

# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



J. D. CARDINELL

THE LARGE REPLICA OF THE LIBERTY BELL OVER BROAD STREET, PHILADELPHIA, NEAR THE ENTRANCE TO THE SESQUICENTENNIAL EXPOSITION

**THE ULTIMATE AIM OF SUNDAY LAW ADVOCATES—Page 135**

TWENTY CENTS A COPY

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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# LIBERTY

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

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## CONTENTS

OLD HIGH STREET, PHILADELPHIA .....	Frontispiece
THE DECLARATION OF INDEPENDENCE EXTOLLED BY PRESIDENT COOLIDGE .....	115
THE TRIUMPH OF DEMOCRACY AND HUMAN RIGHTS .....	119
THE UTAH SUNDAY LAW DECLARED INAPPLICABLE .....	125
CLERGYMEN INVOKING OLD-TIME RELIGIOUS BOYCOTT .....	127
THE OPINION OF A PROMINENT WESTERN JUDGE .....	129
A RELIGIOUS EXEMPTION PROVES A RELIGIOUS LAW .....	131
VETO OVERRIDDEN .....	132
DR. STELZLE OPPOSES SUNDAY LAWS .....	132
THE CLOSING OF SESQUI ON SUNDAY OPPOSED BY EPISCOPAL MINISTER .....	133
JEFFERSON AFTER FIFTY YEARS .....	134
JEFFERSON, FOE OF BIGOTRY .....	134
THE ULTIMATE AIM OF SUNDAY LAW ADVOCATES .....	135
REFORMERS BLOW BOTH HOT AND COLD .....	136
RANK TREASON TO SPIRIT OF AMERICANISM .....	137
ESTABLISHING THE KINGDOM OF CHRIST BY THE CIVIL POWER .....	137
SUNDAY LAW PROSECUTIONS UNJUST .....	138
WANT LEGISLATION TO MAKE THEM GOOD .....	138
VIRGINIA STILL UPHOLDS RELIGIOUS LIBERTY .....	139
YORK COUNCIL PASSED SUNDAY BLUE LAW .....	139
SEEKING THE EXALTATION OF SUNDAY BY LAW .....	140
FINED \$200 FOR SUNDAY SHOW .....	141
SESQUICENTENNIAL AND SUNDAY BLUE LAWS .....	142
LUTHERANS REBUKE RELIGIO-POLITICAL AGITATORS .....	143
WILL CONGRESS DO THE FOOLISH THING? .....	144

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J. D. CARDINELL

### OLD HIGH STREET, PHILADELPHIA

*A part of old High Street, as Market Street, Philadelphia, was known in colonial days, has been reproduced at the Sesquicentennial Exposition. This view, taken through the archway under the Town Hall, shows the Market House at the end of the street. The replicas include the Friends' Meeting House, the First Brick House, Myron S. Teller, Colonial Hand-Wrought Hardware, Franklin Print Shop, the Society Store House, Loxley House, the Little Wooden House, the Girard Counting House, the Slate Roof House (William Penn lived in this house in 1700), Washington's Stable, Washington's House, the Morris House, Jefferson's Lodging, Office of Foreign Affairs, the Ludwig Bakery, and the Indian Queen Tavern.*

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VOL. XXI

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NO. 5

## The Declaration of Independence Extolled by President Coolidge

**P**RESIDENT COOLIDGE paid a fine tribute to the ideals of 1776 when he delivered a masterly speech at Philadelphia on July 5, extolling the inalienable rights of man. In these days, when many are prone to scoff at the ideals of the Revolutionary fathers, it is refreshing to have the President of the United States set forth the fundamental principles of our liberties in their original splendor. President Coolidge said:

"It is not so much for the purpose of undertaking to proclaim new theories and principles that this annual celebration is maintained, but rather to reaffirm and re-establish those old theories and principles which time and the unerring logic of events have demonstrated to be sound. . . . Whatever perils appear, whatever dangers threaten, the nation remains secure in the knowledge that the ultimate application of the law of the land will provide an adequate defense and protection."

The President affirms that —

"The conviction is inescapable that a new civilization had come, a new spirit had arisen on this side of the Atlantic more advanced and more developed in its regard for the rights of the individual than that which characterized the Old World. . . . A separate establishment was ultimately inevitable. It had been decreed by the very laws of human nature. Man everywhere has an unconquerable desire to be the master of his own destiny."

### Rights Not Recognized

The rulers of the past were not willing to recognize any rights of the individual which they did not feel free to invade or nullify. The American Republic was the first government on earth to recognize the inalienable rights of the individual as paramount to the claims of the government.

President Coolidge further stated that "the American Revolution represented the informed and mature convictions of a great mass of independent, liberty-loving, God-fearing people who knew their rights and possessed the courage to dare to maintain them," and, says he, "the Declaration of Independence was the result of the seasoned and deliberate thought of the dominant portion of the people of the Colonies." It was not a "radical movement" or a "riotous insurrection," which brings "the scum" of society to the surface, but it was a movement of "great men," who "represented a great people."

### Significance of the Declaration

Said the President:

"When we come to examine the action of the Continental Congress in adopting the Declaration of Independence in the light of what was set out in that document and in the light of

succeeding events, we cannot escape the conclusion that it had a much broader and deeper significance than the mere secession of territory and the establishment of a new nation. . . .

### New Principles

"It was not because it was proposed to establish a new nation, but because it was proposed to establish a nation on new principles, that July 4, 1776, has come to be regarded as one of the greatest days in history. Great ideas do not burst upon the world unannounced. They are reached by a gradual development over a length of time usually proportionate to their importance. This is especially true of the principles laid down in the Declaration of Independence. Three very definite propositions were set out in its preamble regarding the nature of mankind and therefore of government. These were the doctrine that all men are created equal, that they are endowed with certain inalienable rights, and that therefore the source of the just powers of government must be derived from the consent of the governed."

Mr. Coolidge asserts that —

"This principle had not before appeared as an official political declaration of any nation. It was profoundly revolutionary. It is one of the corner-stones of American institutions."

### Principles Traced to Roger Williams

The President traced the discussion of the principles of the Declaration of Independence back to the writings of Rev.

John Wise of Massachusetts, and Rev. Thomas Hooker of Connecticut, who had imbibed the teachings of Roger Williams of Rhode Island. Thomas Jefferson, George Mason, and James Madison had been greatly influenced by the teachings of these earlier pioneers of human rights and religious liberty.

Said the President:

"No one can examine this record and escape the conclusion that in the great outline of its principles the Declaration was the result of the religious teachings of the preceding period."

"In its main features, the Declaration of Independence is a great spiritual document. It is a declaration not of material, but of spiritual conceptions. Equality, liberty, popular sovereignty, the rights of man—these are not elements which we can see and touch. They are ideals. They have their source and their roots in the religious convictions. They belong to the unseen world. Unless the faith of the American people in these religious convictions is to endure, the principles of our Declaration will perish. We cannot continue to enjoy the result if we neglect and abandon the cause."

### Ideals Make Governments

"Governments do not make ideals," the President affirmed, "but ideals make governments." "About the Declaration there is a finality that is exceedingly



J. D. CARDINELL

The "Market House," With Stalls on Either Side



J. D. CARDINELL

*Another View of Old High Street, Philadelphia, Showing the Town Hall at the End of the Street. The buildings are (left to right) Washington's Stable, Washington's House, Morris' House, Jefferson's Lodging, and so forth.*

restful," the speaker continued. "If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress, can be made beyond these propositions. If any one wishes to deny their truth or their soundness, the only direction in which he can proceed historically is not forward but backward toward the time when there was no equality, no right of the individual, no rule of the people. Those who wish to proceed in that direction cannot lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers."

The Federal Government has remained true to the essential principles of individual liberty as set forth in the Declaration 150 years ago, the President asserted. "The rights of the individual are held sacred and protected by constitutional guaranties which even the Government itself is bound not to violate. If there is any one thing among us that is established beyond question,

it is self-government — the right of the people to rule."

#### A Fling at Reformers

The President took a fling at the reformers who hang around legislative halls seeking to restrict the liberties of the people. "Under a system of popular government there will always be those who will seek for political preferment by clamoring for reform," he continued. "In my opinion very little of just criticism can attach to the theories and principles of our institutions. There is far more danger of harm than there is hope of good in any radical changes.

"We do need a better understanding and comprehension of them and a better knowledge of the foundations of government in general. . . . While there were always among them men of deep learning, and later those who had comparatively large possessions, the mind of the people was not so much engrossed in how much they knew, or how much they had, as in how they were going to live.

"While scantily provided with other literature, there was a wide acquaintance with the Scriptures. Over a period

as great as that which measures the existence of our independence, they were subject to this discipline, not only in their religious life and educational training, but also in their political thought. They were a people who came under the influence of a great spiritual development and acquired a great moral power."

The President stated a great historic truth when he affirmed that the Declaration and Federal Constitution were the outgrowth of a spiritual movement. These men did not favor legal sanctions for any religion, but believed in a complete divorce of religion from civil enactments.

#### Not Hostile to Religion

Benjamin Franklin said they purposely divorced the Christian religion and all mention of God and Christ from the Federal Constitution, not because they were hostile to the Christian religion and its Author, but because they were friendly to them. He said they were convinced that both religion and politics would remain purer and thrive better when each functioned in a distinct and separate sphere. "When religion is good," said Franklin, "it will take care of itself; when it is not able to take care of itself, and God does not see fit to take care of it, so that it has to appeal to the civil power for support, it is evidence to my mind that its cause is a bad one."

It was this view of religious freedom and equality of all men before the civil law that inspired the drafting of the Declaration of Independence by the great apostle of religious freedom—Thomas Jefferson.

#### Spiritual Insight

"No other theory is adequate to explain or comprehend the Declaration of Independence," says President Coolidge in concluding his remarkable speech. "It is the product of the spiritual insight of the people. We live in an age of science and of abounding accumulation of material things.

"These did not create our Declaration. Our Declaration created them. The things of the spirit come first. . . . We must follow the spiritual and moral leadership which they showed. We must keep replenished, that they may glow with a more compelling flame, the altar fires before which they worshiped."

#### The President Right

We fully agree with our President. The altar fires of divine worship should send up a "compelling flame." But that compelling flame should be kindled by the preaching of the word, with power from above, and not by the sanction of civil law, with authority from below. We do well to maintain the spiritual concepts of the fathers who created the Declaration and the Constitution, because under their plan of the complete separation of church and state both the church and the state have flourished as in no other period of the world's history. The Puritan idea of propagating religion by legal sanctions means retrogression and the destruction of the Constitutional guaranties of individual rights and religious freedom.

C. S. L.



TONY PORCELLI, of Shelby, N. C., was arrested for permitting his daughter to do the family washing on Sunday. The *Sacramento Bee*, in commenting on this affair, says that "districts where such conditions prevail are no more American than is the Sahara Desert a choice place for human habitation." Such incidents are a blot upon the fair escutcheon of the charter of American freedom and human rights. Where is our boasted religious liberty when civil officers are so prejudiced and intolerant toward those whose religious views are different?



We oppose all legally enforced religion, because the religion of a state cannot be the religion of Christ. Union of church and state is spiritual adultery.





R. E. CLARK

*Memorial Continental Hall (D. A. R.), Washington, D. C.*

## The Triumph of Democracy and Human Rights\*

THE imagination would indeed be dull if it were not stirred by the reflection that today one hundred millions of people, constituting the most powerful nation of the modern world and potentially one of the most powerful of all time, are now forgetting for the moment the vivid and vital day in which they are privileged to live, to recall that other day, one hundred fifty years ago, when a little group of fifty-five men, after debating the question with meticulous care, created a new nation and dedicated it forever to the cause of human freedom. The flame then lit on that little altar in Independence Hall still illuminates the world.

To use the inspired language of Richter, this little group of heroic men "lifted the gates of empires off their hinges, turned the stream of the cen-

turies into a new channel, and still governs the ages."

Although the fathers little perceived it, the greatest revolution in the history of human thought and social conditions was then in progress.

As such, the American Republic is the noble child of the greatest revolution in human thought of an earlier age, namely, the Renaissance. . . . Never did human imagination rise to greater heights, and the finest flower of its genius was the birth of democracy in the New World, of which the American Revolution was but a single, although a very noble, chapter. Of Plymouth Rock, which shares the glory with the shores of Virginia of the great adventure, a New England poet has well said:

"Here on this rock, and on this sterile soil,  
Began the kingdom, not of kings, but men;  
Began the making of the world again.

Here centuries sank, and from the hither brink,  
A new world reached and raised an old world link,

When English hands, by wider vision taught,  
And here revived, in spite of sword and stake,  
Their ancient freedom of the Wapentake.

\* The following interesting extracts are taken from an address by Hon. James M. Beck, formerly Solicitor-General of the United States, delivered at the official opening of American Independence Week, under the auspices of the Daughters of the American Revolution, at Memorial Continental Hall, Washington, D. C. June 28, 1926.—Editor.

Here struck the seed—the Pilgrims' roofless town,  
 Where equal rights and equal bonds were set;  
 Where all the people, equal-franchised, met;  
 Where doom was writ of privilege and crown;  
 Where human breath blew all the idols down;  
 Where crests were naught, where vulture flags  
 were furled,  
 And common men began to own the world!"

#### A Prophetic View

De Tocqueville, that extraordinarily keen and prophetic intellect, well said nearly a century ago:

"The gradual development of the principle of equality is a providential fact. It has all the chief characteristics of such a fact; it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress."

I have said that the Declaration of Independence did not constitute us a people: it is equally true that it did not constitute us a nation. Complete sovereignty as a nation began with the first shots of the "embattled farmers" at Concord Bridge. Months before the Declaration of Independence the colonies had to a greater or less extent become independent, and assumed full sovereignty. The Declaration of Independence simply recognized an accomplished fact, and its purpose was not to initiate a new nation, but to justify its existence to the world.

#### The Purpose of the Declaration

What, then, was the purpose of the Declaration of Independence? As clearly set forth in its noble preamble, it was an appeal to the conscience of the world in support of the moral justification of the Revolution. It commences, "When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, . . . a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Possibly no state paper ever contained a nobler sentiment than this. It assumed that there was a rule of right and wrong that regulated the intercourse of nations as well as individuals. It be-

lieved that there was a great human conscience which, rising higher than the selfish interests and prejudices of nations and races, would approve that which was right and condemn that which was wrong. This approval was more to be desired than national advantage. It constituted mankind a judge between contending nations, and lest its judgment should temporarily err, it established posterity as a court of last resort. It placed the time of humanity above that of nationality. It solemnly argued the righteousness of the separation at the bar of history, solemnly prefixing its statement of grievances with the words, "In proof of this let facts be submitted to a candid world," and finally concluded its appeal from the judgment of the moment to that of eternity, in the words, "Appealing to the Supreme Judge of the world for the rectitude of our intentions."

#### More Than a Plea

The great Declaration was more than an eloquent plea for the favorable judgment of the world. For thousands of years man had lived under conditions which justly provoked the cynical remark of Rousseau, with which he began his immortal book, "Man is born free, and is everywhere in chains." Prior to the middle of the eighteenth century the conception of the sovereignty of the people was almost unknown. Even in France, where the ideas of liberty were then germinating, the people had so little conception of their own rightful sovereignty that, thirteen years after the Declaration of Independence and at the beginning of the French Revolution, the only claim that the French people made was that they should share equally with the clergy and the nobility in the constitution of the legislative body. In 1789 that body had not been convened for over 150 years, and there was no novelty in Louis XIV's arrogant boast, "L'état c'est moi" (I am the state).

The state was conceived as a sacred institution which existed apart from the people and had its sanction, not in their



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*The Canopy Above Plymouth Rock*

will, but in some inherited claim. In nearly every nation the fountainhead of all power and justice was a hereditary monarch, whose power was absolute except as he graciously gave immunities to the people, which were called "liberties." Even in those nations where the soil had been broken and the seeds of liberty implanted, the utmost claim of the masses was for some participation, by the grace of the king, in the legislative councils of the nation.

Even the men of the Revolution at its beginning fully accepted this theory of government. It was not until Jefferson drafted the Declaration that the American people divested themselves of this idea that there was a "divinity that doth hedge a king."

#### A Challenge

Jefferson, at heart an idealist and with all the enthusiasm of youth, challenged this universal conception as to the nature of government, and asserted in eloquent phrase the sovereignty of the people. He drew for all mankind, without distinction as to race, condition, or creed, a title deed to liberty so broad and com-

prehensive that "time cannot wither nor custom stale" its eternal verity. As with the blast of a mighty trumpet, the Declaration asserts that all men are created equal; that they have a right as the gift of God, and independent of government, to life, liberty, and the pursuit of happiness; that governments derive their just powers from the consent of the governed; that the people have the inherent right to alter or abolish their government when it has ceased to answer their necessities, thus constituting the people the first and only estate. These far-reaching principles satisfy the highest ideals of liberty.

Mr. Jefferson was contending that all men were politically equal, and that the government, therefore, should not give to any man an artificial and law-made advantage over another. "Equal and exact justice to all men, special privileges to none." When asked fifty years later and nine days before his death to write a sentiment for the forthcoming fiftieth anniversary of the Declaration,—the day of jubilee on which, by a singular coincidence, he was destined to die,—he wrote:

"The eyes of men are opened and opening to the rights of man. . . . The mass of men are not born with saddles on their backs nor a favored few booted and spurred, ready to ride them legitimately by the grace of God."

#### Object of the Declaration

Shortly before his death, Jefferson said:

"This was the object of the Declaration of Independence, not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular or previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion."

Due to this fact, few if any political documents have more profoundly influenced the struggling masses throughout the world. It remains the classic definition of democracy, if not of liberty, and its noblest echo was the speech of Abraham Lincoln over the new-made graves at Gettysburg, when, inspired by Jefferson, he solemnly said that "government of the people, by the people, and for the people, shall not perish from the earth."

As one of his most engaging biographers, Parton, has well said:

"He defended the honor of the human intellect when its natural foes throughout Christendom conspired to revile, degrade, and crush it. He enjoyed his existence, and made it a benefaction to his kind."

#### An Interesting Question

I am tempted, if only briefly, to discuss the more interesting question as to the present state of democratic institutions. When the greatest war of history had ended and the roar of the last gun on the long battle line had died away in distant echoes, it seemed, indeed, that Jefferson's political faith had received its most impressive vindication, that "government of the people, by the people, and for the people," had been vindicated, and the world had been made "safe for democracy."

Not in a thousand years had there been such a dissolution of ancient forms. Crowns had fallen "thick as autumn leaves that strew the brooks of Vallambrosa." Hohenzollern had followed the Hapsburgs and Romanoffs into the night of exile. Ancient dynasties perished; kingdoms fell, and empires of a thousand years vanished into thin air. Indeed, as President Wilson passed through Europe and the masses arose to acclaim him with vociferous enthusiasm, it seemed as if the existing governments of even the victorious nations were crumbling.

#### A Significant Reaction

And then a mighty change came over the world's dream of democracy. A reaction, swift and terrible, against parliamentary government, through which alone institutional democracy can function, swept over the world like the shadow of a huge eclipse. Today everywhere throughout Europe there is a remarkable trend toward a form of government which is not dependent upon parliamentary majorities.

No present fact is more significant than the reaction in many nations against democracy and in favor of one-man power. It matters not whether the one man be called a czar, emperor, king, or dictator—the essential fact is his power. Today many of the oldest nations of Europe are in the grasp of dictators. The revolt is not against democracy as a social ideal, but against the inefficiency and venality of parliamentary institutions.

At no time within the memory of living man has Lincoln's ideal of a government of and by and for the people been more openly defied and flouted. The World War revealed, as in a vast illumination, the fact that democracy as a governmental institution is not workable unless there be a people who are politically capable of self-government. The founders of our nation recognized this. Washington, Franklin, and Hamilton all said that the success of popular government depended less upon its form than



LEET BROS.

*One of the Rooms in the Home of Thomas Jefferson at Monticello, Va.*

upon the moral and intellectual capacity of the people.

A democratic government, as any form of government, is but a means to an end, and not, in itself, an end. It must be judged by its fruits. The welfare of the world is the end, and democracy is but the presently accepted means. Even as the greatest of all teachers said that "the Sabbath was made for man, and not man for the Sabbath," we can say that democracy is made for man, and not man for democracy.

#### **Divine Right Challenged**

Our political philosophy has changed the divine right of a king to the divine right of King Demos, and one theory is as untenable as the other. The right of

a majority, often mistaken, to impose its will upon the minority, who are only too often in the right, is not by divine ordinance, but is only based upon the purely utilitarian consideration that the common welfare requires a temporary subordination of the minority to the majority in the interests of peace.

All forms of government must depend upon the character of the people. It was well said by Lord Morley, one of the most scholarly publicists of our day, that —

"The forms of government are much less important than the force behind them. Forms are only important as they leave liberty and law to awaken and control the energies of the individual man."

Franklin said :

### Government a Blessing

"There is no form of government but what may be a blessing to the people, if well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other."

To a democratic age the spectacle is repellant of that Gallery of Mirrors in the Palace of Versailles, where 3,000 courtiers would crowd upon the so-called Sun King to crave the servile honor of handing His Majesty his napkin at dinner. But in a democracy 300,000 politicians equally become the obsequious flatterers of King Demos. To flatter the many is no more creditable than to flatter a king.

Let us today remember that democracy is something more than a form of government—it is a great spirit. Whatever may be said in this temporary ebb tide of democracy as to the fate of parliamentary institutions, democracy as a social ideal is as dominating and beneficent today as it has ever been. The equality of man, properly interpreted, is still our ideal, but we mean thereby not an enforced equality, which would standardize man to the level of mediocrity, but in its last analysis, his right to inequality.

In other words, the inalienable right of man to pursue his own true and substantial happiness as proclaimed in the great Declaration means his right to be unequal, for there can be no career open to talent or any natural justice if each man is not entitled to the fair fruits of his superior skill and industry.

### Every Man's Right

To it we owe the greatness of the Republic. The fact that every man has a right, free from governmental interference, to make of his dead self the stepping-stone to a higher destiny, gives to the masses that hope which has made us the most virile nation that the world has ever known.

I cannot refrain before concluding from recognizing the fact that democracy has hitherto had its most effective and

noblest expression in the Constitution of the United States. It is true that that great charter is not in method wholly democratic. On the contrary, it marked a salutary reaction against the extreme claims of democracy. Its essential spirit was thus expressed by Edmund Burke:

### Power Limited

"Liberty, to be enjoyed, must be limited by law, for law ends where tyranny begins, and the tyranny is the same, be it the tyranny of a monarch or of a multitude—nay, the tyranny of the multitude may be the greater, since it is multiplied tyranny."

While the Constitution does set limits to the power of the majority and to this extent negatives the extreme claims of democracy, yet as it was adopted by the American people and has now been maintained by them for over 140 years, that Constitution, with its salutary restraints upon majority rule and its defense of the rights of the individual, is broad-based upon the general will and is, therefore, in the truest sense of the word democratic. It has been in the past and will increasingly be in the future the model for democratic governments, and upon its maintenance and perpetuity the future of democratic institutions may possibly depend.



### Hawthorne's Comment

IN "The House of the Seven Gables," Hawthorne makes some comments upon the Puritan rulers who took "upon themselves to be leaders of the people," and he asserts that they were "liable to all the passionate errors that have ever characterized the maddest mob," because of their delusive conception that they were to execute the vengeance of God upon the sinner as His representatives. Hawthorne further states that when the martyrs of truth were executed for asserting their right to dissent, the "clergymen, judges, statesmen—the wisest, calmest, holiest persons of their day—stood in the inner circle round about the gallows, loudest to applaud the work of blood, latest to confess themselves miserably deceived."

# The Utah Sunday Law Declared Inapplicable

**A** MOST interesting Sunday law prosecution case has developed in Utah, known as "State of Utah vs. Thatcher, et al." This case is especially interesting because of the legal phase of such religious legislation, and the pressure that was brought to bear upon the civil officers by the Mormon authorities to bring and to prosecute the case before the courts.

It may be news to the general public to learn that the majority of the residents of Salt Lake City and Ogden City are non-Mormons, while all other communities in Utah are predominantly Mormon. In both Ogden and Salt Lake City, moving-picture houses and theaters operate on Sunday, and it seems that for many years their doing so has never been questioned, and no serious attempt has been made to prevent the practice. In all other localities in Utah, playhouses have never operated, either because it was illegal or because of an inherent desire to abstain, although if such operation was illegal, it must have been illegal throughout the entire State, because of the State statute.

In the summer of 1925, Thatcher opened his motion-picture house in Logan, Utah, on Sunday, and the local authorities of the Mormon Church in Logan strenuously voiced their objection, and carried this objection to the county attorney and asked for the prosecution of Thatcher under the State law. The county attorney is also a bishop of the Mormon Church, and his seniors are the president and council of the same church in the State in which he is a bishop.

## Conflicting Duties Cause Perplexity

The perplexity which faced the attorney in this case was a conflict of duties. The State law had been modified so that it exempted Thatcher from the applica-

tion of the State Sunday law, and the attorney, as a civil officer and as a bishop of the Mormon Church, faced conflicting duties,— one to the State, and another to the church.

It will be well to bear in mind that gas stations, garages, cigar and tobacco counters, drug stores, grocery stores, cafés, and auto repair shops have gone unmolested and unobjected to all the while, with no movement for their suppression.

The prosecution was brought under section 8129, chapter 31, Compiled Laws of Utah, 1917. The legislature of 1925 repealed the following entitled sections of chapter 31: "Barbarous and Noisy Amusements on Sunday;" "Selling Liquor Near Camp-Meeting;" "Procuring Females to Play Musical Instruments at Saloons;" "Procuring Females to Dance at Saloons," etc. The only sections left in the chapter were this section 8129, and section 8131, entitled, "Disturbing Religious Meetings."

The section under which the prosecution was brought reads as follows:

"Every person who keeps open on Sunday any store, workshop, bar, saloon, banking house, or other place of business, for the purpose of transacting business therein, is punishable by a fine of not less than \$5 nor more than \$100."

But section 8128, which was repealed by the legislature in 1925, prohibited on Sunday "any bull, bear, cock, or prize fight, horse race, circus, gambling house, or saloon, or any barbarous or noisy amusement;" and provided for the punishment of any one "who keeps, conducts, or exhibits any theater, nickelodeon, dance cellar, or other place of musical, theatrical, or operatic performance, spectacle, or representation, where any wines, liquors . . . are sold." All these were repealed in 1925.

The point at issue in this case was whether or not the moving-picture show

was included in the prohibition of the remaining section 8129, or "other place of business."

#### Ground of Demurrage

The defendant demurred to the complaint of the State, and insisted that the law against moving-picture shows was repealed in 1925, and that section 8129 did not apply to theaters and motion-picture shows. The judge sustained the demurrer, and ruled that the legal doctrine of *ejusdem generis* applied here as to the interpretation of the statute, and used as authority the Utah case of Knowlton vs. Thompson, found in 218 *Pacific Reporter*, which case used and approved the words of the supreme court of Indiana, which are as follows:

"It is a well-settled principle that where words of a particular or specific description are followed by general words which are not so specific, the latter are to be construed as applicable to things of like character to those designed and designated by the preceding specific words, unless there is a clear manifestation on the part of the legislature of a contrary purpose."

The Logan city court ruled that "it was obvious that when the legislature enacted the entire chapter 31, they meant to distinguish between places of amusement and places of business, and the clause should be read and interpreted as meaning 'other places of business of like character.' A motion-picture show is certainly not a business of like character to a bank, a store, etc."

The court further stated:

"The old Bolognian law enacted 'that whoever drew blood in the streets should be punished with the utmost severity.' Pufendorf states in his commentaries that such a statute did not extend to the surgeon who opened the vein of a person that fell down in the street in a fit. Common sense approves this view, and affirms the proposition, that legislatures intend exceptions to their enactments which avoid absurdities."

A peculiar thing happened. The county attorney, who is also a bishop of the Mormon Church, disagreed with the ruling of the court, and appealed the case to the district court at Logan, Utah. The district judge overruled the

lower court on the question of law involved.

The county attorney then asked to have another complaint filed, charging the same offense. The lower court refused to file the same, not agreeing with the decision of the district court.

The county attorney then asked the supreme court of the State for a writ of mandate to compel the city court to file the complaint and issue a warrant thereon, but the State supreme court refused to even entertain a hearing on the writ, though the supreme court has original jurisdiction in such cases. Then the county attorney went back again to the city court, and asked permission to file another complaint and to argue another point of law involved under the former indictment. The city court and the supreme court are in a deadlock with the county attorney, while the district court sustains him.

In the meantime all the businesses which clearly fall within the inhibition of the existing statute remain unmolested, simply because the Mormons who are demanding the prosecution of Thatcher, do not likewise demand the prosecution of gas stations and "other places of business."

#### A Union of Church and State

This case is a striking illustration of the fact that Sunday laws in Utah involve a practical union of church and state. The legal phase of this case as it applies to the interpretation of existing Sunday laws, affords some amusement for the legal profession, because of the dilemma of the courts over this religious issue. It is very apparent that a man who holds a high church position should not also hold a high civil office, because the duties to the two institutions often conflict, and he must in such an instance neglect the trust reposed in him by one of them. A civil officer should perform his civil duties as if he was a member of no church. When he allows his religion and his co-religionists to influence and control his



secular acts, he becomes a servant of the church instead of the state. As Christ said, it is impossible to serve two masters at the same time.

The functions of the church and of the state are not only distinct, but different. The church must win obedience by love, and the state by force. Their

methods of operation are so different that it is impossible for the two to work together. For this reason the church as such should be entirely divorced from the state, and the state should sever all legal connections with the church. Sunday laws are the wedding ring of a church-and-state union. C. S. L.

## Clergymen Invoking Old-Time Religious Boycott

**I**N the olden days, when the ecclesiastical dictators were jealous of their power and dissatisfied unless they could also dominate state affairs in favor of religion, the religious boycott and interdict were the favored weapons employed against all rulers and civil officers who sought to divorce religion from civil functions. This same worn-out medieval method is now being resorted to by Bishop Joseph F. Berry, of the Methodist Episcopal diocese of Pennsylvania, in order to intimidate the mayor of Philadelphia and the officials of the Sesquicentennial because they refused to close the Sesqui Exposition on Sundays.

### Invokes Aid of Twenty Thousand Ministers

Bishop Berry publicly stated that he had written a letter to 20,000 ministers of his denomination, asking them to advise their people to boycott the Exposition, as a protest against Sunday opening. It was quite evident that the religious boycott was a good advertisement for the Sesqui, because the Sunday following, more than 150,000 people visited the Exposition.

When the religious boycott did not work, a committee of one hundred Methodists banded themselves together to spy out the employees who sold tickets for the Exposition on Sundays, and they had them arrested, but the court of common pleas refused to sustain the indictments against the employees of the Sesqui Exposition.

The committee of one hundred Methodists then arrested and prosecuted E. L. Austin, director-in-chief of the Sesquicentennial, before a woman justice of the peace, who fined Mr. Austin \$4, and an additional \$4.50 for costs. Mr. Austin appealed his case to the court of common pleas, where it is still pending.

Not able to make any headway in the local courts, the Presbyterian and Methodist churches organized special committees to co-operate with the Lord's Day Alliance and the Woman's Christian Temperance Union of Philadelphia County, in making an appeal to the governor of Pennsylvania, requesting him to authorize *quo warranto* proceedings to nullify the charter of the Sesquicentennial Exposition Association.

Governor Pinchot authorized Attorney-General Woodruff to proceed along this line, but Attorney-General Woodruff informed Governor Pinchot that the Sunday law of 1794 placed responsibility for enforcement on local officials, and not upon the State department of justice.

### Appeals to the President

After this attempt failed, these religious legalists carried an appeal up to President Coolidge, requesting him to give favorable consideration to closing the Sesqui Exposition on Sundays, at least by ordering "the closing on Sundays of the Government exhibits at

the fair." The President has likewise refused to interfere in this matter.

What a spectacle these good but misguided church people have made of themselves in their efforts to force their peculiar brand of religion upon others through the machinery of the State!

This is another exhibition of how tenaciously church organizations cling to old traditions and old religious laws before such statutes are finally struck from the statute books of the State. They do not want to lose any of their former hold upon the State.

They fight for these old church and state laws when the separation takes place as if the very existence of the church and of Christianity itself depended upon civil support and sanction.

Why does not the Sunday observer content himself with preaching Sunday observance from the Bible, the same as do the Seventh-day Adventists, the Seventh Day Baptists, and the Jews preach Sabbath observance, without resorting to civil laws for support and sanction? Why should one sect have the advantage of civil law above another?

Is it because Sunday observance has no other leg to stand on for support than a civil law? If so, we can readily understand why this desperate effort is made to preserve these Sunday laws upon our civil statute books. But true religion, which is fortified with the sanctions of heaven, need not look to civil rulers for support. Truth, unaided, is its own best defender. It survives when all the governments of earth are arrayed against it.

#### A Sad Commentary

It is a sad commentary on the faith of any church organization when it resorts to the old-time boycott and religious interdict to bring about uniformity in religious beliefs and practices. The church has no business in politics nor in civil courts—to bring about religious enactments and compel obedience thereto under civil penalties. Such conduct is reprehensible, and will not meet the approval of red-blooded

Americans who believe in civil and religious liberty as well as in the divorcement of religion and religious observances from civil enactments.

Unless the church keeps functioning in her own distinctive sphere in spiritual matters, and renounces her former hold upon the state governments, she is going to lose her prestige and influence in the world, and will seal her doom with her own hands by virtue of the carnal weapons she employs. Every political church in the past has had to reap her own harvest of political humiliation and disaster; and the modern churches which dabble in politics and resort to carnal methods and means of propagating their own peculiar tenets of belief, will fare no better in the end. The church that depends upon God for power, and upon His unchangeable and immutable Word for authority, is sure to triumph at last. Faith in God, and not in Caesar, "is the victory that overcometh the world." C. S. L.



### Lutherans Favor Sunday Recreation

THE Missouri Synod of the Evangelical Lutheran Church, the largest of the Lutheran synods in America, issued a statement through the American Lutheran Publicity Bureau of New York City, upholding the action of St. John's Lutheran Church of Philadelphia in not withdrawing its support and exhibit from the Sesquicentennial Exposition at the request of the Protestant societies which are seeking the financial ruin of the Sesqui because it does not close its doors on Sunday.

Why should the Sesqui officials comply with the religious demands of a few Sunday law advocates when the majority of Christian believers are for an open Sunday, to say nothing of the larger number of nonchurch people?

The large attendance at the Sesqui on Sundays makes very clear the fact that public sentiment is on the side of

Sunday opening. The churches which are seeking to impose by law their religious views upon others are not aiding the cause of religion by their intolerant methods. Religion by law never yet has gained genuine converts.

## The Opinion of a Prominent Western Judge

**T**HE editor of the LIBERTY magazine received the following communication from a prominent Western judge of many years' experience on the bench, giving his opinion on the way Sunday law measures are forced through legislative bodies by religious organizations which resort to questionable means and methods:

### Reads "Liberty"

"I have your last copy of LIBERTY, and have read the article, 'Congress Invaded by Gigantic Religious Lobby.' I have known from many years of observance that the 'organized minority' on almost any religious subject have had bills passed which were sumptuary legislation pure and simple; bills that invaded the rights of the citizens and set at naught the principles of the fathers who wrote the Constitution, and the vote of the people to whom the Amendments were submitted to be made into the fundamental law of the Republic.

### Political Cowardice

"Why are these things done? The answer is, 'Cowardice.' Formerly a Senator or a Representative was accountable for his doings in Washington City, to his God, his constituents, and his conscience alone. There were no organized bureaus headed by religious 'invaders' clamoring for laws that were purely religious, and church and state were kept separate, which was the intention of the original Constitution makers. It is far different now. The galleries are filled with ministers of the gospel, zealous for the passage of a law that will make people conform to their religious belief. The chairmen, or perhaps I should say the chairwomen, of the different church organizations are there in full force to applaud to the echo any legislator who makes a speech for their bill, and to frown down and sometimes hiss down the fearless and frank man who dares take the stand that any law favoring any church legislation interferes with the rights of the citizen, and is theocratic, and that a theocracy has no place in a republic.

"When the time comes to vote on a bill, the Congressman who represents a district of his

State, or the Senator who represents his State, mistakes the clamor of the organized minority for the voice of the people, and so he plays politics. He may come from a State or a district in which the churchgoing people are numerous, and the majority of the ministers of those churches are a unit for the law that forces people to observe certain things that the church stands sponsor for. For instance, a Sunday law with a penalty attached.

"Does he vote for this bill because he believes it is for the best interests of the people at large? No, he doesn't. He votes for it for political purposes. He knows that he will be branded the next time he runs for Congress as immoral, irreligious, atheistic, and opposed to the Christian religion, if he does not vote for it; so he bends 'the pregnant hinges of the knee,' that 'thrift may follow fawning.'

### The Majority Unorganized

"Meantime, the majority of the people of his district and State are opposed to the passage of any law that interferes with their comings and goings, or their rights as citizens, but they are unorganized. Many of them belong to what the church calls the 'unsaved,' in that they don't accept the creed of the church. They go their way unmoved by what is being done for 'their good' (?) by the organized minority.

"Far from the madding crowd's ignoble strife, . . . they keep the noiseless tenor of their way.' They are not politicians, and even though they are in the majority, they have no power or position that counts for much in elections. Many of them come from the poorer classes, who have no means or money to pay for an organization with headquarters at Washington, to represent them. The politician, in the 'counting of noses,' doesn't count them at all. Therefore he goes with the organized minority through sheer cowardice. We of the 'old West' had a saying that 'God hates a coward.' This being true, how God must hate the politician Congressmen of today.

"The time is coming—I pray God that it may not come in my day—when this country will be as much church and state as it was in the old Puritan days. Year by year, day by day, and step by step, the religious organizations are encroaching on the liberties and rights

of the citizen. Their theory is, 'Believe as we do, or we'll force you to do so by law.' That same theory was the law when they whipped Quakers in Boston, hanged witches on Salem Hill, and drove Roger Williams out of Massachusetts colony.

#### Engenders Hatred and Strife

"That theory of government which seeks to impress on any subject of these United States a religious belief, and favors the passage of a law penalizing the nonobservance of a religious custom, engenders hatred and strife, and makes Ishmaelites of those people who are forced to conform to the law that penalizes them because of their opinions and the liberty they exercise to assert those opinions.

"Christ never in the whole course of His life, from Bethlehem to Calvary, appealed to Cæsar or the Jewish Sanhedrin to pass any law or edict compelling men to accept and conform to His teachings. Pilate found Him guiltless and without wrong.

"The doctrine of the acceptance of the faith of Jesus Christ by force cannot point to the Master as the exponent of that pernicious doctrine. That was the doctrine of the Pharisees and the chief priests, who believed that any man who questioned the Jewish faith should be punished; and that pernicious doctrine led the Jews to crucify Christ upon Calvary, and the Master whose spirit of tolerance did not forsake Him, even in that darkest hour, prayed for those intolerant, persecuting Pharisees, 'Father, forgive them; for they know not what they do.'

#### Departed From the Spirit of Christ

"The compulsory Sunday observance bill before Congress is an example of how far so-called Christians have departed from the spirit and teachings of Christ. The Pharisee of today is not less intolerant than was the Pharisee in Christ's day. They say (in substance) in that bill, 'We thank Thee, O God, that we are not as others are, even as those who labor on Sunday or go abroad for the purpose of recreation on the first day of the week; therefore we pray that Your Honorable Body enact a law making it a criminal offense for any person or persons to labor or go abroad for the purpose of enjoying themselves on the first day of the week, and that they be imprisoned and fined for so doing; and this we ask for the honor and glory of God and for the promotion of the interests and welfare of the societies that stand for Sunday observance.'

"After I read the Sunday bills before Congress, I turned to some of the Puritan blue laws of Connecticut, and I discovered that the verbiage of the Puritan blue laws of Connecticut and the attached penalties are almost the same as in the Sunday bills before Congress. If Congress passes those Sunday bills, they will

have succeeded in turning the clock back two hundred and fifty years."

#### Sunday Laws Religious

The editor of the LIBERTY magazine is receiving quite a number of letters from judges of different courts throughout the country who are greatly perplexed over the Sunday laws. They state that they realize Sunday laws are religious laws, and that they were enacted at the instigation of religious organizations, and are an interference with the guaranties of civil and religious liberty under our Federal Constitution; but as judges of the lower courts they are powerless to declare these laws unconstitutional when the higher courts have declared them Constitutional. As a result these judges quite often dismiss Sunday-law prosecution cases on mere legal technicalities or defects in the indictments or some other procedure in law, in order to get rid of the cases and not stultify their own consciences.

We trust that some day the supreme courts of our different States, as well as of the United States, will take a hand in this matter, as they did in other religious obligations which were enforced by civil law, such as compulsory church attendance on Sunday, compulsory support of the clergy, compulsory tithe paying and baptism, and the religious tests for public office.

Sunday observance by civil law should receive the same treatment that those other religious obligations received that were enforced by the civil magistrate. Unless these local religious laws are repealed, our Constitutional guaranties of civil and religious liberty will be vitiated and nullified ultimately. America can maintain religious liberty only on the basis of the total separation of church and state.

L.



OCCASIONALLY you find a man so satisfied with his own goodness that he wants the state to make him the model for all the rest of us.

# A Religious Exemption Proves a Religious Law

BY HEBER H. VOTAW

**T**HOUGH probably somewhat hazily held, the idea is nevertheless treasured by the majority of people in this land that complete religious liberty is guaranteed to all citizens of the United States. Many who are committed to the principle of some kind of religious legislation, believing that such legislation will help the morals of the nation, would not be willing deliberately to refuse the right of free worship to those who might disagree with them in religious matters. Such people usually agree that the belief of the majority should be enacted into law, and that exemption clauses should be provided for the minority. The arguments they advance are not only specious and often misleading, but are in fact most dangerous.

There is a vast difference between liberty and toleration. Liberty in religious matters guarantees freedom of action because recognition is given to the fundamental right of every man to worship God according to the dictates of his own conscience. This is his birth-right—his inalienable right. An exemption clause implies that the individual does not possess freedom of conscience as a God-given right, but as a man-given privilege.

No Christian can accept toleration by an exemption clause without tacitly surrendering that with which he has been endowed by his Creator. If it is admitted that civil powers have a right to grant an exemption to laws which they have enacted, it must also be admitted that they have a right to withhold or withdraw the exemption. It is granted that in matters where man's relationship to man is concerned, governments may legislate. Where man's relationship to his Creator is concerned,

no civil powers may rightfully intervene. Since they have no right to legislate at all in the realm of religion, they have no right to grant an exemption for religious reasons.

## The Futility of Exemptions

In actual practice, exemption clauses violate two primary principles of justice. According to the Anglo-Saxon idea, a person under arrest is considered innocent until the prosecuting power proves his guilt. Where a man claims freedom under an exemption clause, he is compelled to prove that the benefits of such a clause apply to him. There is no question of his having committed an overt act which is in violation of the general statute. He has done the thing which would be considered a crime if done by another, and he is compelled to show that he is innocent of the charge of breaking the law. He must prove that the provisions of the exemption apply in his case.

Further, in most exemption clauses, provision is made for those "who conscientiously" follow a course of action which is contrary to the general provisions of the statute. When a man is arrested for violating the law, the question of his having acted "conscientiously" is raised. The judge before whom he is brought is not called upon to decide his guilt by his acts. It is admitted that he has broken the letter of the law. Whether he acted conscientiously or not in so doing must be decided by the court. It can readily be seen that a human judge is called upon to decide what only a divine Judge can know. An inquisitorial court—discredited in every civilized land—would necessarily be established, and every abuse might follow.

There can be but one safe course to pursue. Let all matters that pertain entirely to man's relationship to his God be kept forever out of the realm of human legislation. Let it be recognized that the majority can never rightfully impose its will upon the minority in matters of religion. Let all legislation pertaining to religion be kept from our statute books.



## Veto Overridden

### Who Made Sunday a Holy Day?

THE State legislature of Kentucky recently passed over the governor's veto a law allowing Sunday professional baseball. From the *Record*, a Catholic weekly published in Kentucky, we take the following interesting editorial comment on this affair:

"The governor of Kentucky vetoed an act of the legislature which repealed an old 'blue' law that prohibited baseball. In explaining his veto, the governor said he 'would not feel justified in approving a measure inimical to a proper observance of the Sabbath.'

"The *Courier-Journal*, in criticizing the governor's veto, points to the fact that the Sabbath is the seventh day of the week, and says, 'If the governor would observe the commandment by suppressing baseball, he must suppress Saturday baseball instead of Sunday baseball.'

"The governor will find himself embarrassed to answer that criticism. The only answer is, that the church (the Catholic Church, of course), by virtue of the authority vested in her by her divine Founder, Jesus Christ, substituted Sunday for Saturday, as the day for the observance of the commandment of the Lord, and that this institution (as many another for which there is no Scriptural specific) was retained by Protestant dissidents when they separated from the church.

"That answer would embarrass the governor, because the Sabbath is specifically designated in the Old Testament as the seventh day of the week, and the New Testament nowhere changes that designation. The Old Testament is of divine inspiration, in the belief of all Christians, and no merely human being, no merely human organization, can be admitted by Christians as having authority to change one jot or tittle of the old law. Hence the acceptance by modern Christians of Sunday instead of Saturday as the day of the Lord, is a virtual confession (at least by those informed) that the church,

in making the change from Saturday to Sunday, had divine authority to act.

"Catholics, of course, have no difficulty on that point. They know that there is no specific Biblical authority for changing the Sabbath from Saturday to Sunday, and that the church alone (always meaning the Catholic Church) is authority for the change.

"Catholics do not look to the Bible for what the church teaches, but rather to the church for what the Bible teaches, and they consistently accept the change of the Sabbath from Saturday to Sunday on the divine authority of the church.

"But the only divine authority that the Protestant governor of Kentucky may recognize is that of the Bible, and the Bible is all for the observance of the seventh day of the week as the Sabbath. The Catholic Church is the sole authority for observing Sunday instead of Saturday, and as he rejects that authority, he has no consistent answer to the criticism of the *Courier-Journal*."

The *Record* is absolutely correct in this matter. The first Sunday law passed was in 321 A. D., by Constantine, and later on the Catholic Church, in its great church councils, adopted this new innovation, and made Sunday a holy day instead of the ancient Sabbath of the Bible, and the one which Christ and the apostles observed. It was adopted without Scriptural or divine authority. And with this position agrees the great church historian, Dr. Augustus Neander, who says:

"The festival of Sunday, like all other festivals, was always only a human ordinance, and it was far from the intentions of the apostles to establish a divine command in this respect, far from them, and from the early apostolic church, to transfer the laws of the Sabbath to Sunday."—"The History of the Christian Religion and Church," Vol. I, p. 186, Rose's translation.



## Dr. Stelzle Opposes Sunday Laws

DR. CHARLES STELZLE, himself a Presbyterian clergyman, had this to say in a recent issue of the *Outlook* about reviving the Puritan Sunday laws:

"To close recreational centers on Sunday, whether they are concerts, movies, art galleries, or libraries, because those who patronize them will not go to church, is, to say the least,

a sign of mighty poor sportsmanship on the part of the church man, and yet that is frequently the principal argument against having people enjoy Sunday as they prefer.

"The fairer thing is to make the church so attractive and appealing that men and women will see that it is better to go to church on Sunday than anywhere else."

We are glad to know that not all Presbyterian ministers are of the Harry L. Bowlby type, who says in the *Lord's Day Alliance Leader* that he will go "the limit" to close by law commercialized amusements on Sundays, because they are competing with church attendance.

## The Closing of Sesqui on Sunday Opposed by Episcopal Minister

THE rector of the Protestant Episcopal Church of the Annunciation, Philadelphia, Dr. Carl I. Shoemaker, revolted against what he termed the Pharisaical methods of trying to make people good by legislation, and strongly denounced the Philadelphia Sabbath (Sunday) Association for "trying to enforce Sunday observance by having policemen on every doorstep."

Dr. Shoemaker said:

"While the rich Pharisee rides about the country in his limousine, stopping to get service at every station and enjoying himself in his own way, the poor publican is not allowed to attend the Sesqui on Sunday, because in some vague way he would be breaking the Sabbath, which happened the day before."

Dr. Shoemaker took the Sabbath Association to task for their failure to distinguish between the Sabbath and Sunday, which have always been regarded in history and the Scriptures as coming on different days of the week, with no Scriptural restrictions placed upon Sunday any more than upon Wednesday.

He said the country was afflicted with "uplifters who believe that the country can be made better by means of laws enforced by the policeman's bludgeon." Referring to Christ's denunciation of the Pharisees, who insisted on the letter of the law and their own interpretation of the law, while they violated it in spirit, the speaker said:

"The people behind the indigo-colored Sesqui Sunday are the same kind of people who would try to take all the joy out of Sunday. They

are the type of people who, in colonial days, forbade a mother to kiss her child on Sunday.

"Neither the Gospels nor the Apostolic Constitutions make any mention of what shall not be done on Sunday. It was not until after the Reformation, when people began to feel that they could legislate souls into heaven, that we find the so-called 'blue laws' being passed."

He continued:

"What the world needs is not only godliness, but wisdom. St. Paul discovered that the law could not free his soul. It took a real conversion to convince him of that. When we get a few more converted reformers, we may pass that time when the passage of laws is thought all that is necessary to bring about the kingdom of God on earth. His theory has proved the contrary. It will continue to do so. Only the love of God will constrain us, and people will not love God by having a policeman standing on each doorstep."

We are glad to know that there are some Episcopalian ministers who have a clear vision of Sabbath observance, and who know that Sunday observance is a mere voluntary custom without Biblical sanction. The churches striving to enforce Sunday observance by law, are assuming the prerogatives of God, and are speaking authoritatively upon a subject upon which He is silent. They are seeking to supply their lack of divine authority by civil authority, as did Nebuchadnezzar when he cast the three worthies into the fiery furnace for refusing to bow down to the golden image he had set up. The Puritan spirit of intolerance seems to be natural to religious zealots whose zeal exceeds their knowledge and whose religion is a matter of legal formality.

### Jefferson After Fifty Years

**F**EW men have the satisfaction of seeing the work of their own hands glorified while they live, but Thomas Jefferson was an exception to this rule. He died on the fiftieth anniversary of the signing of the Declaration of Independence. When he was on his sick-bed, June 24, 1826, just ten days before his death on July 4, he wrote his last letter, expressing his satisfaction as he reviewed the wonderful progress of the young Republic during its first fifty years of existence under the Declaration of Independence. Said he:

"May it be to the world the signal of arousing men to burst the chains under which monkish ignorance and superstition have persuaded them to bind themselves, and to assume the blessings and security of self-government. The form which we have substituted restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened or opening to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born with saddles on their backs, not a favored few booted and spurred, ready to ride them legitimately by the grace of God."

Thomas Jefferson demonstrated the truth of the old proverb, "The pen is mightier than the sword." He was the ablest of all the political leaders of his time. The Declaration of Independence, which he wrote, holds first rank among the historic papers of all times. He had the satisfaction of seeing his ideals glorified in the marvelous development of the American Republic as he drew his last breath on the golden jubilee of American independence.



### Jefferson, Foe of Bigotry

**T**HE centennial celebration of the death of Thomas Jefferson was appropriately held beside the great statesman's grave at Charlottesville, Va. Dr. William T. Manning, Protestant Episcopal bishop of New York, who was the orator on the occasion, characterized as foolish any charge that Jefferson was

indifferent to religion, and declared that, on the contrary, his religious convictions were deep and real, and that none of his many signal services to the country was greater than the battle he fought for religious freedom and for complete separation of church and state.

The name of Jefferson, he said with perfect truth, stands for love of learning, for simplicity of life, for enmity to the spirit of caste and class, for the sacredness of liberty, for protection of the rights of the individual against tyranny in whatever shape, for confidence in the plain people; but, in addition to all these, it stands like a beacon to warn us against all forms of bigotry, intolerance, and discrimination against men because of their religious beliefs.

Jefferson's characteristic attitude on this subject is well exemplified in the words which he wrote into the statute of Virginia for religious freedom:

"All men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and the same shall in no wise diminish, enlarge, or affect their civil capacities."

This principle, afterward incorporated in the Constitution of the United States by the First Amendment, has, on the whole, been well observed and lived up to from Jefferson's day to our own. There have been, indeed, as Bishop Manning pointed out, some weird movements and reversions, but if it may fairly be claimed that the spirit of intolerance and prejudice has been kept within reasonable bounds, in large measure the credit is due to the precepts laid down and the example set by Thomas Jefferson.—*The Washington Post*, July 12, 1926.



THE man who complains that an hour and a quarter spent in a place of worship once a week is taxing on his endurance, but spends two and a half hours in a place of amusement six nights in the week, needs something more than a Sunday law to replenish his depleted anatomy.



# The Ultimate Aim of Sunday Law Advocates

THE Sunday law advocates who appeared recently before Congress in behalf of a compulsory Sunday observance law for the District of Columbia, stated to Congressmen that they favored a civil instead of a religious Sunday law, and a law applicable only in the District of Columbia.

But when these men talk to their own people and write for their own papers, instead of for Congressional committees, they reveal the real object they are after. The National Reform Association representative, Rev. R. H. Martin, told Congressmen they favored a civil Sabbath law, and for the District of Columbia only; but when he discusses the Sunday law issue in the *Christian Statesman*, he says plainly that their ultimate object is to make Sunday "a holy day," instead of a mere civil "holiday," that they are seeking through legislation to impress the "unique and sacred character" of Sunday upon the people, and that by "securing a Sabbath law for the District of Columbia," they propose to prevent "the desecration of the Sabbath at our nation's capital."

Yet they say they do not want a religious Sabbath law. But the reasons they give for the enactment of such a law are religious reasons. They are evidently laboring under the delusion that a religious institution becomes a civil institution whenever it is so christened by the courts and enforced by civil officers.

Dr. Martin also states that the Sunday law "issue" before Congress is practically "a national issue before us." Yet when we charged at the March hearing that the proponents of the Sunday bills aimed to make this sort of legislation a legal precedent for "a national issue" instead of a District of Columbia affair, they quickly denied it.

## Want to Stop Sunday Papers

A memorial from the Methodist Sabbath Crusade Committee, headed by Noah Webster Cooper, of Nashville, Tenn., favors a Sunday blue law that will stop the sale of Sunday newspapers, and the operation of Sunday trains and mails. The memorial declares that—

"Sunday newspapers and Sunday trains and their allied Sunday business—Sunday mails, Sunday express, and the like—are literally rushing our country into the destruction of God's fury. Those who operate and patronize these businesses that run every day and Sunday too, are pleasing the devil just as fully as the divorce courts, the adulterers, the murderers, the thieves, the perjurers, and the liquor dealers and bootleggers that now trouble our country."

The Methodists everywhere are asked to boycott all businesses that run on Sunday, and to appoint committees to work with committees of other churches and organizations, and to petition Congress to pass strict Sabbath laws for the District of Columbia. For, says the memorial, "Sabbath breakers have America headed straight for God's fury and destruction."

It further states that the absence of drastic Sunday laws is the cause of the "growth of all the crimes, and vices, and pests, and war, and high taxes,—the bitter fruit of making war against God."

Yet these very men who advocate these drastic laws appear before our Congressmen and tell them that such restrictive Sunday observance laws are not religious laws nor "blue laws." Perhaps they may succeed in fooling themselves into such a belief, but they will find it a difficult task to convince the general public and common sense statesmen.

## Campaign of Education Needful

We most earnestly encourage a campaign of education which teaches rev-

erence for the Sabbath day. The churches cannot exalt the Sabbath too much in their preaching; but when the churches launch a campaign to penalize every one under our civil codes who does not observe Sunday in harmony with Puritan strictness, or refuses to give Sunday any sacred recognition, we say that the churches have lost their

way, and are perverting the divine plan as well as the Word of God.

Congress as a body has done well to turn a deaf ear to all such religious propositions and Sunday observance bills. We hope the States will have the good sense to follow the same worthy example of noninterference in religious matters. L.

## Reformers Blow Both Hot and Cold

**T**HE advocates of Sunday laws always try to impress upon the lawmakers that the majority of the people are in favor of their Sunday observance bills and existing Sunday laws. If such were the fact, then the Sunday law advocates ought to favor a referendum of the Sunday law issue to the people, but they always oppose the referendum.

Recently the question of Sunday sports was referred to the people of Massachusetts by legislative act. Nearly all the preachers in Massachusetts opposed the bill before the legislature, and then after it passed the legislature they asked the governor of Massachusetts to veto it. But the governor signed it, and it became a law.

But they did not stop there. After it became a law, Bishop William F. Anderson, of the Methodist Episcopal diocese of New England, with a long list of other preachers, petitioned the supreme court of Massachusetts to restrain Frederick W. Cook, secretary of the commonwealth, from submitting to the people the legislative act to allow athletic outdoor sports and games on Sunday, permitting admission fees between 2 and 6 P. M. The supreme court dismissed the petition of the clergymen, stating that it had no authority to change the organic law of the legislature; it could only interpret the law. So the Sunday law issue will go to the people on the referendum in Massachusetts.

Another argument these same reformers put up when they want a Sunday law enacted by the legislature and we oppose these Sunday observance bills on religious grounds, is that Sunday laws are not religious and do not interfere with religious practices. This is one of their stock arguments before legislative committees in order to justify Sunday legislation.

But now listen to these clergymen who opposed the referendum of the Sunday laws to the people in Massachusetts. These petitioners before the supreme court contended that the proposed referendum "law was unconstitutional because it related to religion, to religious practices and a religious institution."

That has been our contention all the time,—that Sunday laws interfere with our religion, religious practices, and pertain to a religious institution, but these clergymen have denied it. Now when they see that they are liable to lose their ancient Sunday law through the referendum to the people, they at once see a new light, and they hope to save the Sunday laws by calling them religious, and claiming that a law that would repeal the Sunday laws interferes with their religious practices and therefore is unconstitutional.

Did you ever see such double crossing, blowing hot and cold at the same time? Politics and religion when coupled together make strange bedfellows. Such turncoats will stoop to do anything to

gain advantage, and this act illustrates how little reliance can be placed upon the argument of a political preacher who contends for "a civil Sabbath law" before a legislative committee. L.



### Rank Treason to Spirit of Americanism

THE Sacramento (California) *Bee* has the following to say about the attitude of one of the Sunday law advocates who spoke at the Sunday law hearings recently held before a Congressional committee at the nation's capital:

"Recently a hearing was held in Washington on a bill sponsored by the Lord's Day Alliance to enforce a blue law Sunday there, violation of which would incur a \$500 fine or six months' imprisonment, or both.

"And among the speakers in behalf of the measure was Colin H. Livingstone, New York banker, and former president of the National Council of the Boy Scouts of America. While he was speaking, the following colloquy occurred:

"'Do all creeds,' interjected Representative Clarence J. McLeod, 'designate Sunday as the Sabbath?'

"'They do not,' replied Livingstone.

"'Then,' said Representative McLeod, 'why pick out one day? What about the Seventh-day Adventists? Have we a right to legislate them out of their Sunday because it is not yours?'

"In reply Livingstone pointed out that there were 'only 100,000 Seventh-day Adventists in the whole country,' adding, 'and in the United States the law of the majority rules.' He felt that the Jews must bend to the same rule.

"As to unbelievers generally, it was the banker-Scout's opinion that the law ought to make them do 'what their ancestors did and what they ought to do.'

"Such a doctrine is rank treason to the spirit of Americanism, and an insult to the Declaration of Independence and to the Constitution of the United States. Put into practice, it would destroy both of these great instruments of liberty. It would spit upon the golden rule.

"A man holding such views has no right to be connected with the Boy Scouts of America; for his pernicious doctrines implanted in the minds of youth can only make them as unworthy citizens as this banker has shown himself to be."

It seems strange that an American citizen of the standing of Colin Livingstone should go so far astray on American principles of civil government as to

think that "our country is governed by the majority," in place of the Constitution. On the question of religion, the rights of the minority are protected by the Constitution against the encroachment of the tyranny of the majority. Our government is not a government of men, but of law.



### Establishing the Kingdom of Christ by the Civil Power

BY E. HILLIARD

IN the religious world there are large-hearted, noble-minded men and women who, as they believe, are zealously working for the establishment of Christ's kingdom through the agency of the civil power. They want to make our Lord the supreme ruler in our courts of justice, the director in our legislative assemblies, and the one to exercise imperatival authority in the observance of religious institutions.

Since Christ is not here in person, they themselves will take the responsibility of enforcing the laws of His kingdom. They do not seem to hesitate a moment respecting their ability to assume such a tremendous responsibility. Such, in doing so, have departed a long way from the instruction of the Great Teacher.

By a careful study of the life and teachings of our Lord, as revealed in the four Gospels, we find no record whatever of any instance in which He appealed to the civil power to reform society; and yet theft, robbery, extortion, and crimes of every description were prevalent on every hand. He knew that there was nothing in the civil power effectual to regenerate the heart, and He had not the slightest use for it in His mission to save fallen mankind.

Christ was not indifferent to the woes of men, nor to the increase of iniquity; but He knew there was no help for the sinner in governmental compulsion. He healed the afflicted, freely forgave the penitent, and used divine power to con-

vert and save sinners. He did not believe in fining and imprisoning the people for the nonobservance of religious institutions, and He is a perfect example for all religious teachers and under-shepherds. His kingdom will never, never be established by the decisions of courts, nor by the influence of worldly great men.

It is greatly to be regretted that any professed followers of our Lord should so far depart from the ethics of the gospel as to resort to measures that Christ condemned by precept and example. Blinded by unholy ambition, they may regard themselves as patriots who are seeking the nation's salvation. But such are diametrically opposed to our God-given freedom in religious matters, and also to the liberties guaranteed by this nation's Constitution.

It has been demonstrated millions of times that those who believe their eternal salvation depends upon implicit obedience to any divine mandate, will suffer extreme torture and death rather than yield to civil law contrary to Heaven's requirements. And such conscientious men and women are the nation's best citizens.



### Sunday Law Prosecutions Unjust

CHARGED with violating the Sunday laws of Massachusetts by doing "unnecessary work," R. Emory Howe, of Worcester, was fined in the district court, August 10. Howe told the court he could not understand how and why he was haled to court for "doing a little carpenter work about his house on Sunday when neighbors were allowed to dig cellars and do masonry work without interference."

The court did not explain the inconsistency, but fined him \$30. The next case called was that of a man who was found guilty of larceny—stealing a coat from an automobile. The judge fined him \$10. In the next case a man was found guilty of disturbing the public

peace by profane swearing. The judge discharged him without penalty.

In Walla Walla, Wash., a Seventh-day Adventist barber was arrested for barbering on Sunday after he had closed shop on Saturday. He had to stand trial before the court and incur heavy expense to convince the court that he should not be fined for barbering on Sunday after he had conscientiously observed the seventh day of the week.

Three Seventh-day Adventists of Danville, Va., had a similar experience. They were arrested for making a few repairs on a church building on Sunday, July 25. They had to make their defense before the court that they were not subject to a fine because Virginia had an exemption for those who observed another day than Sunday as holy time.

These incidents show the injustice of Sunday laws. They compel seventh-day observers to pay a heavy penalty in unnecessary expenses and loss of time in defending themselves before the courts, when according to every rule of justice they should never be molested for exercising their religious freedom.

The Sunday laws put a penalty upon innocent people, upon religious freedom, and upon divergent faith. Sunday observers are not placed under such a handicap when they work six days each week.



### Want Legislation to Make Them Good

THE New York State Retail Grocers' Association, assembled in convention at the Hotel Astor, New York City, August 5, passed a resolution asking the officers and directors to present at the next session of the State legislature a bill that would compel them to close their grocery stores on Sunday. They claim that they cannot resist the temptation to open their grocery stores on Sunday if one or two independent grocers keep their stores open. So they want the State legislature of New York

to legislate temptation out of the world, so they can be good without having to resist temptation!

What wonderful moral stamina these grocers do have! It is a religion that you can put on by law and remove by law, just as you do the coat on your back. This legal Sunday religion is all on the outside instead of on the inside. Think of a Christian's not being able to close his grocery store on Sunday because his neighbor, who is not a Christian, does not. The Sabbath was made for Christians, and not for non-Christians. The civil law should not compel non-Christians to conform to religious obligations; and a real Christian will observe a divine law without being compelled to do so by the State legislature.



### Virginia Still Upholds Religious Liberty

THE following interesting editorial from the Greensboro *Daily News* tells how the Bible bill was defeated in the Virginia Legislature:

"A committee of the Virginia General Assembly has voted down by a large majority a bill to provide for the compulsory reading of the Bible in the public schools. The weight of the majority, combined with the apparent attitude of the general assembly itself, indicates that the measure is dead.

"It had excellent support of the kind that is generally credited with being influential with legislators. Many fraternal bodies backed it. Their representatives spoke—so they said—for many thousands of voters, and they made their appeal in the name of patriotism and religion. It was the sort of movement that from a distance looked formidable, and an outsider unacquainted with the spirit of Virginia institutions but intimate with the ways of politicians might have forecast the passage of the measure.

"Why was it defeated, and defeated so soundly? Of the causes there are two chiefly cited. One is Thomas Jefferson. Strange as it may seem, his name still counts for something in Virginia. Men live there now who look back on his philosophy as being not of his day, but of all time. They recall more than one utterance of Jefferson's on the separation of church and state. They are familiar with that passion of his life, and they respect it, honor it, and hold to its teachings with an insistence that has

been entirely too strong for those who are trying to prop Christianity by legislative statute.

"There is a second reason. It is described thus by the Richmond *Times-Dispatch*:

"But it is hardly to be questioned that the most powerful single factor in the defeat of this menacing bit of proposed legislation was—the Baptist Church in Virginia. The learned and Reverend Dr. R. H. Pitt delivered an address in opposition to it which was so replete with historical and comparative authority that no person could question its display of knowledge, and so powerful and inexorable in its logic that no person could deny its conclusions. Dr. George W. McDaniel, a practical churchman and a man's man, spoke so mightily against it that the committee was compelled to follow his reasoning. Local associations and general associations adopted resolutions opposing the bill in such eloquent and convincing terms that all the people saw the light.

"Virginia has been saved from a step toward co-ordination of church and state. And the Baptist Church in Virginia deserves the major part of the credit."

We have this Baptist memorial, which is a masterpiece on this subject, and expect to publish it in some future issue for the benefit of our readers. All the public needs is enlightenment on the true principles of religious liberty, and they will ring true every time. L.



### York Council Passed Sunday Blue Law

THE city council of York, Pa., passed a very drastic Sunday ordinance on August 3, by a majority vote of one, at the request of fifty-two ministers, who appeared, demanding such a law. The ordinance prohibits all commercialized Sunday recreations and amusements. The mayor strenuously opposed the ordinance, and refused to sign it. The general public are with the mayor. The preachers are denounced as "joy-killers and intermeddlers in civil affairs." How much better it would be for these preachers if they confined their efforts to the pulpit, and allowed the matter to rest with the people and their consciences, than resort to Cæsar's chamber for power to force the conscience. The church loses her prestige when she gains Cæsar's favor.

# Seeking the Exaltation of Sunday by Law

**O**STENSIBLY the Sunday law advocates are working for the protection of the laboring man, but in reality they are working for the exaltation of Sunday by means of legislation. The *Lord's Day Leader*, official organ of the Lord's Day Alliance, makes this matter very clear in a recent issue. The superintendent of the Lord's Day Alliance says they are going "the limit" to close the Sesquicentennial on Sundays, and that they will do all they can to "help" "the Lord of the Sabbath," and to "defend the day that is named after Him — our Christian Sabbath."

This is a frank admission that the Lord's Day Alliance, in carrying on its futile legal battles against the Sesqui employees and officers, is not seeking the protection of the workingman, but is seeking the legal protection of a "day," which they call the Sabbath, but which in reality is not "the Sabbath of the Lord," for the decalogue expressly says that "the seventh day is the Sabbath of the Lord," and designates the first day as a secular day, upon which all kinds of honorable business and labor can be done. Sunday is one of the "six working days." (See Eze. 46:1.)

The state has no business to exalt Sunday by law, any more than it has a right to exalt the Sabbath of the decalogue, which is the seventh day. God has made the Sabbath day holy, and He asks His people to keep it holy and honor Him thereby; but it is not the prerogative of the civil government to enforce holiness or to give legal approval of holy things.

Religion has set many things apart as holy, and if all the holy days which certain churches have sanctified and set apart as holy should be protected from desecration, we would be compelled to

rest most of the year. The state should not recognize in a legal way the holy days of any religion. It cannot be just to all its citizens if it recognizes the claims of any religion.

The Sunday observer has no more right to demand that the Sesquicentennial be closed by law on the day which he regards as holy time, than has the Sabbatarian a right to demand that it be closed on Saturday because he regards that as holy time.

Whether I observe Sunday or Saturday as holy time, or no day at all, is my own affair, and no other person in this world, no matter what office or position he holds, has a right to dictate to me in this matter: It is purely a question between a man's conscience and his God. It is a religious question, and hence pertains to liberty in religion. It is a liberty which no man has a right to abridge.

This whole Sunday law business is an utter perversion of religious freedom. It is religious compulsion and bondage. It is foreign to the teachings and example of Christ. In religious matters Christ abhorred compulsion. He denounced the Pharisees for their legalistic tendencies in religious matters. Christ wanted His religion propagated on the basis of love, without the aid of force.

Whenever and wherever the church organizations resort to the courts to force their religious convictions upon others, and seek the aid of the civil government to crush the conscience of the dissenter in religious concerns, she becomes an engine of tyranny and a curse to society instead of a benediction and a solace to the conscience. The church should defend religion and its holy institutions by gospel means and methods, but not by compulsory man-made state laws.

L.

## Make Sunday Sweet and Wholesome

THE New York *News* has the following to say about Rev. H. L. Bowlby's "making" Sunday sweet and wholesome by law, so "all roads will lead to the church on Sunday."

"I feel that the time has come," says the Rev. Harry L. Bowlby, "when the church must make the Sabbath so sweet and wholesome that all roads on Sunday will lead to church."

"Well, Sunday should be a pleasant day for every one.

"But note that word 'make.' Bowlby belongs to an outfit that wants the churches to go into politics in order to 'make' Sunday sweet and wholesome. Bowlby is secretary of the Lord's Day Alliance. As such, he wants laws stopping nearly every form of amusement, recreation, or work on Sunday.

"After that? Why, a mere step to church-going by law.

"Look out for Bowlby. He hasn't many followers, even among the vast majority of sensible churchgoers. He has enough followers to make him dangerous."

Some time ago this same H. L. Bowlby was reported as favoring a Sunday law so strict that, if enacted, it would close up all amusement and recreation centers, stating his reason for so doing that it would "make it easier for people to drift back to church." That is compulsory church attendance by indirect methods.

## Would Christ Do This?

DR. DAVID G. WYLIE, president of the Lord's Day Alliance, appointed the following committee of clergymen,—Rev. Canon William S. Chase, of Brooklyn; the Rev. John H. Willey, Montclair, N. J.; the Rev. F. W. Johnson, Newark, N. J.; the Rev. Daniel A. Poling, of the Marble Collegiate Reformed Church of New York; and George M. Thomson, treasurer of the Lord's Day Alliance,—to investigate the records of judges and other public officials who give loose interpretations of the Sunday laws and hesitate to enforce the same laws, and report their findings to governors, bar associations, and other high legal tri-

bunals, with recommendations to bring about impeachment proceedings.

Imagine Christ going about spying out the political record of public men, and seeking to have them impeached because they refused to enforce His teachings! The Good Book says we are to respect and reverence those who are in authority, and be "afraid to speak evil of dignities" or "them that have the rule over" us. It says that even Christ, in "contending with the devil" concerning "the body of Moses, durst not bring against him a railing accusation, but said, The Lord rebuke thee." The gospel preacher has certainly missed his calling when he feels it his duty to bring railing accusations against those in authority whose conscience leads them to give a liberal construction to an oppressive religious law which imposes hardship upon the people and is opposed to the Constitution as well as to the gospel.



## Fined for Bobbing Hair on Sunday

PASQUAL MORELLI, who conducts a beauty shop on Coney Island, N. Y., was arrested and fined for bobbing the hair of a girl on Sunday, July 4. No wonder the Liberty Bell is cracked, and the Declaration of Independence is fading into invisibility, when a man's liberty is invaded like that on the Fourth of July, simply because the act is done on Sunday. They soon will be again fining a man for kissing his wife on Sunday. Of course, every man ought to be religious, but it is none of the business of the state if he is or not.

L.



## Fined \$200 for Sunday Show

THE manager of the Strand Theater, in Rockville Center, L. I., was fined \$200 recently by the county judge, Jewis J. Smith, for permitting acrobatic performances on the stage of the theater on Sunday. Under the Sunday laws of New

York, theaters are not allowed to put on shows on Sunday, but the moving-picture houses are permitted to do so. Such Sunday theology is too deep for us. But the modern theologian is capable of performing all kinds of acrobatic stunts in Sunday legislation — stunts that exceed even the antics of the theatrical acrobat. But the Sunday blue law acrobat is exempt from the prohibitions of the New York Sunday law for the simple reason that his performance did not transpire on the stage of the theater. Anywhere except in the theater acrobatic performances are legal on Sunday in New York State.



### Sesquicentennial and Sunday Blue Laws

**M**ANY attempts have been made by the Lord's Day Alliance, the Pennsylvania Sabbath Association, the Methodist Committee of One Hundred, and allied religious organizations, to close the Sesquicentennial on Sunday, under the law of 1794. The first attempt was by injunction proceedings in the common pleas court of Philadelphia. The court refused to issue an injunction, and dismissed the petition.

#### The Boycott and Petitions

Mass meetings were held every week in Philadelphia by certain church elements to stir up public sentiment against operating the Sesqui on Sunday. Bishop Joseph F. Berry, of the Methodist Episcopal Diocese of Pennsylvania, publicly stated that he had written a letter to 20,000 ministers of his denomination, asking them to advise their people to boycott the Exposition altogether as a protest against Sunday opening.

The religious organizations represented in the movement to close the Exposition on Sunday, sent out a petition to all Christian organizations that had exhibits there to withdraw them as a further protest. The Methodists, Presbyterians, Baptists, and a few other Prot-

estant organizations withdrew their exhibits, but the rest of the churches declined to go so far as that. Those churches which withdrew their exhibits also urged their church members to boycott the Exposition. There was not, however, the general response they had expected, for more than 150,000 people attended the Exposition on the following Sunday after the boycott was invoked. It was evident that the general public, many of them church members, paid no heed to the boycott plea.

#### Ticket Sellers Arrested and Fined

After it was discovered that the boycott did not work, a committee of one hundred Methodists was appointed, who banded themselves together, it is said, to act as spies and give information to the civil officers and institute legal proceedings against all who were violating the law of 1794. These people entered the Sesquicentennial on Sundays, paid for their tickets, and then caused the arrest of the ticket sellers.

These employees were arrested and brought before the court of common pleas, to be fined for violating the Sunday law of Pennsylvania. The court, however, refused to sustain the indictments against these employees. The court told the Committee of One Hundred Methodists that if they were sincere in their endeavor to close the Exposition on Sunday, they should deal with the directors of the exhibition instead of the employees. The committee thereupon caused the arrest of E. L. Austin, director in chief of the Sesquicentennial, and he was, by a justice of the peace, fined \$4, and was taxed an additional \$4.50 costs.

#### Opinion of the Common Pleas Court

Mr. Austin appealed to the court of common pleas, and won his case on the ground that he was simply acting as the agent of the board of directors, and was carrying out instructions from that board, therefore was not personally liable. His fine was remitted, but the judge, in an *obiter dictum*, expressed



his personal opinion that the operation of the Sesqui on Sundays was in violation of the law of 1794. But this *obiter dictum* of the judge has no force as a court decision, and so the Sesqui was still open on Sunday when this was written.

#### Quo Warranto Proceedings

The Lord's Day Alliance, together with a committee appointed by the Methodists, the Presbyterians, and the Woman's Christian Temperance Union of Philadelphia, also appealed to the governor of Pennsylvania, requesting him to authorize *quo warranto* proceedings to nullify the charter granted to the Sesquicentennial Exhibition Association, and to enforce the Sunday law.

But Attorney-General Woodruff informed Governor Pinchot that the Sunday law of 1794 places the responsibility of its enforcement upon local officials, not upon the State department of justice; but said that the department of justice of the State could nullify the charter granted to the Sesquicentennial Association if its officials were not able to show a valid reason for keeping open on Sunday. Accordingly the State of Pennsylvania instituted legal proceedings at Harrisburg, under the *quo warranto* proceedings to nullify the Sesqui charter.

#### Not Violating the Law of 1794

The case is now pending before the court, and the directors have filed a brief with the court, giving their reasons why, in their opinion, the Sesqui exhibition should not be closed on Sunday, and also stating their belief that they are not violating the Sunday law of 1794.

The directors have taken the position that the Sesquicentennial exhibition is philanthropic, educational, patriotic, and recreational in character, and does not in any way conflict with the laws of Pennsylvania covering Sunday observance. They also show in their brief that more people attend the Sesqui exhibition on Sunday than the total attendance during the week, and that if it were

closed on Sunday, the public, who have invested their means in their exhibition, would suffer a great financial loss; and likewise that there are many thousands of people who would be debarred from visiting it if it were closed on Sunday. If the Sesqui officials are finally compelled to close the Exposition on Sunday, it will result in millions of dollars of loss to the Sesqui Association.

#### Must Rule or Ruin

Dr. H. L. Bowlby and Canon William Chase, both officials of the Lord's Day Alliance, have stated that they will leave no stone unturned and will go "the limit" to close the Exposition on Sunday. It is very evident that the Lord's Day Alliance is bound to rule or ruin. If they succeed in this case, their rule will mean ruin. They are doing their best already to ruin the Sesquicentennial by means of the boycott.



#### Lutherans Rebuke Religious-Political Agitators

**I**N a time when many speak lightly of the great principles that form the foundation of our nation, and when many church leaders are demanding religious legislation at the hands of the state, it is especially refreshing to learn of the resolution passed by the 5,000 delegates to the Lutheran Walther League recently assembled in convention in Baltimore, Md. The resolution, as reported in an Associated Press dispatch of July 15, is as follows:

"We view with disfavor and deprecate any attempt by religious people or churches to use the authority or the implements of government for the inculcation, propagation, or conservation of church interests, and thus prepare the way for the establishment of a state religion and a state church.

"Furthermore, we view with equal disfavor and deprecate any attempt on the part of the civil powers to discharge their purely secular functions in any way through the agency of ecclesiastical powers, and hence pledge ourselves loyally to stand in defense of, to maintain and apply, time-honored American principle, not only of the distinction, but of the separation of church and state."

It would be difficult to administer a more terse or fitting rebuke to religious agitators. May the numbers increase of those who pledge "loyally to stand in defense of, to maintain and apply, time-honored American principle, not only of the distinction, but of the separation of church and state."

v.



### Sparks From the Editor's Anvil

SOME preachers preach, while their wives practise.

RELIGIOUS legislation is a bad substitute for religious education.

THE pulpit is degraded when it is transformed into a political forum.

A FEW preachers take more pleasure in torturing than in teaching the sinner.

THE man who can love his church with all his heart, minus his purse, is a perfected hypocrite.

A RELIGIOUS dogma that cannot without civil support in law save itself from perishing, is not worth saving.

THERE are some people who strain at a drizzle at the hour of church services, and swallow a shower at theater time.

THE legal religionist thinks the conscience is made of putty and can be battered into shape by the policeman's baton.

THE man who wants to get rid of the Sabbath because it is ancient, to be consistent ought also to reject the sunshine.

A REFORMER who seeks to make people good by law is one who works with great earnestness at the right thing in the wrong way.

ACCORDING to the theology of the legalist, Christ did not come as the world's Saviour, but as the world's Solon, to establish a new code of laws instead of a new standard of life.

### Will Congress Do the Foolish Thing?

THE St. Louis *Post Dispatch* prints the following interesting editorial comment from the *Youngstown Vindicator* on the four Sunday bills now pending before Congress:

"Four bills are now before Congress, regulating Sunday observance in the District of Columbia, over which Congress has full control. The first of these is known as the Lankford bill, and it prohibits all entertainments—plays, movies, dancing, bowling alleys, billiard halls, all places where admission fees are required, or in any form of commercialized sport, amusements, etc. A second bill closes all barber shops. Another prohibits all work, except such as is essential to public welfare; all sale of articles in drug stores, such as are carried in other stores, limiting sales to medicines, beverages, and cigars; such as is essential to restaurants and hotels, work in connection with public lighting, waterworks, etc.; in short, only essential labor shall be permitted in Washington.

"Congress may do a lot of foolish things; but probably it will not do anything so foolish as this. There is a limit to the nuisance that law can safely be, in sticking its nose into people's amusement and into the ordinary innocent observance of the day of rest. The Protestant church better get up in the morning; have its religious service to accommodate the people; permit them to have the remainder of the day in proper diversion. We may as well face things as they are and not attempt to legislate religion into life. The kingdom of God is within a man. It is not ordered by Congress."

It is a foolish thing to attempt to force a man's conscience on a religious issue by civil law. The experiment has been tried for over 5,900 years, and to date the experiment has been a total failure. Nebuchadnezzar of Babylon tried it on the three Hebrews; Darius the Mede tried it on Daniel the prophet; the Cæsars tried it on the early Christians; and the Puritans tried it on the Quakers and Baptists, but the plan did not work. Why should the American Congress be called upon to repeat this legal farce? Sunday law enforcement in the States is a failure, and Congress cannot succeed with all its Federal power and machinery in legislating religion into unwilling citizens.

## The Constitution Not Irreligious

BY G. B. THOMPSON

**W**ILLIAM E. GLADSTONE, one of the most learned statesmen of England, speaking of the American Constitution, said on a certain occasion that it was "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Madison styled it "the most remarkable work known to the modern times to have been produced by human intellect at a single stroke, so to speak, in its application to political affairs."

That this remarkable document is not satisfactory to a number of preachers is evident from the numerous attempts they are making to have some sort of an amendment to it. The last session of the Congress of the United States was harassed by a determined effort to have a Sunday law enacted. It was the most determined and persistent effort yet made to that end, and the bill is still before the Congress for consideration, and may come up at any time.

It is apparent that the menace of a Sunday law has only been delayed, and that such a bill will at some future time be passed; and with the spirit that is behind it, it will result in the most terrible persecution that this country has ever known. The experience of the past when state laws were behind the church, indicates that men will do all they can by civil law to bolster up Sunday observance as a religious practice.

Why this demand for a change in the fundamental law of the land? The Constitution is not an irreligious document. Schaff, in referring to the Constitution and to the omission of the name of God in this document, says:

"The absence of the names of God and Christ, in a purely political and legal document, no more proves denial or irreverence than the absence of those names in a mathematical treatise, or the statutes of a bank or railroad corporation. The title 'Holiness' does not make the pope of Rome any holier than he is, and it makes the

contradiction only more glaring in such characters as Alexander VI. The book of Esther and the Song of Solomon are undoubtedly productions of devout worshippers of Jehovah, and yet the name of God does not occur once in them.

"We may go further, and say that the Constitution not only contains nothing which is irreligious or un-Christian, but is Christian in substance, though not in form. It is pervaded by the spirit of justice and humanity, which are Christian. The First Amendment could not have originated in any pagan or Mohammedan country, but presupposes Christian civilization and culture. Christianity alone has taught men to respect the sacredness of the human personality as made in the image of God and redeemed by Christ, and to protect its rights and privileges, including the freedom of worship, against the encroachments of the temporal power and the absolutism of the state."

The framers of the Constitution believed in God and in future rewards and punishments. It was not because of irreligion that the name of God was omitted, but because of respect for religion.



### Supreme Court of Arizona Declares Sunday Law Invalid

THE last remnant of the Sunday law of Arizona was overturned by the State supreme court. The decision came in the case of F. E. Elliott, who was fined \$50 in the lower court for operating his grocery store on Sunday. His conviction was upheld in the Yuma County superior court, but was reversed on appeal to the State supreme court. The highest court held that the Sunday law was invalid because it was class legislation and exempted certain classes of business. Our contention is that all Sunday laws are not only class legislation because of the many exemptions under these laws, but they are religious legislation in favor of certain religious sects, and therefore the courts are justified in declaring all Sunday laws invalid. Until this is done, America will not enjoy full religious liberty or complete separation of church and state.



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STATUE OF THOMAS JEFFERSON AT LOUISVILLE, KY.

*This monument is the work of the noted sculptor, Sir Moses Ezekiel, and is a beautiful tribute to the man who wrote the Declaration of Independence*