *Mechanics Illustrated* selling the advantages of membership in the Universal Life Church, run by Kirby Hensley, of Modesto, California. Since George joined the fold in 1975, he says he's had a hand in ordaining 300,000 ministers. His church—which he now calls the First Reformed Universal Life Church—has been the focus of tax battles in New York.

In Catskill Mountain communities, once-flourishing—and taxable—resorts now belong to tax-exempt organizations such as Baptists, Boy Scouts, and Transcendental Meditationists. The tax load on private citizens has increased proportionately. McLain and his church seemed like salvation to taxpayers of Hardenburgh, New York. In one day 213 of the town's 236 taxpayers became ordained ministers. The "conversions" were not without coercion: Court records show that remaining "laymen" were told that they, too, must become "Reverends" or be left to pay the full half-million dollar annual governmental expense of the town!⁸

Their church charters in hand, the "ministers" were granted exemption from property taxes by a sympathetic tax assessor. The "Great Catskill Awakening," as it is known in tax, if not religious, circles, had begun. But faith was soon put to the test: The "tyranny of the majority" in Hardenburgh was rebuked by the New York Court of Appeals on April 30, 1981.⁹ The Supreme Court of the United States summarily affirmed the state court's decision.¹⁰ The 213 ministers are getting property tax bills again. George McLain lost an appeal over a \$1,000 assessment in 1981.

Most mail-order ministers justify their actions and organizations. George McLain declares: "I've put every-

thing I have into this church. I'm fighting for my freedom of religion."

Says Ted Swenson, president of California's Mother Earth American Fellowship (MEAF): "In this country, anyone can establish a religion, no matter how nuts."

Mark Hackman, a minister of MEAF, admits that he has no meetings and no regular meeting place. "Some ministers may abuse their mail-order ordination," he says, "but any freedom can be abused. More people are benefited by this service than are harmed."

Consider the justification advanced by Thomas Rinkel, leader of the ministers at Oklahoma City's General Motors plant: "We're just as legal as the March of Dimes, Billy Graham, or Oral Roberts." Referring to their group as an "in-house religious and charitable organization," he insisted, "that's how Christ got started. He preached in the home."

Though judges have upheld the right of the mail-order churches to exist, and even to have a measure of tax-exempt status, the churches and their members are finding the going rough in the courts, which have their own idea of "justification."

In *Walker v. Commissioner*, the Tax Court said: "It would appear, in fact, that church is organized and operated merely as a tax scheme whose purpose, far from being religious, is to provide tax benefits to those who are willing to purchase deductions. . . . This Court will not allow section 170 [of the Internal Revenue Code] to be subverted by those who would twist it to their own private benefit—regardless of the scheme or artifice by which it is attempted."¹¹

The Tax Court expressed a similar sentiment in *Heller v. Commissioner*: "So far as we can discern, the principal purpose of the church was to provide the petitioner with a means for claiming deductions for charitable contributions which he immediately withdrew to pay his personal living expenses. Deductions for such contributions, therefore, must be denied."¹²

The Tax Court continues to stress section 170 of the Internal Revenue code, which provides a deduction for gifts or contributions to a church. However, to qualify for this tax benefit, the church must be "organized and operated exclusively for religious purposes."

The IRS puts great weight on the answer to this question: Does the income or assets assigned to the church by the mail-order minister constitute a contribution qualifying for a deduction or are they simply an assignment made with the expectation of receiving something of equivalent value in return? The transfer or assignment will not result in a deduction under Section 170 of the IRC if there is expectation of a return benefit.¹³

Aroused by ecclesiastical subterfuges, the IRS has for several years been instructing its people how to spot phony ministers. Its public warnings include the handout "Mail-Order Ministers—A Very Shallow Tax Dodge that Doesn't Work." Whenever the IRS files an indictment or convicts someone, it makes a point of getting press releases to the media, in hopes the publicity will deter potential transgressors.

The "spotting" seems to be working better than the "detering." In May, 1981, a grand jury in San Diego,

indicted William E. Drexler, Sr., and several others on various charges; including conspiracy to defraud the government, income tax evasion, assisting in the preparation of false tax returns, failure to file income tax returns, and mail fraud. According to the indictment, under the aegis of the Life Science Church the individuals had sold over a five-year period 3,000 church packets for \$4.5 million. The packets, costing between \$1,000 and \$4,000, contained church charters, certificates of ordination, Doctor of Divinity degrees from a fictitious Life Science College, vows of poverty, and forms for claiming tax-exempt status, as well as other documents. In that case, William Drexler, Sr., the archbishop of the Life Science Church, was convicted on 26 counts of tax evasion and mail fraud and sentenced to five years in prison and a fine of \$50,000.¹⁴

One wonders what impact, if any, tax churches will have on the delicate balance between church and state in America. It seems likely that widespread manipulation of the First Amendment will have consequences damaging to both church and state. Items:

* The IRS is determining which organizations are actually religions; that is, which are solely for religious purposes. Having a government agency determine the legitimacy of religion can be ominous.

* The atmosphere of conspiracy and evasion tends to make the activities of any church not in the religious mainstream suspicious in the eyes of the IRS.

* A growing number of Americans are calling for mandatory financial disclosure by religions. While this provision would help detect dishonesty carried on under the cloak of religion, it would also increase government's interference in church affairs.

Our best chance of preserving First Amendment rights is to heed the counsel given by Jesus: "Render to Caesar the things that are Caesar's, and to God the things that are God's" (Mark 12:17).

Unless a lot of mail-order ministers underline this text in their Bibles and in their conscience, the IRS seems likely to continue its search for ring around the clerical collar. □

FOOTNOTES

¹ Internal Revenue Service, Public Affairs Division, News Release, March 5, 1981.

² Mayo Mohs, "Rendering Unto God Instead of Caesar," *Money*, February, 1980, p. 56.

³ *Universal Life Church, Inc. v. United States*, 372 F. Supp. 770, 776 (E.D. Calif., 1974).

⁴ Internal Revenue Service Public Information Pamphlet, "Mail-Order Ministers—A Very Shallow Tax Dodge That Doesn't Work" #1.

⁵ *The Daily Oklahoman*, May 20, 1981, p. 2.

⁶ *Basic Bible Church of America, Chapter 8035 v. County of Hennepin*, Minn. (June 3, 1981), cert. denied, 102 S. Ct. 637 (1981).

⁷ *United States v. Miller*, 1979 Stand. Fed. Tax Rep. (CCH) 9467 (D. Minn. (June 11, 1979), aff'd, 609 F. 2d 336 (8th Cir. 1979).

⁸ *Matter of Dudley v. Kerwick*, 52 N.Y. 2d 542, 548 (1981).

⁹ *Ibid.*, at 551 (majority) and 554 (dissent).

¹⁰ *Town of Hardenburgh v. New York*, 52 N.Y. 2d 336 (1981), appeal dismissed, 102 S. Ct. 496 (1981).

¹¹ 37 T.C.M. (CCH) 1978-493.

¹² *Ibid.*, at 1978-149.

¹³ See Internal Revenue Code §170 (c) (2) (C).

¹⁴ *The Daily Oklahoman*, May 9, 1981, pp. 1, 2; Nov. 26, 1981, p. 1; Jan. 5, 1982, p. 13.



WHAT THE PASTOR AND CHURCH CAN/CANNOT DO IN AN ELECTION

BY BRENDA JENKINS

Pastors across the country, faced with an election campaign filled with political issues of concern to Christians, often are confused over what they can do without jeopardizing the tax-exempt status of their church.

Although some regulations handed down by the Internal Revenue Service escape the bounds of ordinary logic, pastors and their congregations have little to fear.

A church is exempt from federal taxes so long as it does not act as a unit in crusading for a particular candidate.

The picture is less clear, however, if a church campaigns on such an issue as abortion. While the church may consider abortion a moral injustice against which it must speak, it can get into trouble for publicly endorsing or repudiating a candidate because of his views.

The government generally takes the position that abortion is more a political than a moral issue, thus putting itself at odds with many churches.

The following are some political or electoral do's and don'ts applicable to churches and their pastors, according to Attorney Alan Dye:

A pastor may personally endorse candidates for political office.

A church may not endorse candidates for political office, and a pastor may not endorse candidates on behalf of his church.

A pastor's personal endorsement may be made from the pulpit if it is clear that it is his personal view and not that of the church.

A pastor may allow his name to be used as a supporter of a candidate in the candidate's own political advertisements. In this connection, the pastor may be identified as pastor of a particular church.



Churches may engage in nonpartisan voter registration and voter education activities so long as such activities are not intended to benefit any political candidate or party.

A church may allow political candidates to speak on church premises on the same basis that civic groups and other organizations are allowed to. If civic groups and other organizations are required to pay rent for using the church property, the political candidate should be charged the same amount.

A candidate should not be allowed to appeal to a church congregation at a church service for support of funds to be used in his political campaign.

A list of church members may be provided to candidates for use in seeking support for raising funds only if it is made available to other individuals and organizations. If a charge is normally made for the list, the candidate should pay the same amount. No favoritism should be shown among candidates in providing a list of congregation members.

A church may not establish a political action committee.

Pastors and other like-minded individuals may establish a political action committee, but care should be taken that the committee is separate from the church.

The government watches other church legislative activities closely, some of which could have indirect bearing on election-year activities. For instance:

A church may not engage in "substantial" legislative (as opposed to electoral) activities. The substantiality of legislative activities usually is measured by reference to church expenditures. Expenditures of under 5 percent of an organization's total budget generally are not considered substantial.

A church may give its mailing list to a legislative organization on the same basis that the list is made available to other organizations. If a legislative organization is given more favorable terms for receiving a mailing list than other organizations, the cost of the list would be considered a legislative expenditure.

A pastor may engage in lobbying activities in his individual capacity without adversely affecting the tax-exempt status of his church. ☐

TEST YOUR OPINION AGAINST

IRS

"PLEASE VOTE FOR JESSE HELMS, DEFENDER OF VIRTUE AND MORALITY." The church pastor from the pulpit. ☐ Yes ☐ No

"PLEASE VOTE FOR JESSE HELMS, WHO STANDS WITH GOD ON THE ABORTION ISSUE." A church-sponsored newspaper ad. ☐ Yes ☐ No
An appeal by the church pastor from the pulpit. ☐ Yes ☐ No

"EVERY MEMBER OF THIS CONGREGATION SHOULD VOTE FOR JESSE HELMS, WHO IS IN HARMONY WITH THIS CHURCH'S VIEWS ON SCHOOL PRAYER." A resolution passed by the church board. ☐ Yes ☐ No
An appeal by the church board chairman. ☐ Yes ☐ No

"VOTE FOR JESSE HELMS, WHO IS ENDORSED BY REVEREND HIGGINBOTTOM OF PAWTUCKEN SLEEPYHOLLOW CHURCH." On the front page of the church bulletin. ☐ Yes ☐ No
A church-sponsored political announcement aired on radio and TV. ☐ Yes ☐ No

"THE PAWTUCKEN SLEEPYHOLLOW CHURCH WILL OFFER ITS FACILITIES TO REGISTER NON-VOTERS NEXT SUNDAY AFTERNOON." A public poster tacked on telephone poles. ☐ Yes ☐ No

"NEXT SUNDAY MORNING COME OUT AND HEAR JESSE HELMS SPEAK TO OUR SLEEPYHOLLOW CONGREGATION ON THE MORAL INJUSTICE OF ABORTION. A FREWILL OFFERING WILL BE TAKEN FOR MR. HELMS." An announcement of the church political action committee. ☐ Yes ☐ No
An announcement of the church pastor from the pulpit. ☐ Yes ☐ No

In fiery protest, Roman Kalanta, a 19-year-old student worker, burned himself to death in the name of religious liberty. He died in Kaunas in May, 1972.



"Half my heart is in Lithuania," Pope John Paul II told two Lithuanian journalists from the U.S.A. He is said to have Lithuanian blood on his mother's side, but there are other grounds for his affection and respect for this nation of 3 million people bordering his native Poland. On their side, Lithuanians regard John Paul as the first Pope who can really understand their situation.

Poles and Lithuanians share the same religion and have suffered similar fates, though racially and culturally quite different. Lithuanians are not Slavs; their language has primitive roots akin to Sanskrit. From 1386 they were equal partners with the Poles in a state stretching from the Baltic to the Black Sea and acting as the eastern bastion of Latin Christendom. From the late eighteenth century they were subject to Tsarist rule. The Russians did their utmost to destroy Lithuania as an independent nation. They failed, largely because church and people worked together to maintain their language, religion, and culture. Lithuanians enjoyed two decades of freedom and prosperity before Russians, Germans, and Russians again overran them. One third of the population was killed, imprisoned, or deported to Arctic Russia. Neighboring nationalities shared the same fate. Some have never recovered, and never will, but Lithuanians—as witnessed by former inmates of the Gulag, not the least, Solzhenitzyn—possess extraordinary resilience and deep faith. It is not generally realized that the Lithuanian partisans who took to the forests resisted for a decade after the war, so completely could they rely on popular support in a country only 250 miles broad and 200 miles long.

The election of a Polish Pope and recent events in Poland, unprecedented in a Communist state, have attracted world attention. Lithuania's tragedy is that she has been forgotten. Yet Catholicism and nationalism are as inextricably linked in Lithuania as in Poland.

Lithuania's national and religious resurgence and growing self-confidence during the past decade have been little short of miraculous. Here are the densest concentration of Christian believers within the U.S.S.R. and an active human rights movement. Lithuania has the largest underground (*samizdat*) press per capita in Eastern Europe, despite relentless KGB

Janice Broun writes from Hamilton, Scotland, where she works as a part-time journalist and book reviewer on Christian affairs in Eastern Europe.

BY JANICE A. BROUN

LITHUANIA

LITHUANIA



searches and harsh sentences meted out to its producers.¹ With the possible exception of the Western Ukraine, no part of the U.S.S.R. has given the Soviet government so much trouble.

Roman Catholic Church sources claim that 75 percent of Lithuania is still Catholic. Fifty percent of town dwellers and 95 percent of country folk still marry in church, and almost all are baptized or buried there. A priest, asked by a Western journalist if he was a dissident, replied, with typically Lithuanian humor, "In Lithuania everyone is a dissident!" There are, of course, those who collaborate for material rewards. But the truth of the priest's response may be found in this: the Kremlin doesn't even trust the Lithuanian Communists!

In all three Baltic states—Latvia, Estonia, and Lithuania—discontent grows. People long for a free plebiscite in which to express their desire for a democratic Baltic federation. But the overall clampdown on the human rights movement in the U.S.S.R. since the invasion of Afghanistan and the Olympics has led to many arrests. Of the Lithuanian Helsinki Monitoring Group only two members remain free—a priest and an aged lady. Of particular interest to Americans is the sentencing of Chicago-born Vytautas Skuodis—also known as Benedict Scott—to 12 years imprisonment. This Vilnius University lecturer had written the 300-page *Spiritual Genocide of Lithuania*.

A consequence of the Soviet ban on religious teaching, and compulsory atheist education, is the erosion of moral standards. With many children growing up without religious instruction, juvenile delinquency is pervasive, as are abortions, divorce, broken families and alcoholism. One of every eleven Lithuanians is alcoholic. Teachers frequently victimize and ridicule church-going children, and downgrade their conduct marks.

The church itself is subordinate to the atheist state, which controls it through the atheist Council for Religious Affairs (CRA) and tries to hamper its ministry. The state-recognized bishops are severely restricted, since the ultimate decision in church appointments lies with Petras Anilionis, head of the CRA, and are to some

extent compromised. Two bishops nominated by Rome, Julijonas Steponavicius and Vincentas Sladkevicius, were banished to remote villages over 20 years ago after disagreements with the government over its religious policy, and are not allowed to function as bishops. John Paul II recognized their stature and gave Lithuanians great satisfaction in 1979 by raising Steponavicius to the rank of a cardinal *in pectore* (in secret).

The one remaining seminary, at Kaunas, is allowed only a limited number of students, insufficient to replace the score of priests who retire or die each year. Half of the 735 priests are over 60. There are only 628 churches as against 1400 in 1939. Final selection of seminarians is determined not by the church but by the CRA. All seminarians are subject to constant police interrogation and attempts to persuade them to report on their colleagues. Collaborators get the best parishes. Seminarians of high caliber may be rejected, whereas a student like Ricardas Jakutis, who was found in bed with not one, but two young women, could still get ordained.

Priests are not supposed to give formal religious education outside sermons. In 1970-1971 three priests were sent to prison for a year each for teaching the catechism. Lithuanian Catholics raised such an outcry that since then priests caught doing this are fined 50 rubles.

The Statutes on Religious Associations, introduced in 1976, proved disastrous when forcibly applied to the Russian Orthodox Church from 1961 onward. The priest became merely an employee of the parish executive council, which could terminate his contract at any time. The Statutes also opened church councils to infiltration by atheists, who could then close a church against the wishes of its parishioners—under Khrushchev, the fate of 10,000 churches. Of 711 Lithuanian priests, 522 signed statements that they could not obey the Statutes, since they were uncanonical.

Catholics object to the acute shortage of religious literature. No church newspaper is allowed. Catechisms, essential for religious education, were not printed between 1945 and 1979, and then only 65,000 for two

million believers. During the past decade only 10,000 New Testaments were printed.

Because Catholics form such a high proportion of the population, they cannot be discriminated against in the professions as widely as Christians are elsewhere in the U.S.S.R. Nevertheless, many have been demoted to jobs far below their qualifications. Most other nationalities and religious groups under Soviet rule accept such restrictions—though resentfully and unwillingly—but not Lithuanians. To the outside observer, their attitude to the powers-that-be is refreshing. Resistance starts early. A first-grader, told to draw pictures ridiculing God and religion, locked herself in the toilet until the lesson was over.

"Who pays you?" a headmaster asked an altar boy.

"I get paid from above!" was the cheeky reply.

Lithuanian Catholics have organized a catacomb church parallel with, and largely dependent on, the official church. At least 15 underground priests have been trained from seminary "rejects" and a veritable army of over 1,000 nuns work in ordinary jobs, since being unemployed is a punishable offense. The catacomb clergy perform vital pastoral work, and some travel over the U.S.S.R. visiting scattered, deprived Catholic communities. They also secretly administer the sacraments to believers occupying high positions who dare not risk being seen in church. The catacomb church prints prayer books and several religious journals. The most important is the *Chronicle of the Lithuanian Catholic Church*. Started in 1972, it is now in its 46th issue despite the arrest of 11 staff members. Smuggled out to the West, it provides a reliable and stimulating source on church life.

In 1980 two young women, Genovaitė Navickaitė and Ona Vitkauskaitė, were sentenced to two and one and one-half years respectively for producing *Chronicles*; excellent records at their places of work helped reduced their sentences. As always, the trial took place behind closed doors with KGB officials on guard. No one but closest relatives were allowed in. Meanwhile, across the hall, visitors could freely view

the trial of two criminals accused of murder and rape. Such is the priority attached by Communists to religious "crimes."

When sentenced, Christians endure immense suffering with outstanding dignity, often with humor, and with Christian love, knowing that they suffer for God and their nation. Already some have become heroes and heroines whose names will never be forgotten by their fellow Lithuanians. One is a young Catholic worker, Roman Kalanta, who burnt himself to death in a Kaunas park to draw world attention to Lithuania's plight.

If Catholics in Lithuania have greater religious freedom than is enjoyed elsewhere in the U.S.S.R., it is thanks only to themselves. Their children aren't beaten up and assaulted by other children at school for being Christians. Though police may disturb their pilgrimages with loudspeakers, they don't dare use the violence with which they disrupt open-air Reformed Baptist services or Orthodox pilgrimages. Though the authorities have three times pulled down the crosses on the Hill of Crosses, where praying Lithuanians were buried alive by Cossacks in 1863, the crosses appear again, symbols both of faith and defiance. In 1980 when Father Sigita Tamkevicius of the Catholic Committee was ordered to go to Moscow (the KGB didn't dare arrest him in his native land), he simply refused. He is still free. Worse methods of intimidation are not unknown. Of seven brutal assaults on solitary priests within six months in Lithuania and Latvia in 1980, two proved fatal. Not an arrest has been made. No one knows which priest the "Soviet Mafia," as the Catholic Committee terms it, will strike next. Another Committee member, Father Juozas Zdebskis, one of the three imprisoned a decade earlier, suffered mysterious radiation burns. A crude attempt to cause a scandal by transferring him to the VD ward of the hospital misfired when friends took him away for proper treatment. Like Poland, Lithuania poses a problem for which the Soviets have no answer. □

¹ Poland, with 30 million people, has 30 samizdat periodicals. Lithuania, with 3 million, has 15.



PHOTOGRAPH BY RELIGIOUS NEWS SERVICE



Top: Catholic pioneers of religious freedom imprisoned by native regimes in Lithuania, pose here after their release from a slave camp on Solovetski Islands in 1933. Because of these men, Lithuanian Catholic rebellion is alive and defiant today against Soviet restraints. Secret newspapers, a catacomb church, underground seminary, and nuns clandestinely teaching the gospel to children spring from an ancient tradition of independence. With unswerving dedication to fight on, the Lithuanian Catholics are determined that the silent church shall no longer exist. **Center:** The Hill of Crosses stands near Siauliai, a poignant monument of the nation's indomitable faith. **Bottom:** Oppression of religious freedom serves only to strengthen the solidarity of these young people. Their belief in God will not be shaken. In open processions they march to reaffirm their commitment before the world.

Prime Time Preachers: The Rising Power of Televangelism, by Jeffrey K. Hadden and Charles E. Swann. Addison-Wesley Publishing Company. 217 pages. \$11.95.

Shortly after the 1980 elections I began to receive threatening messages from the American Civil Liberties Union. Some came by way of newspaper advertisements; some came by mail. The message always began with the words: "If the Moral Majority has its way, you'd better start praying."

In a way this was a puzzling threat. I'm one of those Americans who already pray somewhat regularly (between 80 and 90 percent of the population, according to polls), so why should the prospect of starting to pray concern me at all, let alone be something to contemplate with apprehension? Still, I am knowledgeable enough to realize that in the narrow world where messages like this one are composed, resort to prayer can be evidence only of a desperate situation, one that has regrettably gotten beyond the help of reasonable measures, like contributing to the ACLU.

I've been getting other letters, too. From Karen Mulhauser (National Abortion Rights Action League), George McGovern (Americans for Common Sense), Norman Lear (People for the American Way), and someone at the American Humanist Association. The message is always the same: Our political system and personal freedom are in imminent danger. Please make whatever contribution you can . . .

From all this I've read one conclusion: If Jerry Falwell hadn't existed, American liberalism would have had to invent him.

Liberal causes have been going nowhere for about a decade. To think back over these years is to recall the variety of opponents who have resisted and sometimes reversed liberal policies: sophisticated corporate leaders, Harvard neoconservatives, Cold War Democrats, metropolitan homeowners fed up with property taxes and frightened by street crime, self-styled sagebrush rebels, right-to-life activists, Pentagon think tankers, Total Women, antibusing parents, the masters of monetarism, the mongers of cost, and

pro-abortionists benefit.

Of all these adversaries, none is more useful than Jerry Falwell, Southern redneck fundamentalist preacher—he is what liberals would like to imagine that *all* of their opponents really are. The National Abortion Rights Action League used to make Catholic bishops the "heavy" in mailing pieces, but Catholic bishops are also now found opposing the Reagan saber-rattling in El Salvador, backing SALT, testifying against capital punishment, and denouncing the neutron warhead. By comparison, Jerry Falwell is, well, a god-send.

In effect, Falwell is liberalism's outside agitator. And a key element in casting him in that role is the suspiciously easy access he and few other evangelists have to millions of television viewers. How intently those liberal fund-raising letters dwell on the number of TV outlets available to Falwell and his fellow fundamentalists, the sums of money these shows pull in, the millions of viewers they reach!

One of the chief merits of Jeffrey K. Hadden and Charles E. Swann's *Prime Time Preachers* is that the authors try to measure the scope of TV evangelism with some precision. "Why is it," they ask, "that the same press that hounds these ministers on their every statement and move has simply accepted as truth the data they give out concerning their audiences?" Early in 1980, for instance, Falwell claimed that 25 million people watched his Old-Time Gospel Hour each week—a figure that was suddenly upped by an aide to 50

million. The press and the liberal fund-raisers took it as gospel. According to Hadden and Swann, however, Arbitron figures for that period showed slightly fewer than one and one-half million people in Falwell's weekly audience. In fact, you could add together the viewers of all 66 syndicated religious programs on TV and you still wouldn't get the 25 million figure (let alone the 50 million one) that Falwell claimed for himself.

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IS TV EVANGELISM REALLY THAT BIG?

BY PETER STEINFELS

*Falwell once claimed
25 million viewers for his
Old-Time Gospel Hour.
How many people really
watch it—and
other religious programs?
A recent book gives some
surprising answers.*



Hadden and Swann reproduced the Arbitron audience data for the top ten religious shows in February, 1980. The number one and number two TV evangelists turned out to be Oral Roberts and Rex Humbard: both fundamentalist, flamboyant, but not particularly political. Number three is Robert Schuller with his Hour of Power, an apolitical mixture of mainline Protestantism and Norman Vincent Peale positive thinking. Fourth and seventh on this list are programs emphasizing gospel music. Fifth is Day of Discovery, a low-key, dignified exercise in Bible instruction. Eighth is a Lutheran children's program, and tenth is a Catholic drama show produced by the generally liberal Paulist order of priests. Only two programs in the top ten, Falwell's Old-Time Gospel Hour (number six) and Jim Bakker's PTL Club (number nine), are closely identified with the new religious right. James Robison, one of the fiercest of the right-wing preachers, comes in a little below the top ten. Pat Robertson's slick The 700 Club scores even below that.

These figures can be faulted, as either too high (the same viewer watching all ten programs would be counted ten times) or too low (Arbitron doesn't measure a lot of cable stations) or behind the times (the Reagan victory may have boosted Falwell and the conservatives). But it is worth noting that, as of 1980, the religious TV audience was not growing. The big spurt in growth occurred between 1970 and 1975, when the audience more than doubled; in the next five years, the numbers leveled off and even declined. This suggests that the television "religious revival" may in large measure be a technological phenomenon: 1970-1975 were years, according to Hadden and Swann, when video production costs dropped. Or, alternatively, the revival may have been an interchurch phenomenon: assisted by lower costs, enterprising evangelists bought up the time that broadcasters had previously provided gratis to more respectable theological mainliners.

As writers and scholars, Hadden and Swann are all thumbnails. That is, *Prime Time Preachers* is a collection of thumbnail sketches—of the major TV evangelists, their theological outlooks, and their strident fundraising techniques; of the history of religious broadcasting; of the emergence of the Moral Majority and the countermobilizations by the liberal establishment and mainline Protestant leadership. None of this goes very deep, but it goes a little bit deeper—and it is a good bit fairer—than the coverage in the mass media. Where Hadden and Swann are most helpful is in bringing to light concrete findings that contradict, temper, or bear out the existing stereotypes. For example, they show

that, despite Jerry Falwell's claims to the contrary, the evangelists' audience remains disproportionately Southern. It is also strongly female and getting on in years. They point out the grounds for suspecting that the Moral Majority may have only between a fourth and a sixth of the 2 to 3 million membership Falwell casually claims for it; that it could not have signed up 72,000 pastors unless it enrolled almost half the Protestant evangelical pastors in the country, an unlikely achievement; and that it probably did not register the 4 million new voters it has taken credit for.

They pinpoint the definitional error that led Louis Harris to conclude that the "moral majority" was the critical factor in

conservative victory; and they remind readers that Harris's own polling showed that Moral Majority slogans such as "It is impossible to be a liberal politically and also be a good Christian" or "Most sex-education courses in the schools are really little more than pornography" brought agreement from only one in three white evangelicals.

Does all this mean that the TV-based religious right is of no great significance? Not according to Hadden and Swann. When they are not dashing cold water on liberal fears, they are making statements such as "[the televangelists] represent a nascent social movement that has the potential to reshape American culture." Hadden and Swann

*For every
American watching
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hold open the possibility that this movement's power will be put to benign purposes—"constructive redress of the excesses and mistakes of liberals" and "new hopes and possibilities that liberals can only imagine" are a couple of their vague formulations. They do not ignore the religious right's own excesses, but they also see the exaggeration, dogmatism, and condescension exhibited by liberal critics. "The liberal establishment has more than likely overreacted," but, "in the final analysis, that overreaction may be for the good." Falwell may yet be educated to tolerance.

Do two authors constitute a committee? Some of this sounds as if it were written by one. My one opinion is that while evangelical Christians are a segment of the citizenry whose political and cultural power is only now being recognized, it remains doubtful that they will form a "social movement" (singular) and even more doubtful whether the TV preachers are even now evangelical America's most representative or effective mobilizers. (It is worth noting that the right-to-life movement, which overlaps but does not coincide with the new religious right, has been built up with grass-roots organizing techniques and has prospered without any significant television presence.)

As for the symmetry between the religious right and its liberal critics, I find the dogmatism and self-righteousness of

the latter rather dismaying, mainly because it is so unacknowledged and comes from people who should know better; but these shortcomings, in all fairness, are nothing like the ignorance, distortion, demagoguery, and brutal intolerance in the material I receive from the right.

Falwell himself is a more complicated case. Hadden and Swann are not the only ones who suggest his is an independent character whose views may be evolving. Certainly, since he has been pushed into the limelight, he has backed away from a few of his more inquisitorial positions. He is also given to reassuring declarations: "We believe that people can disagree with us and not be relegated to an 'immoral minority' . . . A

person can be just as good a Catholic, a fundamentalist, a Jew, a Mormon or whatever, and disagree with us on any or all our issues."—*Newsweek*, Sept. 21, 1981.

Yet his earlier *Listen, America!* explicitly and implicitly contrasts "liberals" with "moral Americans." He reprints there a checklist of specific positions on subjects ranging from homosexual teachers and capital punishment to reduced taxes and busing—and terms this "a code of minimum moral standards dictated by the Bible," a code to "be used to evaluate the stand of candidates." His introduction to Richard A. Viguerie's *The New Right: We're Ready to Lead* treats his opponents as "godless, spineless leaders" and a "godless minority of treacherous individuals." (His current Moral Majority mailing is slightly milder: it only laments "the way the amoral liberals are trying to corrupt our nation. . . ." My emphasis.) New editions of *Listen, America!* and *The New Right: We're Ready to Lead* keep appearing; Falwell's words remain unrevised.

Falwell asserts, "We do not endorse political candidates, nor do we have a 'hit list.'" While this may be true of the national Moral Majority, Inc. (and setting aside Falwell's personal opinion that "Mr. Reagan is the greatest thing that has happened to our country in my lifetime"), state chapters are free to engage in this sort of activity, and many do. There is some evidence that the national leadership is trying to rein in its state committees. Hadden and Swann think that this may be the test that will force the real Jerry Falwell to stand up.

America is in the midst of a cultural war. And it is a particularly difficult war for the media to cover. First of all, because the media are themselves so heavily implicated. Hadden and Swann note that more people watch M*A*S*H* every week than tune in to all the "electronic churches," political and nonpolitical, fundamentalist and mainline, added together. For every American watching Jerry Falwell,

five or six are watching Phil Donahue. Alan Alda, Phil Donahue, Norman Lear (who is incensed by the evangelical use of television)—these are the real prime-time preachers. So are the commercials, the soaps, and many TV movies. Many commentators are willing to acknowledge this reality, often enough to celebrate it. But by and large they are not very reflective about the difficult question of how public morality is formed in a pluralist society, nor overly concerned about the massive cultural pressure exerted by the media mainstream.

I've seen Falwell interviewed by smug media personalities such as Tom Snyder who seem to think they can knock this

redneck out of the ring with a few blockbuster references to "separation of church and state" or "imposing your morality on other people." Falwell is not a political philosopher, but he has at least given these matters a little thought, which is more than I can say for his cliché-ridden interrogators. Cal Thomas, a Moral Majority official (and former NBC correspondent—recently complained in disgust about the press: "Usually they are dumber than you are. They ask predictable questions and they don't understand the answers." I'm forced to agree.

The second problem in covering this cultural war is that much of it is bound up with religion. America is

unique among Western industrial nations in the vital role that religion continues to play in society. To try to understand America without paying attention to religion is like trying to understand contemporary Africa without paying attention to colonialism.

Yet peculiar development in both the history of the churches and of the educated classes in America has left most media people unprepared to treat religion seriously and knowledgeably. Consider the course descriptions and faculty bios in the latest catalog from Columbia's Graduate School of Journalism. If one surveys them carefully, one finds, besides the expected areas of journalistic competence, references to an impressive range of specific kinds of expertise: constitutional law, consumer affairs, criminal justice, national politics, foreign policy, business and finance, energy, engineering, environmental protection, music, movies, books, medicine, housing, health, race relations, science, and chess. Not one direct reference to religion.

I think that goes some way toward explaining why a book such as *Prime Time Preachers*, though it only skims the surface, is so necessary. It helps us to understand why so many journalists suffer culture shock when they encounter television evangelists, and vice versa. □

*If Jerry Falwell
hadn't existed,
American
liberalism
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to invent him.*



SUNDAY-

CA

The just-ratified Constitution Act is raising questions whether any day should be protected by law for rest and worship.

On a Sunday morning in May of 1943, Paul Devnich was planting grain in his newly plowed field near Assiniboia, Saskatchewan, when he saw a Royal Canadian Mounted Police (R.C.M.P.) car coming up the lane from the west. It turned across his field, sending clouds of dust scudding after it, and squealed to a stop in front of his horsedrawn seed drill.

To Devnich's surprise, the two policemen were not there on a social visit, nor for information about an escaped criminal. They had come to ask why he was working his field on Sunday. Devnich replied that his neighbors worked their fields on Sunday and so did he. A six-day work week was essential if he was to feed his wife and nine children. Having recently become a Seventh-day Adventist, he had spent the previous day in rest and worship. Unimpressed, the officers summoned him to appear before the local detachment of the R.C.M.P. There he was told that he could not work his field on Sunday morning. But, because it was the community practice, he could work on Sunday afternoon.

Why was my father, Paul Devnich, singled out? The most likely answer was religious prejudice aroused by his joining the Seventh-day Adventist Church. I can recall his wondering why Canadian law could enforce one day of the week as sacred above other days.

Today I find myself asking the same question, for still on the federal statute books is "The Lord's Day Act" of 1907: "It is not lawful for any person on the

W SKIRMISHES IN

CANADA

By D. Douglas Devnich

Lord's Day, except as provided herein, or in any provincial Act or law in force on or after the 1st day of March, 1907, to sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain to do, or employ any other person to do, on that day, any work, business, or labor" (Lord's Day Act, R.S., c. 171, §. 4).

Have Canadians refined their concept of religious liberty since the first half of the century? It would appear so. The 1982 Constitution Act of Canada says, "Everyone has the following fundamental freedoms:

- "(a) freedom of conscience and religion;
- "(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- "(c) freedom of peaceful assembly and freedom of association."

But reality is not so advanced as the Constitution Act's noble theory.

In early 1980, four religious adherents filed suit in Quebec's Superior Court against a Montreal firm which, they claimed, dismissed them from employment because their religious practices conflicted with working hours. The lawsuit, filed by the Provincial Human Rights Commission on behalf of the four, seeks \$33,500 in damages and is expected to be tried in late 1982.

The four are members of the Worldwide Church of God, which teaches the observance of Sabbath from sundown Friday until sundown Saturday. Since the sun sets before 5:00 P.M. in Montreal from October through January, the four claimed they were required by conscience to stop work early.

The Human Rights Commission maintains that the company could have accommodated the four Sabbath observers, but that it declined to do so. The 1980 report quotes a company spokesman as having said that all the firm's employees maintain the

same nine-to-five hours, and that the company was not going to change certain workers' hours because of religious belief.

The case has brought into focus the question of which day, if any, should be protected for worship and rest by Canadian law. Some citizens in Oshawa, Ontario, have made up *their* minds.

"It's a matter of saving Sunday as a day of rest," said Terry O'Connor in the *Oshawa Times*, December 10, 1981. "Everybody is entitled to at least one day of the week off with everyone else." O'Connor and the Lord's Day Alliance of Canada plan to ask the Supreme Court of Canada to quash a regional bylaw allowing certain stores to remain open on Sunday.

They argue that Sunday legislation is for secular, not religious, reasons. But such titles as "Lord's Day Alliance" and "Lord's Day Act" rebut their argument.


More jolting news for non-Sunday observers appeared in the same issue of the *Oshawa Times*—a report that the Lord's Day Alliance had already taken the County of Peel to court over a Sunday-opening bylaw and received a favorable ruling. The case is now being appealed. Will the 1907 Lord's Day Act determine the outcome, or will the 1982 Constitution Act, just approved by the British Parliament prevail?

Opinion varies on the impact of the new Constitution's provision that "everyone has the fundamental freedom of conscience and religion." Some observers believe the Lord's Day Act will be an early casualty. But few see unrestricted Sunday openings. When Sunday rest is rationalized on a religious basis, observers say, it seems likely that employers will have to accommodate workers who worship on another day.

The "New Federalists" would prefer to see the Lord's Day Act repealed, leaving each Province to deal with days of rest. But the Lord's Day Act already delegates enforcement to the Provinces, which vary from lenient to vehement in their interpreta-

tion. Ontario's "Act to Regulate Holiday Closings for Retail Businesses," wrote a commentator in the *Oshawa Times*, has become "a vehicle for special favors and discrimination. It is a classic case of do-gooder politicians, first meddling where they don't belong, then getting the result wrong in any case."

The *Times* commentator may be a bit too cynical about politicians and their motives. But many Canadians are coming to believe that when and how one worships the Lord is not a matter to be settled by governmental edict.

My father would have added his Amen to that. 

D. Douglas Devnich is public affairs and religious liberty director for the Canadian Union Conference of Seventh-day Adventists, Oshawa, Ontario.

Unholy Sunday Closings?

Will Canada's new Charter of Rights and Freedoms change the Canadian Sunday? The freedom-of-religion clause, say Canadian experts, could mean the end of the Lord's Day Act and similar provincial statutes.

The Lord's Day Act, a federal statute, uses religious reasons for closing business on Sunday. The courts will have to decide whether selecting a closing day based on its religious significance violates the Charter.

Writes Jeff Sallot in the *Globe and Mail*, Canada's national newspaper:

"Legislators would have to rethink the issue and might well decide that a more appropriate statute would be one forcing business establishments to give employees one day off a week. If the legislators decide that day is to remain Sunday, they would have to come up with a reason other than that Sundays are holy to a large number of Canadian believers."—*Globe and Mail*, April 15, 1982, p. 3.

THE CANADIAN SUNDAY

By Robert Curtis, Esquire

On six days Mr. Average Canadian may rest; on Sunday he must. A distinguished Alberta jurist shares his views on Sunday legislation in today's Canada.

Mr. Average Canadian wakes up Sunday bleary-eyed from his Saturday night frolic but more refreshed than usual by his extra sleep. This day is unlike others. It is somehow brighter, more cheerful, and altogether quieter. Mr. Canadian anticipates a day of leisure, some chores, perhaps a picnic or a drive in the park, most probably an hour of church, certainly several hours of television. Unlike other days, however, there are no stores open in which to buy groceries or perhaps a new suit. The real estate man won't sell him that house he has been looking for. The tavern keeper won't help him "blow" his week's wages. And the Province won't sell him his new license plates. On six days Mr. Average Canadian may rest; on Sunday he must. Even his neighbor, the kosher delicatessen owner, is resting. "My neighbor must be lazy," says Mr. Canadian to himself, "he's been resting since sunset Friday!"

What makes Canada rest? Blue laws, that's what. Sunday observance legislation. Specifically, the Lord's Day Act.

A Look Back

The first "modern" English act dealing with Sunday observance was passed in 1625. Declaring that the "keeping of the Lord's Day is a principal part of the true service of God," it prohibited "meetings, assemblies or concourse of people out of their owne Parishes on the Lord's Day, within this realme of England, or any of the Dominions thereof, for any sports or pastimes whatsoever." In 1627, a further statute extended prohibitions to travel,

driving of cattle and killing or selling of meat. These acts remained in English law until 1969.

During the years 1649 to 1660, the Puritans, led by Cromwell, passed the most oppressive Sunday legislation. On Sundays, shopping, sports, traveling, dancing, profane singing, and washing of clothes were prohibited. Other laws dealt with topics as diversified as chimney sweeping and the baking of bread. It was crime even to be found "vainly and profanely walking"! To enforce the laws, certain persons were authorized to enter dwelling houses to look for Sabbath-breakers. Nor were these laws confined to England, for the Puritans took them across the ocean—New England had harsh blue laws.

For some time after Confederation the Provinces felt they had authority to enact and amend Sunday legislation. Ontario not only reenacted the pre-Confederation statute of Upper Canada, but added many amendments. Parliament, if it had any objections, did not voice them, though it listed the Ontario statute as "doubtful" in the 1886 First Revised Statutes of Canada. In 1903, however, the Privy Council ruled that Sunday laws were criminal in nature, and thus reserved to Parliament. For Alberta this meant the 1780 Act of George III was the primary Sunday law in force.

Parliament proved an unwilling legislator. However, after much debate and pressure from groups such as the Lord's Day Alliance of Canada, the Lord's Day Act was given Royal Assent on July 13, 1906, and came into force on March 1, 1907.

In 1963, in *Robertson & Rosetanni v. R.*, the contention arose that the Lord's Day Act conflicted with the new Canadian Bill of Rights, in that it "abridged or infringed" freedom of religion. Justice Ritchie, speaking for the majority, held that "freedom of religion," as safeguarded by the Bill of Rights, was that freedom which Parliament had earlier declared to "exist and have existed" in Canada at the passage of the Bill. Observing that the Lord's Day Act had never been held to violate freedom of religion or had otherwise been questioned, His Lordship held that it did not conflict

with the Bill. While the purpose of the act was clearly religious (as it must be if it is to be constitutionally valid), he said, the effect was "purely secular and financial" and in no way interfered with the right of a person to worship freely.

Justice Cartwright dissented:

"... that [it] is an infringement of religious freedom I do not doubt. . . . A law which on solely religious grounds, forbids the pursuit on Sunday of an otherwise lawful activity differs in degree perhaps, but not in kind from a law which commands a purely religious course of conduct on that day, such as for example, the attendance at least once at divine service in a specified church."

In 1972 Justice Riley held in the *Boardwalk Merchandise Mart Ltd., v. The Queen* that "safeguarding the sanctity of the Sabbath" was not a legitimate function of federal criminal law power.

In the case, His Lordship said:

"The Lord's Day Act, then, is a statute which compels respect for a day which has no significance apart from that accorded to it by the statute. Parliament has not recognized and sought to remedy a public evil; it has created the evil by statutory enactment. In substance, The Lord's Day Act is not unlike the legislation struck down by the Privy Council in *Attorney General for Ontario v. Reciprocal Insurers*. . . . Non-observance of Sunday, like censure of government, ought not by itself to be regarded as criminal. Far from constituting an evil, diversity in political, social and religious matters is of the essence of our life."

Riley called the Act "class legislation," in that it prefers Christian religious precepts to others.

The Purpose of Sunday Laws

Canadian courts have held that a major purpose of Sunday blue laws always has been to preserve the sanctity of the Christian Sabbath. The civil libertarian must question, however, whether these courts have properly accounted for two fundamental canons of our Canadian social intercourse, if not our law: (1) the state's abstention from favoring one religious belief over another,

and (2) the right of each individual to worship in his own manner without discrimination, hardship or intimidation. The two go hand-in-hand. If the state establishes any religion, it discriminates against the individual and vice versa. It is irrelevant to speak of enjoying the one canon without the other.

Only the sophist would truly believe that "purely economic and financial" consequences are not discriminatory. In our society, what are better indicators of hardship? Would he say the Negro is not discriminated against because he is forced to live in the ghetto while "whitey" lives in the suburbs? Or is the only manifestation of discrimination the humiliation of riding at the back of the bus?

Nor will the political realist be fond of arguing that Canada is a "Christian country." Our heritage is Christian. Most of our population is Christian. But so too is our heritage English. Most of our population is English. Are we English? There is a dominant heritage of liberalism in Canada. The present Canadian government is Liberal. Is this a liberal country? The fact is, this country professes, and desires, to place all religions on an equal footing. Parliament has said as much in the Canadian Bill of Rights. If our law does not reflect this, then it does a disservice to the values and lives that have made this country strong, free, and tolerant.

Sunday laws work injustices; they deprive the individual of freedom of thought and his full measure of society's bounty. They subject minority faiths to economic hardship and often intimidate them into abandoning their own tenets in an effort to mitigate their loss. They influence the agnostic unfairly. And they perpetuate the hostility and contempt which have so often led to discrimination and suffering.

Further, Sunday laws deprive society of a good measure of its civilization. They present an aura of repression and hypocrisy. And for each citizen they discriminate against, there is corresponding loss to all. As Justice Cartwright said:

"A law providing that every person in Canada should, on payment of fine or imprisonment, attend divine service in an Anglican church on at least one Sunday in every month would, in my opinion, infringe the religious freedom of every Anglican as well as that of every other citizen."

Justice Frankfurter's famous statement "freedom from conformity to religious dogma, not freedom from conformity to law because of religious dogma," has been interpreted in many ways. Yet it would seem that each time it has been referred to, the emphasis has been on the latter phrase; the former has been ignored. We are not now in a situation where some individual or

group is arguing its scruples as a defense to the law. Rather, we are concerned with the extent to which the law can and should demand "conformity to religious dogma."

To the extent that any sector of the Canadian public does not believe in Sunday as the Sabbath or does not believe it must be sanctified, the Lord's Day Act compels, under criminal penalty, conformity to religious dogma. We can perpetuate discrimination, hardship and hypocrisy, or we can finish the task which the Canadian Bill of Rights began.

In 1970, the Ontario Law Reform Commission report recommended reintroduction of Sunday observance legislation under the banner of a provincial labor relations law. At that time, the concern was for the constitutional ramifications of such "secularization." Now the question is whether it would be desirable.

Sunday Laws in Today's Canada

Today's society is rapidly moving toward increased leisure time. The seven-day week is a product of the past, the six-day week is an anomaly, and even the five-day week is losing ground. To argue that a "pause day" must be legislated is to ignore that it is a reality. But serious exception is not taken to protective legislation of the sort that merely describes maximum working hours or days. Such protection already exists in the Alberta Labor Act.

The real difficulty with the Ontario Report is that it prescribes a single day as a uniform day of rest. The only real argument in favor of such a proposal is that it allows the whole family to be off work together. But this is not really as big a factor as the commissioners would make it. In the first place, Canadian families are predominantly supported by a single wage earner, the feminist movement notwithstanding; and schools show no signs of increasing the days of classroom instruction. In fact, the reverse is the case for both overcrowded schools and automated industry. The second factor is the one singled out by the Report itself—Sunday has historically been a day off and it will probably remain so. In those occupations where Sunday work might increase—retail trade and manufacturing are two—the most realistic prediction is a three- to four-day workweek with alternate shifts. The result for single wage earner families is more relaxation, not less, because business can divide its time with greater economy. And for the multiple-wage-earner family, odds are that days off often can be coordinated.

Even if there would be a problem with getting the family together or holding community events, these difficulties are more than compensated for by the increased

opportunity for better utilization of recreational facilities, especially public parks. Such resources are mismanaged in the present state of weekday silence and weekend madness. The freedom of even a small portion of the labor force, to pursue their recreation on a day other than Sunday, would be of greater lasting social and ecological benefit than the hypothetical preservation of family togetherness. Moreover, emergence of a free marketplace would be to the consumer's advantage, abolishing the present vacuum of Sunday and allowing for more leisurely shopping. If, as is suspected, the large majority of the population will still retain Sunday as the day off, shopping could prove to be a major leisure pastime and Sunday could even surpass other days of the week in net sales. In this respect, the argument of the commissioners that prices would rise is on somewhat tenuous ground. It is also premised upon the concept of double-time pay for employees, which is not inevitable.

As a final argument, a look over the border reveals that 18 states have no Sunday laws, all having been repealed since 1961, and 17 others have few laws and little or no enforcement. California, with a population roughly equivalent to all Canada, and a work force equally as diversified, never has had a Sunday law of any significance. I do not infer that its social climate is precisely the same as ours. I would point out only that despite its principles of unrestrained commerce and religious freedom, the majority of the population rests on Sunday and millions find time for church.

Sunday laws or no Sunday laws, one question is rich in history, argument, and policy. It involves weighing alternatives and judging the merits of noncomplementary arguments. Society must be properly regulated, the working force must be refreshed, and families must have time to be together. But, equally, society must refrain from imposing standards that cause unnecessary discrimination and hardship. The dilemma was succinctly characterized by Justice Douglas of the United States Supreme Court:

"The question is not whether one day out of seven can be imposed by a state as a day of rest. The question is not whether Sunday can by force of custom and habit be retained as a day of rest. The question is whether a State can impose criminal sanctions on those who, unlike the Christian majority that makes up our society, worship on a different day or do not share the religious scruples of the majority."

I agree with His Honor that it may not. 🍁

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Even at daybreak the late-summer air hung thick and warm over Warren County roads and fields. Since first light above Lebanon to the east, the Sisters and Brothers had been calmly performing their assigned tasks, though fear nagged at them. By eight o'clock dust rising in the distance confirmed the approach of the mob they had been warned to expect. With pounding hearts they awaited its arrival.

It was August 27, 1810. The Sisters and Brothers were Shakers—members of the United Society of Believers in Christ's Second Appearing—and founders of Union Village in Turtle Creek Township near Lebanon, Ohio. Scarcely five years old, the community had already established itself as well-managed and thrifty. Devoutly religious, honest and fair in their dealings, what could those peaceful Shakers have done to provoke an angry mob? The answer lies in frontier history and religious revivalism.

Early in the 19th century the Great Kentucky Revival swept through the settlements west of the Alleghenies. The dry intellectualism and dignified piety of the churches along the eastern seaboard could not respond adequately to the fears and hopes of the young, restless population pushing westward. The people meeting them needed a religion that provided warmth and emotional support and a theology that paralleled the individualism of their social and economic lives.

Great emotionalism characterized the revivals, accompanied by falling, jerking or dancing, and entering into trance-like states. Implicit in such worship was belief in new truth and in direct revelation, without the help of abstract theology or church authority.

Barton W. Stone, a Presbyterian minister of great

THE MOB

LENNA MAE GARA

*With pounding hearts
the little community of
Shakers watched
their approach.*



preaching ability, was a leader in the movement. Richard McNemar, a young colleague, worked with Stone and was strongly influenced by him. In 1804 McNemar moved his family to Ohio to take charge of the Turtle Creek Presbyterian Church near Lebanon, where he quickly established a loyal following. His own religious views were still in flux, and the congregation at Turtle Creek was similarly open to new influences. Moved and shaken by the great revival, they were to be transformed once more through a religious conversion that would profoundly affect the rest of their lives.

In April, 1805 three Shaker missionaries arrived in western Ohio from their communities in New York State, seeking converts among those caught up in the evangelical fervor of the Great Kentucky Revival. McNemar and his congregation received them warmly, and in a matter of weeks the minister, his wife and seven children, and nearly the entire membership of the church had converted to the Society of Believers.

The Shakers themselves were a new sect, scarcely into the second generation of converts when they began proselytizing in Ohio and Kentucky. Shaker communities were characterized by careful management, industriousness, and imaginative use of resources. With evangelical Christians, they believed in confession of sin and salvation through Christ. Setting them apart was their formalizing of singing and dancing as regular parts of worship, together with celibacy, separation from the world, and common ownership of property. Such beliefs, supported by unswerving pacifism, met with open hostility on the American frontier.

Indeed, it is difficult to imagine the appeal of Shaker beliefs to a people dedicated to personal liberty, lured by

visions of wealth and the acquisition of private property. Yet the insecurities inherent in such dreams led many to abandon the search and join communitarian societies that offered economic security. Moreover, the Shaker insistence on celibacy may have been welcomed by women haunted by fear of repeated pregnancies and a high rate of maternal and infant death.

It is easy to imagine the hostility and open persecution that resulted when the Shakers established new communities. The conversion of Richard McNemar and his congregation outraged Barton W. Stone, and other preachers, whose opposition, begun as lofty theological argument, quickly degenerated into wild rumor and personal animosity. The Shakers were accused of cruel and mutually exclusive practices: that they castrated their males and held females in slavery, or that they had sex orgies and killed the babies that resulted!

Perhaps because the rumors were so absurd, the Shakers were able to proceed despite opposition. At the Turtle Creek site, McNemar and his congregation acquired land and established a community that would prosper and live on into the 20th century. Many early members owned large tracts of land which they turned over to the Shaker society to be held in common. In that way, and through purchases, Union Village acquired 4500 acres of prime farm land on the rolling hills west of Lebanon.

Nevertheless, as the community thrived, suspicion and hostility grew, encouraged by vitriolic attacks in the

Lenna Mae Gara is a homemaker, community activist, and writer in Wilmington, Ohio. Her special interests are in local history and social justice.

Lebanon *Western Star*. New charges were added: that the Shakers held children in slavery and refused to give them Bibles; that they beat the children and sometimes even killed them; and that they conspired with Indian tribes to take up arms against white settlers. The latter charge probably stemmed from contacts in 1807 between McNemar and Shawnee Indians living near Greenville. Later the Indians camped near the Shakers, who gave them provisions for their hungry families. The repeated charges of kidnapping and enslavement of women and children undoubtedly resulted when entire families joined the Society, leaving grandparents and other relatives bewildered and grieving.

In June, 1810 the *Western Star* published a list of complaints by Colonel James Smith, whose son and daughter-in-law, with their children, had joined the Shakers. The wife subsequently left Union Village, but her husband and children remained. Smith, a former Indian fighter, hoped to retrieve his grandchildren and return them to their mother. By July rumors grew of impending mob action, and near the end of August the Shakers were warned to expect an attack on Monday, the 27th.

With intrepid calm the Believers went about their duties. From the south and east, on the dusty road from Lebanon and the farm lanes along the way, a shouting, threatening mob began to assemble, armed with hatchets, knives and pitchforks, as well as guns and swords. Some in the company were not bent on mischief, however. Judge Frances Dunlavy, first circuit judge of Ohio and an influential citizen of Warren County, was one of the first to approach Union Village that morning. An early anti-slavery advocate and brother-in-law of Richard McNemar, Dunlavy was determined to protect civil liberties and keep the peace. With him were General William C. Schenk and Squire Corwin. Their presence was sufficient to keep the unorganized mob in check until the arrival, on the Dayton road from the north, of a force of about 500 armed men in regimental order commanded by uniformed officers. Although General Schenk outranked Colonel Smith, it was the latter who commanded the allegiance of the troops and acted as spokesman for the mob.

Trying to ensure a measure of due process, Dunlavy persuaded the mob to choose a committee to state its grievances and give the Shakers opportunity to prepare answers. The Believers were permitted to name three of their number as representatives. Noting that the opposing committee numbered 12, they asked that Dunlavy, Schenk and Corwin act with them, but this request was denied. Nevertheless, the Shakers agreed to the unreasonable demands and the two committees withdrew to a wooded area.

The grievances of the mob were simply stated: the presence of the Shakers had disturbed the population, had threatened civil and religious liberty, and had led to bondage and oppression. Specifically, the crowd demanded the return of certain children to grandparents who thought they had greater claim to them than the children's own parents.

Child custody matters, however, provided only an incidental excuse for the mob's presence. The Shakers, said the committee, must cease preaching and practicing their principles or leave western Ohio by December. Finally, said the spokesmen, the demands of the mob would be enforced by violence.

After an adjournment, the two committees returned to the woods. The Shakers reiterated earlier statements that no adults were held in bondage but were free to leave at any time. Children were in the care of their parents, who alone could decide whether they should remain in the community.

Regarding the final demand, the Believers were adamant. "Respecting our faith which we held in the gospel," wrote Elder Benjamin Youngs, "we esteemed it dearer than our lives, and therefore, meant to maintain it, whatever we might suffer as the consequence. And as to our leaving the country, we were on our own possessions which we had purchased with money obtained by our own honest industry. It was our endeavor not to owe any man anything; we had not a cent of any man's money; we enjoyed our own peaceable possessions in a free country; and were entitled to those liberties (including the liberty of our consciences) which the laws of the country granted us."

The issue was joined. The mob was determined to rid Warren County of the Shakers and was ready to use any means to do so. The Shakers were just as determined not to leave, nor to use any kind of violence in their own defense.

"Talkers are no good doers," says the First Murderer in Shakespeare's *Richard III*. The mob at Union Village might well have heeded his observation. While the two committees sparred verbally, members of the crowd milled about in angry indecision. Their blood was up but could find no channel. At four o'clock the committees returned to report a deadlock.

It was a puzzling impasse for the hardy men of Warren County. They were unafraid of fighting Indians, wild animals, or each other, but few of them had the stomach for a daylight massacre of men and women who refused to fight back. The Shakers were ordered out of the buildings and told to place themselves in a circle on the grass. Ignoring the order, they all went inside, bolted the doors, and waited prayerfully for what lay ahead.

But the mob action had lost its momentum. One more committee was chosen, this one to inspect the buildings for persons being held in bondage. This the Believers agreed to, and the committee questioned several women, inspected the school, and talked to the children. At last the committee declared itself satisfied and declined to look further.

Lynching parties dare not become debating societies. Weary and frustrated, the mob began to break up. By nightfall the last of them had disappeared into the darkness. Benjamin Youngs ascribed the Believers' deliverance to "that invisible power of God which turneth the hearts of men whithersoever He will, and saith unto the mighty waters, hitherto shalt thou come and no further." Perhaps equally important was the presence of Judge Dunlavy and the other citizens whose good will and sense of fairness must have cooled the blood lust of the mob.

Moreover, the quiet courage of the Shakers themselves surely contributed to the outcome. Instances of attempted violence against Union Village were recorded in 1813, 1817, 1819, and 1824, but none was as menacing as the expedition of August 27, 1810. A century was to pass before the community passed into history books, and when that happened Union Village had become the victim, not of mob action, but of 20th century sophistication and technology. □

FOR WHOM THE TOLL, BELL?

Mr. Terrell Bell
Secretary of Education
Washington, D.C.

Dear Mr. Bell:

So you believe that tuition tax credits are simply a matter of "fairness" and "equity." After all, the parent who sends his child to a private school has to pay twice - once to support the public school system and once to support the private school.

May I suggest you test your "equity" by applying it to other areas of society. For example:

If I join a private country club, why should I have to pay taxes to support public parks and recreational areas I do not use?

If I drive an automobile to work instead of taking the subway, why should I have to pay taxes to support public transit?

If I drink only bottled water, or beer, for that matter, why should I not get a tax credit - or perhaps a refund of my taxes used to support the municipal waterworks?

Since I pay for the maintenance of my own home, why should I be taxed to maintain the White House? I don't live there.

And what about the husband and the wife who don't have children? Chances are, they are paying taxes to support the public school system. Paying twice for a service they do not use!

And what if I should decide to get married in a church. Why should the state tax me to support the county clerk after I've paid my own clergyman for performing the service?

Are you listening, Mr. Bell? The editor of LIBERTY says he'll give you space to answer my questions.

Well?

Bill James Cook
Glendale, Ohio

International

Hindu Attack on Christians Kills Six

WORIUR, TIRUCHCHIRAPPALLI, INDIA—Six Christians were killed and twenty-seven injured recently at Mandai-kadu, India, when police open fired on several Christian groups.

According to George Sambandam, director of the India Office of Evangelism to Communist Lands, the six deaths were the most recent sign that Hindu fanatics are mounting a major campaign to make India an exclusively Hindu country.

"Just as many people view the Arab world as Moslem and the Western world as Christian, so these Hindus feel that India should be exclusively Hindu," Sambandam reported.

"Everywhere you go in some areas of India, in both the north and the south," Sambandam commented, "you can see posters and signs that declare 'INDIA IS FOR HINDUS ONLY.'"

Sambandam listed several other incidents, beginning with verbal attacks by Hindu fanatics against Christians during Christmas services.

In February the Church of South India sanctuary at Neyoor was stoned by three hundred members of the Rashtriya Swayam Sevaksangam, along with the pastor's home; no one was injured, but the pastor's life was briefly threatened.

That same day, Salvation Army Sunday school classes at Eranial Konam were looted and the Pentecostal church at Thalukulam was destroyed in an arson-related fire.

Sambandam said these incidents are the first serious interreligious violence between Christians and Hindus in many years.

New Chinese Constitution Redefines Religious Freedom

BEIJING, CHINA—A draft of the new Chinese constitution, circulating in Beijing since mid-May, would significantly alter provisions for religious freedom.

Article 45 of the present constitution, in force since 1978, reads:

"Citizens enjoy freedom to believe in

religion and freedom not to believe in religion and to propagate atheism."

Article 35 of the proposed constitution reads:

"Citizens of the People's Republic of China enjoy freedom of religious belief. No organs of State, public organizations, or individuals shall compel citizens to believe in religion or disbelieve in religion, nor shall they discriminate against citizens who believe, or do not believe, in religion.

"The State protects legitimate religious activities. No one may use religion to carry out counterrevolutionary activities or activities that disrupt public order, harm the health of citizens, or obstruct the educational system of the State.

"No religious affairs may be dominated by any one country."

Chinese believers had been critical of the phrase "and freedom not to believe in religion and to propagate atheism," which, they maintained, gave unjust privileges to nonbelievers. The new constitution omits the offensive phrase. Moreover, the second

paragraph outlaws discrimination for or against believers.

Paragraphs three and four are new. The third seeks to define and codify what long has been common practice in the Communist penal system. Henceforth, condemnation of believers for "nonreligious offenses" must rest on a solid legal basis.

The fourth paragraph undoubtedly is intended to give constitutional grounds for sentencing Roman Catholics who show loyalty to the Vatican and oppose the "Patriotic Catholic Association."

Homosexuality No Bar to Methodist Service, British Report Declares

LONDON—Homosexual men and women should not be barred from the Christian ministry or church office, according to a newly published Methodist report that is being studied by the church.

"The recognition that many people are homosexual by nature and that they are as



Archbishop Bruno B. Heim, apostolic Vatican delegate to Great Britain, waves to onlookers from the state carriage on his arrival to present Vatican diplomatic credentials to Queen Elizabeth II at Buckingham Palace in March. The reception of Archbishop Heim formally ended four and a half centuries in which the Roman Catholic Church was without full diplomatic representation in Britain. For more than 60 years the Vatican has maintained an unofficial presence in the country, but it was not until 1979 that it was accorded diplomatic privileges.

capable as other people of full Christian discipleship and of deeply loving and committed relationships with each other has been changing the climate of Christian opinion in the last decade or so," said the report.

The working party that produced the report, A Christian Understanding of Human Sexuality, was unanimous in its judgment that homosexuals should participate fully in the life and leadership of the church. But it was divided in its attitude to homosexual practice.

A majority of the working party believed that homosexual Christians could choose a partnership that included physical expression. However, there was a minority view in the group that homosexuality should not be given physical expression but channeled into creative activities.

Presbyterians in Zaire Contend "Protestant Pope" Wants Bishops in Charge

KANANGA, ZAIRE—The Presbyterian Church in Zaire has threatened to withdraw from the country's Protestant umbrella organization, charging that its head sees himself as a Protestant pope.

The Presbyterian Community voted unanimously at its recent assembly to "reconsider" its membership in the umbrella organization, the Church of Christ in Zaire, if it and its president continued to pursue their current course.

The Presbyterians reprimanded Bokambanza, president of the Church of Christ, for alleged repeated efforts since May, 1981, to change or modify decisions of the church's general assembly.

"The basic premise of the Church of Christ in Zaire is that its communities are united in their diversity," said the Presbyterian Community head, Dr. Remy Tshihamba. "We recognize the diversity of each, doctrinally and otherwise."

Dr. Tshihamba, a Presbyterian pastor who has a doctorate in history from Howard University, Washington, D.C., said Mr. Bokambanza was trying to impose an episcopal form of government on the member communities. Presbyterians do not have bishops.

"Bokambanza wants each community to be led by a bishop, because then they'll be easier to control," Dr. Tshihamba said. "He wants a less parliamentary kind of church system."

The Presbyterian leader noted that the Mennonite and Baptist communities in central Zaire also had protested efforts to have bishops made a part of their church government.

"President Bokambanza is aspiring to be like a pope on a national Protestant level," said Dr. Tshihamba. "He wants everybody to call him 'Papa,' because he says he is the father of everybody."



To call attention to the diverse religious traditions whose expression might be threatened by a resumption of state-sponsored prayer in the public schools, People for the American Way, The Union of American Hebrew Congregations, and Americans United for Separation of Church and State sponsored a Celebration of Religious Liberty at the Lutheran Church of the Reformation in Washington, D.C. Held July 28, one day before the Senate Judiciary Committee commenced hearings on Reagan's prayer amendment, the meeting featured affirmations of religious liberty, critiques of current legislation, and prayers by Jewish, Buddhist, Native American, Islamic, and Christian leaders. Jimmy Allen, former president of the Southern Baptist Convention, highlighted the occasion with objections to coercion of all kinds, and exclamations that "the best thing government can do for religion is to let it alone."

Liberty & Law

Equal Treatment for Churches

Does a state violate the Establishment Clause of the First Amendment by requiring registration and disclosure only by churches soliciting more than 50 percent of their contributions from nonmembers?

Yes, said the U.S. Supreme Court in holding unconstitutional the Minnesota Charitable Solicitations Act, which provides for a registration and disclosure system for any religious group that receives less than half of its contributions from members or affiliated organizations. The controversial Unification church had challenged the law.

Wrote Justice Brennan for the majority in the April 21 decision: "The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."

"Madison's vision—freedom for all religion being guaranteed by free competition between religions—naturally assumed that every denomination would be equally at liberty to exercise and propagate its beliefs. But such equality would be impossible in an atmosphere of official denominational preference. Free exercise thus can be guaranteed only when legislators—and voters—are required to accord to their own religions the very same treatment given to small, new, or unpopular denominations."

The Court held that the Minnesota law created excessive entanglement between church and state in the risk of "politicizing religion." But, noted the majority, "We do not suggest that the burdens of compliance with the act would be intrinsically impermissible if they were imposed evenhandedly."

What Is a Church?

Can a religious group or church involved in the political issues of the day be denied tax exemption on its real properties?

New York's highest court—the Court of Appeals—has grappled with that question and has come up with this answer: No.

The case involved the controversial Unification Church founded by the Reverend Sun Myung Moon. The New York City Tax Commission denied tax exemption for three Unificationist properties, and a lower New

York court upheld a special referee's report that although the church's primary purpose is religious, it nevertheless is so "inextricably interwoven with political motives and activities as to warrant denial of the exemption."

The Court of Appeals considered the narrow issue of whether certain "political" and "economic" activities of the Unification Church are secular rather than religious. The court said civil authorities may ask only two questions when dealing with such religious issues: "Does the religious organization assert that the challenged purposes and activities are religious, and is that assertion bona fide?"

Concluded the court: "There can be no doubt . . . that the church has amply demonstrated that it does indeed assert that those beliefs and activities . . . are of the essence of its religious doctrine and program. This has been the finding at every stage of this matter."

On the second question the court said, "No serious question can be raised . . . that the Church has demonstrated the sincerity and the bona fides of its assertions that in its view the political beliefs and activities of the Church and its members and the efforts which they devote to fund raising and recruitment are at the core of its religious beliefs."

The court said the error of the lower civil authorities and court "is that each asserted the right . . . to examine the creed and theology of the Church and to factor out what in its or his considered judgment are the peripheral political and economic aspects, in contradistinction to what was acknowledged to be the essentially religious component."

"[I]t is not the province of civil authorities to indulge in such distillation as to what is to be denominated religious and what political or economic," the court held. "It is for religious bodies themselves, rather than the courts or administrative agencies, to define, by their teachings and activities, what their religion is."

Case: *In the Matter of The Holy Spirit Association for the Unification of World Christianity v. The Tax Commission of the City of New York* (May 6, 1982).

Home School Fails

A West Virginia couple—"Biblical Christians" belonging to a group that split from mainstream Methodism before the Civil War—believed public schools were a bad influence on the religious lives of their children. When they were arrested for violating the state's compulsory education

law by teaching their children at home, they argued the law violated their First Amendment right to free exercise of religion.

The West Virginia Supreme Court, however, has ruled against the parents. It held that the parents were not members of a religious community—such as the Amish—with a long history of successfully educating children outside public schools.

The court also noted that the parents failed to take advantage of a statutory exemption permitting home schools if approved by the county board of education. It called the exemption a sound vehicle for reconciling divergent constitutional interests.

Case: *West Virginia v. Riddle* (Dec. 11, 1981).

Here and There . . .

- A Miami Beach rabbi may conduct daily religious services in his home despite a zoning ordinance prohibiting such use. A federal district court found the ordinance infringed the rabbi's Free Exercise right to pray in his home. Case: *Grosz v. City of Miami Beach*, 50 U.S.L.W. 2673 (S.D.Fla. 1982).

- A Minnesota tax deduction for parents paying tuition for sending children to private or public schools has survived an attack charging it violates the Establishment Clause of the First Amendment. A federal court of appeals said the law differed from laws struck down in parochial cases. It concluded that any benefit to religion or involvement between church and state was remote and incidental. Case: *Mueller v. Allen*, 50 U.S.L.W. 2654 (8th Cir. April 30, 1982).

- An Orthodox Jewish captain has won a preliminary injunction preventing the Air Force from enforcing a regulation that would require him to stop wearing his yarmulke, or skullcap. The rabbi had worn a yarmulke for four years before the Air Force tried to enforce its regulation. Case: *Goldman v. Secretary of Defense*, 530 F.Supp. 12 (D.D.C. 1981).

Compiled by Robert W. Nixon, a Washington, D.C., lawyer and legal advisor for LIBERTY magazine. Nixon, a student of the religion clauses of the First Amendment, is also a member of the Religious Liberty Committee of the National Council of Churches and a member of the National Advisory Council of Americans United for Separation of Church and State.

Letters

Last Word?

Dr. Robert Grant's article "The Christian Voice: A Defense" (May-June, 1982) was needed, and he carried the day!

Dennis Pettibone did a service on discussing freedom, but he got hung up with a few moles on the patient's stomach, forgetting that the patient has cancer and with much more delay for perfection on the part of the surgeons the liberal humanist disease will be inoperable.

DAVID A. NORRIS
Ames, Iowa

Cooper Draws Ire

Victor Cooper's article "Why the State Department Muzzled Paisley—A 1990 Retrospect" (May-June, 1982) teems with anti-Irish, anti-Catholic remarks.

I find it amusing that Mr. Cooper takes umbrage that the study of the Gaelic language is compulsory in many Irish schools. If the English, years ago, had not destroyed its use, Gaelic would be as common in Ireland as Polish in Poland—and why not?

MAUREEN E. CONNORS

Prayer in Schools

I'm trying to remember *when* I have read such garbage, such slop in judgment, such willful distortion of Holy Scripture! God, our Father, is not a God who dwells in the pocket of a few priests and ministers!

The teacher, or instructor, does not represent the church; he or she represents the school, which represents the national government, *which is supposed to endorse, acknowledge, and promote* the cause of God!

DAN HENEED
Hot Springs, South Dakota

Of Atheism and an Architect

Confusion seems to exist in defining religion. For instance, Christianity, Judaism, Islam, and Hinduism, among others, are recognized as religions. What seems to be overlooked is that atheism clearly sets forth a concept regarding the nature and existence of God, albeit a negative concept. Atheism speaks on the same fundamental issues and with a presumed tone of finality; therefore, in the broader sense, atheism is as

truly a religious philosophy as any other religious teaching.

Not all evolutionists consider themselves to be atheists. Nevertheless, a common assumption of evolutionism is that if there is a God, He is a relatively powerless, indifferent bystander. This is an unprovable *a priori* assumption.

What thrills me as a creationist is that scientific research is systematically revealing, in ever greater detail, the amazing intricacy of structural and functional design in all living tissue. Logic seems to demand that finding evidence of design demands the conclusion that there must have been a Designer.

In spite of this, most scientists who sponsor evolutionism refuse to admit that there could have been an Architect, although they do admire the architecture. What is even more amazing is that so many of them seem unwilling to discuss creationism as a reasonable alternative explanation of the origin of life to be considered along with the doctrine of spontaneous evolutionism. This attitude represents suppression rather than freedom of thought. If

Christians were demanding that evolutionism be abolished in public school teaching, they would certainly be condemned as "religious bigots."

T. E. WADE, M.D.
Liberal, Kansas

The Sabbath/The Seventh

If Mr. Everett Stevens is planning to worship God in the new earth on Sunday, he will be disappointed. Isaiah 66:23 says, "And it shall come to pass, that from one new moon to another, and from one *sabbath* to another, shall all flesh come to worship before me, saith the Lord." Exodus 20:8-10 defines the Sabbath day for us. "Remember the sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: but the seventh day is the sabbath of the Lord thy God."

Nowhere does the Bible call the first day of the week holy. Sunday is a man-made day of rest.

WALTER RAIDEN
New Smyrna, Florida



Mixed Review

I have been impressed with LIBERTY's wide array of topics within the confines of church and state. Many articles have brought to my attention important issues that I had not known existed. On that I compliment LIBERTY.

However, I feel you've fallen into the currently popular syndrome of overresponding to the conservative stance. You seem to go out of your way in exposing their errant ways, and you appear more set in defensive nitpicking for the state than allowing the church much more than a once-over. Yet, in the final analysis, is the state more worthy to be worshiped than God? If not, then why so much talk about how, why, what, and where the church interferes with the state and not vice versa?

But then again, backtracking, I admit that in comparison with other examples of the printed word you are quite balanced. Supposedly objective newspapers are biased to the brim. In church-state news they usually wave the state flag, ignore the church position, or trivialize the entire affair into oblivion. Even periodicals supporting the church view often overstack their cards to the point of my embarrassment.

Perhaps the reason you don't print a more balanced selection of articles is because you don't receive them. But perhaps you don't receive them because you're not in the habit of printing them.

Whatever, I don't plan to cancel my subscription. I'm not angry, just disappointed.

GARY SEVERSON
Bellingham, Washington

Bahais—Genocide

We wish to applaud your reprinting of Mike Royko's column "All in the Name of God" (March-April, 1982), which cites the officially sanctioned persecution of members of the Bahai faith in Iran. Mr. Royko's sense of irony is all too telling of the bigotry and fanatical violence of those claiming to be the spiritual heirs of Mohammed.

Even now, the brutal repression of Bahais in Iran proceeds with more executions, more summary arrests, more burning of homes, job dismissals, and threats against Bahai schoolchildren who refuse to deny their religion. No attempt is made recently to disguise with spurious charges the true nature of the repression. Bahais are hanged or shot before firing squads, having been convicted of the crime of "heresy."

The heinous treatment of Bahais, promised their freedom and security if they recant their faith, can no longer be ignored by world public opinion. An aroused world

conscience remains our best hope for an end to the intended genocide of the 300,000-member Bahai community of Iran.

We commend you on your vigilance of this repression.

PARKS SCOTT
Bahai Office of Public Affairs
Wilmette, Illinois

Listen, World!

While I don't agree with the Bahais theologically, I deplore what is being done to them and I applaud LIBERTY for bringing this injustice to the attention of the world.

JOHN GILBERT
Berrien Springs, Michigan

Bad Mix

Many people are saying that religion should enter politics and "clean it up." History shows that religion and politics do not always mix well. Consider the mixture of religion and politics in the Inquisition, the Crusades, the Thirty Years' War, the ongoing war in Ireland, and the recent fighting in the Middle East, proclaimed a holy war by both sides.

If political power could solve earth's problems, why didn't Jesus accept such power when on earth? The record shows that He rejected an offer of "all the kingdoms of the world" (Matt. 4:8-10).

God's kingdom is the only solution to problems the politician can't solve.

WILLIAM O. JONES, JR.
Albany, Georgia

Religious Tyranny

Many Americans seem willing to ignore the First Amendment. They petition Congress to pass laws that deny the right to worship God according to conscience. This is religious tyranny, which is even more deplorable than terrorism. Far more people have met violent death because of religious tyranny than by terrorism of any kind.

ALBERT LINCOLN
Banning, California

Sabbath Truth

Regarding Mr. Stevens' dismissal of the Sabbath commandment (Letters, May-June, 1982): Booton Herndon (author of *The Seventh Day*) tells about a native who became a Christian Sabbathkeeper and who was persecuted by his former church members. Said the native: "You are not the judge over this Sabbath law, and neither am I the judge. But if in the great judgment I am found to be wrong, I am going to bring a charge against Jehovah because He wrote

with His own finger the law of the Ten Commandments, the fourth of which says the seventh day is the Sabbath, and we are commanded to keep it. And if found to be wrong, I will bring a charge against all the patriarchs and prophets of the Old Testament times, because they taught the seventh-day Sabbath and kept it. And I will also bring a charge against the Lord Jesus Christ, who said, 'Think not that I am come to destroy the law . . . : I am not come to destroy, but to fulfill.' And Jesus kept His Father's commandments and rested on the holy Sabbath and preached in the synagogue. And if I am found to be wrong, I'll also bring a charge against the apostle Paul, who said of the law, that it was holy, just, and good, and he also honored the Sabbath day by preaching in the synagogue as well as by the riverside. In short, if I am wrong, I'll bring charges against Jehovah, the patriarchs and prophets in Old Testament times, and Jesus, Paul, and the apostles in New Testament times.

"And now, brother, if you are found to be wrong over this Sunday question, which Bible character are you going to bring charges against?"

STEWART J. WETSTEIN
Bisbee, Arizona

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Perspective

REASSURING THE QUEEN

Could Her Majesty, Queen Elizabeth II, be contemplating the fate of the Canadian Sunday as the Right Honorable Pierre Trudeau and his colleagues rejoice at the signing of Canada's new Charter of Rights and Freedoms? It doesn't seem likely, but Canadian experts do say that the freedom-of-religion clause could mean the end of the Lord's Day Act and similar provincial statutes that use religious reasons for closing businesses on Sunday. (See "Sunday Law Skirmishes in Canada" and "The Canadian Sunday," pp. 18-21.) Canadian courts will have to decide whether selecting a closing day based on its religious significance violates the charter.

Whatever the thoughts behind Her Majesty's contemplative expression, we'd like to reassure her that all Canadians who really want to go to church will find their way



Applauding Prime Minister Pierre Trudeau's signing of Canada's new Charter of Rights and Freedoms are, from left to right: The Honorable Andre Quellet, M.P., Registrar-General of Canada, and The Honorable Gerald Regan, M.P., Secretary of State. The Honorable Michael Pitfield, Clerk of the Privy Council, stands deferentially behind Her Majesty, Queen Elizabeth II.

without legislative help. In fact, while Sunday laws succeed in propelling only 2 percent of her British subjects to church on Sunday, nearly 35 percent of Canadians

make it, and in the United States, with few Sunday laws, 40 percent find their way to the pews. And that, Your Majesty, is indeed cause for contemplation . . . —R. R. H.

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The Declaration of Principles ^{of the} Religious Liberty Association of America.

We believe in Religious Liberty, and hold that this God-given right is exercised at its best when there is separation between church and state. — We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all. — We believe in the individual's natural and inalienable right to freedom of conscience; to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of Religious Liberty; but that in the exercise of this right he should respect the equivalent rights of others. — We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and, therefore, that it is not within the province of human government to enact such legislation or perform such acts. — We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of Religious Liberty. — We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

Edmund Hegstad Paul C. Wilson Arden Egan
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