

# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



KABEL PHOTO

THE LITTLE RED SCHOOLHOUSE

**EVOLUTION, CHRISTIANITY, AND THE STATE — PAGE 102**

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WASHINGTON, D. C.

# Religious Liberty Association

## DECLARATION OF PRINCIPLES

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.
2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.
3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.
4. 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 obedience of all.
5. We believe it is the right, and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.
6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.
7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.
8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.
9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.
10. We also believe in temperance, and regard the liquor traffic as a curse to society.

For further information regarding the principles of this association, address the Religious Liberty Association, Takoma Park, Washington, D. C. (secretary, C. S. Longacre), or any of the affiliated organizations given below:

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**Atlantic Religious Liberty Association** (affiliated organizations in Maine, Vermont, Massachusetts, New Hampshire, New York, Connecticut, and Rhode Island): Office, South Lancaster, Mass.; secretary, E. K. Slade.

**Eastern Canadian Religious Liberty Association** (affiliated organizations in New Brunswick, Nova Scotia, Quebec, Ontario, and Newfoundland): Office, Oshawa, Ontario; secretary, C. F. McVagh.

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**Northern Religious Liberty Association** (affiliated organizations in Minnesota, Iowa, North Dakota, and South Dakota): Office, 2718 Third Ave., South, Minneapolis, Minn.; secretary, Charles Thompson.

**North Pacific Religious Liberty Association** (affiliated organizations in Oregon, Washington, Idaho, Montana, and Alaska): Secretary, H. G. Thurston, Box 598, Walla Walla, Wash.

**Pacific Religious Liberty Association** (affiliated organizations in California, Nevada, Utah, and Arizona): Secretary, W. F. Martin, 421 North Isabel St., Glendale, Calif.

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# LIBERTY

"Proclaim liberty throughout all the land unto all the inhabitants thereof." Leviticus 25:10.

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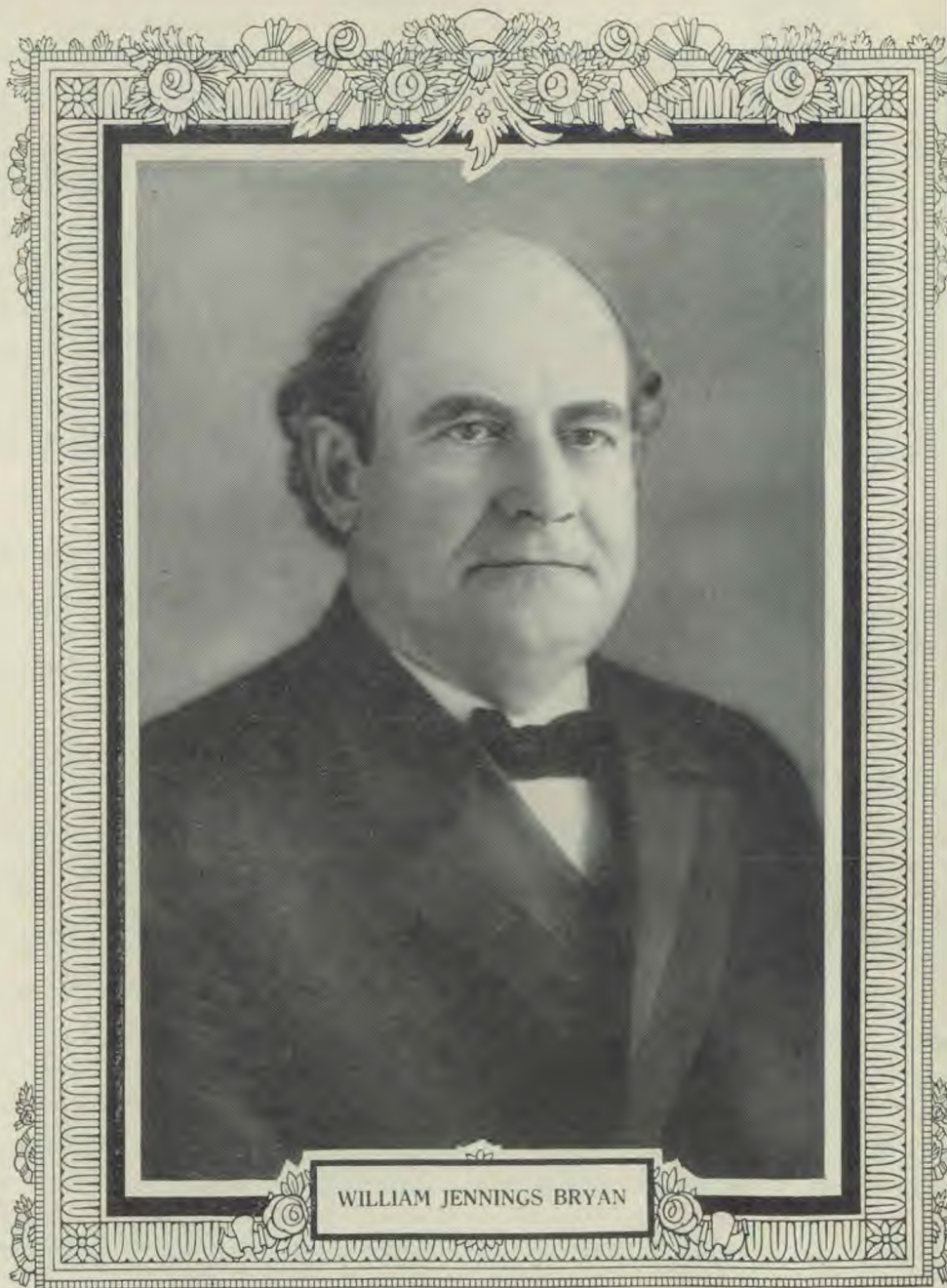
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*It is with sorrow that we record the death of William Jennings Bryan, at Dayton, Tenn., July 26, 1925. Mr. Bryan was one of the noblest of the long line of American patriots whose memory is cherished by a grateful people. His last service, and by no means his least, was rendered in behalf of liberty of conscience in the town in which he died. Mr. Bryan's contention was that a State which had by statute barred from her public schools the teaching of the Christian religion, could not logically nor consistently admit the teaching of evolution. His speech, prepared for delivery to the court and jury in the Scopes case at Dayton, but never spoken, was Mr. Bryan's last gift to the American people, and it is one which will not soon be forgotten, nor will it have been prepared in vain.*

# LIBERTY

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L. XX

FOURTH QUARTER, 1925

NO. 4

## The Issues Involved in the Evolution Case of Tennessee

### General Statement

**M**ANY people seem to think that altogether too much importance is being attached to the Tennessee evolution case, and that no greater issue is involved than for the courts to settle the guilt or innocence of Mr. Scopes. But it became very evident to all who attended the trial at Dayton, that issues were raised which could not be settled by any court or jury. Two mighty forces of gigantic proportion, whose constituencies embrace the greater part of the human family, measured swords for the first time in a legal battle, and the fire of the opening guns resounded around the world, and announced that a mighty conflict was on,—a conflict not of men, but of principles. Mr. Scopes and his personal interests have been practically eliminated from the equation, and the contest has resolved itself into a battle between two great opposing

By  
**C. S. Longacre**



*JUDGE J. T. RAULSTON*  
*Presiding Judge in the Dayton Trial*

movements of ideas and principles, which involve issues of the gravest concern and of the most far-reaching results, whichever way the prevailing tide of sentiment turns.

We feel confident the readers of the LIBERTY magazine would like to know just what the issues are which have been raised by the evolutionists and the Fundamentalists in the opening legal battle at Dayton, and which are now being carried up to the highest courts of Tennessee and of the Federal Government. We will present the issues

involved as they appeal to both parties in this controversy, and as they were presented to the court for adjudication.

### The Issue Stated

The counsel for the defense held that the theory of evolution,—that man is descended from a lower order of animals,—should be taught in the public schools under the support and sanction of the State, whether it was antagonistic

to the Christian faith or not, and regardless of the wishes of the majority of the citizens of the State. The counsel for the State held that the hypothesis of evolution concerning the descent of man from lower animals had not yet risen to the dignity of a theory, much less a scientific fact, and that the public schools should not be made an agency by which to carry on a propaganda, either in favor of the dogmas of the Christian religion, or in opposition to its fundamental doctrines. The prosecution held that all matters involving bitter religious controversies as well as purely religious questions should be shut out from the public school curriculum.

The defense lawyers held that the theory of evolution was now an established scientific fact, believed by all scientific men, and that therefore to oppose the teaching of evolution in the State schools was equivalent to hindering the progress of science, the advancement of knowledge, and the progress of civilization. The prosecution countered by claiming that they were not opposed to the teaching of real science and attested knowledge, but what they opposed was the teaching in tax-supported schools of the theory that man has descended from a lower order of animals, when such a theory lacked the essential elements of proof as a scientific fact. They held that the theory of evolution as a philosophy of life resolved itself into a

religion instead of a science, and that this "new religion" was demanding State recognition, while parading under the false garb of science.

The prosecution claimed that the Tennessee law enjoined the teaching and advancement of science and of secular knowledge, but did not encourage the teaching of religion by civil law and at public expense; nor did it encourage, by State support, the teaching of any theory of the origin of man and the philosophy of life which was calculated to provoke heated controversies because of antagonistic religious views upon the subject.

The defense attorneys held that there were millions of Christians who believed the theory of evolution to be true, that man de-

scended from the lower forms of life, and that expert Christian witnesses could reconcile their views on evolution with the Bible, and therefore the teaching of theistic evolution was in harmony with the Bible, and should be taught in the public schools. The defense attorneys further held that they should be permitted to prove to the jury by expert scientists and by expert theologians that their views on evolution and on theology could be reconciled with the Bible and the record of creation in Genesis, and they insisted that it was within the province of the court and of the jury to decide which view and interpretation of the Bible was correct.



*Dayton, Tenn., Courthouse*

The judge, however, ruled that it was not within the province of the court to decide which theory of evolution or which theory of theology was correct, that the legislature had already expressed its will in law that it did not want either the theory of evolution or of theology taught in the public schools. The court held that the jury was not an inquisitorial tribunal to decide questions of religious and scientific controversy, but merely to find the facts concerning whether Mr. Scopes had violated the law or not.

The defense attorneys insisted that the theistic views of evolution were true and in harmony with the Bible, and should therefore be taught in the public schools, even against the protest of the majority of taxpayers of the State of Tennessee. But the attorneys of the prosecution insisted that the Bible could not be taught in the public schools of Tennessee, and therefore no theory of the origin of man based on the hypothesis that he has de-

scended from a lower order of animals, whether the evolutionists could harmonize it with the Bible or not, should be taught in the public schools.

The attorneys of the defense countered by saying that the Tennessee law implied that the theory of evolution could be taught concerning the origin of man if it harmonized with the divine account of creation as recorded in the Bible, and as it was believed by the Fundamentalists, and therefore the Tennessee law legalized a certain view of creation as recorded in the Bible.

The judge, however, overruled this contention, and stripped the law of its religious aspect by interpreting the intent of the legislature and the meaning of the law, so that it left no room for the defense to introduce a religious issue. The court ruled that the second clause of the law, referring to the descent of man from a lower order of animals, was explanatory of the first clause, which re-

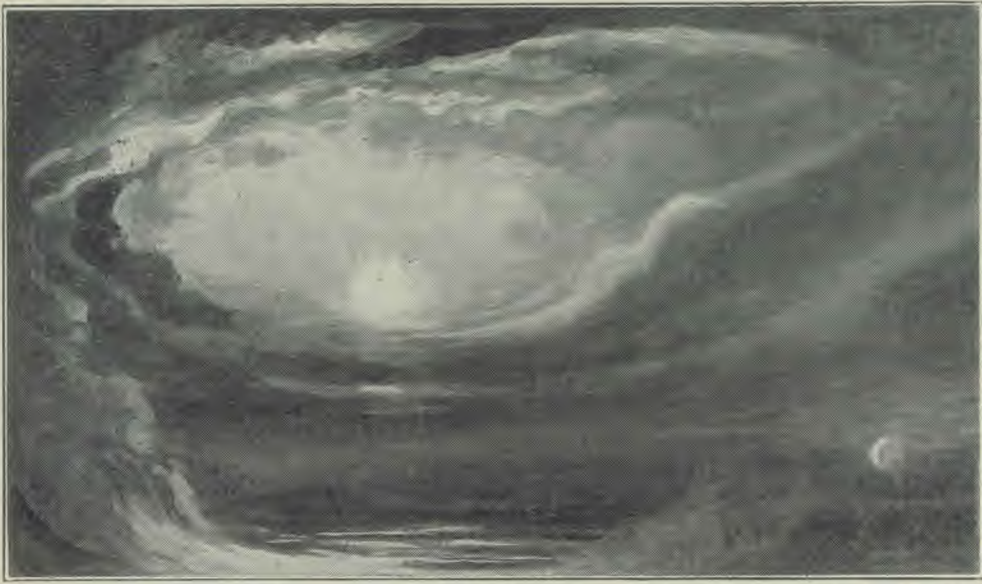
*(Continued on page 120)*



PHOTO BY THOMPSON BROS.

*Courthouse at Knoxville, Tenn.*

*It was here that the Scopes case was argued before the full bench of the Supreme Court of Tennessee, in the session beginning September 7.*



*In the Beginning*

## Evolution, Christianity, and the State

*By*

**L. A. Smith**

**T**HE nation-wide interest in the Scopes trial at Dayton, Tenn., centered

not in the locality nor in the individuals involved, but in the recognized fact that this trial was the first skirmish in a war between evolution and Christianity for control of the public schools.

Evolution seeks to establish itself in the public schools under the sanction of the State. It has already intruded itself into public school instruction without regard to the rights of citizens with whose religious belief it conflicts, and who do not wish such doctrine taught to their children.

Genuine Christianity seeks to maintain in this nation the fundamental American principle of separation between religion and the civil power. It would not have religion taught in the public schools. It would not have the Bible narrative of creation, or any other doctrine accounting for man's origin, taught in these State institutions. Chris-

tianity would bar from the public schools all matters involving religious controversy.

Christianity would have the State recognize the right of all classes of citizens to their religious belief, and take no action antagonizing such belief. Christianity recognizes the right of parents to control the religious education of their children. Christianity would have no person taxed for the propagation of opinions conflicting with his religious faith.

In this war the colleges, the scientists, the press, and probably a majority of the clergy, are on the side of evolution; they would have evolution taught in the public schools.

If the defense lawyers at the Scopes trial had been permitted to introduce the testimony of their "expert" scientific and theological witnesses, the court would have put itself in the ridiculous position of presuming to decide one of the disputed questions between science and religion.



The scientific experts called by the defense lawyers were to prove to the jury that evolution is truth, while the theological experts were to prove that there is no conflict between evolution and the Bible. This being done, the jury would have been expected to acquit the defendant on the ground that he had taught only what the law permitted.

Such a verdict from the jury would not be proper if there remained any doubt of the truth of evolution and of its harmony with the Scripture. Thus this court of law would have published to the world its settlement of questions over which churches and educators have for many years been in dispute!

Listening to the effort of the defense lawyers to bring this about, one might have wondered whether he was living in the twentieth century, or whether he was back in the twelfth. In the Dark Ages any kind of question, whether of science or of religion, was settled by the fiat of a pope or of a church council. In the Scopes case such questions were to be settled by a group of scientific and theological experts and a jury of twelve laymen.

Hail, the new short cut to knowledge! To settle any disputed question of science or of religion, simply take it into a law court and have it argued before a jury with the aid of "expert" testimony, and presto! the problem is solved!

A law court is supposed to deal only with questions of law or of fact. Witnesses are to testify only to what they know. The scientific and theological ex-

perts summoned at Dayton could not know that evolution is truth or that it agrees with the Bible, because such claims are not susceptible of demonstration. They could at best only testify to their opinions.

The theological experts were to tell the jury what the Bible means where its language is in apparent contradiction to the theory of evolution. Any person who professes ability to say what the Bible means other than that it means what it says, might as well set up a claim to infallibility.

A new kind of liberty was invoked by the defense. Liberty has meant in this country a right to be exercised by the individual for himself. Now the claim is made that liberty means freedom to teach evolution to young children against the will of their parents. Every person has a natural right to shape his own

belief as he may see fit; but when the right of parents to shape the belief of their children is usurped by others in the name of liberty, it is not liberty, but an intolerable form of tyranny that is exercised.

Evolutionists now go so far as to say that unless they are permitted to do as they please in putting ideas into the minds of other people's children, their liberty is invaded and the Constitution of the United States is

violated! Verily, if this be so, the Constitution must have evolved a long way from what it was in the days of George Washington, Thomas Jefferson, and James Madison.

(Concluded on page 121)

#### Why Bar Evolution From State Schools?

*Because the parent, not the State, is responsible for the child's religious training.*

*Because evolution, speaking as it does concerning creation and the Creator, the miracles of the Bible, and the philosophy of life, is properly classed with religions.*

*Because State schools have no right to teach religion of any kind.*

*Because teaching religion of any sort in State schools is a step toward the union of church and state.*

*Because the evolutionist has no more right to ask the State schools to teach his religion than the Christian Fundamentalist has to ask the State to teach his belief.*

*Toward all religions civil law should take a neutral attitude.*

*Because debarring evolution from the public school does not infringe in any way upon the right of evolutionists to think, speak, and write upon this subject as they choose, so long as they do not use State funds, secured by taxation, with which to do it.*



INTERNATIONAL

*Main Street in Dayton, Tenn.*

## Religious Issues in Tennessee

**A** PECULIAR interest attaches, if not to the recent trial of J. T. Scopes, of Dayton, Tenn., at least to the town where the alleged offense was committed, and where Mr. Scopes was found guilty.

Thirty years ago there was a trial held, not only in that same town, but in that selfsame courtroom, which partook even more largely of the nature of a religious controversy than does the famous Scopes case, with the late W. J. Bryan, a Fundamentalist of the Fundamentalists, the leading figure upon one side, and Clarence Darrow, said by some to be not only an agnostic, but an atheist, leader of the forces for the defense.

The defendants in the trials of 1895 (referred to as in some respects parallel to the Scopes trial) were a number of Seventh-day Adventists from Graysville and vicinity; and the charge

*By*  
**C. P. Bollman**

against them was that they performed ordinary labor upon Sunday, "against the peace and dignity of the State." The defense was that the accused had not exceeded their rights under the fundamental law of the State, that the labor performed was done quietly, and that their work occasioned no annoyance to anybody, except the intolerant feelings too often entertained by narrow-minded religionists when their particular views are in any way negatived by either the words or acts of others.

Mr. William Burchard, the man in the center of the picture shown on the next page, was one of the Graysville Adventists convicted and sentenced to the chain gang. His Sunday work was pulling fodder, or, in other words, stripping the leaves from standing corn to be used as winter stock feed. He was a coal miner, but had a small farm in the

mountains a few miles from Dayton. He kept a horse, one or two cows, and some poultry. The field in which he did the Sunday work complained of was so situated that he was seen only by those who spied upon him for the purpose of testifying against him, it being understood in a general way that, as he kept the seventh day according to the fourth commandment and mined coal five days, he naturally worked his farm Sundays.

From the standpoint of the attorney-general, the only question either in the Adventist cases of thirty years ago, or in the Scopes case of this present year of grace, was this, "Did the accused violate a statute of the State?" As previously stated, the Adventists could see no reason why, after having rested on the seventh day of the week because of their sense of duty to their Creator, they should rest also on Sunday the first day simply because their neighbors held that day sacred. As they viewed the matter the Tennessee Sunday law was in direct conflict with the State constitution, which declares "that no preference shall ever be given by law to any religious establishment or mode of worship." The observance of the Sabbath is certainly a mode or manner of worship, and ought therefore to be exempt from compulsory civil en-

actment. But such was not the view of the Tennessee courts. The Sunday law was sustained, and the Adventists were required to serve their sentences.

In the Scopes case it is also urged by

the friends and partisans of the teacher that the statute of the State which forbids the teaching of the theory "that man is descended from a lower order of animals," is unconstitutional, and therefore void; while the attorney-general and those associated with him insist that the only question is, "Was the law of the State violated?" The court has held with the prosecution, that the law is within the power of the legislature and therefore constitutional.

The friends of the anti-evolution law urge in its defense that inasmuch as evolution has to do with creation and the Creator, it is a philosophy of life, and therefore a religion; and since religion is in law and in practice barred from the public schools, why should not evolution, which is of necessity either a religion or a negation of all revealed religions, be barred also?

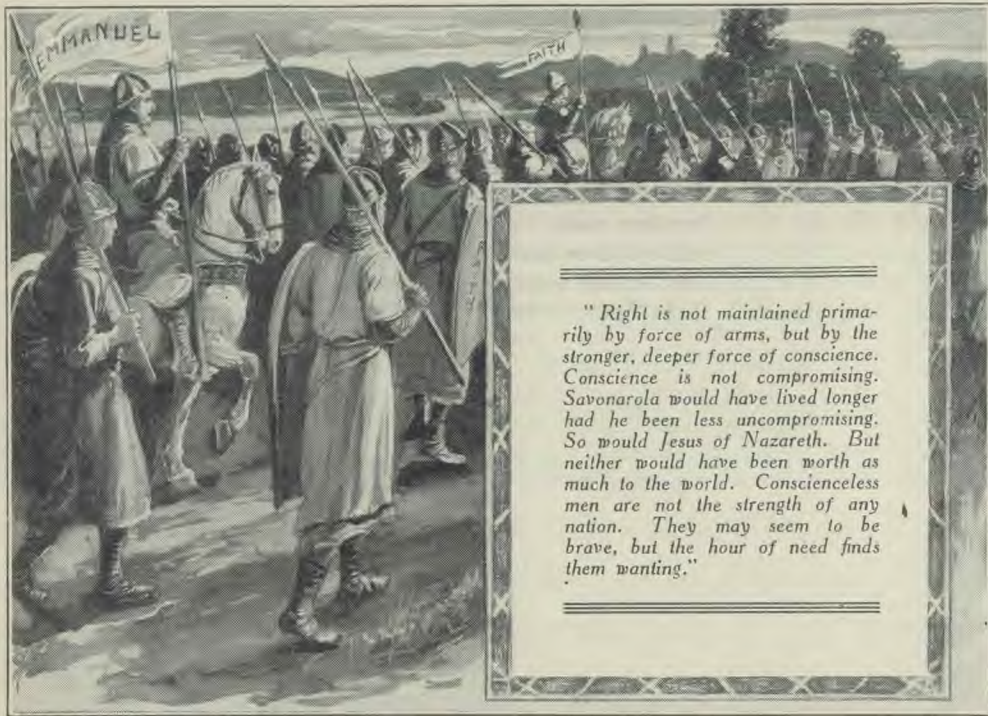
Such, in brief, as seen by the friends of the Tennessee law, is the issue that is to be fought out in the higher courts by the lawyers in the Scopes case. In short, the question is, Shall the doctrine of the evolutionary origin of man have the right of way in tax-supported schools, while the doctrine of direct creation is shut out, or shall both alike be barred?

To establish a day of worship by civil law is to unite religion with the state. Likewise, to legalize the teach-

ing of religion in state schools is to establish a state religion. Let us keep the church and state forever separate, and thus avoid a return to medieval persecution.



*On the Steps of the Dayton Courthouse,  
Wm. Burchard in the Center*



*"Right is not maintained primarily by force of arms, but by the stronger, deeper force of conscience. Conscience is not compromising. Savonarola would have lived longer had he been less uncompromising. So would Jesus of Nazareth. But neither would have been worth as much to the world. Conscienceless men are not the strength of any nation. They may seem to be brave, but the hour of need finds them wanting."*

## The Supremacy of Conscience Mightier Than Monarchs

**I**N an old volume written by one of the greatest of the Protestant authors, is found the following eminently true statement:

"England endeavored to fight one popedom with another. To the tyranny of the Roman Pontiff, she opposed the force of the regal supremacy. Scotland, on the other hand, confronted the supremacy of the popedom with the yet weightier principle of the supremacy of conscience. This is the only principle that can sustain the weight of civil and political as well as of religious freedom."

The fact is well stated that no power known among men is as strong as the power of conscience. The strongest kingdoms of the world have had to step aside, and give to conscience the right of way. For a time it may seem that

By  
**W. F. Martin**

the right of conscience is losing. In the end it will not be so. "Truth, crushed to earth, shall rise again."

The enemies of conscience may plan against it. Its votaries may be murdered or driven into exile, but conscience triumphs. William of Orange seemed to be fighting a losing battle in his struggle with the Duke of Alva and his Jesuit troops, but William was fighting for liberty of conscience, and in the end he triumphed. Alva went home to die, and today is remembered only for his cruelty. The cause of conscience triumphed.

Right is not maintained primarily by force of arms, but by the stronger, deeper force of conscience. Conscience is not compromising. Savonarola would have

lived longer had he been less uncompromising. So would Jesus of Nazareth. But neither would have been worth as much to the world. Conscienceless men are not the strength of any nation. They may seem to be brave, but the hour of need finds them wanting. Men with a conscience may not seem so agreeable,

and may even seem a thorn in the path of the pleasure lovers, but when some one is needed to stand in the breach, such men can be depended on.

Truly is it said, Conscience "is the only principle that can sustain the weight of civil and political as well as of religious freedom."

## The Reformers Aim at Compulsory Church Attendance

**T**HE following interesting editorial appeared recently in the New Bedford (Mass.) *Sunday Standard*, under the caption "Church or Fine:"

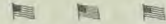
"Every now and then somebody proposes a law to compel people to go to church on Sunday, for the good of their souls and for the glory of God. The same suggestion is being made in England just now, but this time with the idea of raising revenue to run the government. A noted Nonconformist clergyman would offer people their choice of attending service or paying a fine, and his idea of the popular interest in religion is shown by his estimate that this law would produce revenue of four hundred million dollars a year.

"The plan is capable of infinite extension. We are repeatedly told that 'an apple a day keeps the doctor away'—why not, then, a law requiring people to eat an apple a day or else pay a fine? No one, it is frequently asserted, should let a day go by without at least ten minutes' reading in the masterpieces of literature; make it a law and tack on a fine of a dollar, and the treasury would be greatly benefited. All that is necessary is to draw up a list of the million and one things that everybody agrees are good for you and that hardly anybody ever does, fix an appropriate fine, and count the money rolling in.

"We suspect that the desire of certain people to make church attendance compulsory, often springs from a feeling of envy. They would like to spend Sunday motoring or golfing or having fun in other ways, but their conscience will not permit them to do so, and it irks them that the conscience of others should not be so strict. They feel that if everybody was compelled to go to church, they would not have to wrestle continually with their own desire to stay away. Whatever the reason underlying these proposals of compulsory church attendance, they have no merit from any point of view. People cannot be made

religious by statute, and if it be held that for the good of their souls they should attend divine worship, the state can hardly afford to place itself in the position of selling indulgences for a small fee."

Yet this is exactly what the state is doing when it enacts Sunday observance laws, and fines people because they do not observe Sunday in harmony with the notions of some Puritan whose conscience is never satisfied until he has mulcted his victim. We need another Luther to put this modern Tetzels out of the religio-political indulgence business.



### Sunday Laws Designed to Protect, Not the Man, but the Day

**A**LL Sunday laws are bad, but some are worse than others, though all violate the fundamental principle of total separation of religion and the state. "A halter made of silk is a halter still." And a religious law, however mild, invades the freedom of the citizen.

In vain do the advocates of Sunday legislation deny that their so-called Sabbath laws are religious. They are civil only in respect to the fact that they are enacted by the civil state.

But why are they enacted? Is it not because religious sentiment demands it? Were it not for the religious character of the first day of the week, would there be any demand for laws compelling idleness upon it? Certainly not.

(Concluded on page 125)

# Admiral Benson on Religious Liberty

ON the 25th of March, 1925, Admiral William S. Benson delivered a remarkable address on religious liberty through the Washington radio station WCAP, and we take pleasure in printing it in full, and commend the same to Catholics and Protestants alike, with the hope that each may live up to the high ideals of true Americanism as set forth by the admiral. He said:

"America has set a noble example to all the world for the last hundred and fifty years. Her form of government and her political institutions have served as the model for some twenty nations in the Western Hemisphere. Not always has the emulation of her example been successful, but every approach to her ideals and her system has been a gain. She has spread the doctrine of democracy to the four corners of the earth. Her great experiment in popular government has profited all mankind. So long as America remains true to her principles and traditions, she will continue to be what she has been for upwards of a century,—an inspiration and a stimulus to all human progress. The overthrow of a single institution or the sacrifice of a single ideal that America has fostered for the benefit of her own people, would be a loss to every other people.

"Of all the glories of America, her religious and civil liberty is the greatest and most pre-



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Admiral William S. Benson

rious. Without that there would be and could be no true equality among her citizens, no just and even administration of our laws. Whatever her wealth and power and material greatness might be, America could not forget or forsake her principle of freedom of conscience without at the same time forfeiting her chief claim to the admiration and affection of her own people and doing a detriment to all others.

"We who have this blessing of religious liberty have also the duty of preserving it. We are the trustees of a great treasure which we must transmit, safe and unimpaired, to the generations that are to follow us. We must do nothing and permit nothing that will deprive our posterity of the boon which the founders of this Republic purchased for us at a great price. We must resist every temptation and avoid every provocation to surren-

der or abridge this guaranty of the right of our citizens of every faith to worship God as their consciences may counsel them. In a great and complex population like ours, whose creed would be preferred? Whose right would be paramount? All creeds are safe when all are equal before the law; none would be safe without that equality. For once a particular religious faith were proscribed, all others must necessarily be proscribed; and if it is mine that is outlawed today, who would say that his might not be oppressed tomorrow?

"It is one of the inconsistencies of those who are fomenting religious prejudice in the United States, that they justify their bigotry

as a crusade to separate church and state, or to insure the separation of church and state. There is, of course, no union of the church and state in this country, and let us hope there never will be. The only danger of such a union lies in the effort to discriminate between one creed and another; for the very legislation and enforcement of such an attempt would compel the state to prescribe which faith was to be recognized by law and which was to be condemned by law. That would result in the very partnership of church and state those zealots feign to fear.

"The men who built this Republic with religious liberty as one of the corner-stones of her foundation, had had a good deal of experience with state religions. Some of them had suffered for conscience' sake, and they knew the perils of an attempt to perpetuate in the Constitution of the United States what had been so harmful to unity and prosperity and happiness when incorporated in the charters of the colonies. Thomas Jefferson championed separation of church and state for the very reason that he had seen the evils of their union. And Thomas Jefferson put a higher estimate on his services in establishing religious liberty than he put on his authorship of the Declaration of Independence, as much as we now value that immortal statement of civil rights.

"We have religious liberty in America because men of nearly all churches and some few of no church united to proclaim and institute it. Then, as now, there were the religion of the majority and the religions of the minorities in the colonies. But none of them was recognized by law as the religion of the new Republic; on the contrary, by a special provision of the Constitution, the establishment of any particular religion was prohibited, and the free exercise of all religions was guaranteed and protected.

"Having received this great boon of religious liberty from men of different faiths, let us of different faiths preserve it. They knew that no law could oblige the human conscience. They knew that there could be no equal and enduring copartnership between church and state; that either the church would dominate the state or the state subordinate the church. So they made no choice among religions, that there should be no conflict between any of them and the state. We, too, know that we must not undertake to involve the state in the dangerous business of preferring one religious faith to another. We, too, must understand that the union of church and state in this land of many creeds and cults, could only lead to disunion and discord of the sort that Europe has suffered for generations.

"The Constitution of the United States respects and tolerates all religions. We can have

no better guide than that principle, because it embodies both right reason and Christian charity. Moreover, it is justified by experience. Abandonment or disregard of that principle would be far more dangerous than the attack of any foreign foe, however strong and relentless. For it must be remembered that America's material power is to a very large extent the product of her moral greatness—and not the least of her virtues has been her wise recognition and constant practice of tolerance. 'Religious and civil liberty, more than all her mines and forests and fields and factories, is what has enriched America,' said Henry George.

"Whatever be true of the people of other countries, it is certain that the people of the United States are Americans from choice. Irrespective of our religious faiths, our racial origin, or our social conditions, America is the land of our first preference. We have no other allegiance. Here we earn our bread; here we make our homes; here we rear our children. And to these children, rich or poor, we shall leave our country, its Constitution, its laws, and its institutions, as their chief heritage. How, then, can narrow minds give room to the thought that Americans of any race or any religion plot the downfall of this government which they have preferred to all the other governments in the world?

"It is America's religious and civil liberties that have attracted and held the millions who have come here from almost every nation under the sun. It is America's freedom of conscience that more than anything else, I verily believe, insures for her the loyalty of her people. For it is that principle above all others for which men fight and die, if need be. America deprived of that principle would be America deprived of her soul.

"Let silly bigots and selfish politicians beware how they inflame religious prejudices. There can be no true prosperity, no security, no real national progress, in a country that is divided against itself. Europe has furnished appalling examples of the ruin that is wrought by religious and racial animosities. There is no statesmanship that can cure the disease which this virus of religious hatred causes. Its effect is a madness that rejects every remedy. All individual rights and all national interests are made to suffer. And America, once inoculated, could expect only the consequences which have blighted Europe.

"Only recently we have seen attempts on the part of certain groups to turn the people from their traditions, and proscribe citizens because of their race or their religion. The minds of our people were thus distracted from the political and governmental issues and problems with which they should have dealt, and were engrossed instead with the making or repelling

*(Concluded on page 121)*

# Freedom of Knowledge and More Intelligence Needed

**C**HARLES EVANS HUGHES, in his address at Faneuil Hall, at the celebration of the one

hundred fiftieth anniversary of the battle of Bunker Hill, made a most meaningful statement when he said: "The cure for the ills of democracy is not more democracy, but more intelligence. We cannot enjoy the blessings of liberty without the freedom of knowledge."

But intelligence itself does not guarantee necessary safeguards. "More intelligence," unless it is sanctified and properly controlled, may greatly augment "the ills of democracy." The more intelligence a rascal possesses, the greater is his power to do evil. Intelligence must be rightfully employed, or it becomes a very dangerous weapon.

Likewise, "freedom of knowledge" must operate in well-defined channels and recognize its limitations, the same as "freedom of religion" has to do. "Freedom of knowledge" does not mean you have a right to force your opinions upon unwilling subjects at their charges. It simply means that you should be free to investigate truth and to proclaim truth, but not to force truth upon others at their expense and against their protest.

We have religious liberty in this country, but that does not give religion the liberty to proclaim its tenets through State-supported institutions, or to propagate itself by using tax funds secured

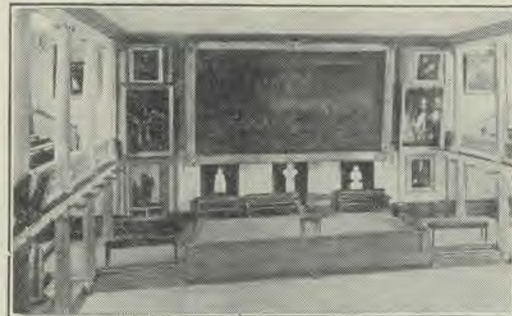
By

The Editor

from unwilling citizens. It is free to propagate and proclaim its tenets at its own charges anywhere through

any medium that is willing to assist

Religion cannot say that its freedom is abridged because it is prohibited from being taught in our State schools, or because the State refuses to give it financial support. If the State should prohibit preaching and the scattering of religious literature, and close the doors of religious schools, then the freedom of religion would be abridged. So long as the government does not prevent the individual or any association from investigating truth and searching for knowledge of all kinds, at its own charges, and proclaiming its findings and investigations through its own mediums and voluntary contributions, freedom of knowledge is not abridged. But truth is not truth and science is not science, and history is not history, and astronomy is not astronomy,



*Interior View of Faneuil Hall, Boston, Often Called "The Cradle of Liberty"*

omy, and knowledge is not knowledge, until it has been verified. Error has a right to proclaim itself and it should be allowed the same freedom as truth, so long as truth is left free to combat error; as truth will have nothing to fear

Truth does not need to force its way upon the hearts of men, and error should not be allowed to force itself when it cannot win its way by the power and authority of proof. Liberty under law is the rule of true democracy, and liberty without law is the rule of the jungle.





TIONAL, D. C.

*The United States Supreme Court Chamber*

# The Supreme Court Decision

on the

## Oregon School Law

THE United States Supreme Court rendered the American cause of civil and religious liberty a great service when it declared the Oregon School Law unconstitutional. The decision is of such great importance and significance, coming from the highest judicial authority and settling a long-standing religious controversy, that, for the benefit of our readers, we publish the text of the decision in full, including citations, as follows:



“These appeals are from decrees, based upon denied allegations, which granted preliminary orders restraining appellants from threatening attempting to enforce the Compulsory Education Act adopted Nov. 7, 1922, under the ini-

tiative provision of her constitution by the voters of Oregon, Judicial Code, Section 266.

“They present the same points of law; there are no controverted questions of fact. Rights said to be guaranteed by the Federal Constitution were specially set up, and appropriate prayers asked for their protection.

“The challenged act, effective Sept. 1, 1926, requires every parent, guardian, or other person having control or charge or custody of a child between eight and sixteen years, to send him ‘to a public school for the period of time a public school shall be held during the current year’ in the district where the child resides; and failure to do so is declared a misdemeanor.

“There are exemptions — not specially important here — for children who are not normal, or who have completed the eighth grade, or who reside at considerable distances from any public

school, or who hold special permits from the county superintendent.

"The manifest purpose is to compel general attendance at public schools by normal children, between eight and sixteen, who have not completed the eighth grade. And without doubt enforcement of the statute would seriously impair, perhaps destroy, the profitable features of appellees' business, and greatly diminish the value of their property.

#### "Reviews Work of Catholic Schools

"Appellee, the Society of Sisters, is an Oregon corporation, organized in 1880, with power to care for orphans, educate and instruct the youth, establish and maintain academies or schools, and acquire necessary real and personal property. It has long devoted its property and effort to the secular and religious education and care of children, and has acquired the valuable good will of many parents and guardians.

"It conducts interdependent primary and high schools and junior colleges, and maintains orphanages for the custody and control of children between the ages of eight and sixteen. In its primary schools many children between these ages are taught the subjects usually pursued in Oregon public schools during the first eight years.

"Systematic religious instruction and moral training, according to the tenets of the Roman Catholic Church, are also regularly provided. All courses of study, both temporal and religious, contemplate continuity of training under appellee's charge; the primary schools are essential to the system and the most profitable.

"It owns valuable buildings, especially constructed and equipped for school purposes. The business is remunerative,—the annual income from primary schools exceeds \$30,000,—and the successful conduct of this requires long-time contracts with teachers and parents.

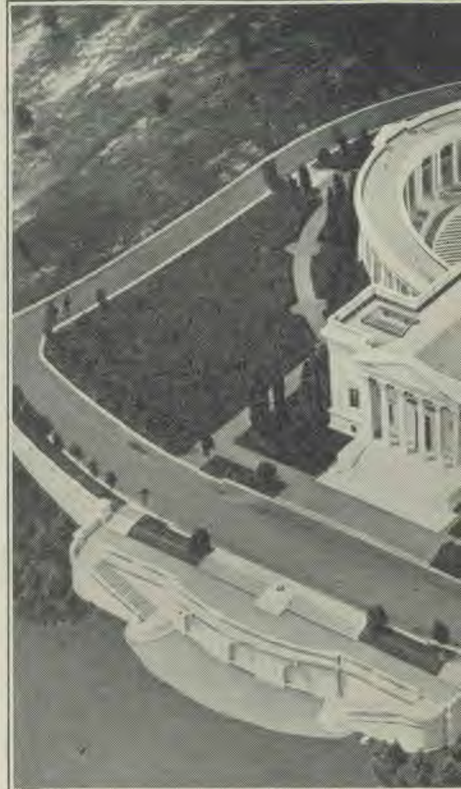
"The compulsory act of 1922 has already caused the withdrawal from its schools of children who would otherwise continue, and their income has steadily declined. The appellants, public officers, have proclaimed their purpose strictly to enforce the statute.

"After setting out the above facts, the society's bill alleges that the enactment conflicts with the right of parents to choose schools where their children will receive appropriate mental and religious training, the right of the child to influence the parents' choice of a school, the right of schools and teachers therein to engage in a useful business or profession, and is accordingly repugnant to the Constitution, and void.

"And, further, that unless enforcement of the measures is enjoined, the corporation's business and property will suffer irreparable injury.

#### "Contentions of Military Academy

"Appellee, Hill Military Academy, is a private corporation organized in 1908 under the laws of Oregon, engaged in owning, operating, and conducting for profit an elementary, college preparatory, and military training school for boys between the ages of five and twenty-one years. The average attendance is 100, and the annual fees received for each student amount to some \$800.



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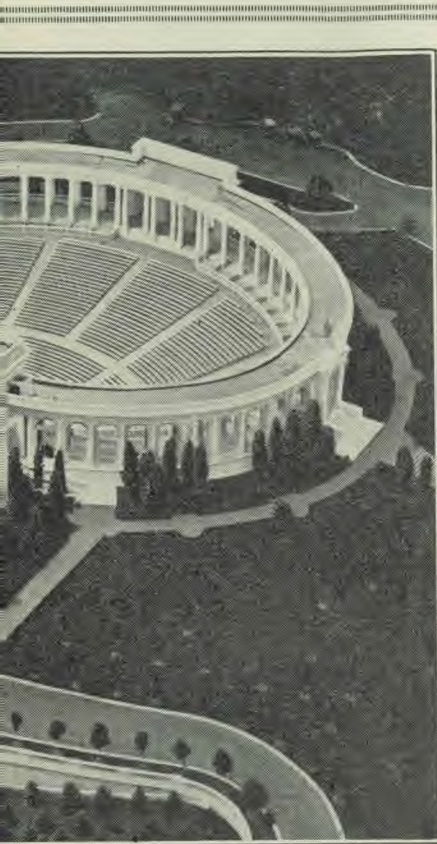
Arlington Amph

Erected as a memorial to the soldier dead buried in the foreground is the tomb of the unknown dead Americans w

"The elementary department is divided into eight grades, as in the public schools; the college preparatory department has four grades similar to those of the public high schools; the courses of study conform to the requirements of the State Board of Education. Military instruction and training are also given under the supervision of an army officer.

"It owns considerable real and personal property, some useful only for school purposes. The business and incident good will are very valuable. In order to conduct its affairs, long-time contracts must be made for supplies, equipment, teachers and pupils.

"Appellants, law officers of the State and county have publicly announced that the act of Nov. 7, 1922 is valid, and have declared their intention to enforce it. By reason of the statute and threat of enforcement, appellee's business is being destroyed



Arlington, Va.

Arlington National Military Cemetery. In the foreground, representative of all the unknown soldiers of the World War.

of their property without due process of law consequent upon the unlawful interference by appellants with the free choice of patrons, present and prospective. It declared the right to conduct schools was property, and that parents and guardians, as a part of their liberty, might direct the education of children by selecting reputable teachers and places.

"Also, that appellees' schools were not unfit or harmful to the public, and that enforcement of the challenged statute would unlawfully deprive them of patronage, and thereby destroy appellees' business and property. Finally, that the threats to enforce the act would continue to cause irreparable injury; and the suits were not premature.

"No question is raised concerning the power of the State reasonably to regulate all schools, to inspect, supervise, and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare.

#### "State Cannot 'Standardize' Children

"The inevitable practical result of enforcing the act under consideration would be destruction of appellees' primary schools, and perhaps all other private primary schools for normal children within the State of Oregon.

"Appellees are engaged in a kind of undertaking not inherently harmful, but long regarded as useful and meritorious. Certainly there is nothing in the present records to indicate that they have failed to discharge their obligations to patrons, students, or the State. And there are no peculiar circumstances or present emergencies which demand extraordinary measures relative to primary education.

"Under the doctrine of *Meyer vs. Nebraska*, 262 U. S., 390, we think it entirely plain that the act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control.

"As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State. The fundamental theory of liberty upon which all governments in this Union repose, excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only.

"The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.

#### "Right to Protect School Property

"Appellees are corporations, and, therefore, it is said, they cannot claim for themselves the liberty which the Fourteenth Amendment guarantees. Accepted in the proper sense, this is true. *Northwestern Life Insurance Company vs. Riggs*, 203 U. S., 243, 255; *Western Turf Association vs. Greenburg*, 204 U. S., 359, 363.

and its property depreciated; parents and guardians are refusing to make contracts for the future education of their sons, and some are being withdrawn.

"The academy's bill states the foregoing facts, and then alleges that the challenged act contravenes the corporation's rights guaranteed by the Fourteenth Amendment, and that unless appellants are restrained from proclaiming its validity and threatening to enforce it, irreparable injury will result. The prayer is for an appropriate injunction.

"No answer was interposed in either cause, and after proper notices they were heard by three judges (Jud. Code, Sec. 266) on motions for preliminary injunctions upon the specifically alleged facts.

#### "Findings of the Lower Court

"The Court ruled that the Fourteenth Amendment guaranteed appellees against the deprivation

"But they have business and property for which they claim protection. These are threatened with destruction through the unwarranted compulsion which appellants are exercising over present and prospective patrons of their schools. And this Court has gone very far to protect against loss threatened by such action. *Truax vs. Raich*, 239 U. S., 33; *Truax vs. Corrigan*, 257 U. S., 312; *Terrace vs. Thompson*, 263 U. S., 197.

"The courts of the State have not construed the act, and we must determine its meaning for ourselves. Evidently it was expected to have general application, and cannot be construed as though merely intended to amend the charters of certain private corporations, as in *Berea College vs. Kentucky*, 211 U. S., 45. No argument in favor of such view has been advanced.

"Generally it is entirely true, as urged by counsel, that no person in any business has such an interest in possible customers as to enable him to restrain exercise of proper power of the State upon the ground that he will be deprived of patronage.

"But the injunctions here sought are not against the exercise of any proper power. Appellees asked protection against arbitrary, unreasonable, and unlawful interference with their patrons and the consequent destruction of their business and property.

"Their interest is clear and immediate, within the rule approved in *Truax vs. Raich*, *Truax vs. Corrigan*, and *Terrace vs. Thompson*, *supra*, and many other cases where injunctions have issued to protect business enterprises against interference with the freedom of patrons or customers. *Hitchman Coal and Coke Company vs. Mitchell*, 245 U. S., 229; *Duplex Printing Press Company vs. Deering*, 254 U. S., 443; *American Steel Foundries vs. Tricity Central Trades Council*, 257 U. S., 184; *Nebraska District et cetera vs. McKelvie*, 262 U. S., 404; *Truax vs. Corrigan*, *supra*, and cases there cited.

"The suits were not premature. The injury to appellees was present and very real, not a mere possibility in the remote future. If no relief had been possible prior to the effective date of the act, the injury would have become irreparable.

"Prevention of impending injury by unlawful action is a well-recognized function of courts of equity.

"The decrees below are affirmed."



God made all people free moral agents, and endowed each individual with the right of choice in matters of religious concern. This sacred right should never be abridged.

## A Baptist Pronouncement

THE following pronouncement is taken from a Baptist journal, and is sound doctrine, which we recommend to those Baptists who are clamoring for Sunday laws to force the conscience of the dissenter:

"God alone is Lord of the conscience, and He has left it free from the doctrines and commandments of men which are contrary to His Word or not contained in it. Church and state should be separate. The state owes to the church protection and full freedom in the pursuit of its spiritual ends. In providing for such freedom, no ecclesiastical group or denomination should be favored by the state more than others. Civil government being ordained of God, it is the duty of Christians to render loyal obedience thereto in all things not contrary to the revealed will of God. The church should not resort to the civil power to carry on its work. The gospel of Christ contemplates spiritual means alone for the pursuit of its ends. The state has no right to impose penalties for religious opinion of any kind. The state has no right to impose taxes for the support of any form of religion. A free church in a free state is the Christian ideal, and this implies the right of free and unhindered access to God on the part of all men, and the right to form and propagate opinions in the sphere of religion without interference by the civil power."

A Baptist association of ministers in Oregon recently passed a resolution petitioning the Oregon Legislature to enact compulsory Sunday observance laws for all its citizens, irrespective of dissenting religious beliefs. Apparently the Baptists are not all agreed upon this subject. But why should those who differ compel the civil government to whip the dissenters into line by imposing civil penalties upon them? Is not the right of dissent a sacred right, which should be jealously guarded on both sides of this controverted question? Religious liberty is not a special favor granted to a special class of religionists, but a right belonging alike to all citizens, no matter what their profession of religion may be.



A HUMAN law should deal only with human affairs.

# The Real Object of Sunday Legislation

By A. M. Dart

**I**N the minds of its advocates, Sunday legislation is Sabbath legislation.

The Scriptural admonition is, "Remember the Sabbath day, to keep it holy." What object could any one have, then, in legislating upon the Sabbath, save to make men religious, pious, holy, by law? But this thought is staggering when we remember that religion is of the heart, that men are responsible only to God. How can civil authorities know what is in the heart? Might there not be malice, envy, hatred there (these separate us from God), even while they were outwardly keeping the Sabbath forced upon them by legislative authority?

The Sabbath is a sign of Jehovah's authority and power as Creator and Redeemer, and its intelligent observance is a recognition, by the observer, of that power and authority, and is a sign of his separation through that power from all evil.

So we conclude that the real object of Sunday legislation — to make men religious — cannot be attained by such means; for man cannot be separated from evil unless he chooses to be, and God Himself will not force his choice.

For the civil power to legislate concerning the Sabbath of Jehovah, and in any way attempt to regulate man's observance of that day, would manifestly be to place the civil power above the power of the Creator and Redeemer, with the ridiculous thought that the civil power can separate man from all evil; for why legislate concerning the day unless the object of the observance of the day can be obtained?

But is it true that Sunday law advocates view Sunday as a religious day, and legislate upon it with that in mind? Do they not look upon it as merely a civil institution?

Let the most prominent among them speak:

Section 1 of the Sunday law of England reads:

"All and every person and persons whatsoever shall, on every Lord's day, apply themselves thereon in the duties of *piety and true religion*, publicly and privately."

G. L. Tufts, superintendent of the Weekly Rest Day League, in the *Pacific Christian Advocate*, July 5, 1916, said:

"A large majority of business men and laboring classes want Sunday as a day of rest, and many of them would also use it as a day of worship. But there is little public conscience as to the *sacred character of the day*. A law of this kind should be based upon public conviction that Sunday is a *divine institution*. . . . It will require more than a civil law to save the day. The church and the state must each do its part."

What these men are after is a religious law.

We quote from speakers at the Fourteenth International Lord's Day Congress in Oakland, Calif., July, 1915.

Henry Collin Minton, D. D., LL. D., president of the National Reform Association, said:

"We are facing the great question in this congress only as we see it as a *religious day*. . . . *Primarily and essentially, it is a religious day.*"

Rev. H. L. Bowlby, secretary of the Lord's Day Alliance of the United States, said:

"The Christian Sabbath cannot be divorced from Christianity."

Dr. James McGraw said:

"I would say that the Sabbath shall be sanctified by rest on that day from all labor and pleasure, such as is engaged in on other days of the week, a *holy day, given to the worship of Almighty God.*"

I will close these quotations by giving one from Rev. Dr. William M. Rochester, of Toronto, Canada, secretary of the Lord's Day Alliance of Canada:

"Sunday observance cannot be maintained except on the basis of religion and the incorporate laws of the state. We must resist the secularization of Sunday. We have a right to compel nonbelievers to observe the Sabbath [Sunday]. The Sabbath and the state are inseparable; therefore it is the primary duty of the state to regulate the Sabbath for all men, and to enact and enforce Sunday laws upon all men."

So the real object of Sunday legislation in the minds of its promoters is to

make men religious, to compel them to observe the Sabbath. But alas! this mistaken method separates from God instead; for he who outwardly observes the Sabbath without Christ, its Maker, in his heart, only adds hypocrisy to the sins already upon him. Thus Satan's object—to separate man from God—is accomplished through the enactment and enforcement of Sunday legislation.

## Sunday Legislation Traced to Pagan Rome by a Prominent Lawyer

UNDER the above caption, the *Arkansas Democrat* of April 26, 1925, published a most illuminating historical article by Attorney Benjamin F. Allen, of Little Rock, Ark., former assistant secretary of State, the first half of which we printed in the last issue of LIBERTY. The concluding portion of the article follows:

"In 1698 Massachusetts passed an 'Act Against Atheism and Blasphemy,' which made it punishable by imprisonment, pillory, whipping, boring of the tongue, and sitting upon a gallows with a rope about the neck, to 'deny or reproach the true God' or to 'deny the Holy Word of God, that is, the canonical Scriptures.'

"The force of religious intolerance gradually diminished in Massachusetts, as it did in all the other colonial States, and the Sunday laws were rewritten in more moderate tone in 1797, the enactment being limited to a fine of ten shillings for engaging in business, labor, or amusements on Sunday; a like fine for failure to attend church for a period of three months; and a general statement of the precept that 'observance of the Lord's day is highly promotive of the welfare of a community, by affording necessary seasons for relaxation from labor; for moral reflections and conversation on the duties of life, and the frequent errors of human conduct; for public and private worship of the Maker, Governor, and Judge of the world; and for those acts of charity which support and adorn a Christian society.'

"It seems there was some difference of opinion at this time as to when the Sabbath should be officially declared to begin and end. The controversy waxed so hot that the legislature deemed it expedient to step in and settle the

argument, and it is significant that its decision inclined to the side of leniency. The legislature, although asserting that its sense was that the time commanded by the Scriptures to be observed as holy time was a 'natural day,' or twenty-four hours, yet declared that, since there was a difference of opinion 'among good people,' it was unwilling to put itself in the light of imposing 'any restriction which may seem unnecessary or unreasonable to persons of sobriety and conscience;' and therefore enacted that observance of the Lord's day 'shall be construed to extend to the time included between the midnight preceding and the sun setting of the same day.'

"This legal precedent established a custom that was quite generally observed in the United States for many years. In fact, many religiously inclined folks still adhere to the practice of regarding the Sabbath as officially ending at sunset.

"The orthodox John Adams of Massachusetts, who had just been inaugurated the second President of the United States at the time this new set of Sunday laws was enacted, raised strenuous objection to the repeal of the drastic old laws, declaring that the people 'might as well think they could change the movements of the heavenly bodies as alter the religious laws of Massachusetts.'

"Yet the legislature ignored the extravagant Presidential philosophy, and in 1833, three years after John Adams' death, did away with the compulsory church attendance law entirely.

"The 'blue laws' of Connecticut were similar to and quite as severe, period for period, as those of Massachusetts, and moreover, those convicted of 'prophanation of the Sabbath' were denied the right of appeal.

"The colonial Sunday laws of Maryland prescribed a fine of one hundred pounds of tobacco

for profaning the Lord's day by worldly work, drunkenness, or swearing, and fixed boring through the tongue as punishment for the first offense of blasphemy, branding on the forehead with a letter 'B' for the second offense, and death 'without benefit of clergy' for the third offense.

"One of the first prominent Americans to take a vigorous stand against Sunday legislation and other religious laws was James Madison, fourth President of the United States. He held it to be an undeniable truth that 'religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence.' He asserted, in a memorial to the general assembly of Virginia, that this was an 'inalienable right,' 'because the opinions of men, depending only on the evidence contemplated in their own minds, cannot follow the dictates of other men.' He insisted that 'religion is wholly exempt from the cognizance of civil law.'

"'Whilst we assert for ourselves,' said Madison, 'a freedom to embrace, to profess, and to observe the religion which we believe to be of divine origin, we cannot deny an equal freedom to them whose minds have not yet yielded to the evidence which has convinced us.'

"Speaking with a firm conviction that an absolute separation of church and state should be maintained and that the civil laws should be kept free from all doctrines based on religious belief, Madison said: 'During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less, in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution.'

"The sentiments expressed by Madison with regard to freedom of religious opinion and observance gradually gained strength in this country, and one State after another struck from its statute books the laws compelling church attendance, financial support of the ministry and prescribing drastic punishment for heresy and blasphemy. There are numerous attempts on the part of religious combinations to secure the adoption of national Sunday observance laws, but without exception Congress declined to interfere in such matters, despite the strong pressure which the religious establishments brought to bear. Congress has also refused to countenance any general Sunday laws affecting the District of Columbia.

"The law prohibiting labor on Sunday within the District of Columbia was set aside by the District Court of Appeals in 1908. This law was in reality borrowed from the Sunday laws of Maryland of 1723, the District having, of course, originally been a part of Maryland. The Court of Appeals decision declared this

law to be an outgrowth of the system of religious intolerance that prevailed in many of the colonies, and set it aside as 'obsolete' and 'repealed by implication.'

#### "Arkansas Sunday Laws

"The present Sunday laws of Arkansas are typical of those in effect in other States, although the Sabbath [Sunday] laws of several of the States are more comprehensive and extreme. They forbid Sunday labor, excepting by those whose religious beliefs lead them to observe another day of the week as the Sabbath, such as Jews and Seventh-day Adventists; merchandising is prohibited, as are horse racing, card playing, hunting, and baseball.

"But despite the relatively inoffensive nature of the present Sunday laws of the State, Arkansas won a highly unsavory reputation for religious persecution some years ago, making a record that probably has not been equaled by any other State in the last one hundred years. Notwithstanding the fact that the constitution of 1874 declares that 'all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences,' and that 'no human authority can, in any case or manner whatsoever, control or interfere with the right of conscience,' the Arkansas Legislature enacted a law forbidding labor on Sunday, and in 1885 repealed an exemption clause permitting Seventh-day Adventists to observe Saturday, as they interpreted the Bible to command, and work the other six days of the week.

"With this exemption clause repealed, an orgy of religious persecution set in, and a number of peaceable, God-fearing citizens were jailed and fined in a most high-handed and obnoxious manner.

"Speaking in the legislature for a restoration of the exemption clause, Senator Crockett, referring to these persecutions, most of which took place in the northwestern part of the State, declared that 'such ill deeds and foul oppressions have been perpetrated upon an inoffensive class of free American citizens in Arkansas for conscience' sake, as should mantle the cheek of every lover of his State and country with indignant shame.'

"In his speech Senator Crockett thus described as typical a case that occurred in Benton County: 'A Mr. Swearingen came from a Northern State and settled on a farm in Benton County. His farm was four miles from town, and far away from any house of religious worship. He was a member of the Seventh-day Adventist Church, and after having sacredly observed the Sabbath of his sect (Saturday) by abstaining from all secular work, he and his son, a lad of seventeen, on the first day of the week [Sunday] went quietly about their usual vocations. They disturbed no one — interfered

with the rights of no one. But they were observed, and reported to the grand jury—indicted, arrested, tried, convicted, fined; and having no money to pay the fine, these moral Christian citizens of Arkausas were dragged to the county jail, and imprisoned like felons for twenty-five days—and for what? For daring in this so-called land of liberty, in the year of our Lord 1887, to worship God!

“Was this the end of the story? Alas, no, sir! They were turned out; and the old man's only horse, his sole reliance to make bread for his children, was levied on to pay the fine and costs, amounting to \$38. The horse was sold at auction for \$27. A few days afterward the sheriff came again, and demanded \$36—\$11 balance due on fine and costs, and \$25 for board for himself and son while in jail. And when the poor old man—a Christian, mind you—told him with tears that he had no money, he promptly levied on his only cow, but was persuaded to accept bond, and the amount was paid by contributions from his friends of the same faith.

“Largely due to Senator Crockett's eloquent appeal, the exemption clause was restored, and such disgusting persecutions ceased.

“Similar outrages were perpetrated in Tennessee and elsewhere. During comparatively recent years, since the arrival of the Sunday law agitation, hundreds of Seventh-day Adventists and Seventh Day Baptists were persecuted in a like manner, although not so extensively, in Alabama, Georgia, Maryland, Michigan, North Carolina, South Carolina, Pennsylvania, Florida, Illinois, Massachusetts, Mississippi, Ohio, Virginia, and Texas.

“On April 11, 1920, at Tangier, Va., Roland Parks, a youth of seventeen, was shot through the abdomen while resisting arrest for refusing to go to church or remain indoors during church service hours, as required by a local ordinance. He was observed sitting on the front porch of his home during church hours, by the town constable. The constable ordered him to either go to church or hide himself indoors. Young Parks refused to do either, whereupon the constable seized him by the shoulder and ordered him to go to church. The boy attempted to jerk away, whereupon the constable, according to the current newspaper reports, threatened to shoot him if he refused to obey. The boy refused, and the constable shoved his pistol against Parks' stomach and fired a bullet through his body. The boy survived. The officer was prosecuted for unjustifiable assault, and sentenced to serve a year in the penitentiary.

“The history of Sunday legislation in California is a most interesting one. The first Sunday law, an enactment prohibiting ‘all barbarous and noisy amusements on the Christian Sabbath,’ was passed. Three years later offer-

ing merchandise for sale on Sunday was prohibited. Under this second law, a case was tried to the supreme court and won by the defendant. Chief Justice Terry, who wrote the prevailing opinion, said: ‘The enforced observance of a day held sacred by one of the sects is a discrimination in favor of that sect—a violation of the freedom of the others. Considered as a municipal regulation, the legislature has no right to forbid or enjoin the free pursuit of a lawful occupation on one of the week, any more than it can forbid altogether.’

“In 1882 the question of enforcing the Sunday law was widely agitated throughout the State, and became a political issue. Hundreds were arrested; every one prosecuted demanded a jury trial; the juries would not convict; the law proved itself a dead letter. Both leading political parties inserted planks in their platforms respecting the law, the Democrats demanding its repeal and the Republicans its retention. The church people took up the fight and ministerial associations passed strong resolutions in favor of the law. The Methodist Conference of California passed a resolution stating that ‘any attempt to abolish or change the day is an attempt to destroy the national life; that the civil sabbath in the Republic of California depends upon the ballots of the citizen; that it is the duty of the Christian citizen to cast his free ballot where it will best promote the highest interests of the Christian Sabbath.’

“But the appeal went unheeded, for while the State had always been strongly Republican, the result of this campaign was a sweeping Democratic majority.”

This well-written article, tracing the history of Sunday legislation from ancient Rome to our present day, establishes the fact beyond dispute that Sunday laws have always been religious laws, and it further establishes the historic fact that public sentiment in modern times is inclined toward liberal ideas and the separation of religious institutions and observances from the civil realm. Let this good work go on until every religious law has been eliminated from our civil statute books and the authority of civil magistrates.



THE political church has substituted legal religion for the masses for a personal evangelism for the individual, and is sending her petitions for aid to legislative halls instead of to the throne of God.



# Public Schools and Religious Teaching

By W. F. Martin

DO know why American students do not today regard with favor the teaching of religion in the public schools, one needs but to study the theory of our government. Its founders intended to make a clean break between church and state, or in other words, between religion and the state. It was not intended that they should be in any wise united, for in such case one would surely dominate the other. In a union of church and state, one of them must of necessity have the precedence.

Ecclesiastical domination in our government has been avoided generally. Sometimes the church and state propagandists have intruded their dogmas on the legislatures, but more often than otherwise they have met defeat. It is devoutly hoped that the effort to secure the teaching of religion by the states will fail.

The teaching of religion is a duty belonging to the home and the church. It is neither the duty nor the responsibility of the state. Indeed the political state is not qualified to teach religion.

We are not blind to the widespread religion of the times. This state of affairs is much to be deplored. Good people shudder over the situation. But this condition is not to be overcome by turning the teaching of religion over to the state. This statement is not a mere guess, nor is it a theory. The plan has been tried, and found not to work; on the contrary, it has bred disaster. Of all the evils that can befall a nation, none is worse than a union of church and state. A legal religious domination is always worked havoc.

The claim has been made that the public school denies to the child a moral and religious training. This accusation is false. The state does not give

food and clothing to public school pupils, but it does not deny these things to them. It is not the place of the state to provide these things. That office belongs to the parents. The state simply does not concern itself with matters of religion. This is a very proper attitude. The public school does well to confine itself to its proper sphere. Churches are ordained of God to give instruction in religious faith. Let the ten commandments and the golden rule be observed and taught in the homes and churches, and religion will not die out of the lives of the children; but on the contrary, it will flourish, and be seen in their acts, and the nation will be influenced for good.



## Sunday Laws Revived in Europe

ACCORDING to the National Catholic Welfare Council News Service, the old-time Sunday laws of medieval times are being revived in European countries. King Alfonso has just issued a decree to the effect that all persons obliged to work on Sunday, must be granted an hour's leave to enable them to attend mass, without reduction of the salaries of the workers for this hour. Failure to comply with the decree, is punishable by a fine.

The Syndicate of Catholic Journalists, numbering three hundred active members, sent delegates before the Labor Committee of the French Chamber of Deputies, protesting against the Sunday observance bill pending before the chamber, requiring the newspapers to give their employees one day's rest in seven, if they were required to work on Sundays. The Catholic journalists insisted that Sunday only be granted off, instead of any other day of the week

on the rotation plan. The Labor Committee did not show a majority in favor of the Catholic suggestions, although individual members admitted that the time must come when the rest day would be set definitely on Sunday for all professions and all people, irrespective of their divergent convictions or religious beliefs.

Sunday is a purely Catholic institution, and the Catholic Church ritual is the only authority for Sunday observance. It is natural for Catholics to be jealous for a day which their church has set apart. But it is difficult to understand why some Protestants should be so ready to legalize a Roman Catholic institution that has no foundation or sanction in the Scriptures. No divine command can be found within the lids of the Bible for Sunday observance.

It is easy to understand why European governments legislate upon religious questions where they have a union of church and state and a legally established religion, but it is not so easy to reconcile this kind of legislation with the American principle of a total separation of church and state. All our religious laws in American statute books ought by right to be repealed. Until they are, our guaranties of civil and religious liberty in our Federal Constitution are not living realities, but theoretical ideals.

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## The Issues Involved in the Evolution Case of Tennessee

*(Continued from page 101)*

ferred to the story of the divine creation of man as taught in the Bible, and that the legislature did not intend that the Bible account of creation should be taught at all in the public schools, but that it intended only to prohibit the teaching of the theory of evolution,—that man has descended from a lower order of animals. When the court made this ruling, it placed the anti-evolution law of Tennessee upon a strictly civil

basis, and robbed the defense of its plea that their own theistic views on evolution should be taught in the public schools.

The prosecution held stiffly to the proposition that neither Genesis nor anti-Genesis, no matter who its advocates were or how numerous they were on either side, should be taught in tax-supported schools under State supervision, but that both Modernists and Fundamentalists should build their own schools and support their own teachers if they desired to proclaim and teach their own peculiar views of the record of Genesis as to the origin of man. The court so ruled, and the case will finally be adjudicated before the highest courts of the land.

It is difficult to predict the final outcome of this case. Whatever decision the Supreme Court of the United States will finally make in this case, provided it comes before that Court, it will establish a legal precedent, but it will not by any means settle this question. It is a question of religious beliefs, and religious questions cannot be settled by courts or earthly tribunals. Religion and religious convictions, under American law, are regulated and settled by the individual conscience, and there is no power upon earth strong enough to smother the conscience on either side of this religious controversy.

The courts, of course, have the authority to shut the teaching of both theistic and atheistic evolution out of the public schools, on the same basis as they shut the teaching of religion and of the Bible out of such schools. The public welfare demands this of the State of Tennessee, and undoubtedly the courts will not overrule this demand as expressed by act of the legislature.

It seems to us that any question that produces such a heated controversy, and which stirs up such deep religious feelings on both sides of the issue, should find another forum than the public schools in which to carry on. The public schools should be neutral territory in

this bitter religious war, and each side should carry forward its propaganda at its own charges, for the public exchequer cannot furnish the ammunition and sinews of war for both parties, therefore it should do it for neither of the contestants. The public schools belong to all the people, and a part of the people should not monopolize them, and make them the vehicle of their propaganda.

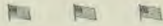


## Evolution, Christianity, and the State

(Concluded from page 103)

The State and the nation must now decide what they will do with the rights of that class of citizens who do not believe the evolution theory and do not want such doctrine taught to their children. Either they must protect the rights of this class by suitable legislation, or sanction such a flagrant invasion of them as will heap reproach and contempt upon American government. More than this: if the State becomes a teacher of the evolution theory of man's origin, it either repudiates the Bible, or assumes to construe God's Word for the people. But when the State does either of these, it is headed back toward the Dark Ages.

"I am right; think as I think, or be punished," has been the sentiment of every intolerant bigot that ever lived. Will the State now ally itself with a group of intolerant scientists, and punish parents who may refuse to let their children receive teaching which destroys their belief in the Bible? No greater or graver issue ever came before the American people.



## Admiral Benson on Religious Liberty

(Concluded from page 109)

of attacks on Constitutional rights that should never have been in question. Such outbreaks of religious and racial bigotry are all too frequent, but they can hardly succeed. They may—and do—momentarily disturb the peace and harmony of our people, but they cannot destroy or impair the principle which they violate. An

overwhelming majority of the American people are resolved to protect and perpetuate this fundamental principle of religious and civil liberty. For they know that not only the minorities which are the objects of these assaults, but eventually the whole citizenship of the nation would suffer by the triumph of prejudice and hatred.

"Indeed, I believe, a useful purpose has been served by these recrudescences of the very spirit of intolerance and narrowness which prompted the founders of our Government to write into the Federal Constitution the guaranties that a few men seek to withdraw. For one thing, they have in a small way foreshown the conditions that would follow the abrogation of this cardinal principle of our Government. Moreover, I think they have helped to bring thoughtful Americans of all creeds and races to co-operate in the task of saving and protecting religious liberty; and that not only for its own sake, but also to insure the permanence of our political and material well-being. Mean and petty assaults against freedom of conscience have brought the most eloquent and telling defense. Great Americans with a knowledge and a love of American traditions and principles, have joined the fight to keep and continue them. Leaders of our people—statesmen, educators, editors, soldiers, and churchmen of all creeds—have given manifest examples of the Americanism which they have championed. So, I say, we have derived heartening reassurances from a situation that might otherwise have depressed us.

"It is the solemn duty of Americans to remove every cause of religious conflict in this country, and to encourage good will and mutual respect among the different religious and racial groups. In doing this there need be no sacrifice of individual faiths and principles. To respect another's opinions is not to make them one's own. But we cannot be sure of the right to hold and voice our own convictions so long as the right of any one else to do likewise is denied or jeopardized. This obligation of fellowship among Americans is therefore plain and imperative. We should think more of our points of agreement, and less of our points of difference. In two vital respects we are all alike,—we are children of a common Father and the citizens of a common country. That likeness ought to be our inspiration and guide in our social, civic, and political relationships. We cannot serve our common Father and we cannot serve our common country while we harbor suspicion and hatred of one another."

All of which is good, sound American doctrine. These are sentiments to which all free men and all who desire to be free should subscribe heartily and without mental reservation.

# Justice Seeger Forbids Religion to Be Taught in School Time

**A**LBERT H. F. SEEGER, supreme court justice of the State of New York granted a permanent injunction restraining the school board of Mount Vernon from allowing the children in the public schools to take forty-five minutes from each school week for religious instruction. In his decision Justice Seeger said, in part:

"The Education law, section 620, describes the instructions required in public schools. Religious instruction is not one of them. Consequently it is unlawful and unauthorized for a board of education to substitute religious instruction in the schools in place of the instruction required."

## He Cites Court Precedents

"The courts of this State and other States have uniformly discountenanced attempts to join religious instruction with instruction prescribed for the public schools.

"If it is necessary or advisable that such instruction be given on school days, each day is long enough for such instruction without encroaching on school hours. The undesirable results of keeping children away from school were made obvious in war time, when many youngsters were forced to be absent from their studies by the general conditions. There are only 180 school days in the year, however, and there should be plenty of time for religious instruction at home or in the Sunday schools."

"The injunction also prevented the board of education from printing or distributing cards for parents to sign, giving consent to the religious instruction of pupils. The court remarked that the church cards merely added more work to the teachers' duties.

"There has been an actual movement here to make religious training a part of the public school curriculum in New York City. Agitation to that end has aroused vigorous opposition by persons of many faiths and by several educational organizations. The Teachers' Union transmitted to the board of education last month a resolution which declared that the injection of religious controversy into public school administration would not further the cause of religion, and would 'paralyze the trunk nerve of education,' by separating compulsory education from the voluntary cultural agencies of various groups.

"Those who have been opposed to the action of the Mount Vernon School Board have taken

the view, that while the board ruled that children should obtain their religious teaching from the school, the fact that time was taken out of school hours for it indicated that it was not recognized as part of the curriculum, but rather than as an extra-curriculum activity."

## Chattanooga Lifts Sunday-Closing Ban

**T**HE city commissioners of Chattanooga, Tenn., on July 28 repealed the city ordinance which closed all filling stations and automobile accessory stores on Sundays. The resolution which was adopted by the board of city commissioners stated that the Sunday-closing ordinance had accomplished its purpose, and that it worked a gross injustice upon the service stations and the people of the city of Chattanooga, because the service stations just outside the city limits and the county and State operated all day Sunday.

The resolution which was adopted and was followed by a motion to repeal the Sunday ordinance, is as follows:

"WHEREAS, Our Sunday-closing ordinance (Sec. 716, Code) permits the 'keeping open such places of business and the sale of articles of necessity as are permitted by the laws of the State;' and,

"WHEREAS, During the months that service and filling stations have kept closed the city, under said ordinance, the same of stations in the county and suburbs have been permitted to operate by the State authorities under the State laws; and,

"WHEREAS, The operation of such service stations just beyond the city limits, while within said limits are closed, is an unjust discrimination against our taxpayers who are to pay increased taxes within the city to enable said business; therefore,

"Be it moved, That it is the sense of the board that the operation of said stations within the city on Sunday is a lawful exercise of business excepted in our ordinance, and the police department is hereby instructed not to interfere therewith."

seems strange that our lawmakers such a vague idea of the American principles of civil government, that when they do repeal Sunday laws and ordinances, they can see only the monetary injustice which they inflict upon their competitors in business. The real reason why Sunday laws should be repealed is because they are religious laws, and they seek to force the conscience of every person upon a purely religious question, and thus work an

injustice that cannot be computed in dollars.

In America the church and state are totally separated so far as our Federal Constitution is concerned. All Sunday laws and all other religious tests and obligations under civil law should be repealed on our local statute books, so that all religious sects and all American citizens may stand on an equality before the laws of the land, with special privileges and favors granted to none.

## The Limitations of State Schools

THE Sacramento (Calif.) *Bee* has made some pertinent remarks on the limitation of State universities, which imagine they can teach anything under the sun. The *Bee* says:

Bliss Baker, a student at the University of California, is charged with complicity in the late blackmailing plot in San Francisco. His mother attributes his fall primarily to the 'less education' imbibed in that university, and specifically,

'My son was brought up in a good Christian home, and he was taught at the university that there is no God.' . . .

Not infrequently, scholars and graduates of the University of California have made a statement, . . . that the very atmosphere of too many schoolrooms in that university is of rank atheism.

And it is common knowledge that great numbers who entered that school of learning with a firm faith in an Almighty God, come out sneering scoffers at the very idea there be a Supreme Being.

The good mothers and the good fathers of this State holding varying faiths, do not expect the University of California to see to it that their boys and girls are strengthened in their separate religious convictions, each in its particular creed; for that is the duty of the father and the church, not of the secular school. The school has a right to demand that their children shall not be robbed by the State of their faith in God; that they shall not return to their Christian or their Jewish homes with a sneer upon their lips at everything their fathers hold most dear in their innermost hearts; that, supreme in their top-lofty egotism, they shall not provoke the memory of the words by Coleridge:

(Born from his dark and lonely hiding place, portentous sight!) the owlet Atheism,

Sailing on obscene wings athwart the noon,  
Drops his blue-fringed lids, and holds them  
close,  
And hooting at the glorious sun in Heaven,  
Cries out, "Where is it?"'

"Mrs Baker has made a specific charge.

"Publicly she has asserted her son was taught in the University of California that there is no God.

"Surely, the regents of that institution cannot afford to let that statement rest as it is. It is their duty to make a thorough investigation.

"And if any professors therein are found to have been inculcating atheism into the minds of their scholars, they should be kicked out instantaneously, just as they should be if they were found teaching Presbyterianism, or Catholicism, or Judaism.

"The State has no right to teach any particular religion.

"But surely it is even a ranker offense if she sow in her children the seeds of irreligion, of atheism, of a denial of that God that is from everlasting to everlasting. . . .

"The State cannot afford to let this broadcasting of irreligion go on."

We agree with the Sacramento *Bee* that tax-supported schools have no right to teach religion, and they have no right to teach irreligion. The teaching of religion or of irreligion in State-supported schools is unjust and unfair to a large portion of the citizens who support these schools by their taxes, which they are forced to pay by the State. Such a course always produces religious controversies and religious persecution, and consequently is inimical to the public welfare and happiness of society. Our

American system of government and our Constitutional guaranties of civil and religious liberty vouchsafe to each citizen the protection of his natural and God-given rights to worship God or not to worship Him, in harmony with the

dictates of his own conscience, and further protects him from being encroached upon by the State or any one else to support any form of belief which is at variance with his own avowed faith and practice.

## Religious Instruction in the Public Schools

**T**HE *Orange Sentinel*, of Toronto, Canada, on April 21, presented the following interesting editorial on the above subject:

"Should religion be taught in the public schools? This delicate and important issue, which is being pressed upon us at the present time with every indication of organized efficiency, was probably never debated on a higher plane or to a more interested audience than it was in Convocation Hall, Toronto University, on April 15, under the auspices of the Trustees' and Ratepayers' Department of the Ontario Educational Association.

"The speakers were Bishop Fallon, who presented the views of the Roman Catholic Church; Principal Gandier, of Knox College, who was listed to speak for the Protestants; and Rabbi Brickner, who stated the attitude of the Jewish population. An impartial and qualified judge of the debate or symposium, if it were possible for one to be impartial on such an issue, would be compelled to award the honors to Rabbi Brickner. His logical presentation of the case for public, nonsectarian schools, available for children of every class and every creed; his eloquence and his stirring appeal for British fair play for religious minorities, has seldom been equaled by any advocate of a truly national educational system. Friends of the public school could not desire a more eloquent and convincing platform champion.

"There is a feeling, however, that the symposium was not entirely fair to the public schools or to the majority of Protestant ratepayers in this country, who believe that the onus of teaching religion devolves upon the churches, and not upon the government. Bishop Fallon and Principal Gandier were in essential agreement. Bishop Fallon, who was quite circumspect in his utterances and broader than usual in his attitude toward Protestants and Jews, ably presented the views of the Roman Catholic Church. Principal Gandier supported Bishop Fallon on practically every point, and presented the views of only a percentage of Protestants, a minority it is believed, who desire to introduce

a compulsory course of religious instruction into the public schools. A large majority of the Protestant ratepayers, who desire to keep church and state separate in Ontario and confine religious instruction to the homes, the Sunday schools, and the churches, were not represented on the program at all. In his address, Principal Gandier said:

"In these days of church union and community churches, the number of places will continually increase where it ought to be quite feasible to give common religious instruction and make it a part of the regular school curriculum—a conscience clause such as exists in the present regulations would always provide for any children whose parents might object. I cannot for a moment agree that this conscience clause is "mere camouflage."

"Liberty of conscience, freedom from coercion in matters of religion, the minority must have; but no self-respecting community can allow a small minority to turn it aside from what the majority believe vital to the well-being not only of their children, but of the community and the country."

"If Dr. Gandier or the executive who placed him on the program thinks that this is a true expression of the views of Protestantism in Ontario, he is under a grave misapprehension. It is not the opinion of 20 per cent of the Methodists or the Presbyterian taxpayers of Ontario. It is believed that a majority of the Anglican taxpayers would disapprove of the school policy advocated by Dr. Gandier. The Baptists, and there are 150,000 of them in Ontario, believe emphatically that public schools ought to be public in the truest sense of the term, and that religion ought to be taught by the churches. The Orange Order has frequently gone on record as opposed to the addition of a course of religious instruction to the public school curriculum. Dr. Gandier is entitled to his own opinion in the matter, but it is entirely unfair to assume that he spoke for the Protestants of Ontario—unfair to the public schools, unfair to a majority of the Protestant taxpayers who believe in separation of church and state, and unfair to the religious minorities,

such as the 50,000 Jews, who might be led to believe that they cannot expect British fair play in this province.

"If the religion of the majority is to be taught in the government schools, in utter disregard of the religious convictions of minorities, then the province of Quebec has the ideal system of education. In that province the Roman Catholics are in the majority, and the Roman Catholic religion is taught by the government. The Quebec majority believe that Romanism is 'vital to the well-being not only of their children, but of the community and the country.' Therefore they teach it, and the Jewish minority in Montreal are appealing to the Privy Council for British justice and the Protestant taxpayers are subjected to an exorbitant rate. The 'small minorities' in the smaller centers in Quebec are compelled to sell out at a sacrifice and move to other parts of Canada to find an education for their children. The Quebec ideal of education may be quite satisfactory to Bishop Fallon and Dr. Gandier, but it is not the kind of educational system that the people of Ontario or of the other English-speaking provinces desire to have inflicted upon them. Majority rule is quite all right in political affairs, but in the matter of religion the government cannot ignore the conscientious convictions of a minority of one individual taxpayer, and be true to British ideals.

"There is something wrong with a religion that has to be subsidized by the government. Dr. Gandier made the deplorable admission that only about 43 per cent of the children of this country attend the Sunday schools. The real problem then is this: Should the churches and Sunday schools make a special effort to reach the other 57 per cent or should laws be enacted to compel all the children to receive religious instruction in the public schools, or 'wait in the woodshed' during the religious period? The only sane course is that allowed under the present laws. Let the churches look after religion, and let the local trustees and teachers use their discretion in regard to religious exercises at the opening or closing of the schools. Any other policy would lead to injustice, persecution of minorities, and the disruption of the public school system."

This is a topic that is destined to come prominently to the front in all countries where a separation of church and state exists. Wherever the churches and religious organizations begin to intrude their influence dominantly into the political arena, this question is brought prominently to the front. More and more the church is shifting its own responsibilities upon the state as she becomes popular and numerically strong,

but spiritually weak. Justice, fair play, and religious liberty for the minorities, are being sacrificed for so-called community welfare, which more frequently is nothing less than the tyrannical domination of a religious majority over the minority.

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## Sunday Laws Designed to Protect, Not the Man, but the Day

*(Concluded from page 107)*

Holidays are not made compulsory. Who ever heard of fining a man for working on the Fourth of July or Christmas? But men are fined for working on Sunday, and the courts have repeatedly held that the purpose of such laws is to preserve the sanctity of the day. In other words, they are designed, not to protect the citizen, but the institution.

If Sunday laws were not compulsory, if they were so framed as merely to secure a free day to those who want it, and if nobody was compelled to observe the day by refraining from anything lawful in itself, then might they be called civil; but not under present conditions.

Beyond all question, the forces now demanding Sunday legislation and "law enforcement" along that line would fight tooth and nail any bill designed to guarantee Sunday rest only to the man or woman who wanted such rest, leaving all others free to spend the day as they might see fit. What the Sunday law advocates demand is laws for the protection, not of men, but of the day.

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"THE countless evils that must flow from the least interference of the general government with the view of favoring a religious party are such as, in their consummation, would prove destructive to our national existence. . . . The past history of the church furnishes a melancholy demonstration of the danger . . . from an alliance of the ministers of religion with the civil magistracy."

# News and Comment

## Fight Sunday Blue Laws

THE residents of Mountain Lakes, N. Y., recently held a mass meeting protesting against a proposed Sunday "blue law" ordinance, which aimed to "make nearly everything people do nowadays on Sunday a crime," punishable by a fine of \$50, or in lieu thereof imprisonment of thirty days. It seems strange that the ministerial associations which usually demand these ordinances, are incapable of sensing the propriety of things, and knowing that public sentiment resents ecclesiastical interference in public affairs.



## Sounding Out Public Sentiment

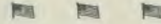
THE Lord's Day Alliance of New York State is trying to sound out public sentiment on the possibility of framing "a winning Sabbath law" for New York State, since they met with a signal defeat in the last legislative session. If they want to know how public sentiment stands toward compulsory Sunday observance laws, we would advise them to consult the initiative and referendum vote of California and Oregon on this question. California turned the Sunday law proposition down by a majority of more than 167,000 votes, and Oregon by a majority of more than 32,000 votes.



## A Very Liberal Church

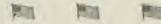
THE "Liberal Church" of Denver, Colo., elected Clarence Darrow, a self-styled agnostic, to honorary church membership. Bishop Frank H. Rice said that this action was taken because of the prominent part Darrow played in the defense of John T. Scopes, charged with violating the Tennessee anti-evolution law. The church went on record when it elected Mr. Darrow to church fellowship, as "accepting his

theory of Christianity." We do not see how any church could be more "liberal," for Mr. Darrow says he does not believe in "miracles," nor in the hope of immortality, nor in the deity of Christ, and that he does not know whether there is a God or "Supreme Cause." We do not see why Satan should be shut out of this church, for the Bible says that "devils also believe, and tremble."



## Broke Thirty-Year Sunday Calm

A MOTOR cyclist on July 13, for the first time in thirty years, broke the Sunday quiet in Ocean Grove, N. J., through which no motorists are allowed to pass on Sunday. The town is owned by the Ocean Grove Camp-Meeting Association of the Methodist Episcopal Church. A town policeman, blowing a whistle, pursued the motor cyclist on foot without avail. Police in near-by towns were asked to find the breaker of the Sunday calm, who had the audacity to ride a motor cycle through its sacred precincts on Sunday.



## Sunday Law in Disfavor

THE Rye Beach Pleasure Park and Paradise Park of Rye, N. Y., petitioned Supreme Court Justice A. H. F. Seeger to restrain the village authorities from enforcing the Sunday law of New York State against amusements and Sunday excursions, but Justice Seeger denied the injunction. Public sentiment was so strongly in favor of Sunday amusements and excursions that the police finally refused to interfere with the opening of the parks and Sunday excursions. Col. I. Austin Kelly, manager of Rye Beach Pleasure Park, said: "I welcome a test case before the courts. I will give the village authorities \$100,



provided they will arrest me and make a test case. They will be laughed out of court."

It seems ridiculous to have a State Sunday law forbidding Sunday amusements and excursions, and allow it to be used as a religious cudgel, where religious sentiment controls the public officials in certain localities, and permitting the same law to be utterly ignored in other localities. But nothing else can be expected when religious laws are enacted. Only religious people will enforce religious laws. But in his official capacity a public official should know no religion.



### The Sunday School Not a Reformatory

THE court of Akron, Ohio, recently sentenced a boy to attend Sunday school as a penalty for a wrong act he had done. This is the wrong way to bring about a reform for wrong conduct. Sunday schools are not reformatories, and should not be imposed upon by the civil courts in fruitless proceeding. The worst part of it all is, that this boy, more than likely, will always hold an aversion for the Sunday school in the future, and look upon it much as a criminal looks upon a penitentiary where he served a sentence. A person should never be introduced to religion by the strong arm of civil force, nor should the civil authorities ever force religion even upon criminals, much less upon free citizens.



THE *Christian Statesman* says that "some men so wrong and wring a Scripture text that Truth cries out against the torture." Certainly the *Statesman* ought to know, having had many years' experience in distorting and twisting texts of Scripture in the interests of its unscriptural and un-American propaganda, through which it is seeking to render to Cæsar that which belongs to God alone.

### Lord's Day Alliance Appeal Rejected

THE Lord's Day Alliance of Canada took an appeal from the decision of the Manitoba Court of Canada up to the Privy Council of England, relative to the matter of the legality of the running of Sunday excursion trains in Manitoba, and the Privy Council dismissed the appeal, holding that the running of Sunday excursion trains is valid. The decision of the Privy Council practically renders the Canadian Lord's Day Act in its entirety a dead letter so far as the province of Manitoba is concerned. The viewpoint of Atty.-Gen. R. W. Craig, of Manitoba, was upheld, namely, that the Dominion Parliament in the provisions of the Lord's Day Act of Canada had expressly excepted any province in which the existing law or future legislation permitted Sunday excursions which were lawful under the common law. This decision gives each province the privilege of rejecting the Lord's Day Act of Canada.

This action of the Privy Council in upholding the Manitoba Court's decision makes the Lord's Day Act an empty shell, a mere scrap of paper. The common law of England, we are told by the Privy Council of England, does not make the nonobservance of Sunday a criminal act or offense. And why should it? It would be just as proper to make the nonobservance of the Lord's supper a criminal offense.



A RELIGION that cannot survive unless it is sustained by force, ought to perish. When the Christian religion was pure, the governments of the world sought to crush it; but then it was that it grew the fastest, and kept its garments unspotted from the world.



No religion should receive governmental recognition, as all citizens stand on an equality before the civil law.



PHOTO BY H. WEIMER

### Gunston Hall

*This historic building, on the right bank of the Potomac River, in Fairfax County, Va., six miles from Mount Vernon, was long the home of George Mason, the two hundredth anniversary of whose birth has been celebrated this year. George Mason was the author of the famous Bill of Rights of Virginia, a document which deserves to rank with the American Declaration of Independence. Gunston Hall was built by Mr. Mason in 1775. A movement is on foot to preserve it as a memorial of the early days of the American Republic.*

### Sunday Closing

**R**EPORTS coming from Alameda, Calif., indicate a move by an organization in that city to close, by law, all grocery stores in that city on Sunday. There can be no good reason given why a grocer closes his place of business on Sunday. He can reason with himself why he should not open on Sunday. If, after thinking it all over, his conscience prompts him to close on that day, he should not let anything prevent his doing so.

To be conscience for the other man, however, is a different matter. To keep a grocery store and thus to obtain a livelihood, is an honorable calling. It should not be prohibited. No man should be made an outlaw for selling a

loaf of bread on any day or at any hour. A decree such as this is tyrannous. It is not in harmony with American freedom.

It is to be hoped that the grocers will not push this affair, and if they persist in doing so, that they may fail in their undertaking.

W. F. M.



UNLESS the tendency on the part of the churches to invade the political domain is checked, our Constitutional guaranties of civil and religious liberty will soon be empty and meaningless phrases. It is high time that Americans wake up. Let us keep the church out of politics and the state out of the religious domain.

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