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A MAGAZINE *of* RELIGIOUS FREEDOM

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God & COUNTRY



Joel Klimkewicz with
his wife, Tomomi, and
daughter.



Good

It's a brave—though some might instead say unwise—individual who chooses to resist the might and authority of the United States Marine Corps. Created by the Continental Congress on November 10, 1775—238 days before the Declaration of Independence was signed—the Marines have become, and are today, a formidable fighting force whose motto, “*Semper Fidelis*,” Latin for “Always Faithful,” has become a byword for many in America.

Faithfulness takes on many forms, as a former Marine lance corporal, Joel David Klimkewicz, discovered about a year ago. His story has many twists and turns, and the final outcome isn't, well, final yet. Through it all, however, Klimkewicz, now a religion major at Southern Adventist University in Collegedale, Tennessee, maintained his poise, his faith, and his example as a Marine—but a Marine of conscience.

“We have to obey God rather than man, no matter what the consequences,” said Klimkewicz, in a telephone interview. He is now appealing the equivalent of a felony conviction for refusing to obey a lawful order. “God is in control of our lives, through our conscience and [how we live] our lives.”

How Joel Klimkewicz lived his life resulted in a December 14, 2004, court-martial conviction and a seven-month prison sentence. Klimkewicz, a native of Birch Run, Michigan, is married and has a 4-year-old daughter. For his principled stand, he was imprisoned, reduced in rank to recruit, and given a bad conduct discharge from the Marine Corps—although that latter move is on hold while his case continues on appeal.

“In 36 years of dealing with these cases, this is the first one I've seen go so far,” said Richard O. Stenbakken, a retired U.S. Army chaplain and Seventh-day Adventist church pastor who until recently headed Adventist Chaplaincy Ministries

for the 14.3-million-member church.

Adventist Church attorney Mitchell A. Tyner said, “The Marine Corps, in its zeal to prevent others from avoiding combat, has totally misread this soldier, and the result is a serious miscarriage of justice.”

Klimkewicz, who experienced a religious awakening while on a shipboard assignment in the Marines, formally joined the Seventh-day Adventist Church in the summer of 2003. Before his conversion Klimkewicz, by his own admission, led a less-than-exemplary life. Afterward his wife, Tomomi, a Japanese citizen who has a temporary residence permit and is seeking permanent resident status in the United States, as well as his coworkers and superiors in the Marines, noticed a marked change in his behavior and attitude.

After he joined the Seventh-day Adventist Church, Klimkewicz learned that noncombatancy is the church's recommendation, and, upon personal reflection, came to the principled conclusion that he could not take up a weapon to kill another person. Klimkewicz told Marine Corps officials that he was willing to serve, but not to carry a weapon or to take a life. The Seventh-day Adventist Church, while recommending noncombatancy for its members who serve in the military, leaves such decisions to a member's individual conscience.

Such requests are usually granted, observers of the issue say, or the service member is given an administrative discharge from the military. Klimkewicz volunteered for two separate deployments in which he would help clear

Mark A. Kellner is a freelance author in Rockville, Maryland. He writes a weekly column in the Washington Times and is the author of God on the Internet.



C&COUNTRY

By MARK A. KELLNER

land mines in Iraq, a fairly high-risk task in which he would not have to carry a weapon, but superiors refused him. When one superior, Major Kirk Cordova, executive officer of the Second Combat Engineers Battalion of the 2nd Marine Division, ordered the Marine to carry a weapon, Klimkewicz refused and was brought up on charges.

"I can't take a human life; that's my only real issue," Klimkewicz affirmed when interviewed about the matter.

What made this more than a garden-vari-

Solomon Islands, an archipelago in the South Pacific, sent a donation to help the Klimkewicz family, which was deprived of his salary while he was in a U.S. Navy brig, or jail.

That family was also deprived of the man who became a better husband and father through his religious experience. Recalling that time after he was released from prison, Klimkewicz said that his wife, Tomomi, who also had adopted the same faith, actually gained from this time of adversity.

"My wife learned a lot through this experience. She's learned how to do the finances all on her own. She has adapted and overcome that obstacle, and she gained a lot of faith from the local church members who supported her morally and financially, as well as from all the church members who sent donations from around the country and all over the world," Klimkewicz said in an interview. "The separation time has actually brought us closer together, and she's learned how to trust in God."

What suddenly prevailed upon the Marine Corps to release the prisoner early? It might well have been the interest that two members of the United States Congress took in the case. Representative Dale E. Kildee of Michigan and Representative Roscoe G. Bartlett of Maryland each spoke up on the Marine's behalf. Those appeals—and Representative Bartlett's presence on a House appropriations subcommittee that deals with the Marine Corps—may have motivated the early release. It may have been a result of the spotlight of public interest. It may have been a belated recognition that Klimkewicz is not disloyal, but determined to be loyal to his faith commitment.

Klimkewicz was acknowledged by many to have been a model prisoner, who completed his assignments without complaint and even held Bible studies for others in the brig who were interested.

"When I found out I was going to be released, other prisoners were happier [for me] than I was that I was going to leave," Klimkewicz recalled. "I was never treated as someone trying to get one over on the system."

Indeed, private citizen Klimkewicz has a particular reason for seeking the overturn of his conviction: He wants to go back into the military as a chaplain, offering spiritual support to men and women in a stressful, demanding line of work, sharing the same good news that once touched his life.

"It would be a perfect ending," he said. □

*"I'm a conscientious
cooperator; I don't object to
serving my country."*

ety change of heart by a member of the U.S. military may never be fully known; it's certainly not settled now. The Marine Corps, in speaking with various military and public media, maintains that Klimkewicz was trying to dodge his service and that his "conversion" to non-combatancy came before he had reenlisted in the Corps. The former corporal says no, he was not trying to evade his duty. He says he would gladly serve, but not kill.

"I'm a conscientious cooperator; I don't object to serving my country," he said in an interview.

Was it totally within the discretion of the Marine Corps to handle this matter? Yes, say observers. They could have granted Klimkewicz's request or given him an administrative discharge, and they did not have to set up a situation in which he would feel compelled to disobey an order. Whatever Major Cordova's motivations were, they remain secret; he has not spoken publicly about the case so far as can be determined.

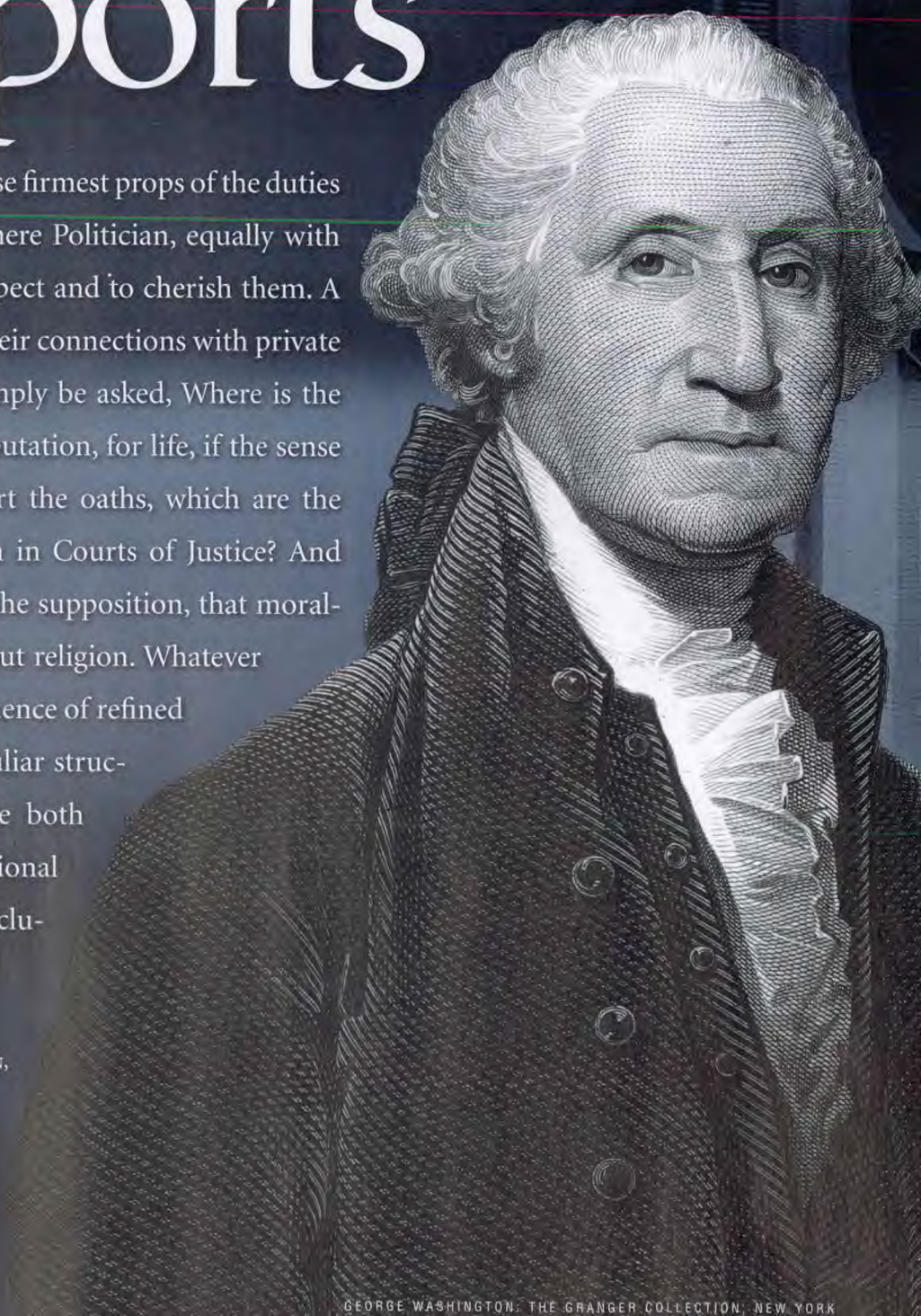
The moves against Klimkewicz drew international attention, including major media coverage in the United States and overseas. Men, women, and children sent letters and messages of encouragement; other religious groups, including the Quakers, took up his cause. Even Seventh-day Adventist Church members in the

Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pil-

INDISPENSABLE Supports

lars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

— From the Farewell address of
PRESIDENT GEORGE WASHINGTON,
September 17, 1796



By What AUTHORITY

By
SENATOR
TOM MCCLINTOCK

There is a great principle at the heart of the movement to strike the words “under God” from the Pledge of Allegiance—and from our national customs, our currency, and our public ceremonies. It has very little to do with atheism. It has a great deal to do with authoritarianism.

The philosophy behind America’s founding is unique among those of the nations of the world because of a bedrock principle that was given expression by words in the Declaration of Independence that are old and familiar, and yet not often pondered these days.

In the American view there is a certain group of rights that are accorded absolutely and equally to every individual and that cannot be alienated. The existence of these rights is beyond debate—“self-evident,” in the words of the Founders. And their source is supreme—the “Creator.” “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.”

What are these rights? They are rights that exist as a condition of human life itself. If an individual were alone in the world, the rights he would have are those rights the Founders traced to “the laws of nature and of nature’s God.” In their words, “That among these are life, liberty, and the pursuit of happiness.” The right to the fruit of our own labor, the right to express our own sentiments, the right to defend ourselves, the right to live our lives according to our own best lights—in a word, *freedom*.

But how do we secure these rights in a world where others seek to violate them? We form a government servient to these God-given rights, or more precisely, a government under God. “That to secure these rights, governments are instituted among men...” In the American view the only legitimate exercise of force by one individual over another, or by a government over its people, is in the defense of these natural rights.

This concept is the foundation of American liberty. And because it defines limits to the powers of government, it is supremely offensive to the radicals of the left. They abhor the words

“under God” because these words stand in the way of an all-powerful state.

The French and American revolutions were waged on precisely the same declared rights of liberty and equality. One was a ghastly failure that ended in the Reign of Terror; the other, a magnificent success. Why?

In the philosophy of the French Revolution the rights of human beings were defined by a governmental committee and extended at the sufferance of that government. In the American view these rights come from God. Their existence is preeminent, and their preservation is the principal object of government.

If the source of our fundamental rights is not God, then the source becomes people—or more precisely, a government of people. And rights that can be extended by government can also be withdrawn by government.

Words matter. Ideas matter. And symbols matter. The case now before the Supreme Court over the Pledge of Allegiance must not be devalued as a mere defense of harmless deistic references and quaint old customs. The principle at stake is central to the very foundation of the American nation and the very survival of its freedoms. □




Senator Tom McClintock represents the 19th Senate District in the California State Legislature. He writes from Sacramento, California.

Inspiring words from a leading political figure. There is a lot at stake in the Pledge of Allegiance debates. His essential point of authority is insightful. There is, of course, a danger in the way some argue that the U.S. government is founded on Christianity. That is not so, and was never intended to be so. The United States arose out of a society that had many shared Christian assumptions, and the framers of the Constitution were acutely aware that government authority derives from a higher power. But the government itself was intended to be a secular system, separate from religious power and control. EDITOR.



RITTY?



The increasing attempts by many “good people” to Christianize the United States by law rather than by evangelism has even reached the Supreme Court. The gospel commission given by Jesus is “Go ye therefore, and teach all nations,” not “Go ye therefore, and compel all nations!” Even though we see what religion in government can do in the Middle East, many want to do the same here.  The United States is one of the most devout nations in the world, and it is at the same time the most religiously diverse. The United

Teach Us to Drain

By
THOMAS J. ZWEMER

States has more than 1,500 different religious bodies and sects—including 75 divisions of Baptists alone. This country has 360,000 churches, mosques, and synagogues [including independent storefront churches], all coexisting in relative harmony. There are, for example, 193 churches, synagogues, mosques, and temples listed in the Augusta, Georgia, Yellow Pages. There are five non-Christian churches listed, eleven Baptist, three Catholic, even two Presbyterian—the “right” one and the “wrong” one!

Dr. Thomas J. Zwemer is vice president for Academic Affairs Emeritus, Medical College of Georgia, Augusta, Georgia.

More than 90 percent of Americans believe in God. More than 50 percent say they pray at least once a day, and more than 40 percent say they have attended worship services within the past week.

So it ought to be a slam dunk to bring prescribed prayer into the public schools. But here is the rub! Each believes that they alone are "right" and the prayers of other belief systems are wrong and thus ineffectual! Furthermore, each believes that support or recognition of any other "faith" is a disservice to the "truth." Thus the 10 percent who don't pray are the largest single group of Americans.

Just consider this: A neighbor and friend of mine is a member of the Jehovah's Witnesses and teaches public school. Colleagues of mine have wives who teach public school. Some are members of the Church of Jesus Christ of Latter-Day Saints; others are Roman Catholics, who pray to "Mary, Mother of God." Others are Unitarians, who don't believe in the Trinity or the Apostles' Creed. Still others are Muslims, Buddhists, Hindus; yet others are agnostics. An acquaintance in Augusta who is a Christian Scientist prays to a Mother God. Which of these people would you want to compose the morning prayer for your children?

Thank God and the United States Constitution, our children *can* pray in public schools. More to be praised is the fact that no one but parents or their surrogates can teach their children how to pray, or require that they listen to the prayers of others. The United States Constitution protects "captive" individuals from listening to or participating in sponsored prayer in any government-related event. Our Founders found King George's church as odious as King George's tax laws. They were of a mind that salvation is through God alone to individuals alone. Accordingly, prayer is a private conversation between the individual and God. Corporate prayer is effectual only if the group in free association is in consensus. The founders of our nation felt so strongly they fashioned the provision for the constitutional right to private prayer with equal shelter from imposed prayer.

Accusations are totally unfounded that some nefarious group moved the United States Supreme Court to deny

private prayer in public places. The Court simply states that the civic right to pray and the civic right not to pray or to be part of an audience to public governmentally sponsored prayer are both protected. The Court agrees that if God does not compel, neither should the Court. Informed Christian citizens agree that the United States Constitution protects each one's right to pray in their own way.

United States Constitution

Amendment I

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Would reciting the Apostles' Creed be the establishment of religion? Our Jewish and Baptist friends would be outraged.

Would reciting the Lord's Prayer be the establishment of religion? Certainly our Jewish friends would object!

Would saying the rosary be the establishment of religion?

How about just a Hail Mary: *Hail Mary, full of grace, the Lord is with thee; blessed art thou among women, and blessed is the fruit of thy womb, Jesus. Holy Mary, Mother of God, pray for us sinners, now and at the hour of our death. Amen.*

What about the Islamic prayer said five times daily—

at least three of those occurring during school hours:

Allah is most great, Allah is most great.

Allah is most great. Allah is most great.

I testify that there is no god except Allah.

I testify that there is no god except Allah.

I testify that Muhammad is the messenger of Allah.

I testify that Muhammad is the messenger of Allah.

Come to prayer! Come to prayer!

Come to success [in this life and the hereafter]

Come to success!

Allah is most great. Allah is most great.

There is no god except Allah.

As Christians we are often invited to ask: What would Jesus do?

Let us take a look at what Jesus did!

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First, Let Us Define a Christian

The name Christian means one who rejoices in the gospel of the covenant of redemption. Such a one accepts, trusts, and believes in the claims of Jesus of Nazareth as the Son of God, the Messiah, the Savior of humanity, the mentor to all those who believe in Him, the advocate with the Father, and the coming King of kings and Lord of lords.

What Jesus Did

Jesus of Nazareth announced His identity and mission in His hometown on the Sabbath day in the local synagogue. Luke records the announcement as follows:

“And he came to Nazareth, where he had been brought up: and, as his custom was, he went into the synagogue on the sabbath day, and stood up for to read. And there was delivered unto him the book of the prophet Esaias. And when he had opened the book, he found the place where it was written, The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord. And he closed the book, and he gave it again to the minister, and sat down. And the eyes of all them that were in the synagogue were fastened on him. And he began to say unto them, This day is this scripture fulfilled in your ears” (Luke 4:16-21).*

Christ’s public ministry began with His sermon on the mount. He opened with the Beatitudes, which are, in reality, a statement of His character, and secondarily the characteristics of those who have accepted Christ as their personal Savior. The lifestyle of the forgiven is to give in the same abundance as they have been given! In His sermon Jesus went on to explain the full meaning and intent of the law. His law governs a person’s thoughts, laying waste to the hypocrisy of self-righteousness. Christ continued by outlining a lifestyle of humility, charity, and forgiveness—a morality that exceeds the conventional understanding of the law. He closed with a parable that highlights the assurance given to those who accept His righteousness and build their lives on the rock of His acceptance, the perfection of His life, and the complete-

ness of His redemption. Such are eternally safe through the storms of life.

In His three-year ministry He never deviated from His announcement in Nazareth or His sermon on the mount. In deed and in parable He reiterated, reinforced, and demonstrated a wholistic morality—the one whole Man. The Second Adam demonstrated that He is devoid of conflicting loyalties, false concepts, vanity, doubt, alienation, hate, and ruling passions, and is willing to share without selfishness. He kept the Ten Commandments in spirit and in truth—a feat no other human being has, will, or can accomplish.

Jesus made a continuing point of forgiveness and the lifestyle of the forgiven, as in His conversation with Simon at Simon’s feast in honor of Jesus, at which Simon had silently criticized Mary.

“And Jesus answering said unto him, Simon, I have somewhat to say unto thee. And he saith, Master, say on. There was a certain creditor which had two debtors: the one owed five hundred pence, and the other fifty. And when they had nothing to pay, he frankly forgave them both. Tell me therefore, which of them will love him most? Simon answered and said, I suppose that he, to whom he forgave most. And he said unto him, Thou hast rightly judged” (Luke 7:40-43).

Jesus did the same in His parable of the two debtors.

“Therefore is the kingdom of heaven likened unto a cer-

tain king, which would take account of his servants. And when he had begun to reckon, one was brought unto him, which owed him ten thousand talents. But forasmuch as he had not to pay, his lord commanded him to be sold, and his wife, and children, and all that he had, and payment to be made. The servant therefore fell down, and worshipped him, saying, Lord, have patience with me, and I will pay thee all. Then the lord of that servant was moved with compassion, and loosed him, and forgave him the debt. But the same servant went out, and found one of his fellowservants, which owed him an hundred pence: and he laid hands on him, and took him by the throat, saying, Pay me that thou owest. And his fellowservant fell down at his feet, and besought him, saying, Have patience with me, and I will pay thee all. And he would not: but went and cast him into prison, till he should

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pay the debt. So when his fellowservants saw what was done, they were very sorry, and came and told unto their lord all that was done. Then his lord, after that he had called him, said unto him, O thou wicked servant, I forgave thee all that debt, because thou desiredst me: Shouldest not thou also have had compassion on thy fellowseverant, even as I had pity on thee?" (Matthew 18:23-33).

Jesus used the same logic in His description of the day of judgment.

"When the Son of Man comes in his glory, and all the angels with him, he will sit on his throne in heavenly glory. All the nations will be gathered before him, and he will separate the people one from another as a shepherd separates the sheep from the goats. He will put the sheep on his right and the goats on his left. Then the King will say to those on his right, 'Come, you who are blessed by my Father; take your inheritance, the kingdom prepared for you since the creation of the world. For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.' Then the righteous will answer him, 'Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? When did we see you a stranger and invite you in, or needing clothes and clothe you? When did we see you sick or in prison and go to visit you?' The King will reply, 'I tell you the truth, whatever you did for one of the least of these brothers of mine, you did for me.' Then he will say to those on his left, 'Depart from me, you who are cursed, into the eternal fire prepared for the devil and his angels. For I was hungry and you gave me nothing to eat, I was thirsty and you gave me nothing to drink, I was a stranger and you did not invite me in, I needed clothes and you did not clothe me, I was sick and in prison and you did not look after me.' They also will answer, 'Lord, when did we see you hungry or thirsty or a stranger or needing clothes or sick or in prison, and did not help you?' He will reply, 'I tell you the truth, whatever you did not do for one of the least of these, you did not do for me.' Then they will go away to eternal punishment, but the righteous to eternal life" (Matthew 25:31-46).†

That is why the Lord's Prayer is so wonderful yet awesome. "Forgive us our debts, as we forgive our debtors" is an awesome prayer given to us by the One who gave Moses the Ten Commandments. Could it be that Christian living encompasses more than a list of 10 do's and don'ts? How can we pray "Our Father which art in heaven" without accepting one another as kin? The Fatherhood of God and the brotherhood of man is more than a political cliché. It is the fundamental basis of our relationship to one another and to our Creator Redeemer God. The Sermon on the Mount of Blessing is the moral blueprint that Christ says He will use on the day of judgment (Matthew 25:31-46). Wholistic morality

demands charitable stewardship of all of God's creation. Wholistic morality is the lifestyle of the forgiven: to feed the hungry, to give water to the thirsty, to clothe the naked, to heal the sick, to comfort those who mourn, to visit those in prison.

How can we cry for mercy yet demand justice without compassion upon others? Even William Shakespeare caught that vision in his play *The Merchant of Venice*. The play is not anti-Semitic; it is anti-self-righteousness, anti-greed, and anti-vindictiveness! The sum of which is distilled in Portia's preamble to her charge to Shylock:

"The quality of mercy is not strain'd

It droppeth as the gentle rain from heaven

Upon the place beneath:
It is twice bless'd;

It blesseth him that gives and him that takes:
'Tis mightiest in the mightiest: it becomes
The throned monarch better than his crown;
His scepter shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this scepter'd sway,
It is enthroned in the hearts of kings,
It is an attribute to God himself,
And earthly power doth then show likest God's
When mercy seasons justice. Therefore, Jew,
Though justice be thy plea, consider this,
That in the course of justice none of us
Should see salvation: we do pray for mercy,
And that same prayer doth teach us all to render
The deeds of mercy."

The inscription

on the Statue of Liberty
embodies the Christian heritage
of the United States of America
far better than does posting
the Ten Commandments on
school bulletin boards or on
courthouse marquees.

Love for the Redeemer can be demonstrated only by charity toward one's neighbor and stewardship of "all creatures great and small." Our stewardship of His world is the only proper gift we can bring to the King of kings and Lord of lords.

The inscription on the Statue of Liberty embodies the Christian heritage of the United States of America far better than does posting the Ten Commandments on school bulletin boards or on courthouse marquees.

"Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore, send these, the homeless, tempest-tost to me: I lift my lamp beside the golden door."

For these words echo the invitation of Jesus: "Come unto me, all ye that labour and are heavy laden, and I will give you rest" (Matthew 11:28).

"Blessed are the merciful: for they shall obtain mercy" (Matthew 5:7).

Those who take the name Christian and show not mercy and compassion have taken the name of God in vain! Moral decline is a consequence of selfishness—a self-centered worldview.

Therefore, moral decline is not primarily the result of a

lack of the Ten Commandments or a lack of assigned public prayer in the classroom. Moral decline results from the lack of a coherent family circle. There is no family table or meal. There is no table talk. The tube is no moral substitute.

If there were enough coherence in the family to teach the four cardinal virtues of Socrates/Plato/Thomas Aquinas—wisdom, temperance, courage, and justice—we would be miles ahead of where we are now. Certainly, there are no constitutional restrictions against wisdom, temperance, courage, justice, and mercy.

"He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, to love mercy, and to walk humbly with thy God?" (Micah 6:8).

The American family is cursed with an abundance of TVs, Internet access, fast foods, latchkey kids. The sin of the century is abundance-created selfishness!

Teach us to forgive and to share!



* Unless otherwise noted, all Bible quotations in this article are taken from the King James Version.

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Evolution *and* Intelligence

According to InterVarsity Press, "The intelligent design theory has become the center of a growing controversy among state boards of education around the country as school board members and parents ask their local school boards to allow intelligent design to be taught in their science classrooms." Intelligent design is a truth-claim about the origin of the universe that employs mathematical, scientific, and biological evidence to derive data from nature to help prove and conclude that an intelligent cause is responsible for the order, harmony, complexity, and design in nature.

To evolutionists, intelligent design simply is another version of "scientific creationism" and a way to use the guise of scientific enterprise to bring religion into the public schools. Proponents of intelligent design, on the other hand, insist that their theory is indeed scientific and is buttressed by a wealth of evidence that the universe simply could not have come together on its own.

Phillip Johnson, a law professor at the University of California (Berkeley) and author of *The Right Questions* (InterVarsity), observes that "the intelligent design movement started in 1993....The ID movement started in order to explore ways to bring to public attention scientific and philosophical weaknesses in Darwinian theory."

Can someone be both a proponent of evolution and of intelligent design? Johnson responds: "A design can be executed gradually, but the Darwinists who control scientific publication define *evolution* as entirely purposeless and undesigned, involving no intelligence. Under that definition, evolution excludes intelligent design."

An informative and thought-provoking 2001 Gallup poll revealed that 45 percent believe God created human beings and the universe in its present form; 37 percent think God used the evolutionary process to make humans and the world the way they are today; and 12 percent insist that evolutionists are correct and that God had no role in the creation of humanity and the world. The same poll found that only 33 percent accept the theory of evolution as cor-

rect, while 57 percent said they believe in creation (10 percent said they were undecided).

Writing in the February 2002 *Scientific American*, science writer Michael Shermer sharply rebuked efforts to promote in natural science classes in the public schools such concepts as "creation science" and "intelligent design." Shermer observed that "it is not enough to argue that creationism is wrong; we must also show that evolution is right." He quoted, with approval, Charles Darwin's statement that "it appears to me...that direct arguments against Christianity and theism produce hardly any effect on the public; and freedom of thought is best promoted by the gradual illumination of men's minds which follows from the advance of science."

Conversely, Charlie Reese, a conservative social critic and syndicated columnist, argued in the January 9, 2002, *Clarion-Ledger*, Jackson, Mississippi, that "when we consider the size of the galaxies and the vast distances that separate them, when we consider how exactly everything had to be just so without even one atom's difference to produce us and our habitable planet, then it seems...more superstitious to believe it is all a meaningless accident than to believe in intelligent design and an intelligent designer."

According to Reese, "There is evidence of a caring God. [Our planet] has everything we need. It is beautiful. It was not created by God with either killing fields or Auschwitzes. If we defile and despoil it, that's not God's fault."

Reese added: "I prefer mystery and God to materialistic dogma wearing the false mantle of science. Wiser men than I have observed that if there indeed is no God, then anything goes and everything is pointless."

In my view creationism is a legitimate point of view, but it does not belong in natural or physical science classes; rather, it should be taught in history, literature, religion, and *philosophy* of science classes. This is because creationists use scientific data to buttress the theological and philosophical

By
HAVEN BRADFORD GOW


Intelligent Design



propositions that God, a Supreme Being, exists in objective, extramental reality, and that He created humanity and the universe in which we live.

Creationists are admirable and well-intentioned; they seek to demonstrate that there is order, meaning, and purpose in the universe, and that there is something sacred about human beings and the world in which we live. The problem with creationism is that physical science, because of its own limitations and restrictions, simply cannot deal with God and creation. When scientists either affirm or negate the objective reality of God and creation, they step outside their field of expertise and enter different, though no less intellectually respectable and defensible, branches of knowledge, namely, theology and the philosophy of science.

Scientists as scientists are concerned solely with descriptive reality and empirically verifiable phenomena; they use the techniques of the laboratory to seek truth and knowledge of external reality. We simply cannot and must not supply theological and philosophical answers to scientific questions, even as we cannot and must not provide scientific answers to philosophical and theological questions.

Perhaps our schools can incorporate into their physical science classes a two-week examination of the *philosophy* of science so that creationism may be legitimately discussed. 

Haven Bradford Gow is a TV and radio commentator and writer who teaches religion to children at Sacred Heart Catholic Church in Greenville, Mississippi.

EDITOR'S NOTE: *The intelligent design versus evolution debate is heating up. While we are not quite seeing a repeat of the Scopes trial fight of last century, there are serious issues of authority, societal religious norms, church-state separation, and the nature of inspiration at play. Look for more articles on this in the coming months.*

In the Shadow of CAPITOL

Liberty magazine, which is just completing 100 years of continuous publication under its own name, had several precursor Seventh-day Adventist religious liberty magazines, starting with the *American Sentinel* magazine (1886-1900). With the exception of a few months in 1900 and 1901, when it was published by the International Religious Liberty Association in Chicago as *The Sentinel of Liberty*, the magazine was published by Pacific Press, either at Oakland, California, or its branch office in New York. However, in 1903 the immediate precursor of the magazine, *Sentinel of Christian Liberty* (1901-1904), was moved from New York to Washington, D.C., where the New York branch of the Pacific Press was combined with the newly reorganized Review and Herald Publishing Association. A disastrous fire in Battle Creek, Michigan, had led to the removal of the Review and Herald and the Seventh-day Adventists Church headquarters from Battle Creek to Washington.

The new home of the magazine, 222 North Capitol Street, N.W., itself had risen from the ashes of a famous fire—it had been burned during the British invasion of Washington in 1814. The building that was occupied from 1903 to 1906 as the temporary headquarters of the Review and Herald, and the first and last Washington home of the precursor magazine to *Liberty*, was added as a third residence of an original two-part town house built in 1799.

It is not known whether the original house was ignited by cinders from the fire that destroyed the Capitol or by fires

Trevor Delafield, D. Min., is a Seventh-day Adventist minister with a keen interest in American church history. He first acquired his appreciation for American religious and civil liberties while reading copies of Liberty magazine around the house when he was a boy in a minister's home, and he is a life-long admirer of the magazine.



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By
TREVOR
DELAFIELD



Left: The 222 North Capitol Street building that was briefly home to *Liberty* and its predecessor from 1903 to 1906. Right: The Washington House as photographed by officers quartered in the Capitol during the Civil War.



Left: The Washington House, where *Liberty's* premiere issue was published. 222 North Capitol is the townhome on the far left. Right: *Liberty* editor Lincoln Steed and author Trevor Delafield examine the plaque on the Capitol grounds that marks the spot of the original Washington lots.

set by the British. However, the original house was designed by William Thornton, the architect of the Capitol, according to instructions given by President George Washington. The intended use of the house was to provide housing for members of Congress in the new Federal City. It was built for former President George Washington, with that purpose in mind, on lots acquired by George Washington on October 3, 1798. This fact might have itself given cause for its intentional ignition by the British.¹

Portions of the building that later became 222 North Capitol may have been added at the time of the original 1818 reconstruction, or perhaps later, in the 1830s. This structure, which incorporated walls from the original house, bore a strong resemblance to the 1799 house. From henceforth the two new structures were inseparably connected and came to be known together as the Washington House. A Civil War-era photograph, which some reports indicate was taken by Matthew Brady, shows marble slabs lying on the roadway, ready for transportation to the nearby Capitol building, which was undergoing remodeling. According to an early source, Abraham Lincoln interviewed the defender of Fort Sumter in this house after the fort's fall.

George Washington had a personal hand in the design of the house and wanted it to include features of a house in Philadelphia that appealed to him, perhaps the house of Colonel Isaac Franks, a revolutionary officer who made his residence available to the president upon Washington's request. Washington had stayed in the Franks house, which was located in what was then the outskirts of the city, during a yellow fever epidemic in 1793.²

Washington wanted the house to be completed before the first session of Congress in the new Federal City commenced in 1800,

as mandated by law. He visited the site while the house was under construction, but it was uncompleted when he died unexpectedly in December 1799. The president planned his house as a modest residence in terms of formal houses of the time. However, he considered that when completed, it would be the finest residence then standing on Capitol Hill. It was his intention that the house could be used as a single dwelling or as separate houses. He said that it could, if necessary, house from 20 to 30 persons.

After Washington's death the house remained in the trust of the George Washington estate and served as a congressional boardinghouse from the first meeting of Congress in 1800 until August 23, 1814. That was when it was destroyed by fire, perhaps intentionally by the British, who may have learned that papers from the House of Representatives, mainly "committee records, claims and pensions, and revolutionary claims," had been moved there for safekeeping, apparently by John Frost, a clerk in the House of Representatives and son of Mrs. Frost, who "conducted" the boardinghouse. The properties were rented for boardinghouse purposes by the Frosts from 1800 on. "A part of it was occupied by President Jefferson's Secretary of War, Gen. Henry Dearborn."³

After the fire the ruins were sold by Washington's estate to David English and W. S. Nichols. English sold his interest to Peter Morte, who incorporated the walls of the old building into the rebuilding of the home.⁴

From the beginning the newly reconstructed house was also envisioned as being suitable for use as a large single residence, or as two separate structures. Subsequently it was apparently utilized in both ways. Prior to the outbreak of the Civil War in 1861, the house, or a portion of it, served as the home of Admiral Charles Wilkes, an Antarctic explorer.

For a number of years the original two-part house, which

had once again become a single unit, as remodeled, served as a hotel and boardinghouse. As originally laid out, the house had "three full stories and a dormer story." At some time subsequent to 1861, "changes in the street grade compelled the addition of a lower story and an English basement." Admiral Wilkes had wanted to make some accommodation in the building to the changes in the street grade in the 1850s, but this did not take place until some time later, perhaps when it was laid out for use as a hotel. It was this configuration of the building that was in place at the time of the 1903-1906 Seventh-day Adventist occupancy of the location.

The last numbers of the *Sentinel of Christian Liberty* were issued in 1904 at the 222 North Capitol address. After a brief hiatus, however, in 1906, a new, refurbished magazine appeared under the new name *Liberty*, which has been its name ever since. The first numbers of the new magazine used the address Takoma Park Station, Washington, D.C. The first issue (dated April 1906) was actually printed the week of March 15, and as operations had not yet begun in the new building,⁵ it is probable that the first number, and a previous undated special number of the new publication were actually printed at 222 North Capitol Street, N.W. While the publishers wanted the new magazine to be identified with the new location next to the new denominational headquarters in Takoma Park, the first and last home of the precursor magazine became the first home of *Liberty* magazine.

Ten years after the Seventh-day Adventists first occupied it, the building was demolished to make room for the expansion of the Capitol grounds. While demolition was probably completed by 1914 or 1915, the improvements to the Capitol grounds were delayed by the onset of World War I. For a number of years Square 634, the location of the Washington town house lots, was the site of a temporary structure, Administrative Building No. 2, built in 1918 to house government workers. This building remained on the grounds until 1930 when work resumed on the expansion of the Capitol Grounds.⁶

Materials salvaged from the Washington houses, some presumably from George Washington's own possessions, were incorporated into a new hotel, the George Washington Inn. Phillips was president and manager. When it was demolished, however, in 1964, this building housed the staff of congressional committees, who were moved into the new Rayburn House Office Building. The location is now a park on part of the Capitol grounds, located opposite the Longwood House Office Building, at the southeast corner of C Street and New Jersey Avenue, S.E.⁷


By 1930 the North Capitol site was once again cleared, and work on a new park, which would extend between the Capitol and Union Station, began in earnest.⁸ The development of the areas, including fountain, reflecting pool, and plantings, was completed in November 1932. A historical plaque marking the spot of the original Washington lots and the reconstructed and enlarged house was installed under the direction of David Lynn, architect of the Capitol, in 1932, the bicentennial of the birth of Washington.

When the Adventist Church moved its headquarters to the

222 North Capitol address in 1903, the reconstructed building probably better reflected Washington's intention for his Washington homes than the original house. At the time of their occupancy and at the time of the razing of the entire structure, the third house, 222 North Capitol, retained the dormer walls and windows, but not the parapet or pediment Washington wanted. By this time many of the original architectural features of the original house, then called 224 North Capitol, were gone; a mansard roof (probably installed at the time the additional floors were added to the building) replaced the original dormer windows. However, the entire building was called the Washington House.

As is true with many buildings that serve different uses over the span of their lifetime, the building on North Capitol Street served in some noteworthy ways, and in some ways that were not quite so illustrious. It even achieved some notoriety. For their part, the Adventists were aware of the history and significance of the building and its location. They knew it as the Washington House, referred to it as such, and were pleased to occupy a building having such a connection with the history of the nation.

Interviewed in the January 20, 1952, issue of *The Evening Star*, on the occasion of his eighty-sixth birthday, W. A. Spicer, then the sole surviving member of the committee that was assigned the task of finding a new location for the Seventh-day Adventist Church headquarters in 1903 and a former president of the General Conference of Seventh-day Adventists, recalled the fact that their first home in Washington was built for President Washington, and said, "We were proud that our prayers had guided us to such a historic beginning in the Nation's Capitol."

On the occasion of the printing of the first number of the *Sentinel of Christian Liberty* in Washington, the *Review and Herald*, the general church paper, commented: "The first issue of *The Sentinel of Christian Liberty* from its new home in this city appeared last week. The issue which called this paper into existence is still a living one, and the principles which it advocates ought to be taught to all the people. It is now published under the very shadow of the Capitol building, where the laws of the nation are made, and it ought to carry the message of Christian liberty through all the land. We hope that its present circle of readers may be greatly enlarged in the near future."⁹ 

¹ Anthony S. Pitch, *The Burning of Washington: The British Invasion of 1814* (Annapolis, Md.: Naval Institute Press, 1998), p. 113.

² John Clagett Proctor, "Houses Once Owned by Washington," *The Sunday Star*, Washington, D.C., Sept. 27, 1931.

³ James Croggon, "New Plaza Takes Washington Inn" (unnamed periodical, Sept. 20, 1913), "George Washington's House in Washington," Frank W. Hutchins, *The Sunday Star*, Washington, D.C., Feb. 16, 1930.

⁴ Proctor.

⁵ *Review and Herald*, Apr. 26, 1906; May 31, 1906.

⁶ Hutchins.

⁷ *Washington Post*, May 2, 1964.

⁸ *The Sunday Star*, Feb. 16, 1930.

⁹ *Review and Herald*, Oct. 22, 1903.

“There are more kinds of democracy than kinds of compact cars.” The weary citizen, belabored by political oratory and bewildered by news analysts, retreats in confusion to the comparative simplicity of automobile ads, time payments, and keeping up with the Joneses.

Democracy, like cars, comes with all kinds of surface trappings. It comes in Cuba with seven-hour television speeches and drum-head trials, in France with a colonial war and dignified retreats to St. Colombey-les-Deux-Eglises, in Ghana with destruction of tribal rule and the exiling of the opposition, in Russia with a one-party system and a

groups and the individual.

“Democracy” usually means majoritarian democracy. Campaign speeches on “the will of the people in our great democracy” are geared to majority votes and majority will. Poets writing the great American epic or sonnets to democracy are seldom concerned with anything beyond the majority will and a majority of the book-buying public. Authors of historical novels have heroes and heroines dying for democracy, but the martyrs are ordinarily more concerned with their costumes than with constitutional technicalities.

Majoritarian democracy is government of



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Supreme Soviet that has never heard of saying “Nyet” to party politics.

What do they have in common?

The basic purpose of a car is to furnish transportation. Other purposes, such as impressing the neighbors or enhancing Junior’s prestige, are incidental. The basic purposes of democracy are to furnish a government responsible to the people and guaranteeing the basic rights of man. Other purposes, such as furnishing a catchword to conceal the real methods of the government or a subject for campaign speeches, are equally incidental. The problem in the term *democracy* is to dig under the surface appearances to the basic structure and find whether or not it is fulfilling its basic obligations.

Regardless of surface differences, there are only two kinds of democracy—constitutional and majoritarian. Majoritarian democracy is government by majority will.

Constitutional democracy has written guarantees not only of a government by the people but also of the basic rights of minority

the people, by the people, for the people. If it is good enough for the Gettysburg Address, can it have limitations? If so, what are they?

For one thing, discussions of majoritarian democracy are apt to float off into discussions of democracy as a “way of life.” The specific applications of this may involve “democracy in the family,” with 5-year-old Johnny voting on the kind of car insurance the family should have, or “democracy in the classroom,” with fifth-grade Johnny determining the year’s curriculum.

Its more general applications are considered in discussions or orations demanding “equality of opportunity,” with the feeling that this also means equality of achievement; “freedom for the individual,” with no feeling that this should include any responsibility for the rights or feelings of others; or just a “democracy” in which everyone lives in a lovely rosy haze, no one has to pay taxes, and the government pays tribute to the brotherhood of man by paying everyone’s bills.

But suppose the discussion is restricted

to majoritarian democracy as a form of government. This is a government in which all decisions are made, all laws are passed, by majority vote. What happens? The first problem may be psychological rather than legal. In a group, political or social, in which all decisions are made by majority vote, the individual may become lost in the crowd. If the majority is always right, the individual feels that the dissident minority must be wrong. "Togetherness" becomes a political and social must; individualism is politically and sociologically wrong, in addition to being psychologically undesirable. In this kind of thinking

ened the American belief that individuals count in history.

The economic pressures leading to the great westward migration are not so interesting as Daniel Boone, Kit Carson, and Jedediah Smith. The Indians' treaty rights to the Black Hills country have made little or no impression on the reputation of Custer, whose death with 200 men has made as much impression on the public mind as many military engagements with losses of thousands. Custer's military strategy may be questioned, but his place in popular history is safe.

There is a reason for this interest in the

RIGHT KIND

the great American tradition of the rugged individualist is obviously not democratic.

American histories have suffered from this emphasis on the majority rather than the individual. Individualism has been considered an American trait since the days of the first settlers. Whatever their other faults or virtues, those who survived the rigors of the frontier were individualists. The Jamestown settlement was not noted for happy unanimity of opinion, and Winthrop's journals of the early years in Boston show individual differences over such varying items as antinomianism and the ownership of a stray pig.


Modern historians have tried to rewrite American history by economic or political groups, but most Americans still feel that the significant thing about American history is its colorful individuals. Walt Disney and the television industry have proved that this interest can be commercially profitable, but even the exploitation of Davy Crockett, Francis Marion, and a succession of real and mythical Western marshals has not less-

ened the American tradition of individualism was strengthened by the need of self-reliance in pioneer days, and Americans still have faith in the heroic potentialities of the individual.¹ The American system is based on individual opportunity, individual initiative, and individual freedom. Emerson's statement in "Self-Reliance"—that "an institution is but the lengthened shadow of one man"—is a statement of the American creed.



Edith Stone, Ph.D., was a professor of English at Columbia Union College, in Takoma Park, Maryland, when she wrote this article, which appeared in the July-August 1966 issue

of Liberty. She was head of the department a few years later when Liberty editor Steed attended the college.




It is this individualism that is threatened by an unthinking acceptance of the doctrine of the majority will. The price of majority membership may be majority morality. Emphasis on "togetherness," "interpersonal relationships," and the "tragedy of isolation from the group" may lead to the theory that the dissident individual is always wrong and the majority, no matter what the motivation, is always right.

The importance of the individual has recently been taken from the closet of near-oblivion, dusted off, and restored to an honored place among educators and architects. Division

tists are not convinced that it is. "An election may be the work of social insanity—for there is such a thing—rather than that of social wisdom. Here is the weak point of sociological optimism: electors can be turned into a mob, and a mob can elect a Führer."² Even a casual investigation of history will show examples, from the days of the Caesars to the days of Hitler and Mussolini, of dictators who gained their power through the majority will. There is little question that even in a free election Kossygin and Castro could command a majority vote, though their brand of democracy would have small sale in other countries.



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of students into classes by ability as well as age has ceased to be regarded as "undemocratic" and recognized as furnishing true equality of opportunity. Educational textbooks are recognizing individual as well as group learning, and individual as well as committee achievements. Architects have discovered that families can have too much "togetherness" and might desire occasional individual privacy.

Not only individualism but also the minority may suffer from majority rule. If the majority is always right, Americans have been regarding with respect a number of groups who, as minorities, must have been wrong. The Pilgrims and Puritans, as minority groups, should be dealt with as aberrant rather than heroic. The provisions of William Penn and Roger Williams for minority groups were an encouragement of error rather than a provision for divergent opinions that might also be truth. Thomas Jefferson's firm belief, most clearly stated in the "Virginia Statute for Religious Freedom," that truth could come from minorities as well as majorities, should be considerably revised.

Is the majority always right? Political scien-

Then how can a country have a government responsive to the will of the people, which also safeguards the rights of the minority and the individual? The answer is constitutional democracy. Under a constitutional government, the majority are free to rule as long as they do not infringe on the basic rights of the minority and the individual.


In protecting the rights of the minority, the Constitution also protects the rights of the majority. If today's majority becomes tomorrow's minority, they are as safe as today's minority. This reduces the feeling of insecurity of majorities. If there is no protection, the majority will attempt to suppress the minority for fear of being overthrown and in turn becoming a persecuted minority. This was the problem in the early colonies; the settlers had been members of a religious or political minority in Europe; they had no intention of becoming members of a persecuted minority in the New World. Consequently they devoted a considerable amount of time and attention to seeing that no minority group gained sufficient strength to challenge their rule.

This was Winthrop and Cotton's objection

to Anne Hutchinson—she was a political as well as a religious threat to their supremacy. Roger Williams was banished because religious minorities might become majorities and upset the Boston theocracy. If there is no constitution, or if the majority lacks faith in the constitution, repression of the minority groups is inevitable. The majority will not feel safe otherwise.

Constitutional safeguards have obvious practical value, but what were the bases for the guarantees of 1787 and the Bill of Rights? Political philosophers in England in the seventeenth and eighteenth centuries, and in America

basic rights guaranteed by the Constitution. From the Dred Scott decision to the Bible reading cases, the great legal battles fought in the Supreme Court have dealt with human rights. Economic problems and obscure rules of law are duly recorded in the annals of the Supreme Court, but the public concern is with decisions reflecting the guarantees of the Constitution for the individual and the minority group.

Buy democracy, but don't sell the Constitution short. 

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in the eighteenth century, formulated a doctrine inherent in English common law for centuries. This was the doctrine of "natural rights," the theory that man had certain rights that should not be taken from him by any government, majority or no majority.

The statement of these rights has varied somewhat, but the basic principles are very similar. The statements range from the "life, liberty, and the pursuit of happiness" of the Declaration of Independence to the "liberty, equality, and fraternity" of the French Revolution. They are accepted as the basis of all democracy, majoritarian or constitutional, but they can be guaranteed only by a constitution of some kind. These natural rights are based on the concept of the dignity and worth of the individual, and the worth of the individual must be considered if the rights are to be preserved.

Nor will the question of the worth of the individual remain for any length of time on a remote plane. The weary citizen who has retreated to the classified ads should occasionally consult a classified index of legal cases on



¹ Morris R. Cohen, *American Thought: A Critical Sketch* (Glencoe, Ill.: The Free Press, 1954), p. 19.

² Yves R. Simon, *Philosophy of Democratic Government* (Chicago: University of Chicago Press, 1951), p. 89.

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An editorial in the February 24, 2004, *News-Star*, Monroe, Louisiana, pointed out that the Monroe School Board has voted unanimously to introduce elective Bible classes for eighth-grade students beginning this fall. Fourteen school systems in Louisiana and 153 across the nation already offer Bible as history and/or literature courses.

According to the *News-Star* editorial, the Monroe school system's Bible classes must adhere to these constitutionally affirmed and protected guidelines: The school's approach must be academic rather than devotional; the goal must be student awareness and appreciation of the world's great religions, and not acceptance of any particular religion; the emphasis must be on study and not practice of religion; there must not be promotion or denigration of any religion.

Concerning the positive impact that religion can and does have on the thinking and behavior of young persons, Dr. Thomas Lickona, professor of education at State University of New York at Cortland, tells us in his new book *Character Matters* (Simon and Schuster) that "for a great many persons, religion gives life a higher purpose and an ultimate reason for leading a moral life: God expects it." As Dr. Lickona notes, several studies buttress the contention that religious faith and church attendance help young people develop good character and avoid antisocial activities such as drug and alcohol abuse and premature and irresponsible sex.

Many, though, mistakenly believe U.S. Supreme Court rulings prohibit any consideration or discussion of religion in the public schools; however, as First Amendment scholar and attorney John Whitehead points out in his book *The Rights of Religious Persons in Public Education* (available from the Rutherford Institute in Virginia): "Fortunately, the United States Supreme Court...has held that the government (which includes the public schools) must accommodate religion whenever it is constitutionally required. The Court has expressly held that religious speech enjoys the same high First Amendment protection as other speech under the Free Speech Clause in addition to its First



By HAVEN BRADFORD GOW


STUDENTS, TEACHERS



Amendment protection under the Free Exercise Clause.” Then too, “through the passage of the Equal Access Act, Congress has expressed its view that religious speech must be treated fairly and equally within the public schools. The subsequent affirmation of the Act by the Supreme Court further undergirds the constitutional guarantee of religious expression.”

According to Mathew Staver, a First Amendment scholar and attorney and president of Liberty Counsel in Orlando, Florida, students and teachers need not sacrifice their First Amendment religious freedom rights once they enter a public school building. He observes that, according to the U.S. Constitution and U.S. Supreme Court decisions, students may engage in religious speech during noninstructional time; may distribute religious literature during noninstructional time (without having prior review and acceptance by school officials); may participate in free speech during class as long as the speech is compatible with the topic being studied; may give oral and written reports on religious topics as long as the report or presentation is consistent with the assignment or topic being studied; may establish Bible clubs as long as the school permits at least one other noncurriculum student organization.

Teachers likewise have First Amendment religious freedom rights. As Attorney Staver notes, teachers may exercise the right of free speech and religious freedom; may objectively and neutrally discuss religion as long as the discussion is consistent with the topic being taught; may use school facilities to meet with other school employees for religious purposes and receive equal treatment to that provided teachers for secular purposes; may bring in outside speakers to discuss religious topics or debate religious issues or moral issues from a religious perspective; may serve students as a Bible class sponsor.

Certainly religious students and teachers in the public schools need not be viewed and treated as second-class citizens. 

Haven Bradford Gow is a TV and radio commentator and writer who teaches religion to children at Sacred Heart Catholic Church in Greenville, Mississippi.

& RELIGIOUS FREEDOM

Fantasy Fight: O'Reilly v. Tyson.

If your favorite political color is blue, fantasize flipping Bill O'Reilly into a boxing ring with Mike Tyson. If your political preference runs to red, drop Dan Rather into the ring with Mike. Whatever your political orientation, you can be pretty sure Mike is going to win. Just in case you think "Bill/Dan" might have an outside chance of tricking Mike into biting off his own ear, improve your odds a bit more by having the referee agree to hold "Bill/Dan" while Mike takes his best shot.

However much you might enjoy your least favorite pundit being subjected to such a one-sided matchup, you know you are not going to be reading about this fantasy fight anytime soon in the pages of *Sports Illustrated*.

The bad news is that this kind of lopsided fight is going on right now, and it is not fantasy. These fights involve average workers, and you can read about these mismatches in the *Daily Labor Report*.

These "Bill/Dan" versus Mike contests are referred to as "neutrality and card check" agreements. Organized labor, its lawyers, and its politicians are doing their best to make them a regular feature of our national labor laws. Employees who value freedom of choice, aided by the National Right to Work Legal Defense Foundation, are litigating to outlaw these agreements.

Labor Law

To better understand this current war over employee freedom, here are a few facts about U.S. labor laws. Employees have the right to join a union, and an equal right to refrain from joining a union, without jeopardizing their job.¹

Rarely, however, are employees allowed to make this decision on their own. In the usual case, the employees on each side of the issue have powerful allies. Those employees who want a union have available to them the huge resources of organized labor. This includes full-time union staffers, union printing presses, and union organizing experience. This professional union help is completely lawful.²

Employees who want to work union-free can be assisted by their employer, but only indirectly. Employer representatives can explain to employees the drawbacks to being subject to monopoly union bargaining. Employers are permitted by law to express their preference against union representation. They are not, however, allowed to directly aid employees who oppose being represented by a labor union.³

CARD SHARKS & MARKS

By BRUCE N. CAMERON



The result is usually a pretty fair contest. Employees get to hear both sides and express their decision in a secret-ballot election. No one is looking over their shoulder when they vote.

Fair Fights No Longer Serve Unions

After decades of applying this “fair fight” system, unions discovered that employees generally decide they do not want to be represented by a labor union. Even worse for unions, the belief that labor unions are more trouble than they are worth appears to be snowballing. Since 1953 the percentage of private sector employees who voluntarily chose labor unions has dropped from 31.9 percent⁴ to just 7.9 percent today.⁵

What is needed, according to organized labor and the politicians who get reelected with their help, is a new set of rules. Enter the “Bill/Dan” versus Mike fantasy fight. The first order of business is to strip employees who prefer to work union-free from any aid from sympathetic employers. Lacking any organization or funding for their union-free views, these employees find themselves in a contest with pro-union employees and professional union organizers who are aided by the money, staff, and media of organized labor.

Why would any employer want to vacate the field of contest and leave employees with union-free preferences to fend for themselves against big labor? The answer is “to stay in business.”

Consider the present American automobile industry. Ford, General Motors, and DaimlerChrysler all bargain with the United Auto Workers (UAW).⁶ The employees of many of the parts suppliers for these car companies, however, are not represented by a union. To curry favor with the UAW, these three car companies signed a “Good Corporate Citizenship” agreement that pressures their suppliers to sign UAW “neutrality and card check” agreements.⁷ The nonunion employees of these parts suppliers, playing the role of “Bill/Dan” in our example, are now left alone with the UAW, which is now free to play the role of Mike Tyson.

Recall that in the fantasy fight the referee held “Bill/Dan” to ensure an already predictable outcome. The same is true with neutrality and card check agreements. Employers give unions access to their facilities and aid union organizers in soliciting workers’ support. Worse, some employers agree to

“captive audience” speeches by the union. During worktime, employees are required to attend what is essentially a union rally at which union and company officials explain what a very good thing it would be for the union to represent employees.⁸

You would think that with the full resources of organized labor pitted against those individual employees who do not want a union, and with the employer conducting worktime union rallies, the outcome of the union election would be certain.

Apparently not. Even under these circumstances, union officials are not content with elections that are premised on the basic democratic principles of our political system. Neutrality and card check agreements give unions a loophole around the secret ballot.

Organized labor is **FIGHTING** to move employees out of the shelter of the **BALLOT** booth and into the alley, where union agents can “help” them with their vote.

Union Label Ballots

While employees have historically been able to express their opinion on union representation through a secret-ballot vote, organized labor is fighting to move employees out of the shelter of the ballot booth and into the alley, where union agents can “help” them with their vote. Neutrality agreements substitute the signing of a “union authorization card” for the casting of a secret ballot on the question of union representation.⁹ This is called a “card check.”

This is where the “card sharks” enter the water with employees. Over the many years of my litigation, the legal team with whom I work has represented employees who were shot, beaten, had their homes burned or riddled with bullets or stones, their property destroyed, their

Bruce N. Cameron writes from Springfield, Virginia. He is a litigator for the National Right to Work Legal Defense Foundation and directs its Freedom of Conscience Project. He is active in writing and lecturing on the topic of religious freedom and constitutional law.

families threatened, or their pets killed. One employee found a severed cow's head on the hood of her car.

Shootings, burnings, bombings, threats, destruction of pets, and animal-head hood ornaments were not part of our clients' regular life. The fact that these employees experienced these events during a labor dispute—in which they did not support the union—made them reasonably believe there was a connection between their views and the violence.

Card checks allow the same friendly union fellows with a historical connection to mayhem against dissenters to “discuss” with employees whether or not they will sign the union card. Signing the card is a vote for union representation. The employee's signature on the card, if all goes well from the union's perspective, will take

Card checks allow the same **FRIENDLY**
union fellows with a historical connection
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place while the employee and the friendly union fellow(s) are standing next to each other.

To be fair, the vast majority of my litigation does not involve union violence. There is no reason to believe that if unions are allowed to substitute “card check” for a secret ballot, employee signatures will regularly be the result of the fear of pistol-whipping.

It is reasonable, however, that the card sharks will use pressure to convince employees to sign a card for the union—and not just pressure at work. As part of a “neutrality agreement,” employers provide the *home addresses* of employees.¹⁰ Consider a sworn declaration from an employee in litigation pending before the U.S. Supreme Court:

“[After my employer gave the union my name and home address], two union representatives came to my home and made a presentation about the union. They tried to pressure me into signing the union authorization card, and even offered to take me out to dinner. I refused to sign this card as I had not yet made a decision at that time. Shortly

thereafter, the union representatives called again at my home, and also visited my home again to try to get me to sign the union authorization card. I finally told them that my decision was that I did not want to be represented by this union, and that I would not sign the card.

“Despite the fact that I had told the union representatives of my decision to refrain from signing the card, I felt like there was continuing pressure on me to sign.... I also heard from other employees that the union representatives were making inquiries about me, such as asking questions about my work performance.... Once, when I was on medical leave and went into the hospital, I found that when I returned to work the union representatives knew about my hospitalization and my illness.”¹¹

This kind of close and personal lobbying would make the average voter cringe—even if it ended in a secret ballot. But, under the card check system, the “ballot” is cast under the watchful eye of union representatives.

Proof of the hands-on approach to card check appears on the face of the current UAW card:

“It is UAW policy that if an employee requests the return of their authorization form prior to the form being sent to the Neutral Third Party, the form will be destroyed in the presence of the employee.”¹²

If you want to change your vote, you have to visit the union representative so he can destroy your card in his presence.

The potential for foul play and violence in the card check system is not simply based on organized labor's unfortunate history of violence. One union partisan soliciting union cards told a reluctant employee that “the Union would come and get her children and slash her car tires.”¹³

The specter of violence is part of current news. Jeff Ward is an employee who wants to be union-free. When his employer and the UAW entered into a neutrality agreement, he filed a legal challenge that resulted in their giving up the agreement in favor of letting employees vote the old-fashioned way—with a secret ballot.

But, while Jeff's work to restore a secret ballot was ongoing, in March 2005, flyers started circulating in the plant that read in part: “Jeff Ward lives here. Go tell him how you really feel about the union.” The flyers listed Jeff Ward's

phone number and provided detailed driving directions to his home.¹⁴

The benefit of a secret ballot is that no one knows how you voted. There is no need for union supporters to call you or make personal visits to your home to share how they really feel about your vote.

It Could Happen in America

Most of the time when something seems grossly unfair, we don't worry because it could not happen in America. Don't be so sure. Organized labor already has the political and judicial muscle to exempt itself from most of the basic human rights we take for granted.

What is your most fundamental human right? The right to be free from violence? Did you know that for more than 30 years unions have been exempt from federal prosecution for "the use of violence to achieve legitimate union objectives."¹⁵ Imagine if Democrats or Republicans got immunity from federal prosecution for "the use of violence to achieve legitimate party objectives"—such as getting you to vote for John Kerry or George Bush. Impossible, right? Not for labor unions.


Unions also have a pass on damaging reputations. In *Old Dominion Branch No. 496, National Assn of Letter Carriers v. Austin*, 418 U.S. 264 (1972), the Supreme Court gave labor unions the same license to defame individual workers—private citizens—as the press is given to defame public figures such as the president of the United States.

For more than 150 years one basic human freedom in the United States has been that no citizen can be required to join or financially support a church.¹⁶ The general rule is that no one can make you join or financially support any purely private organization.

On this basic human liberty, unions are given federal immunity. Unless specifically prohibited by state law,¹⁷ federal law allows unions to negotiate contracts that require that employees either join the union or pay compulsory fees as a condition of employment.¹⁸

Unions hit the perfect trifecta when it comes to denying the most basic human rights of employees under federal law. They can violate their person, steal their reputation, and take their money.

The fight to keep unions from taking away yet another fundamental right—a secret-ballot

vote—is going to be tough. Where is that Tyson guy when you need him? 

¹ 29 U.S.C., Sect. 157.

² 29 U.S.C., Sects. 152(3), 157, 158(c).

³ *N.L.R.B. v. Gissel Packing*, 395 U.S. 575, 618 (1969); 29 U.S.C., Sect. 58(c).

⁴ Friedman, *Labor Unions in the United States*, E.H.Net Encyclopedia, <http://eh.net/encyclopedia/?article=friedman.unions.us> (Table 4).

⁵ U.S. Department of Labor, Bureau of Labor Statistics, www.bls.gov/opub/mlr/2005/02/lmtr.htm#2 (Feb. 2005).

⁶ Since 1982, UAW membership has been in a free fall from 1.14 million (<http://appropriations.senate.gov/releases/messenger%20testimony.pdf> [note 11]) to 625,000 at the end of 2003 (www.thecarconnection.com/index.asp?article=7265).

⁷ See, for example, www.uaw.org/contracts/99/saturn/sat07_2.html. Mike Taylor, a former long-term employee of the National Labor Relations Board, reported, "In a neutrality clause situation a corporation cannot use second- or third-tier suppliers, even though they are not involved in

Organized **LABOR** already has the political and judicial muscle to **EXEMPT** itself from most of the basic human rights we take for **GRANTED**.

a labor dispute, unless they also agree to card checks and sign neutrality clauses" (www.gentrylocke.com/attorneys/photo/100_Union+Article+BRBJ.pdf).

⁸ Dana Corporation and UAW Letter of Agreement, August 6, 2003, Article 2.1.3.5.

⁹ *Ibid.*, Article 3.

¹⁰ *Ibid.*, Article 2.1.3.1.

¹¹ Declaration of Faith Jetter in Support of Brief *Amici Curiae* to the U.S. Supreme Court in *Sage Hospitality Resources v. Hotel Employees and Restaurant Employees Union, Local 57* (No. 04-1216, April 2005).

¹² www.nrtw.org/20050215letter.pdf (see form following p. 17).

¹³ *HCF, Inc.*, 321 N.L.R.B. 1320 (1996).

¹⁴ www.nrtw.org/b/nr_386.php.

¹⁵ *U.S. v. Enmons*, 410 U.S. 396, 400 (1973).

¹⁶ Virginia's 1786 Act for Establishing Religious Freedom ended compulsory support for churches in Virginia. However, compulsory support in the United States did not end until 1833, with the disestablishment of the Congregationalist Church in Massachusetts (Pfeffer, *Church State and Freedom*, p. 253 [Beacon Press 1967]).

¹⁷ Twenty-two states, called right-to-work states, prohibit compulsory union support (www.nrtw.org/rtws.htm).

¹⁸ *Aboud v. Detroit Bd. of Educ.*, 431 U.S. 209 (1977); *Ellis v. BRAC*, 466 U.S. 435, 455 (1984); *Communications Workers v. Beck*, 487 U.S. 735 (1988).



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Coming Up for Air

In so many ways we seem at the flood stage of late. The December 2004 Tsunami gave reality to a global fear of an insatiable ocean intent on creating another Atlantis. Hurricane Katrina became the most recognizable of an alphabet-busting succession of storms battering the Americas. Vast stretches of prime ocean property now lie either abandoned or essentially uninhabitable. Much of New Orleans surrendered to floodwater after the levees collapsed. And in Central America torrential rains from the succession of storms that also battered the U.S. coastline brought mudslides down to wipe out entire villages. How quickly such elements can erase our efforts at permanence!

To my mind the church-state paradigm has suffered an equally devastating assault of late. And while life goes on, some things once held axiomatic may never be the same again. The great irony is that the most telling blows to the model of the past have come from those with a religious agenda.

A few days ago I heard former U.S. president Jimmy Carter give a rather unusual interview on public radio. In some ways he had set a modern precedent for modern politics during his election campaign by proclaiming himself a born-again Christian. At the time, this rather open mixing of religious and political identity troubled many. Now it seems almost

a quaint personal revelation of the peanut farmer president. Given his unabashed Christian identification, it was startling to hear him reveal how troubled he is by the changes in the church state model in the United States. He spoke of a "radical shift" in mixing church and state. Of course, what was perhaps unthinkable in the late seventies and rather startling to some a handful of years ago is probably a settled entitlement to others now. But it is worth reflecting on how far we have come.

I was a teenager when I first came to the United States from Australia, the land of my birth, and a country generally enamored with all things American. I can remember how I analyzed and evaluated everything here, and particularly noted the distinctive religious characteristics of this still-new country. When some years later I read the writings of French commentator Alexis de Tocqueville, it seemed I had found another way of looking in.

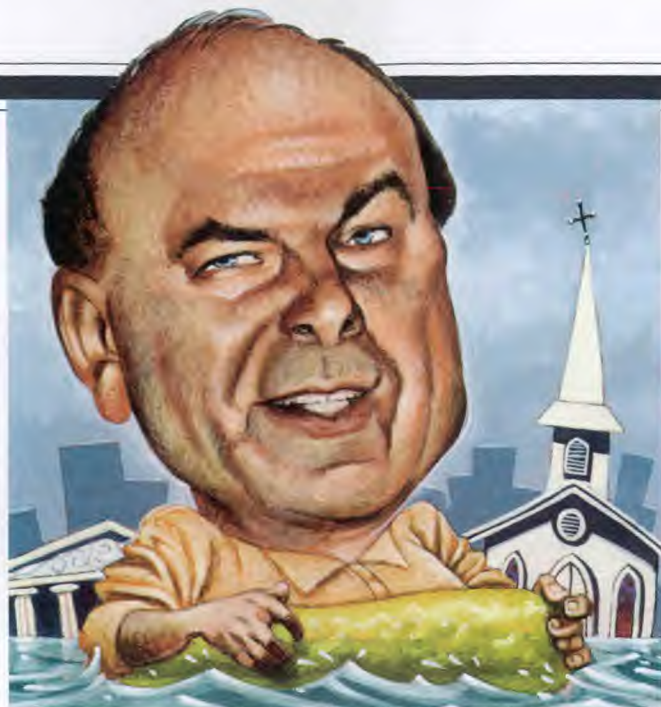
De Tocqueville was once the darling of American intelligentsia precisely because he was so impressed by what he saw in his travels here barely 50 years after the formation of this new nation. And he wrote much on the religious construct that characterized the republic. He famously

wrote that "they... attributed the peaceful dominion of religion in their country mainly to the separation of church and state. I do not hesitate to affirm that during my stay in America I did not meet a single individual, of the clergy or the laity, who was not of the same opinion on this point" (*Democracy in America*, vol.1, p. 308).

Old stuff by a Frenchman, perhaps! But way back before we banned french fries in the Senate dining room, France was an ally and a cultural center in Europe. And De Tocqueville's audience was France—a nation that he acknowledged had a compact between church and state. That compact, as much as anything else, had alienated the people, and led to a violent revolution that swept the political leaders from power and life, and laid the social groundwork for an abiding secularism.

This magazine has often quoted Thomas Jefferson's words to the Danbury Baptists, affirming the intent of the First Amendment to erect a "wall of separation between church and state." It is a rather unambiguous declaration by a president who was a Founder and a Framers of the Constitution.

But it is narrowly true, as I hear it often said by zealots for increased church-state cooperation, that these words do not appear in the Constitution. It was a fact of history that Jefferson's



election as president in 1800 was marred by bitter attacks on his personal piety. He was accused of being too secular and even antireligious. That being so, it is easy to show that his views were reinforced by others of a more acceptable religiosity, such as James Madison.

Nothing, perhaps, illustrates the perversity of the present rethinking of church-state relations and a retreat from separationism better than the fact that much of it hinges on a so-called originalist interpretation of the Constitution—which seeks to recapture what the Framers meant by what they put in the Constitution. And, yes, along the way we will dismiss what one of them says in plain English (this was pre-Webster, of course)!

It is fashionable in some conservative circles to say that the separation of church and state was a modern imposition of the Supreme Court of Justice Hugo Black, appointed in 1937. In his words, "The First Amendment has erected a wall of separa-

tion between church and state. That wall must be kept high and impregnable." It has become de rigueur to point out, as does Alan E. Sears, of the Alliance Defense Fund, in an article on his Web site, that so many of the church-state problems of late have resulted from what this "former Ku Klux Klansman" did. I have read this personal attack on Black many times and always find it heavy-handed and an apparent non sequitur. Sort of a Constitutional Willy Horton. But on reflection I think there may be more to this, and something that goes to the heart of an undeniable shift.

The days of the Klan are largely over, and for that we can be glad. They were racist and violent. But buried beneath the grossness of its machinery were certain worldviews not so alien then, but passé now. One, of course, was an attempt to re-create the society and political power of the antebellum South. Another dynamic was fueled by the historic and abiding American identification with Protestant Christianity and a deeply and at times violent suspicion of Catholic power. I suspect that determination to keep

"popery" out of government was what gave efficacy to the First Amendment for so long. After all, Reformation views lingered longer in the U.S. than elsewhere.

As late as the election of President Kennedy this nation agonized over the religious implications. That, of course, has changed. As Chuck Colson wrote in a 2000 *New York Times* article, defending then-candidate Bush speaking at Bob Jones University: "In truth, the gulf between Catholics and Protestants, created by the Reformation, has been bridged, and today we stand as the largest religious political coalition in America." Not all bad as it advances harmony and understanding. But "radical" to the administration of a once-unquestioned separation of church and state. Now in the new paradigm Catholics and Protestants are united in fending off the radical secularists. Suddenly the separatist view is an impediment, not a protection.

As I write this editorial, the Supreme Court wars are not yet over: Chief Justice Roberts has been installed, but nominee Justice Alito is yet to have his day before the committee. The nuclear option has not yet gone off, and we are in sitzkrieg mode. So far the public discussion has not been reassuring. Little real discussion of the underlying issues and philosophies has been had. Instead, we have seen abundant evidence that religious views of the candidates are determinative—in spite of a constitutional mandate that there be no religious test for public office. We have been reminded

that rolling back *Roe v. Wade* is the objective. While I might feel embarrassed that abortion is institutionalized in a country so careful of other human rights and so self-consciously Christian, I perceive a greater rollback of personal rights and a greater amalgamation of church and state in the constitutional philosophy that lies behind the newly favored construct.

I'll end with another trenchant quote from observer De Tocqueville: "As long as a religion rests upon those sentiments which are the consolation of all affliction, it may attract the affections of mankind. But if it be mixed up with the bitter passions of the world, it may be constrained to defend allies whom its interests, and not the principle of love, have given to it; or to repel as antagonists men who are still attached to its own spirit, however opposed they may be to the powers to which it is allied. The Church cannot share the temporal power of the State without being the object of a portion of that animosity which the latter excites" (*Democracy in America*, 1831).



Lincoln E. Steed
Editor,
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