

Freedom Of Religion

Freedom of Religion

The Heritage of Liberty and the Dangers Facing America Today

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My country, it is of thee, Sweet land of liberty,
Of thee I sing;
Land where my fathers died,
Land of the Pilgrims' pride,
From every mountain side,
Let freedom ring.

My native country, thee, Land of the noble free,-
Thy name I love: I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills
Like that above.

Let music swell the breeze, And ring from all the trees
Sweet freedom's song: Let mortal tongues awake, Let all that breathe partake,
Let rocks their silence break,-
The sound prolong.

Our fathers' God, to Thee, Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King.
Samuel Francis Smith

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FREEDOM OF RELIGION

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RELIGIOUS liberty has been discussed by philosophers, statesmen, and religionists for many centuries, usually from the standpoint of the right of the individual to worship according to the dictates of his own conscience. Whatever might be said now in support of that right of the individual would be a repetition of what has already been said many times. There is a broader aspect to this matter, however, though perhaps not so vital to the individual who has a personal concern in the preservation of this great liberty.

It seems to me timely to consider religious liberty as it fits into the general picture of liberty and the rights of human beings as they are fashioned into the structure of the fundamental laws of government.

Aside from the rights of the individual, does government itself have any interest from the standpoint of its own stability in the maintenance of freedom of religion? From this viewpoint, as distinguished from that of the rights of the individual, except as that right is indirectly involved, we shall undertake some examination of this matter.

People are becoming concerned about -their Government as at no other time in our history, and well may they be concerned. They are examining not the what of our Government. They are examining the tales which we have been taught in schools and in Fourth of July orations about some supermen's meeting in the Constitutional Convention to create our Constitution and launch our Government. They are discovering that men cannot in a creative sense write constitutions of living governments.

As they pursue these examinations they are discovering that governments are not accidents. They are discovering that it is fixed in human necessity that there shall be government, and that the only question is whether or not peoples will take advantage of the opportunity which nature gives them to be free and self-governing, or whether they will decline to pay the price in service for the privilege of self-government and thereby become unwilling and unfit to govern, with the result that government, whose business must go on, lays it hands on some dictator to conduct it. Many, not all, of them are discovering that human wisdom, the theories of men, unaided by a knowledge of, and respect for, natural laws, -can no more do the business of governing that can human beings do anything else guided by purely human wisdom and theories of men.

In other words, the people are beginning to use their common sense with regard to government; and as they do, people of this generation know that they fly through the air, talk through the air, construct railroads, doctor sick persons relatively successfully because they understand the limit of human wisdom and look to natural law to guide them in everything they undertake. When people complete this investigation and come to know that governing is no exception to the universal rule, they will then cease to- accredit human beings connected with government with a sort of wisdom-which they know does not belong to human beings engaged in any other business.

An examination of human nature, its controlling impulses and aspirations, and ' an examination of history disclose that freedom of religion is a natural law (I am not undertaking to speak with technical exactness), the violation of which imperils the stability of government. Men are not consulted as to whether they will or will not obey natural laws. They have the power to violate, but not the power to escape the penalties of violation. As a people we must come to know as a vital fact that these laws of nature govern not only in the physical universe, but also in the lives, conduct, and relationships of everyone, including government. They are the laws of God, the Great Intelligence. Man's discovery of, and obedience to, these laws have enabled people to do all the marvelous things which make this the greatest scientific age of all time.

Hardheaded, workaday people who want to succeed know this as a practical fact. They would consider themselves very foolish-in fact, they would be very foolish -to initiate any great endeavor without first preparing themselves by securing a knowledge of these laws and then seeking to work in harmony with them. We do have, however, in the world today, whole nations of people made up of those who are doing these marvelous things, and yet attempting to operate great systems of free government, without even recognizing that there are any natural laws which limit human discretion and determine sound policy

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in government.

Equally strange is it in this highly developed scientific age that those whom the people are disposed to look up to and call honorable; after whom they name streets, roads, schoolhouses, and children; for whom they shout; and to whom they credit more than human wisdom, apparently do not have intelligence enough to know that they cannot any more do their job successfully without understanding and respecting the great principles, the great natural laws, which govern free governments than that anyone could fly through the air if ignorant of the natural laws, obedience to which makes it possible to lift a heavier-than-air plane from the earth.

The people are beginning to have their attention attracted to this anomalous situation, to see how wise these people are who bluff and strut, while in their field of activity the colossal failure of the ages is being consummated. This working co partnership between man and God in everything with which human beings have to do is dependent in no small degree upon the practical recognition that one of the greatest natural laws, if not the greatest, is embodied in this language: "I am the Lord thy God.... Thou shall have no other gods before Me."

Into that relationship, freedom of religion deeply penetrates. Perhaps a better figure might be used, but I believe that will be sufficient. It is not merely the right of the individual, but the necessity of freedom. I am discussing this matter not from the standpoint of the preacher interested in the salvation of souls, but from that of statesmanship and usable intelligence.

From the inception of what we call life there is something for human beings to do. But immediately nature, man's copartner, begins to operate. The child comes to birth to develop, or rather its body is built, because the child cannot make itself to grow. In farming there is something for human beings to do. They prepare the seedbed, put the seed into the earth; then nature begins to operate. What we call "germination" takes place. It does not take place in the sense that the seed grain acts of its own volition or its own power. It cannot do that. A marvelous sort of chemical process is put into operation.

Elements from sunshine, rain, air, and the earth are built into the growing plant. The plant of itself cannot grow. The farmer can do a useful service, but he cannot create it. The plant cannot make itself any more than the stars in the skies can make themselves or determine their orbits.

When we come to examine man on this earth, it seems quite evident that the central objective of nature, insofar as he is concerned, is to provide an opportunity for development through the exercise of a quasi-self-creative power, maybe for some higher existence. The plan is evident. Necessities, opportunity, aspirations, desires, natural impulses, result in man's doing things, in exercising his body, his mind, and that which we call his soul. Difficulties are provided. We know that in the scheme of human development they are the gymnastic paraphernalia just as the paraphernalia in the gymnasium are for the development of the human body.

Among the things which men must do, which are a part of the difficulties provided for their development, is the necessity to govern themselves. They have no choice as to whether or not they will be governed. Nature fixes that. Either they will govern themselves and be developed, increase their ability to meet the greater difficulties of tomorrow by dealing with the difficulties of today, and be the recipients of rewards associated with freedom; or, failing to take advantage of their opportunity, they will lose their power for self-government by its nonuse. And since the business of government has to be conducted, government, of necessity, will lay its hand on some Hitler or Mussolini to do its business. Under such as these, by what seems to be an arrangement of nature, the people will be driven by the lash of tyranny and oppression back toward the discharge of neglected duties. There is nothing more clearly revealed by an examination of the historical records of governments than this fact.

The age-old struggle for religious liberty is only a part of the struggle of human beings to be free, to escape the tyranny of man. I know of no instance in history where religious liberty has been denied that liberty generally has survived. There is nothing remarkable about that. The struggle for religious liberty is not only the struggle for freedom of attitude and of action, but it is also the struggle for the liberty of the soul to respond to the impulse to give adoration and worship to that which possesses, or is accredited with possessing, attributes and powers beyond those possessed by the worshiper as a human being.

Historically and practically there is a close tie-in between the liberty of religion and all other liberties which human beings believe they have a right to enjoy, the more important of which are usually designated as "inalienable rights." An examination of history discloses that where these lesser liberties do not obtain, religious liberty is riot permitted. In a democracy, religious liberty is most secure because in a democracy all liberty is most secure. In such government it is not admitted that one individual or one group

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of individuals has a right to govern the masses. It cannot be overemphasized that when the other liberties are lost, liberty of religion is also lost.

In this country the recognition and establishment of religious liberty began early to make great progress. In 1663, more than one hundred years before the Declaration of Independence, in the charter of the colony of Rhode Island, there was not only an unconditional recognition of universal religious liberty, but insofar as I am advised, there was in that instrument the first tie-in between religious liberty and stability of government. It is expressed in this language:

"And whereas in their humble address they have freely declared that it is much on their hearts (if they may be permitted) to hold forth a lively example that a most flourishing civil state may stand and best be maintained, and that among our English subjects, with a full liberty in religious concern."

Men had long insisted upon their individual rights to worship God according to the dictates of their conscience, but this declaration went further than that. It is declared that upon the foundation of religious liberty, the soundest state structure could be built. They declared it to be wise, practical statesmanship. They were willing to venture the experiment:

"They have freely declared that it is much on their hearts . . . to hold forth a lively example that a most flourishing civil state may stand and best be maintained . . . with a full liberty in religious concern."

This broadened in its recognition the importance of the religious liberty of the individual. It was not merely a sort of mutual concession made in order that each individual might enjoy religious liberty. It was a declaration of a fundamental principle, sound in statesmanship, without any regard to the purely religious aspects of the matter as they are related to the religious aspirations and rights of individuals standing apart from each other. That declaration by implication is broader even than the relationship of religious liberty to governmental stability.

The remainder of the charter shows that the recipients of the charter understood that fact. It shows that they did not venture to establish a sound state merely upon the basis of religious liberty. They incorporated in this charter a recognition of individual liberty generally, opportunity for self-government, and a provision for the functioning machinery necessary for the operation of a democratic government. These people, guided by this conception of religious liberty, not only saw with clear vision, but were able to construct an adequate governmental machinery for their democracy with a skill not excelled, insofar as I know, by the statesmanship of any age.

After the Revolution when all the other colonies had adopted state constitutions in lieu of their royal charters, Rhode Island found this charter sufficient, and continued to operate under it until a short time before the war between the states.

In making these observations, there is no departure from the subject under examination. These facts indicate the inseparability between religious liberty and liberty generally, and the necessity to provide in the scheme of government not only for the liberties of the people, the right to govern, but also to provide a machinery of government susceptible of popular operation. They cannot operate a government which functions from the top downward. In that fact we find the practical necessity of recognizing in our governmental policy is-but is known among us as states rights.

In the charter where the protection of religious liberty was of first concern, and to help make it secure, the following provision was made:

"There shall be one governor, one deputy governor, and ten assistants, to be from time to time constituted, elected, and chosen out of the freemen of the said colony. . . . The assistants . . . and not exceeding six persons from Newport, four persons from each of the respective towns of Providence, Portsmouth, and Warwick, and two persons from each other town or city, who shall be from time to time thereunto elected or deputed by the major part of the freemen of the respective towns or places for which they shall be so elected or deputed, shall have a, general meeting or assembly to consult about the affairs of the colony."

The title given to such a meeting was the General Assembly. The number constituting a quorum was fixed. The time of meeting was fixed, subject to power to change. Provision was made for the creation of all necessary offices, appointing offices, fixing jurisdiction of courts, making of laws, granting pardons, training and embodying the militia, levying taxes, and to ensure that "all officers shall give their solemn engagement by oath or otherwise for the due and faithful performance of their duties in their several offices and places." That all citizens of the colony "shall have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs or successors, to all intents, constructions, and purposes, whatsoever, as if they, and every one of them, were borne within the

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release of England." That "no person within the said colony at any time hereafter shall be in anywise molested, punished, disquieted, or called in question for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony, but that all and every person and persons may from time to time and all times hereafter freely have and enjoy his and their own judgments and consciences in matters of religious concern any law, statute, clause therein contained or to be contained, usage or custom of this realm to the contrary hereof in anywise notwithstanding."

Roger Williams and his associates who drafted this charter and persuaded the English king to grant it, were humble persons. They had suffered privations, endured hardships and persecutions; had walked and thought and prayed in the solitude of the primeval forests of New England. No hunger for power nor for the praise of men confused their thinking or interfered with their approach to the source of infinite wisdom. There was no claim of creative power for this document with which their names are associated, though it is unquestionably one of the great state documents of all time. Everything considered, it is probably the greatest state document of all time. Those responsible for its construction did not create, they discovered.

Constitutions of governments are not written things. They live, rooted in the governmental concepts of people willing and able to sustain them; willing to bear the burdens of government, guided not by the theories of men, but by great principles-natural laws-provided to help and guide people who are willing to co-operate with nature, with God, who has implanted in the hearts of men the aspirations to be free and self-governing.

When the people are no longer willing and able to sustain free government, it withers and dies, as a tree withers and dies when the soil in which it is planted can no longer sustain it. It makes no difference what is written in their constitution; that alone cannot save a nation. This is the most important of the practical facts connected with the origin, operation, and preservation of democratic government.

A democratic government is a group of people engaged in the common enterprise of governing themselves. That is the human angle to it. But immediately after people initiate this enterprise, it comes under the operation of natural law, as all other human activities come under the operation of natural law. We are so accustomed to these phenomena-the operation of these natural forces in the execution of natural design-that they do not attract our attention. We are disposed to give human beings the credit for the whole thing. That is one reason why we become the victims of the delusion that there are so many great people, whom we quote and follow without ever examining what they have said or where they are going. When they have to do in their small way with the things which become great in their development, those who have had this small thing to do claim all the credit, and, as the expression goes, get by with it, because men write all the books.

While what we have to do with the origin, development, and operation of democratic government is relatively small, the importance of that small part must not be overlooked. Man must do his part or nature withholds its contribution, its creative service. Everywhere that is the basic arrangement which governs the working copartnership between men and nature, men and God. The part of the people in the operation of democratic government can no more be dispensed with, because that government operates under natural laws which limit human discretion and determine sound policy, than can the efforts of the farmer be dispensed with, because nature has fixed laws which limit his discretion and determine sound policy for the cultivation of crops. People seem to be more intelligent in this respect with regard to all other things than with regard to government. To that fact can be traced much of the confusion and disaster in government, especially in this particular period, throughout the world. We are getting more sensible, but whether or not we will develop a common-sense attitude toward government quickly enough to avoid the smash is definitely problematical. Certainly we have no time to waste.

Until recently we had general notion in America that some supermen, whom we called the founding fathers, met in the Constitutional Convention and gave to us, as a result of their creative genius, a self-perpetuating, foolproof, system of government. On patriotic occasions, instead of taking advantage of the opportunity to take a sort of inventory of our situation, examine the direction in which we were traveling, discover how we might emulate their example, we lost the opportunity and spent our time waving the flag, singing the national anthem, reciting our creed, swelling up our heads, feeding our egotism, and worshipping at the shrine of the fAhers. We should have been emulating their example by preserving that which they had bequeathed to us, the opportunity, responsibility, and the great duty, of a self-respecting, self-reliant people, governing in a free democracy. It is all right in a self-respecting, man-to-man attitude to give recognition to, and to be grateful to, those who serve well their day and generation.

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But to accredit human beings with creative power, with the attribute of infallibility, give to them the adoration which all history proves it is in nature permissible to give only to God, is not only one of the silliest, but one of the most destructive and most dangerous things of which a generation can be guilty. This generation has been guilty of that thing. It is paying the terrible penalty now for the violation of a great law, embodied in their language:

"I am the Lord thy God.... Thou shall have no other gods before Me."

When I was a child I was taught, or rather the attempt was made to teach me, that that law was made for the glory of God. I did not believe it. I did not believe that human beings could add to the glory of God. An examination of the matter shows conclusively that it is a natural law, made for the good and the guidance of man. No people have ever violated that law and escaped its penalties. Neither those who permitted themselves to be the objects of human worship nor those guilty of that particular sort of idolatry ever escaped punishment for the violation of that law. The Alexanders, the Caesars, the Napoleons, did not escape. Certainly the people who followed them across the bloody pages of their history and left their bodies scattered over the battlefields of the world did not escape.

Of course, it is a silly thing to worship an idol of stone; that idol cannot do anything to the people who do that foolish thing. But when people worship a man as though he were more than a man, it is not long until either he or someone who follows closely in his footsteps will be the instrument which will bring to them punishment for violated law. History proves that freedom of religion is the surest protection against this, the most debasing and dangerous of all 'the types of idolatry.

I was in Italy in 1927. No one dared then to intimate that Mussolini spoke with other than godlike wisdom. The same thing happened in Germany with reference to Hitler. We are not free from the symptoms of this infection, a sort of world-wide epidemic.

Liberty of speech, liberty of assembly, liberty to pursue happiness, liberty to worship according to the dictates of one's own conscience-the se stand or fall together. When the constitutional rights of the smallest and the worst are not respected, the fundamental rights of the best and those who at the moment may be the strongest, are not secure.

RELIGIOUS LIBERTY AND THE COURTS

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THE American concept of freedom was born in the throes of European despotism. Many of the colonists fled to America on account of oppressive measures adopted by the governments of Europe to compel the people to conform their religious beliefs and modes of worship to certain standards. Even in the colonies there was widespread intolerance. "Before the adoption of the Constitution," Chief justice Morrison R. Waite said in Reynolds VS. United States, 98 U. S., 145, "attempts were made in some of the colonies and states to legislate not only in respect to the establishment of religion, but in respect to its doctrines and precepts as well. The people were taxed against their will, for the support of religion, and sometimes for the support of particular sects to whose tenets they could not and did not subscribe. Punishments were prescribed for a failure to attend upon public worship, and sometimes for entertaining heretical opinions."

The Puritans of New England were harsh with Quakers, Baptists, and members of other churches. The Dutch in New York excluded Catholics from public office. In Pennsylvania and Maryland any man who did not profess a belief in the Christian religion was barred from holding office. The expulsion of Roger Williams from Massachusetts on account of his religious views was a commentary on the intolerance of the Puritans. In Rhode

Rhode Island alone, founded as a sanctuary of religious liberty, there was complete separation of church and state.

Among the founders of this Republic none rebelled more strenuously against intolerance than did Thomas Jefferson, who proclaimed the folly of attempting to control beliefs and to enforce outward conformity to prescribed standards. He was in Europe when the Constitution of the United States was framed in Philadelphia in 1787; but on receiving a copy, he deplored "the want of a bill of rights to guard

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liberty against the legislative as well as the executive branches of the government, that is to say, to secure freedom in religion, freedom of the press, freedom from monopolies, freedom from unlawful imprisonment, freedom from a permanent military, a trial by jury, in all cases determinable by the laws of the land." He believed that these liberties were too sacred to be established by mere legislative enactment subject to the changing winds of popular clamor. He accordingly urged James Madison to submit to Congress, amendments which now have become our Bill of Rights. The First Amendment provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

In the century and a half since the adoption of the Bill of Rights, there has been a slow but gradual extension of religious liberty. In the nineteenth century Catholics and Jews were given permission to hold office in many of the states. In Maryland, for instance, a bill was introduced in the legislature in 1818 to amend the provision of the constitution requiring the profession of the Christian religion as a prerequisite for public office, but it was defeated. In 1822 a similar bill was passed by the legislature, but it failed of ratification. Finally, in February, 1825, the legislature passed an act providing that as a prerequisite for office any citizen professing the Jewish religion need declare merely his belief in a future state of rewards and punishments, and this act was ratified by the voters of the state. The declaration of rights in the present constitution provides: "No religious test ought ever to be required as a qualification for any office of profit or trust in this state, other than a declaration of belief in the existence of God."

Even now we have not achieved absolute freedom of religion. Some unjust restrictions still remain on the statute books of the states. But gradually the postulate has become accepted that we must maintain in our society a free market place for thought in the hope that truth will win. It is appreciated that it is not always comfortable to live in such a society, but we prefer to take our chances that the truth, while temporarily suppressed in the totalitarian governments, will triumph and will be the best guarantee of freedom.

Of course, it was never intended or supposed that the First Amendment could be invoked as a protection against legislation for the punishment of acts inimical to the peace, good order, and morals of society. In *Davis vs. Beason*, 133 U. S., 333, where bigamy and polygamy were declared to be pernicious crimes which cannot be encouraged by any tenet of religion, justice Field said: "The First Amendment to the Constitution was intended to allow everyone under the jurisdiction of the United States to entertain such notions respecting his relations to his Maker and the duties they impose as may be approved by his judgment and conscience, and to exhibit his sentiments in such form of worship as he may think proper, not injurious to the equal rights of others, and to prohibit legislation for the support of any religious tenets, or the modes of worship of any sect. With man's relations to his Maker and the obligations he may think they impose, and the manner in which an' expression shall be made by him of his belief on those subjects, no interference can be permitted, provided always the laws of society, designed to secure its peace and prosperity, and the morals of its people, are not interfered with."

Whether or not Christianity is a part of the common law of the States, as it has been said to be of the common law of England, has been the subject of dispute. In the *Girard will case*, justice Story said that the Christian religion is a part of the common law of Pennsylvania only in the respects that its divine origin and truth are admitted, and that it is not to be maliciously and openly reviled and blasphemed against to the annoyance of believers or the injury of the public, because the Pennsylvania bill of rights extends equal protection to all persons of every variety of religious opinion, whether they believe in Christianity or not, and whether they are Jews or infidels. *Vidal vs. Girard's Executors*, 2 Howard, 12,7.

When James Bryce made his study of the American commonwealth, he found discrepant judicial opinions on the point, but he did not think that any specific practical application could be found. He believed that the entire matter could be summed up by saying that Christianity is in fact understood to be the national religion, but it is not the legally established religion. He observed that the American people have the belief that their nation is its special object of divine favor, and that the general acceptance of Christianity is one of the main sources of national prosperity, but that they conceive the religious character of a government to consist of nothing but the religious belief of the individual citizens.

It has been held by the court of appeals of Maryland that an ordinance requiring the observance of Sunday in Baltimore by prohibiting certain amusements on that day does not violate the Maryland declaration of rights guaranteeing religious liberty.-*Hiller vs. State*, 124 Md., 385.

It is generally recognized in America that however broad may be the right of every person to work

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and employ his time as he may consider most conducive to his interests, he must exercise that right subject to such general rules as are adopted by society for the common welfare. As stated by justice Field in *Soon Hing vs. Crowley*, 113 U. S., 703: "All sorts of restrictions are imposed upon the actions of men, notwithstanding the liberty which is guaranteed to each. It is liberty regulated by just and impartial laws.... Laws setting aside Sunday as a day of rest are upheld, not from any right of the government to legislate for the promotion of religious observances, but from its right to protect all persons from the physical and moral debasement which comes from uninterrupted labor. Such laws have always been deemed beneficent and merciful laws, especially to the poor and dependent, to the laborers in our factories and workshops, and in the heated rooms of our cities; and their validity has been sustained by the highest courts of the state."

Likewise, it has been held by a number of courts that the reading of the Bible in the public schools is not unlawful unless prohibited by the constitution of the state. In Ohio the court, after finding nothing in the constitution that prohibited the reading of religious books in the schools of the state, said: "Let religious doctrines have a fair field, and a free, intellectual, moral, and spiritual conflict. . . . This is the golden truth which it has taken the world eighteen centuries to learn, and which has at least solved the terrible enigma of church and state. . . . Meantime, the state will impartially aid all parties in their struggles after religious truth, by providing means for the increase of general knowledge, which is the handmaid of good government, as well as of true religion and morality." -*Board of Education of the City of Cincinnati vs. Minor*, 13 Am. Rep., 223.

In Texas it was held in *Church vs. Bullock*, 109 S. W., 115, that exercises in a public school, consisting of the Lord's Prayer and the reading by the teacher of extracts from the Bible without comment do not convert the school into a religious or theological seminary within the meaning of the provision of the constitution of Texas that no money shall be appropriated for such an institution. The court said: "The house of representatives and the senate of the state legislature each elect a chaplain, who, during the session, daily offers prayers to Almighty God in behalf of the state, and in the most express manner invokes the supervision and oversight of God for the lawmakers. In the chapel of the state university building, a religious service . . . is held each day. . . . An annual appropriation is made for a chaplain for the penitentiary; in fact, Christianity is so interwoven with the web and woof of the state government that to sustain the contention that the constitution prohibits reading the Bible, offering prayers, or singing songs of a religious character in any public building of the government would produce a condition bordering upon moral anarchy."

It was also held in Nebraska that the reading of the Bible in the public schools is not unconstitutional. There the court said: "Certainly the Iliad may be read in the schools without inculcating a belief in the Olympic divinities, and the Koran may be read without teaching the Moslem faith. Why may not the Bible also be read without indoctrinating children in the creed or dogma of any sect? Its contents are largely historical and moral. its language is unequaled in purity and elegance. Its style has never been surpassed. Among the classics of our literature it stands pre-eminent.... The point where the courts may rightfully intervene, and where they should intervene without hesitation, is where legitimate use has degenerated into abuse,-where a teacher employed to give secular instruction has violated the constitution by becoming a sectarian propagandist." -*State vs. Scheve*, 93 N. W., 169.

Within the last ten years the Jehovah's Witnesses, who believe it to be their duty to disseminate their interpretations of the Bible, have brought a number of appeals which have helped to clarify the law of religious liberty. A corporation, now called the Watch Tower Bible and Tract Society, was formed for the purpose of printing publications containing the religious beliefs of the Witnesses. In *Lovell vs. City of Griffin, Georgia*, 303 U. S., 444, the court held that an ordinance prohibiting the distribution of handbooks, circulars, or literature of any kind without permission from that city manager, and containing no restrictions or limitations of any kind, was unconstitutional because it abridged the freedom of the press.

Chief justice Hughes, speaking for the court, said: "Freedom of speech and freedom of the press, which are protected by the First Amendment from infringement by Congress, are among the fundamental personal rights and liberties which are protected by the Fourteenth Amendment from invasion by state action.... We think that the ordinance is invalid on its face. Whatever the motive which induced its adoption, its character is such that it strikes at the very foundation of the press by subjecting it to license and censorship. The struggle for the freedom of the press was primarily directed against the power of the licenser. It was against that power that John Milton directed his assault by his 'Appeal for the Liberty of Unlicensed Printing.' . . . The liberty of the press is not confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets. These indeed have been historic weapons in the defense of

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liberty, as the pamphlets of Thomas Paine and others in our own history abundantly attest."

In *Cantwell vs. Connecticut*, 310 U. S., 296, the court held that a state may, by general and nondiscriminatory legislation, regulate the times, places, and manner of soliciting upon its streets and of holding meetings thereon and may in other respects safeguard the peace, good order, and comfort of the community without invading liberties protected by the Fourteenth Amendment; but the Connecticut statute prohibiting solicitation of money for religious, charitable, or philanthropic causes without approval of the secretary of the public welfare council, and authorizing the secretary upon application of any person in behalf of such cause to determine whether such cause is a religious one, violates the First and Fourteenth Amendments. to the extent that it authorizes a censorship through the power conferred upon him to withhold his approval.

In *Jones vs. City of Opelika*, 316 U. S., 584, it was repeated that the court will not allow administrative censorship of ideas or capricious approval of distributors. "This means," Justice Reed explained, "that the proponents of ideas cannot determine entirely for themselves the time and place and manner for the diffusion of knowledge or for their evangelism, any more than the civil authorities may hamper or suppress the public dissemination of facts and principles by the people. The ordinary requirements of civilized life compel this adjustment of interests. The task of reconciliation is made harder by the tendency to accept as dominant any contention supported by a claim of interference with the practice of religion or the spread of ideas. Believing as this nation has from the first that the freedoms of worship and expression are closely akin to the illimitable privileges of thought itself, any legislation affecting those freedoms is scrutinized to see that the interferences allowed are only those appropriate to the maintenance of a civilized society."

In communities where pupils in the public schools are required to salute the flag, children adhering to the belief of Jehovah's Witnesses have been expelled for refusing to do so. In 1940 the Supreme Court considered the case of *Minersville School District vs Gobitis*, 310 U. S., 586, where two children, Jehovah's Witnesses, were expelled from school for refusing to salute the American flag as a part of a daily school exercise, because they believed it contrary to the commandment that they should not bow down to any graven image. Justice Frankfurter, speaking for the court, with Justice Stone dissenting, held that the task of the court was to reconcile the two rights in order to prevent either from destroying the other, and that the issue was whether the legislatures of the various states and the authorities in the counties and school districts of this country were barred from determining the appropriateness of various means to evoke "that unifying sentiment without which there can ultimately be no liberties, civil or religious." Justice Frankfurter regarded the situation as a phase of the profoundest problem confronting a democracy, as stated by Abraham Lincoln: "Must a government of necessity be too strong for the liberties of its people, or too weak to maintain its own existence?"

The decision in the *Gobitis* case was reversed on June 14, 1943, in *West Virginia State Board of Education vs. Barnette*, 319 U. S., 624. Here the court held that the action of local authorities in compelling the flag salute transcends constitutional limitations on their power, and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to reserve from all official control. In the opinion of the court, Justice Jackson said: "It may be doubted whether Mr. Lincoln would have thought that the strength of government to maintain itself would be impressively vindicated by our confirming power of the state to expel an handful of children from school. . . . Struggles to coerce uniformity of sentiment in support of some end thought essential to their time and country have been waged by many good as well as by evil men. . . . Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public educational officials shall compel youth to unite in embracing. Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast-failing efforts of our present totalitarian enemies."

In these days of peril we must not forget our heritage of freedom and the lessons of the past, but must be prepared to voice opposition to any forces subversive of democracy. In the past the American people, whenever challenged, have insisted that any threat to democracy be promptly suppressed. As we contemplate the tragedies, in other parts of the world, it is obvious that freedom and democracy are on trial. Human liberties of the Nazis emphasize the supreme importance of defending the basic rights of man. In a statement issued at the White House on March 14, 1944, denouncing Hitler and his followers for waging a ruthless war against the churches of all' faiths and using Rome as a military center, President

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Roosevelt said: "We on our side have made freedom of religion one of the principles for which we are fighting, this war." Again on March 24, in giving assurance that the Government of the United States will use all the means at its command to save the victims of brutality, the President said: "The United Nations are fighting to, make a world in which tyranny and aggression cannot exist; a world based upon freedom, equality, and justice; a world in which all persons regardless of race, color, or creed may live in peace, honor, and dignity."

President Roosevelt's promise reminds one of the prediction made by Francis Scott Key at a meeting in the rotunda of the Capitol on July 4, 1831. In his oration there the author of the national anthem declared: "No, my countrymen, we hold a rich deposit in trust for ourselves and for all our brethren of mankind. It is the fire of liberty. However darkly we may speculate upon the future destiny of nations, we have a light shining on distant days which cannot mislead us—the holy light of prophecy. This tells us of the coming of a brighter day than has ever shone upon a fallen world, a day when man will find no foe in man, when nations will learn war no more, but live together in love as members of one great family upon earth under the care of the common Father of us all."

But there are dangers within our country as well as dangers from without. When we consider the extent to which the American people are separated into classes by races, religious beliefs, economic interests, and other reasons, we can well understand that there is always the danger that the majority might arbitrarily use governmental power to oppress the minority. Chief Justice Marshall had the wisdom and courage to make the court the guardian of the Constitution to protect the basic rights of the American citizen. In his decisions in *Marbury vs. Madison* and *McCulloch vs. Maryland*, he held that if Congress should adopt any measure prohibited by the Constitution, or pass any act for the accomplishment of objects not entrusted to the Government, it would become the duty of the court to say that such an act was not the law of the land. Thus it is obvious that the ultimate safeguard of liberty is an independent judiciary.

For the courts are clothed with authority to adjudicate not only private controversies, but any dispute that may arise between the individual citizen and the Government. In protecting the citizen whenever his rights are threatened by the majority, the court may restrain even the Government itself. It is vitally important, therefore, that the courts should be so constituted that they can give judgment without fear or favor as between the powerful and the weak and between the state and the individual citizen. Judges should be able to perform their duties free from any influence and fearless of any consequences that may result from their decisions. Independence of the judiciary means independence not only from private influence, but from any influence of any Government official.

So we need in America more than mere toleration. Toleration means a concession from a superior to an inferior. When we tolerate an evil, we are unable to abate it; when we tolerate a burden, we grudgingly endure it. Strictly speaking, therefore, religious toleration implies that the religious faith of the majority has a paramount right in the state; but, for the sake of harmony, an act of grace or charity is bestowed to permit those who differ from the prevailing faith to worship without molestation.

"It is the manner and spirit of a people," Jefferson said, "which preserve a republic in vigor. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution." Let us remember that the Constitution prohibits discrimination on account of religious beliefs, and that any act which tends to classify men according to their creeds is inconsistent with the idea of brotherhood. A man's religious convictions are his own personal concern and should always be respected. This is the true spirit of America.

THE BACKGROUND OF RELIGIOUS LIBERTY IN AMERICA

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WHEN Daniel Webster declared that "eternal vigilance is the price of liberty," he was doubtless thinking of the political liberty which he feared was being threatened by what he believed to be the despotic temper of President Andrew Jackson. But Webster's warning applies as well to religious liberty, for the preservation of which we have to be constantly on guard against forces in state or church, or the activities of propagandist groups that seek to interfere with that absolute freedom of belief, worship, and teaching which we prize as the basic freedom in American life. For without the freedom of religion,

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freedom of speech would be a mockery, man not being free to speak freely on the subject which concerns him more deeply than any other.

The motive for the exercise of that eternal vigilance which is the price of liberty is the conviction that no price is too high to pay for the blessings of liberty. And this conviction is nourished not only by the sense of personal dignity and responsibility which the possession of freedom bestows upon a man, but also by a sympathetic knowledge of the long and arduous battle mankind has waged against the manifold forms of persecution and coercion, aimed at keeping him in a state of awed submission to a sovereign by divine right or to a church claiming to be the sole depository of divine revelation.

Thus by participating vicariously in these struggles for religious liberty, we confirm our own conviction of its worth in our lives. Each of us can say: I, too, did, battle with John Huss and Martin Luther and Roger Williams and Thomas Jefferson; and I must be faithful to these old allies of mine, whose spirit is still fighting the battle of today.

We shall better know the worth of the treasure which we have to defend if we understand the process by which it was gained. Therefore, a study of the background of religious liberty in America is not a mere academic exercise, like the investigation of a feudal manor, for example; but it is the discovery of the conditions under which and the obstacles against which has developed that complete separation of church and state and the consequent untrammelled freedom of religious thought and expression which is, in theory at least, characteristic of the American scene.

The background of our American religious liberty is to be found in the history of the Old World, and especially of that part of the Old World from which the great majority of the early settlers came; namely, the British Isles. America, to be sure, was a new land. But the men who founded the colonies here were from an old land. Because the stage on which they were to play their drama was a vast and virgin wilderness, we must not make the mistake of thinking that the actors themselves were untrained. They had behind them centuries of experience in vindicating the common man's rights in the face of arbitrary kings - and feudal nobles. It is of the colonists from the British Isles that I speak; although immigrants from the Continental nations of Europe came also: Germans, Scandinavians, Dutch, and, in later years, Italians, Hungarians, Russians, Poles, and Greeks.

These people made many valuable contributions to the culture of America; but, in spite of such local exceptions as the survival of French law in Louisiana or of Spanish architecture in the Southwest, the Continental immigrants were rapidly assimilated to the British pattern. Their language became English; though their native accent might linger in their pronunciation. The procedure of the law courts, the conduct of the legislative bodies, the forms of local government, the services of the churches, the standards of literature, all followed English models and precedents, as state after state was added to the Union. Not only did the British Isles furnish the vast majority of the settlers from Maine to South Carolina during the Stuart period; but even a full century after the Stuarts had been driven from the English throne, the first census of the United States in 1790 showed that 77 per cent of the white people of our country bore British names. England was truly the rock from which we were hewn. And in considering the background of our religious liberty, it is to English precedents that we must look; not alone the specifically religious battles, like those for the permission of non-Anglican forms of worship or the removal of religious tests for officeholding or the admission of dissenters to the universities, but also the political and economic battles, many of which were, to adapt a phrase of a former chief justice of the Supreme Court, "affected with a religious interest."

For example, a striking (perhaps the most fundamental) contribution made by the homeland to the idea of religious liberty was the vindication of the intrinsic worth of the individual. The England of the seventeenth century, the century in which she planted her colonies along the Atlantic Coast, had long since abolished serfdom, which lingered on in France until the great revolution of 1789 and in Prussia until 1810. Men were no longer attached to the soil of the manor, mere items in the assets of the estate, like the cattle and the plows, forbidden to marry without the lord's consent or even to bake their bread except in the lord's oven. They were now free to own their own bit of land, no matter how meager a livelihood they got from it. They were free to move to the industrial towns to try their fortunes as artisans or shopkeepers. The sense of dignity which this acquisition of personal freedom brought, furnished the basis for the confidence with which their descendants in the seventeenth century fought for their political and religious freedom against the tyranny of the Stuarts.

King James, who often in his vast folly hit upon a grain of truth, was right when he said: "No bishop, no king." For if every Tom, Dick, and Harry could judge for himself what his religious duties were, thought the canny king, it would not be long before the same uppish commoners would pretend to define

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their own limits of duty toward their royal sovereign, the counterpart on earth, as James himself put it, of God in heaven. It was their belief in the intrinsic worth of the individual which, despite their deferential tone of loyalty to their king, made the Puritans like John Knox and Andrew Melville as hard as iron in their resistance to what they regarded as the undue interference of a Mary or a James with the consciences of their subjects. As Maccaulay said: "They bowed their knees before God, but set their foot on the neck of kings." The Adamses and Henrys and Washingtons and Jeffersons were not the first to raise their protests against the infringements of the rights of free men by an arbitrary sovereign. They were preceded by more than a century by the Hampdens and Pym and Cromwells and Eliots.

Nor is the political aspect of this struggle for the vindication of the doctrine of the intrinsic worth of the individual to be separated from the religious aspect. Was Jefferson, who wrote, "I have sworn on the altar of God eternal hostility against every form of tyranny over the mind of man," any less interested in the religious freedom of the individual than in his political independence? Did he not bracket his statue for religious liberty in Virginia with his immortal Declaration of Independence as two of the three claims which he believed he had to the memory of posterity? And was Oliver Cromwell fighting less to establish a godly regime than to overthrow a despotic one?

Now, naturally the conviction of the worth of the individual, which is the basic postulate of both political and religious freedom, would lead to the demand for the opportunity to make that worth felt in the public councils of the nation. Hence we may count as a second contribution of the motherland to the cause of religious liberty in America that representative form of government in which the commoners were, in the very years in which the colonies were settled, waging a successful war with the king for the right to speak their minds freely in Parliament as well as for the control of the purse strings of the nation.

England was the mother of parliaments. As early as the closing years of the thirteenth century knights from the shires, and burgesses from the towns, had been summoned by the king to sit with the nobles in what was called the Model Parliament of Edward I; and from that time, although years often passed when Parliament was not called, the idea was never lost of a council of the nation in which the freemen should have a voice. Naturally, then, there was no other kind of government possible for the American colonies, whose founders were almost to a man partisans of the groups that were fighting for Parliament against the king at home. As soon as a sufficient number of the emigrants to Jamestown had survived fever, starvation, and the Indians to make the colony a going concern, a little parliament consisting of two representatives from each of the eleven towns, or hundreds, met in the rude church to make laws for the government of the colony. This was in 1619, a full year before the Pilgrims landed at Plymouth; and this little Jamestown assembly was the pattern for popular legislatures in all the English colonies (except for a brief time in New York) which continued to meet through the whole colonial period.

Thus it was from the mother country that the colonists derived the institution of the popularly elected assembly (denied, for example, entirely to the French settlers in Canada), which was the necessary implement for vindicating the doctrine of the personal worth of the individual. Although political rather than religious objectives were mainly in view in the struggle for representative government, the agreement of such a political setup with the growth of religious liberty is evident. For in the give and take of freely expressed opinion only can the truth which makes one free be arrived at.

A third contribution made by England to the idea of religious liberty in the colonies, which reached its unequivocal national definition in the Constitution of the United States, was the doctrine of the supremacy of the law over the will of the sovereign. Law is an ethical ideal; power is a material force. The two have been in conflict ever since the days, more than twenty centuries ago, when Sophocles's heroine, the maiden Antigone, appealed against the decree of King Creon to the eternal laws of heaven, "Which are not of yesterday or today," and which are as binding on kings as on the least of their subjects. Indeed, the whole history of human freedom, both political and religious, could be written in terms of the struggle between law and force, liberty and authority. Now, in the England of the seventeenth century the ethical conception of law (that is, the matrix in which alone religious liberty could live and grow,) was far more developed than in any other country in the world.

In France, for example, which greatly exceeded England in population and wealth, the tendency for generations had been to concentrate power in the hands of the monarch, until it culminated in the absolutism of the great Sun King, Louis XIV. While in England even despotically minded rulers, like the Tudor monarchs, Henry VIII and Elizabeth, found that their authority could be maintained only by respecting the rules of legality which had been accumulating for years. They did not abolish Parliaments, but governed through them. Nor were the Stuarts who followed, with all their claims to rule by divine

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right, and with all the support of obsequious courtiers, churchmen, and judges, able in the end to overthrow the pillars of the law. Their attempt ended in the executioner's block and exile.

It was the sympathizers of the men who brought Charles 1 to the fatal bar of justice and drove James 11 from his throne who settled the American colonies. They brought with them those ideals of English liberty as guaranteed by established law for which their congeners were fighting in the civil war at home. All through the colonial period the common law of England was recognized as valid in America, and the statute laws of the colonial assemblies were held to be as binding as the acts of Parliament.

Indeed, on the eve of the American Revolution, it was the contention of the more advanced patriots, like Jefferson, that Parliament had no right to make laws to bind the colonies, that power having been transferred by the very fact of their migration from England to the colonial assemblies themselves. Why should we call this doctrine of the supremacy of the law a contribution to religious liberty? Because it is only under the reign of law than an ethical personality can be developed and an ethical community fostered. And only in such personalities and such communities do we find religious liberty.

There are other elements in our heritage from the mother country which have been favorable to the development of religious liberty in America. We cannot stop to examine them in detail; but I would mention in passing such principles as trial by jury, the presumption of a man's innocence until he is proved guilty, the abolition of bills of attainder, the Habeas Corpus Act, the removal of arbitrary courts like the Star Chamber, the respect for a man's house as his castle, and many other bulwarks of liberty, all of which were established in the homeland before the last of the English colonies was founded on the Atlantic Coast. These liberties were as familiar to the settlers who came here as was the language they spoke. They were planting in America a slip of the vine of England. This was the England of the seventeenth century, which, in its revolution both bloody and bloodless against the royal prerogative, registered the greatest advance in her history in the vindication of the rights and privileges of the citizen and the spiritual dignity of man.

However, it was not only in the things which they adopted from England that the colonists prepared the way for religious liberty as well as for political. What they did not bring over to these shores was perhaps as significant as what they brought. King, court, nobles, they left behind them. The royal and proprietary governors sent over were a weak substitute for the powerful Privy Council and Board of Trade at home. In a country where land was overabundant and men few, there was unrivaled opportunity for the independent yeoman farmer who was Jefferson's ideal American citizen. In a few of the colonies quasi-feudal dues in the form of quitrents were - paid to the proprietor; but they had ceased before the end of the colonial period. Set down in a land so utterly different from the one they had left, the colonists had to adapt themselves to a new way of life.

They clung, to be sure, to their heritage of freedom derived from the English institutions; but these ideals suffered a sea change in the transition to the New World. Three thousand miles of ocean separating the settlers from the homeland, the presence of a vast wilderness inhabited only by Indian tribes, the growth of a new generation which knew England only by report, the increasing infiltration during the eighteenth century of non English stocks, the growing sense of the autonomy of their own elected legislatures (Lord Clarendon wrote only two generations after the founding of Jamestown that the colonies were already "hardening into semi rebellious republics"), the constant controversies with their governors over money appropriations, land policy, Indian affairs, and other matters-all had the effect of gradually changing the English colonies into American colonies. It was an imperceptible, but nonetheless momentous, change. No date can be assigned to its beginning.

The men who followed the western star across the Atlantic believed that they were still Englishmen. They were to glory in their status as Englishmen, even the Washingtons and Franklins and Jeffersons who protested their loyalty to the king down to the days when they were to lead the secession from the crown.

In ceasing thus to be Englishmen and becoming Americans, the colonists had the double advantage of preserving as a heritage the free institutions which had been developing for some centuries in the home country, and at the same time of escaping certain embarrassing hindrances to the full exercise of these freedoms, hindrances furnished by the rigidity of social classes, too ingrained an attachment to tradition, and the pressure of vested interests.

Most fortunate for the realization of complete religious liberty in America was the fact that no state church succeeded in establishing itself permanently in the colonies. It is true that the Anglican form of worship was the only legal one for several generations in the colonies of Virginia and the Carolinas; and that the Puritan theocracy of the Cottons and the Mathers in New England lasted, with diminishing

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strength, until the eve of the American Revolution.

But two important factors were at work to check the solidifying of a state church. In the first place, the Anglican Church in Virginia, for example, could only be a weak reflection of the established church in England. It had no magnificent cathedrals and chapter houses, no prelates in fine robes, no bishops sitting in its legislature. In the second place, the attempt to keep dissenting doctrine out of Virginia by fining and imprisoning Presbyterians, Quakers, Baptists, and Methodists was bound to fail, because of the diverse character of the overseas and inter colonial migrations. The very multiplicity of sects in the New World was an insurance against the monopoly of religion by any one of them. And it was reserved for America to give the world the first example of the truth that both state and church fulfill their functions best when neither attempts to control the other.

This doctrine, which is the very basis of religious liberty in America, was incredible to both statesmen and churchmen until the great experiment was tried in our country. From the day when the emperor Constantine the Great proclaimed Christianity as the religion of the empire and conferred upon its ministers, titles of honor and trappings of wealth (creating by his donation of lands and buildings what Dante in his Divine Comedy, written ten centuries later, calls "the first rich father"), down to the seventeenth century, history shows no instance of a state's keeping its hands off religion.

It was in the year 1638 that Roger Williams, gathering his band of fellow fugitives at Providence, inaugurated a government which confined its authority strictly to "civil things," allowing the citizen to worship as his conscience dictated. Twenty-five years later (1663) Roger Williams's agent in London, John Clarke, obtained from Charles II a charter which authorized the colony of Rhode Island "to hold forth a lively experiment that a most flourishing civil state may stand and best be maintained with full liberty in religious concern." In this quaint language was ushered into the family of nations for the first time a state pledged to refrain from any pressure, legal or social, upon men's consciences.

It was to be a long time, to be sure, before the religious liberty guaranteed by the Rhode Island charter of 1663 was given national status by incorporation into the Constitution of the United States in Article VI ("No religious test shall ever be required as a qualification to any office or public trust under the United States") and in Amendment 1 ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"). For, of course, the clauses of the Constitution referred to secured religious liberty only against infringement by national action. There was no disposition on the part of the framers of the Constitution to interfere with the prescriptions of the various states in the matter of religion any more than in the matter of the suffrage. Consequently, many restrictions on religious liberty lingered in the state laws and constitutions well into the nineteenth century. For example, Massachusetts did not abolish religious tests for office until 1826. The Congregationalist Church remained "established" in Connecticut until that state exchanged its old colonial charter for a new constitution in 1818. Ministers and priests were excluded from civil or military office by the New York constitution of 1821. And it was not until 1876 that the provision of the New Hampshire constitution excluding Catholics and Jews from the legislature or the governorship was repealed.

Little by little, however, the religious discriminations of the states were bound to yield to the influence of the Federal provision for complete religious liberty. As the national currency after the Civil War drove out the various and dubious state issues, so the effect of the liberal attitude of the Federal Government in religion was to encourage (or shame) the states in which restrictions on civil rights on account of religious views still prevailed, to match the general Government in generosity. And today there is not a state in the Union which does not guarantee full freedom of religious belief and worship to all its citizens. No less an authority than the late Lord Bryce declared in his classic work, *The American Commonwealth*, that religious freedom was the most "salient" of all the differences between the Old World and the New. Dr. Sanford H. Cobb hailed the complete separation of church and state as "the most striking contribution of America to the science of government." Let us cherish our birthright!

THE STAR-SPANGLED BANNER

O say, can you see, by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, through the perilous fight,
O'er the ramparts we watched, were so gallantly streaming!
And the rockets' red glare, the bombs bursting in air,

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Gave proof through the night that our flag was still there:
O say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

On the shore, dimly seen through the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, now conceals, now discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected now shines on the stream:
'Tis the star-spangled banner! O long may it wave
O'er the land of the free and the home of the brave!

And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has washed out their foul footsteps, pollution.
No refuge could save the hireling and slave
From the terror of flight, or the gloom of the grave:
And the star-spangled banner in triumph does wave
O'er the land of the free and the home of the brave!

Oh! thus be it ever, when freemen shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heaven-rescued land
Praise the Power that hath made and preserved us a nation.
Then conquer we must, for our cause it is just,
And this be our motto: "In God is our trust."
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave!

Francis Scott: Key.

THE CHURCH AND RELIGIOUS LIBERTY

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"YE shall know the truth, and the truth shall make you free." Those memorable words, spoken by Jesus and reported for us in John's Gospel, are always in danger of being forgotten by those who follow in the Christian way. Their meaning, of course, is that men who have been taught the truth about God and man as manifest in Christ will be truly free men, free from fears and repressions and uncertainties.

But there is a further application of the words, an application which all too often has been completely forgotten by the leaders of the institutional church. This is the tremendous realization that men who know the truth as it is in Jesus are also made free from reliance upon force in the proclamation of that truth. They are freed from feeling that the truth of the gospel cannot be maintained unless coercion is employed. They are set at liberty from the desire to use weapons other than those of the naked truth as the weapons by which the spiritual combat is to be waged. Alas, how infrequently have even the best of us been loyal to that supreme affirmation that "the sword of the Spirit," and never the sword of steel, is the instrument by which God's truth is to be established.

This thought might be put in a dogmatic manner by saying that in religious matters there is no place whatsoever for force or coercion of any type. This is so fundamental to the entire scheme of Christian belief and life that it is amazing that it has so often been forgotten or neglected. Indeed, one might say that the fact that good Christian men have lost sight of it is one of the chief manifestations of that which has

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cleverly been called "the persistence of sin even amongst the redeemed."

Christianity is rooted in the Jewish religious culture. It did not emerge with no affiliations with the past; on the contrary, it fulfilled the highest expectations and promises in Judaism. If we turn, then, to the great prophets of the Jewish nation, we shall learn something quite significant and important. Despite every temptation to resort to arms and force to establish Judaism or to preserve it from persecution, the prophets insisted that in the Lord God alone was a sure defense to be found. They discouraged and denounced the use of force, trust in chariots and horses, as a means for maintaining the religion which they believed to be the one true religion and which for them was so closely linked with the national life that to imperil one was to imperil the other. The surprising thing is that Isaiah and Jeremiah, for example, could be seen by their contemporaries as "defeatists," or worse, because they were even willing to let the nation suffer rather than to use armed means to safeguard their faith.

Later, when the Christian community of believers was sharply separated from the national life both of Judaism and of any other state and became * an independent entity, a discrimination could be made and was, in fact, made frequently. It was said that it might be possible and indeed necessary to employ force in secular affairs, but it was still asserted that force could never be used for religious purposes. And that insistence goes back to Jesus Himself. At no point in His ministry, and at no place in His teaching, do we find that Jesus believed that the truth which He taught and which (as Christians believe) was summed up in His own person, was to be thrust upon men by coercive means. Rather, in words which Paul used in another connection, He commended Himself "to every man's conscience in the sight of God." This is the point of Christ's reply to the followers of John the Baptist, when they came to ask Him who He was. His answer was to force them, and John, back to their own conscientious consideration and decision in the light of that which they had seen and heard. Why* don't you judge for yourself, John? we might paraphrase the reply in modern language.

And the judgment which the individual made was, for that individual, final; from it Jesus did not appeal, nor would He force Himself upon men. When two of His immediate friends would have called down fire upon a village which did not welcome Him and His teaching, they were rebuked, because their "spirit" was alien to that which Jesus insisted must mark His followers. "The Son of man is not come to destroy men's lives, but to save them."

When Jesus went to the cross to die for the truth which He taught and which He incarnated in His own person, it was a supreme way of making the same affirmation. Not force, but love; not arms, but the truth acted out in word and deed; not coercion, but charity that was the method which Jesus employed.

The primitive Christian church knew this with utter certainty. During the years of persecution, reflected for us in such New Testament material as the First Epistle of Peter, and even in the book of Revelation With all its horrible picture of suffering and pain, the church never called its members to retaliation. Paul, writing to his converts in city after city of the Roman Empire, urged them always to show that loving-kindness which would commend them to men. He would have them speak "the truth," but they were to speak it "in love," not by force. He commanded them to never return evil for evil, but rather to overcome evil with good.

And as Jesus, in the temptations immediately after the baptism, rejected the thought that He might carry on His ministry by appealing to force and so commanding men's allegiance by some way other than their free and glad consent, so the primitive Christian community found only one method of commending its gospel-to preach boldly, to witness bravely, to suffer persecution if need be, but never to force Christianity upon men who otherwise would not hear it.

It is one of the tragedies of church history that Augustine should have taken literally a parabolic remark of Jesus and should have agreed to the forceful conversion of heretics or infidels because our Lord said that some were to be compelled to come in. But that was to take an incidental note in a story told by Jesus as if it were an explicit command of the Lord in reference to unbelievers. For the most part, however, the Fathers of the early church were in agreement with the author of the beautiful Epistle to Diognetus, in teaching that God is not a God of force; He uses persuasion. And this teaching about God was reflected in their attitude toward others.

The story of the development of Christian doctrine illustrates another and sadder truth, however. In attempting to work out a satisfactory statement of the meaning of Christ, the church was forced to engage in long years of theological controversy. That was to be expected. What was not to be expected was the fact that often coercion was employed upon those who happened to disagree with the majority. Imprisonment, perhaps even death, might be imposed on those who happened at the time to be out of favor.

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But it is to be noted that this only came to pass when the church had made its treaty with the Roman Empire under Constantine.

In a way, that acceptance of Christianity by the state, effected in the second decade of the fourth century, amounted really to an acceptance by Christianity of the state and the methods of the state. Its results can only be assessed in the light of long-range consequences; but it may be said immediately that one of the unhappy concomitants was that the ecclesiastical authority began to use, or to be agreeable to the use of, coercion as a way of securing universal assent to dogmatic propositions or particular authority in given places. What then took place, as we know, was a lowering of the distinctive Christian witness.

The world had crept into the church, and the insistence that charity, truth, the witness of life, and these alone, could be used to commend Christianity or the truth and reasonableness of Christian teaching, gave way to the idea that men could be forced into an acceptance of the gospel. Instead of the desired result, what did in fact follow was the lowering of the whole Christian spirit on the one hand; and on the other, the introduction into the church of large numbers of men and many ideas which were remote from the initial Christian impulse.

This legacy has come down through the ages. In succeeding centuries all too frequently have the authorities of the church used coercive means to bring a minority into line. No matter what may be said on behalf of the Inquisition, as by George Bernard Shaw in his clever introduction to Saint Joan, nothing at all can be said for the method which would force the truth upon men, and force it by rack and torture and death. Of course, the Inquisition failed of its result. It was quite unable to prevent the spread of new ideas, and it only succeeded in making Roman Catholic Christianity a hateful thing to large numbers of people. A similar comment may be made about John Calvin's burning of Servetus. The heretical ideas of Servetus, as the Calvinists regarded them, were not extirpated by his death. All that happened was that the kind of mind which could kill rather than convert was held up as a horrible thing. Again, in New England the Puritans' treatment of those who were supposed to be guilty of witchcraft, or whose religious ideas (like those of Roger Williams) differed from the accepted ideas of the majority, had the result of driving some of the finest men and women in the colony into exile or nauseating many who remained.

In fine, it may be said that whenever and wherever the Christian church or any branch of it has been prepared to depart from the spirit of its Lord, and engage in some coercive method of teaching and maintaining the truth of the gospel, it has failed, in the long run, to bring about the desired result. It has degraded its testimony concerning the loveliness and beauty of the truth as taught by Jesus and has driven away from its fold, men and women who have the insight and understanding to know that the God of Jesus is the God of love and not of coercion.

Such a consideration brings us to a problem which ought to be faced, and for which some tentative solution should be offered. The question may be asked, indeed, if force is ever justified in any realm. Our answer to this can be only that so far as religion is concerned, and supremely so far as Christianity is concerned, force cannot be justified. On the other hand, we dare not prejudge the issue so far as secular matters are concerned, and we can recognize that there may well be times when the sword of steel is needed to put down aggression and tyranny. In other words, the pacifist position is not the only possible Christian position so far as secular affairs are in question. But so far as the Christian church and its attitude toward its own members, toward those outside it, toward the so-called "heretics" who hover on its edges (so to say), may be in question, the clear answer is that force is contrary to the Lord who came as the Prince of Peace and is incarnate love.

Bitter persecution, such as may be found in the treatment by the church of heretics in the Middle Ages and thereafter, or in the colonies in New England when the ideas of Roger Williams and others were to the fore, is alien to the whole spirit of the Christian tradition. Some may say that it is better to persecute, in order to save others from the evils which the wicked minority professes. But the flaw in this argument is that it never really works out in practice ' since on the one hand the truth is not so easily put down if there be truth in the minority's position, and on the other the truth which is commended to men by a "take it or (lie" attitude is likely to be accepted in such a fashion as shall bring about cringing assent, but never whole hearted and willing consent.

As the church cannot itself engage in persecution, so the church must always maintain the right of others to have freedom of conscience in religious matters, even where that freedom appears to contradict Christian teaching or official dogmatic assertions. Even Thomas Aquinas, the greatest of all formal Christian thinkers, affirms this. In the Summa, Thomas makes a point that is worth repeating: Conscience, he tells us, is always to be followed. He goes on to show that even when a man is in what to authority or to

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better-informed minds seems to be error, he is in duty bound to follow conscience, be the consequences what they may. And it is the responsibility of the Christian church to see that such freedom to follow conscience is granted to men. For the Christian church is based upon the truth that man and man's personality is ever to be respected and revered. As the Lord Jesus never used coercion but always allowed men to choose, and ever regarded their choice, even about Him as final and beyond appeal, so the Christian church must preserve the freedom of men to worship and serve God as they see fit. It can do this because it has the confidence that whatever is true in its own gospel will commend itself to free men; the only kind of "slavery" which Christianity approves is slavery to the truth and the Lord God who is Himself the truth.

To paraphrase words used by the present writer in another connection, there is a tension in all human experience, not least in the realm of religion. This has been expressed for us by Augustine, who recognized that as religious men we live, in fact, in two worlds. One is the world of human affairs, organized according to a secular pattern. The other is the "order of charity," the city of God. There is a duality in our experience which is inescapable. Now the Christian church by its own profession is in this world to be the foretaste, the initial sign, of the city of God in its richness and fullness. It is God's kingdom, not the kingdom of this world. Hence its warfare, like God's warfare, is a spiritual combat, in which the force of arms is out of the question. Let us set down some of the presuppositions which, in our judgment, are with sound philosophically and theologically, and are also a good guide to the attitude which the Christian church must take on this question of religious liberty.

In the first place, we shall recognize the duality of citizenship of which we have already spoken. The state and its pattern are good, not bad; but the Christian church has another allegiance, and to that allegiance it must be true. It is the loyalty which is owed to the God of truth and charity. The tension which results is inevitable; but it is given by our human and our Christian situation, both as individuals and as a church.

Again, it may be necessary to use force in the civil realm and for secular purposes. While pacifism, in other words, is not the sole position possible for Christians; pacifists must be defended, protected, and guaranteed their rights, but they must also recognize that others may think differently on this matter. But for the church to use force, either upon its own members or in its relationship to the outside world, is blasphemy, since the church is committed only to use of the "sword of the Spirit."

Finally quoting from an article by the writer in Liberty for the first quarter of 1944: "This earthly city of our habitation is not man's chief end and goal, and so it may be that he is obliged to stand firmly for that which cannot be fully and adequately realized here and now." This carries, as a corollary, that every individual man has the right to believe and worship as his conscience dictates; he has the right to give himself to whatever religious organization seems to him to be both true and helpful; and he has the right to be protected in taking these actions. As for the Christian church itself, to continue our quotation: "The church is to stand vigorously for her gospel of supernatural faith, hope, and love; to call men to follow that standard, and to point to a final destiny which breaks through this mundane world into the eternities." It is to implement this obligation by the methods which are in accord with the truth it states persuasion, the witness of life, and charity. In the noble words of Paul, the Christian church is not to take toward men the attitude of those who have "dominion over your faith," but rather that of those who "are helpers of your joy."

The church must often say to the world, with Martin Luther: "Here I stand. I can do no other. May God help me. Amen." And it must be prepared to allow that individual men and women may say the same, even to the church itself. When an individual is in conscience compelled so to speak, the church can rise to its noblest height, and deal with that individual in love and understanding. So shall it be shown true to its Lord, who would never have men follow and obey Him excepting for the single reason that they had freely surrendered to Him and believed Him to be, to their enlightened consciences, the truth.

THE CHRISTIAN AS A CITIZEN

HEBER H. VOTAW
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A GOOD Christian will be a good citizen. He can find no approval in the Scriptures for showing disrespect to properly constituted civil authorities. Paul admonishes the Christian to give "honor to whom

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honor" is due. The Founder of Christianity commands His followers to "render ... unto Caesar the things which are Caesar's."

Unfortunately there are some who believe, or profess to believe, that to offer any deference to public officials is belittling to one's self. Such folk fail to appreciate that their beliefs and their practices constitute an insult to themselves, since in our land those who hold public office are chosen by the citizens and are their authorized agents. Even when the occupant of an office proves unworthy of the trust reposed in him, there still inheres in the office itself something that demands respectful recognition.

An incident in the life of Paul illustrates this thought. The apostle was on trial and had barely begun his defense when the high priest of the Jews "commanded them that stood by him to smite him on the mouth." Paul's reaction was prompt and vigorous. He said: "God shall smite thee, thou whited wall: for sittest thou to judge me after the law, and commands me to be smitten contrary to the law?" At once those that stood by asked: "Revilest thou God's high priest?" To this, Paul replied: "I was not, brethren, that he was the high priest: for it is written, Thou shalt not speak evil of the ruler of thy people." How quick was his admission of the wrong course he had followed, and the acknowledgment of the authority for the rebuke given him.

Many able men refuse to stand for public office because of the proclivity of Americans to heap abuse upon their government servants. I think that it can be safely said that as a nation we are quick to censure and slow to praise our officials. The courtesy that well-bred people show to each other in social contacts should be manifested toward those who represent the citizens in affairs of government. The practice of everyday politeness would not only invite the best men to give their talents to the public good, but would inspire them to unstinted service. It is common knowledge that a word of praise stimulates to renewed effort, while cold censure only chills the heart.

Many a young man, moved by sincere patriotism when he first entered civil office, has been quickly disillusioned, because the only ones of his constituents from whom he hears are those who seek favors or complain of his course. Many of our officials are forced to build about themselves a hedge of aloofness. They must become exceedingly lonely, and if they avoid cynicism, they are doubtless above the average of their fellows.

What has been said must not be understood as condoning either misfeasance or malfeasance in office. It does not even mean that the citizen must be content to be represented or served by mediocre men. Least of all, it does not mean that he should yield any inherent right because some man has taken the favor of citizens to indicate that he has suddenly become superior to all others. There are those who cannot bear success gracefully. Power in the hands of some seems inevitably to lead them to self aggrandizement.

May we emphasize again that in giving proper respect and honor to those to whom these are due, we in nowise sacrifice a single inherent, natural right. We need to be careful not to do so. It was Franklin who said: "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

Free people may lose their liberties by either of two methods. If they are conquered by an invading power of sufficient strength, they may be subjected to almost every indignity-and every right be ignored. The other method is for those who have enjoyed the blessings of freedom to allow their liberties to be taken from them insidiously and by piecemeal. It is often easier to submit to some minor invasion of one's rights than to sturdily defend them. It has been said so often that it has almost become hackneyed that "eternal vigilance is the price of liberty." Words not so well known, but equally as forceful, are these of Madison: "It is proper to take alarm at the first experiment on our liberties."

When attempts are made upon the civil liberties of a people, whether it be in the realm of politics, economics, freedom of speech, or freedom of the press, there are many who will spring to the defense of these rights and fight attempts to take them away. However, in the realm of religious freedom it seems easier for the majority to compromise. This may be due to the fact that the reward for spiritual integrity may seem remote. The assaults upon civil liberty touch men and women in the realm of their material and physical welfare and are therefore understood and resented quickly.

Where religion is concerned, its devotees are looking forward to a future reward, and they console themselves that no matter what an unfriendly state may demand in outward obedience, it cannot affect their hearts' belief or by force change their faith in their Creator. Relying on the understanding goodness of a heavenly Father, those who will compromise seem to feel that they are not called upon to jeopardize their temporal welfare by too strict adherence to religious belief and practice. In all kindness it may be said that such folk do not constitute the strongest citizens to be found in the land.

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In the realm of the spirit it is fatal to compromise. Quite apart from the condemnation that may rest upon one from his Lord, there is an earthly aspect of the subject that is too often overlooked. Ambitious men who have sought to dominate their fellows have always recognized that firm religious convictions give a toughness of fiber to men that makes them bound to resist the aggressions of tyrants. All history attests the fact that the effort to direct men into the course of abject obedience fails when the individual recognizes the authority of a power higher than the civil ruler.

When Hitler sought to bring his claims into a unified driving force, he struck at religion. He claimed that Christ is but the weak representative of the Jews, whom he despised. But while his first wrath was poured out upon the Semitic peoples, he soon turned to persecuting both Catholics and Protestants. Apparently he could not endure the thought of any power greater than himself. He had to turn against those who accepted the Bible as their guide, because it records instance after instance where the monarch's ambitions failed because of the quiet perseverance of godly men and women.

In the heyday of Roman power, the followers of the Man of Nazareth found themselves in conflict more than once with civil rulers. Untold thousands sealed their testimony with their blood from the days of Paul to the time that Constantine began to look with favor upon Christianity. Later when church and state were united, those that the majority called heretics were hunted like beasts by the representatives of a church-controlled state.

The duty of the Christian when there is a conflict between the commands of God and the commands of man is tersely expressed in the words of Peter and John: "We ought to obey God rather than men." In one short sentence the clear duty of the Christian is revealed. Conflict with the civil powers is not of his seeking. He wants no trouble. He desires to serve his country well. But the command of God constitutes a challenge to his loyalty that he cannot ignore, and at the risk of persecution, and possibly death itself, he says, as did Martin Luther: "Here I stand, I can do no other."

THE AMERICAN'S CREED

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

-William Tyler Page

AMERICA THE BEAUTIFUL

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain.
America! America! God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

O beautiful for pilgrim feet,
Whose stern, impassioned stress
A thoroughfare for freedom beat
Across the wilderness.
America! America! God mend your every flaw,
Confirm thy soul in self-control,
Thy liberty in law.

O beautiful for heroes proved
In liberating strife,
Who more than self their country loved,
And mercy more than life.
America! America! May God thy gold refine

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Till all success be nobleness,
And every gain divine!

O beautiful for patriot dream
That sees beyond the years
Your alabaster cities gleam
Undimmed by human tears.
America! America! God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea!

Katherine Lee Bates.

PRESENT-DAY TENDENCIES AND DANGERS

C. S. LONGACRE

Associate Secretary Religious Liberty Association

THERE have been many fundamental departures from the American ideals of government through the years, especially concerning the guarantees vouchsafed to the individual in the Bill of Rights and the prohibition against the union of church and state. Unless these tendencies are checked, the future forebodes evil to the free republican institutions of the American Republic. In recent years our ship of state has been severely tossed about upon the waves of financial crises, and these national emergencies have caused the Government to drift from its original moorings toward conditions which the founders would not approve. There is hardly a business, and industry, or a human activity in life which is not now regimented, controlled and restricted by bureaus that exercise authority in all three branches of the Government, namely, the legislative, executive, and judicial. These bureaus exercise extraordinary powers-powers not granted to the Government under our Constitution. These tendencies must be checked, and that in the near future, or our republican form of government is doomed.

It is not our purpose to discuss socialism, nor the philosophy of communism, but the ideals and principles upon which the American Republic was founded and the dangers which threaten our precious heritage of civil and religious liberty. No government, we believe, can endure for long which makes serfs out of its citizens, dwarfs its people in intellect, and deprives them of individual initiative and freedom of action so as to make them weak and docile instruments in the hands of government officials. Loyalty which is spontaneous is permanent; but when loyalty is imposed by force, it is as unstable as water and is swayed like a reed before the storm. A government that is maintained by the arbitrary and tyrannical power of snoopers, spies, and secret police can never develop and cultivate the spirit of unity, love, and loyalty for its laws and institutions, much less for its officials. To get citizens to love their government and their country, officials must give the people the kind of government administration and laws that merit loyalty and inspire respect and love-a government in which the officials are the servants of the people, and the people the rightful sovereigns of the government; a country in which all men and all religions stand upon the same equality before the law; a government where all are free and none are afraid or discontented. Our officials in their anxiety to protect their country against foreign tyrants must not imitate or copy their tyrannical acts and sacrifice the very liberties which they hope to preserve in the processes of national defense.

There has been a growing tendency in the United States both among national and state legislators to encroach upon liberty. Groups and organizations have sought special privileges from the government. These favored groups have endeavored to silence all opposition by introducing legislative measures into Congress and the various state legislatures to restrict freedom of speech, freedom of the press, and the free circulation of literature which is critical of them.

A recent attempt was made in Congress to secure the passage of this kind of legislation by some who charge that they are being unfairly attacked by literature sent through the mails. For a time it appeared that they would succeed in securing the passage of their bill empowering the Postmaster General to shut out of the mail all literature which might cause hatred, ridicule, contempt, or obloquy of any persons

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because of their race or religion. But before the hearings on the bill were terminated, it was shown by the opposition that the very groups who were ardently seeking the passage of this legislation were the ones who would be most vitally and adversely affected by it, and that it would probably react as a boomerang. Those seeking this un-American legislation to confiscate the product of the press would have their own literature confiscated under the breach of the law. It was shown that their literature is often so vehement, violent, vitriolic, vituperative, vicious, and insulting to others that the Postmaster General if he were impartial would be compelled to bar it from circulation through the mails.

Eternal vigilance is the only security for our liberty. We cannot afford to barter away liberties for a mess of pottage. Pressure groups seeking special patronage and privileges from the government are doing more than any other agencies to destroy our free institutions and nullify our constitutional form of government. The maintenance of the universal rights of freedom of speech, freedom of the press, freedom of religion, and freedom of assembly is our only hope of holding pressure groups in leash. Freedom for each means freedom for all. The right to oppose popular opinions and to express unpopular opinions and to circulate unpopular literature is of the essence of American constitutional liberty. If criticism, however severe, offensive, and unpopular, of popular and majority beliefs were suppressed by Federal law and sustained by the Supreme Court of the United States, nothing is more certain than that the Bill of Rights would be crucified and that our American way of life and constitutional system of government could not long survive.

The suppression of free discussion and a free press leads directly to tyranny and the loss of both our civil and religious rights. Open and public debate, freedom to dissent, and the free exercise of the conscience in all religious matters are sacred rights and must be jealously guarded if our form of government is to survive and function effectively. A crisis or an emergency is a time, above all times, when the safety of the government is dependent upon a free press and the free discussion of contentious questions. Only so can the government in its administration of public affairs be kept reasonably free from abuses and injustice.

The Supreme Court of the United States has as a general rule stood as a guardian of the people's rights and liberties under the Constitution. It has rendered yeomen service in nullifying municipal ordinances, state laws, and Congressional statutes which have contravened the Bill of Rights and the Constitution. In the *Cantwell vs. Connecticut* case in 1940, Justice Roberts, in rendering the majority decision of the Supreme Court of the United States, said :

"In the realm of religious faith, and in that of political belief, sharp differences arise. In both fields the tenets of one man may seem the rankest error to his neighbor. To persuade others to his own point of view, the pleader, as we know, at times, resorts to exaggeration, to vilification of men who have been, or are, prominent in church or state, and even to false statement. But the people of this nation have ordained in the light of history, that, in spite of the probability of excesses and abuses, these liberties are, in the long view, essential to enlightened opinion and right conduct on the part of the citizens of a democracy."

Former Chief justice Hughes of the Supreme Court of the United States, in the *Lovell vs. Griffin* case, speaking for the unanimous court, quoted the following forceful words from an earlier opinion of the same court: "Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation, the publication would be of little value."

A large number of city councils in recent years have enacted municipal ordinances prohibiting the sale and even the free distribution of literature and handbills from house to house and upon the streets of the city, and also have prohibited the solicitation of funds from the public for religious, charitable, eleemosynary, benevolent, and educational work unless a permit were procured from the officials of the municipalities. In some municipalities the exorbitant license fee was so prohibitive as to be altogether destructive of the work the colporteur proposed to carry on. Many of the local and the state supreme courts upheld these ordinances as valid, but the Supreme Court of the United States, after faltering once, finally by a majority of one vote decided that such ordinances were void and unconstitutional. Thus we find that the free circulation of literature and the solicitation of funds from the public for religious and charitable purposes without governmental interferences and prohibitions are resting on the vote of a single judge and could be outlawed at any time by a change in the court.

Another departure from our American system of government as originally conceived by the founding fathers is the use of public tax funds for religious schools, for supplying the needs of private and religious institutions. There was a time when practically every state constitution had a provision in its bill of rights which prohibited the use of any tax funds whatsoever for the support of private or religious

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schools or institutions owned wholly or in part or controlled wholly or in part by religious sects or organizations. The tax funds could only be legally used for the support of the common schools and state institutions. Any taxpayer could bring suit in the courts, if his tax money was used to support a religion from which he dissented; and the courts invariably upheld his contention that he could not be compelled to pay for the teaching of a religion in which he did not believe. A sample decision of state supreme courts upon this question is given from the Iowa Supreme Court in the case of Knowlton vs. Baumhover:

"If there is one thing which is well settled in the policies and purposes of the American people as a whole, it is the fixed and unalterable determination that there shall be an absolute and unequivocal separation of church and state, and that our public-school system, supported by the taxation of the property of all alike, Catholic, Protestant, Jew, Gentile, believer, and infidel, -shall not be used directly or indirectly for religious instruction, and above all that it shall not be made an instrumentality of proselyting influence in favor of any religious organization, sect, creed, or belief. So well is this understood, it would be a waste of time for us at this point to stop for specific reference to authorities or precedents or to the familiar pages of American history bearing thereon. . . .

"It is worth while also to note that in a large proportion of the cases where the courts have excluded Bible reading and other religious and sectarian exercises and practices from the public schools, the suits have been brought by or on behalf of Catholic complainants, and they have been allowed to prevail solely upon the theory that the law excludes from our public schools all religious and sectarian teaching and training, Protestant and, Catholic alike; and surely having invoked the application Of this principle and thereby debarred from the schools those things which savor of Protestant sectarianism, they cannot consistently complain if they are subjected to the operation of the same rule. .

"What we have said in reference to this case we would repeat with no less emphasis if the parochial school in question were under the patronage of the followers of Martin Luther or John Calvin or John Wesley or other Protestant leadership. The cry that is sometimes heard against the so-called 'godless school' is raised not by Catholics alone, and in not a few Protestant quarters there are manifestations at times of a disposition to wear away constitutional and legal restrictions by constant attrition and bring about in some greater or less degree a union of church and state. But from whatever source they appear, such movements and influences should find the courts vigilantly on guard for the protection of every guaranty provided by constitution or statute for keeping our common-school system true to its original purpose." -166 N. W., 202; 182 Iowa, 691.

This was a case where the commissioners of a certain district school entered into a ten-year lease with parochial authorities, the terms providing that all the children of the school district were to attend and receive instruction at the parochial school. Two sisters were employed by the public-school board to do the teaching, and were paid regular salaries out of the public tax funds. No religious instruction was given during school hours. Such instruction was given outside school hours in the same parochial school. An injunction was sought by certain taxpayers to restrain the school board from paying the nuns as teachers, and to direct the board to secure another building. The supreme court granted this request by handing down the above decision.

As late as October 10, 1936, Edward L. O'Connor, a loyal Roman Catholic, then attorney-general of the State of Iowa, ruled that nuns wearing their distinctive religious or ecclesiastical garb could not legally teach in the public schools of his state. Logically, if it is not legal to use public tax funds to pay nuns to teach in the public schools while so garbed, by what process of reasoning can it be claimed that it is legal or right to pay them from these funds to teach in private schools? Mr. O'Connor being a fourth-degree Knight of Columbus cannot be charged with being prejudiced against parochial schools. In handing down his opinion, Mr. O'Connor said:

"We all must admit that parochial schools are under sectarian influences and control, and exist for sectarian as well as educational purposes. State aid for private or parochial schools would constitute taxation for the purpose of the establishment or propagation of religion. Such laws would be in violation of constitutional provisions, and also contrary to public policy....

"Basing my opinion upon the historical development of America, wherein emphasis has been placed upon religious liberty and the separation of church and state, and also upon the decisions of the courts as above outlined, I conscientiously feel that the denial of the right of a sister wearing her religious garb or any other member of a sectarian order wearing her particular religious insignia while engaged in teaching in the public schools, can properly be sustained upon the fundamental principle of our American system of government. If one sister were permitted to teach in any public school, then the entire teaching

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force could be selected on the same basis. The principal or superintendent could be a Roman Catholic priest or an Episcopalian minister or a high church ecclesiastic of any other religious order. It is apparent what the consequences of such a practice would be. Religious consciousness, with all of its attendant prejudices, retaliations, and bitter contests, would be revived. . .

"Attempts by any religious group to gain advantage in the public schools for the purpose of making converts or to require the public generally to contribute to the support of their own particular religion would constitute effort to abolish the very cornerstone of religious liberty upon which America was originally founded. No longer would the church itself be free if the handing out of funds for its support were once placed in the greedy paws of professional politicians. Private or parochial schools would lose their power to dictate their own courses of study, religious or otherwise. Parochial schools should beware of this tempting 'gold brick.' While its surface might glisten with the most sparkling luster, yet its 'innards' might contain sufficient dynamite to blow out of existence all forms of religious instruction or worship. Catholic and Protestant children, alike, might be forced to march with military precision, saluting false gods molded from the most sodden clay. If our great nation, founded upon the inherent right of its citizens to liberty, justice, and freedom, is to survive the onslaughts of pagan greed and selfishness, it will constantly need the ennobling influence of Christian idealism. Therefore, religion must be kept free and inviolate from the encroachment of tyrannical domination by temporal authorities. Catholicism should not surrender its 'birthright for a mess of pottage."

No church can afford to accept state aid in support of its religious schools, because a financial alliance between the church and the state has couched in its very inception the potentialities of a veritable inferno. Whatever the state finances it has a right to control, and is remiss in its duty if it does not require a proper accounting of the public money.

When the policy of general taxation for secular educational purposes was begun, each state gave definite promise in the law to all its citizens, of both religious and non religious belief, that the public funds should never tunder any circumstances be appropriated for any other purposes than the support of the public school and the teaching of a curriculum which was to be purely and ex elusively secular, to prepare the children of the nation for civil citizenship on this earth. All citizens, irrespective of their religious or non religious beliefs,-the infidel and the religionist alike,-were thus assured of equal privileges and protection tunder the law.

If the religious elements are to be allowed the privilege of dipping their hands into the public coffer and obtaining financial aid for the purpose of teaching religious tenets to their children, then the state must allow infidels and atheists to make a similar raid upon the public treasury for money to teach their children the dogmas of infidelity and atheism. A Catholic may rightly object to having the state use his tax money to propagate Protestant doctrine, and a Protestant is justified in protesting against the state use of Iris money to advance Catholic dogma.

Before the dawn of religious freedom, governments espoused and fostered the cause of religion and taught their own brands of religion to all the children of the state, whether they took agreeably to it or not. The most popular sect was recognized by the state and received all its favors, and all other sects were taxed to support the state religion. Such a state of affairs existed in the colonial days in America; and finally some great and good men, including such a stalwart patriot as Patrick Henry, proposed that a general tax law be levied for the support of religion. The state was to collect the money and divide it proportionately among the various sects instead of giving it all to the state church, as formerly. But Thomas Jefferson, James Madison, George Mason, and the Baptists of Virginia contended for a total separation between the church and the state, and for the dissolution of all financial alliances between the church and the state, and proposed a popular referendum upon this subject.

Jefferson said that the hardest and bitterest battle he ever fought in all his life was waged it this time in behalf of his Act for Establishing Religious Freedom in Virginia. His work was evidently well done, for the people of Virginia voted by an overwhelming majority in favor of a complete separation of church and state, and the abolition of all financial support to churches from the state. That one act did more than any other to render the American Republic stable, and to bring peace and prosperity to the churches and freedom to the individual in all religious matters.

True religion does not have to depend upon the state for support, and a false religion does not deserve support. Any church that cannot propagate its own tenets without aid from the state acknowledges its inherent weakness and lack of vitality, and ought to perish. The primitive Christians depended not on the power of the state, but on "the power of God." A religion that cannot thrive under equal and impartial

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laws ought to die, and sooner or later must die.

A religion that will not, unaided, train its own children, buying the educational equipment-the paper, the pencils, the text books-and provide salaries for its teachers and transportation for its children, admits that it is not willing to make the necessary sacrifices to save its children. A religion that depends upon the state for support always remains a puppet religion, and a government that supports religion with its finances and legal sanctions always dominates religion. The history of the American government since the Republic was founded demonstrates that the more widely and completely the church and state are separated, the more stable is the government and the more prosperous and lively is the church.

For a patron of a parochial school to say that because he pays taxes to support the common schools, the state ought to appropriate public funds for the support of his children in the parochial school is as far from the mark as it is for a bachelor to say he ought to pay no school taxes because he has no children to educate, or for a childless citizen to contend that the state ought to give him a special gratuity out of the public funds.

One of the favorite arguments advanced by those who want parochial-school children transported in public-school busses is that this is in the interest of child safety-to keep children from the hazards of public highways. For a patron of a parochial school to argue that the public-school bus ought to grant free transportation for his children to the parochial school on the basis of public safety on the highways is as logical as it is for a patron of the Sabbath school to argue that for the sake of protection on the highway the public ought to haul his children to the Sabbath school.

If religious liberty is to remain our heritage, if free republican institutions are to be maintained in America, and if the common schools are to serve as a bulwark of the state, the church and the state must each attend to its own business and operate separately and independently, each in its own respective and distinctive field. There can be no commingling of interests without the clashing of spiritual and secular swords in deadly conflict. Church and state financial alliances result in religious controversies and political bickerings over the divisions of the funds as ecclesiastics make raids upon the public coffer. Since no state legislature has any constitutional powers to authorize any religious society to levy a tax even on its own members, how then can a state legislature take the tax money of non church members and compel them to support religion in general against their will, or to compel church members to support a religion from which they dissent? Certainly if the state cannot levy a tax upon a single individual against his will to support the religion of his own choice, it cannot appropriate millions from the people's money to support religious instruction which they do not believe. Any state that makes a financial alliance with any church or group of churches opens a Pandora box of human ills.

There were some barnacles on the old ship of state which the founding fathers of the new American Republic were unable to scrape off as they launched upon their new venture of freedom for all individuals alike. While they condemned human slavery, they were unable to strike the fetters from the slaves which they had inherited from the former regime. It took an internecine war that almost disrupted the Union in order to settle the slavery question. There are still some impeding and annoying barnacles that are clinging to the new ship of state.

Jefferson and Madison, in separating the church and state from all financial and ecclesiastical alliances, wanted to go all the way and do a thorough job. Jefferson made this prediction: "The spirit of the times may alter, will alter. Our rulers will become corrupt, our people careless. A single zealot may commence persecution, and better men be his victims. It can never be too often repeated, that the time of fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war [the American Revolution] we shall be going downhill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain with us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion."

There were numerous shackles which our forefathers did not succeed in removing, which are still hampering the guaranties of individual freedom as set forth in the Constitution and the Bill of Rights. Some of these fetters of the conscience have been growing heavier and heavier as Jefferson predicted they would. A lot of religious customs and observances and usages remain incorporated in law upon the civil statute books of the various states. These customs and observances of religious obligations were rigidly enforced upon all citizens under the old regime of a union of church and state in colonial times. The compulsory

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observance of Sunday as a religious institution was one of the relics carried over to the new scheme of government under the penal codes to plague all dissenters and nonconformists.

It seems strange how the founding fathers made provision in the fundamental law of the land to protect the individual in the free exercise of his conscience in all religious matters and to prevent Congress from enacting any laws which would interfere with the free 'exercise of religion, and at the same time neglected to repeal all the old laws which still enforced religious obligations and contravened both the Constitution and the conscience. While many of these religious laws upon the state statute books appear to be suffering from "sleeping sickness," they are still on the statute books. They are dormant, and public officials and lawmakers wink at them; but once in a while some religious zealot who is well-meaning, but misguided in his zeal for religion, resurrects these apparently dead statutes, hoary with age, and breathes new life into them, and better men are his victims of persecution.

Neither Jefferson nor Madison believed that the chief executive of the nation or any official in civil capacity should perform the spiritual functions of church officials. Both, while serving as Presidents of the United States, refused to issue religious proclamations, either for Thanksgiving or for fast days or special seasons of prayer. Jefferson wrote a letter to a Mr. Lincoln, dated January 1, 1802, in which he said: "I do not proclaim fastings and thanksgivings, as my predecessors did I know it will give great offense to the New England clergy; but the advocate of religious freedom is to expect neither peace nor forgiveness from them."-Works of Thomas Jefferson, Vol. 4., p. 427. He held that such functions were not civil, but spiritual, and properly should be exercised by church officials, and not state officials. These American patriots, who did more than any other two Americans in shaping the ideals and principles of the American government at the time it was founded, also contended that government chaplaincies under government pay and control were an illegitimate departure from the American system of government, and some day, unless removed from civil and put under ecclesiastical control, would plague us.

That very prediction is now being fulfilled, and our government is entering upon an uncharted sea that forbodes evil for the future. The government at the present time is breaking down the barriers that were erected by our forefathers against a union of church and state. One step in the wrong direction leads to another. We refer in particular to the Navy's V-12 plan for the training of chaplains. The government is now paying out of the tax funds of the people for the training of chaplains in divinity schools to teach religion; and if that is not in violation of our American ideals of a separation of church and state, then there never was such a violation. Not only does the government pay our tax money to teach religion to these prospective chaplains, but it sets up standards of religious belief and practice to which these chaplains must subscribe in order to qualify for government service.

Unless the drift toward church-statism is checked in America, it will not be long until our nation will establish a national religion and we will travel over the same rocky road that all state religions have experienced in the past. Americans are facing not only a crisis in political affairs, but also in the spiritual realm. Religious forces and movements have persistently knocked at the doors of Congress, demanding a revival of the blue laws of colonial times with all their Puritan rigidity. Religious laws of every dye and hue, and all sorts of oppressive and unconstitutional measures have been introduced into Congress and the various state legislatures and city municipalities within the past four decades. The questions of teaching religion in the public schools, appropriating tax funds for religious purposes, the curtailing of the freedom of speech and of the press ' ' compulsory Sunday observance and church attendance, censoring the mails and the radio, certain alien and sedition measures, class legislation, and many other un-American and unchristian, unjust, unfair', and discriminatory measures that trench upon freedom of conscience and contravene our highly esteemed Bill of Rights have been placed upon the legislative calendar. In fact, the idea is quite current among certain politicians and some clergymen, who pose as reformers, that it is proper to legislate upon every subject under heaven, and to regiment, control, regulate, and restrict every industry and every human activity among men, to destroy all private enterprises and initiative, to have the central government exercise absolute power over all governmental affairs, so that the individual may not enjoy any rights which a controlling and overruling majority may not abridge or invade at will.

It is not uncommon for well-meaning Christian people who are politically minded but at heart intend to be considered as good loyal Americans, to deny the existence of "unalienable rights." The contention is that only the majority groups have rights which should be respected by the government. The tendency is to minimize the importance of the guaranties in the Bill of Rights vouchsafed to the individual for his protection. These guaranties are sneered at as old-fashioned and out-of-date in our modern society. Unless this tendency is held in leash, our constitutional liberties are in grave danger of being forfeited and

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our precious heritage of civil and religious liberty of being doomed.

DANGERS TO RELIGIOUS LIBERTY

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PROBABLY Americans generally have felt that because the First Amendment to the Constitution prohibits Congress from making any "law respecting an establishment of religion, or prohibiting the free exercise thereof," there is no danger of a successful assault being made upon complete religious liberty in this country.

However, it is often forgotten that those powers not delegated to the Federal Government at the time the Constitution was adopted are retained by the states, and the average citizen would be amazed at the number of religious laws of one sort or another that can be found upon state statute books. Without attempting to deal with the subject exhaustively, some instances may be profitably noticed.

Every state constitution makes a declaration in behalf of religious liberty. Each constitution has what is called a "declaration of rights," a "bill of rights," "rights and privileges," or a "declaration of certain constitutional rights and privileges." Yet under these titles we find some anomalous, really contradictory, statements. Further, many laws have been enacted which are contrary to the assurances given in the constitutions themselves. Some of these follow. Since our space does not permit an exhaustive treatment of the matter, and because no good purpose would be served in this brief discussion by naming the states to which we shall refer, we shall merely number the instances cited. Each number indicates a different state.

1. "No religious test shall ever be required of any person as a qualification to vote or hold office." Later in the same declaration of rights there is this: "No person who denies the being of a God shall hold any office in the civil departments of this state, nor be competent to testify as a witness in any court."

If this is not a religious test, what is it? The honest infidel can have no hope of holding civil office. This is not all. If he were to see a murder committed and were the only witness to the tragedy, his testimony could not be accepted in the courts. Here are religious discriminations, pure and simple, both of which could be very costly to the state.

2. Under the laws of this commonwealth a number of sections refer to the first day of the week as the Christian Sabbath. To leave no doubt what is meant, the expression "Christian Sabbath or Sunday" is found in a number of places. Here is a purely religious law. Here the question of which day is the Sabbath is decided by a civil legislature. Is this where religious problems ought to be solved?

3. "Each and every society or denomination of Christians in this state . . . shall have power and authority to support and maintain ministers or teachers of their respective denominations, and to build and repair houses for public worship, by a tax on the members of any such society ... to be laid by major vote of the regular voters assembled at any society meeting."

The lawmakers who enacted this strange bit of legislation did not explain how the majority could collect such a tax from recalcitrant minority members. It is interesting to recall that at one time in Virginia it was proposed that the state should tax people to support religion. To oppose such a suggestion, James Madison wrote his Memorial and Remonstrance, one of the classics of the early literature of America. Probably most folks nowadays would call such a law absurd. But when the state gets into the realm of religion, it is likely to do absurd things.

4. In endeavoring to regulate the railroads, one state has this to say: "If any freight train, excursion train, or other train than the regular trains run for the carrying of the mail or passengers, shall be run on any railroad on the Sabbath day, the superintendent of transportation . . . or the officer having charge of the business of that department of the railroad, shall be liable to indictment in each county through which such train shall pass, and shall be punished as for a misdemeanor."

There are a number of modifying sections which follow the foregoing, but none of them take away from the body of law the section just quoted. The particular state referred to has one hundred fifty-six counties. The Superintendent of transportation might find himself having to appear before the courts of all these counties, if his particular railroad had branches in each one. While this is not likely, the absurdity of the whole law still remains. There are doubtless railroads in this state that run through at least twenty-five or thirty counties. While this law is honored in its breach rather than in its observance, it is on the statute

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books and offers a weapon for bigots.

5. "No money shall be drawn from the treasury for the benefit of any religious or theological institution."

In spite of this clear-cut provision, it is a well-known fact that in different places of the state, Catholic Parochial schools whose teachers are all members of some Catholic order, are receiving support from public funds.

This state has Sunday laws, and there are a number of activities forbidden to be done on that day. An exemption clause, however, provides that the law shall not be "construed to affect such as conscientiously observe the seventh day of the week as the Sabbath." The framers of this provision doubtless felt that they were protecting liberty. As a matter of fact, they were granting toleration, and the two are as far apart as the poles. Any power that has the right to grant an exemption has the right to withdraw it. Real liberty recognizes that fundamental rights are inherent and above human control.

Further, suppose that the seventh-day observer was baled into court for having done something on Sunday forbidden by the law. Instead of being considered innocent until proved guilty, he would have to satisfy the court that he had "conscientiously" observed the seventh day of the week as the Sabbath. Among all the fine men to be found upon the bench in county or state courts, or even in Federal courts, "here is the judge that can decide about anyone's conscientiousness? The jurist seeking to discharge his obligation in a faithful, painstaking way, would find himself with no means of ascertaining the truth concerning the prisoner's conscientiousness. Only God can know the heart. It is enough for human courts to judge overt acts.

6. "The civil rights, privileges, or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma, or teaching." But the laws of this state say, among other things, that "any person who engages in the business of barbering on Sunday shall be deemed guilty of a misdemeanor."

Here is the rub. A seventh-day observer who happens to be a barber is compelled to live on five days' work. He keeps the seventh day because his conscience demands it, and has to close his shop on Sunday because the law demands it.

7. The citizens of one commonwealth delight to refer to their state as the "free state." In Article 36 of the state's declaration of rights, we find these strong words: "All persons are equally entitled to protection in their religious liberty." But before this article of the declaration of rights closes, we find this: "Nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief; provided, he believes in the existence of God, -and that, under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or the world to come." The next article continues: "No religious test ought ever to be required as a qualification for any office of profit or trust in this state, other than a declaration of belief in the existence of God."

The provision that declares one who does not believe in the existence of God to be incompetent as a witness or juror came before the courts of the state a few years ago. Not far from where the writer lives, a young man was delivering papers early one morning. He was mistaken for another and was shot to death from ambush. The chief witness for the prosecution, really a party to the crime, who had turned state's evidence, was an avowed unbeliever. As a sufficient defense, one of the persons being prosecuted pleaded that, under the state's bill of rights, an infidel's testimony could not be accepted.

In this case the courts brushed the defense aside. But actually, with the bill of rights declaring that such a witness was incompetent, the defense contention should have been sufficient. The prisoner did not contend that he had not committed the crime; he simply argued that he could not be convicted under the law upon the testimony of an infidel.

8. "No preference shall be given by law to any religious sect, or mode of worship." Thus says the bill of rights. But a section in the state's code declares that "checks or other negotiable instruments or transactions by banks are void when issued on Sunday."

This simply means that the seventh-day observer who sees no sacredness in Sunday must be careful never to date a check on Sunday in that state, because the law provides that a check so issued is void. Here an economic preference is given by law to those who keep Sunday. It is not enough to say that the ban against issuing checks on Sunday applies to them as well as to the seventh-day observer. The fact remains that one religious day has been given a preference above all others, and thus certain religious groups are given preference.

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9. "No person shall be denied any civil or political right or privilege on account of his opinions concerning religion." But the code of laws has this sentence: "It is unlawful to conduct the business of haircutting, shaving, or shampooing, or to open barbershops for the doing of such business, on Sunday."

It is surprising how many states that are fairly liberal in the matter of Sunday laws are very rigid in the matter of controlling barbershops and their activities on Sunday. It is hard to understand how anyone could be disturbed by what a barber does. The most noisy thing about the shop is the operation of a pair of clippers, and this could not be heard outside the door. With trains, streetcars, and busses, as well as private cars, running freely, with all their attendant noise, which might be disturbing to folks who want quiet on the day they observe as holy, it is past all understanding why barbershops should be singled out for such stringent treatment. Barbers are here denied a "civil" right-the right to earn an honest living by quietly following their trade on Sunday.

10. "As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay, in the hearts of men, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, by the institution of the public worship of the Deity, and of public instruction in morality and religion; Therefore, to promote those important purposes, the people of this state have a right to empower, and to hereby fully empower, the legislature, to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies, within this state, to make adequate provision, at their own expense, for the support and maintenance of public Protestant teachers of piety, religion, and morality."

Here is purely religious legislation. The legislature has authority to authorize towns and cities to provide for the support and maintenance of public Protestant teachers. This really sets up Protestantism as a state religion.

11. Another state has some strange provisions concerning travel. While its Article 1 of rights and privileges guarantees complete religious freedom, the revised statutes of the state name a long list of things that are forbidden on Sunday, the first of which is traveling. In these statutes, we find this: "No traveling . . . shall be done . . . by any person within this state on the Christian Sabbath, or the first day of the week, commonly called and hereinafter designated as Sunday."

But the next section of the law has this to say: "No person going to or returning from any church or place of worship within the distance of twenty miles, or going to call a physician, surgeon, or midwife, or carrying mail to or from any post office or going by express by order of any public officer shall be considered as traveling within the meaning of this chapter" (italics ours). There fore, it is lawful to travel twenty miles on Sunday if one is going to and from church, or doing any of the other things enumerated.

The next section allows railroad companies to "run one passenger train each way over their roads on Sunday for the accommodation of the citizens of this state." One railroad company alone, we know, runs more than twenty trains each way through this state. There are a number of other large railroad companies that operate in defiance of the law, which allows one passenger train each way on Sunday.

Still another section has this: "No transportation of freight, excepting milk, on any public highway, railroad, or canal . . . shall be done or allowed by any person on Sunday." This section is violated by all the railroads in the state. Many attempts have been made to repeal these old laws, but preachers always prevent it.

12. One of the original thirteen colonies, under its declaration of rights, declares that "all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience."

This seems clear and all-comprehensive; but a later article contradicts and nullifies it thus: "The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, . . . unless such person shall be restored to the rights of citizenship in a manner prescribed by law."

This particular stipulation makes clear the injustice of disqualifying atheists from holding public trusts. A person who has been convicted of an infamous crime can be restored to the rights of citizenship and can aspire to public office. But the atheist, conscientious as he may be in his unbelief, upright and honorable as he may be in all his relations with his fellows, cannot hope to occupy any public office. A religious test bars him. It may be well to remark here that the right to disbelieve is as precious as the right to believe. Even the most devout person who cannot understand how anyone can doubt the evidences of

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the truth of Christianity must recognize that faith in religion cannot come from force. Education, persuasion, the manner of life, may change the skeptic's opinion, but force can only result in hypocrisy on the part of the weak person or persecution for the strong one.

13. "All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. . . . nor shall any interference with the rights of conscience be permitted." This is from the bill of rights.

Under the law, however, certain acts are forbidden on Sunday, but in one section of the code an exemption is found: "The next preceding section shall not apply to work of necessity or charity, and does not extend to persons who conscientiously observe the seventh day of the week as the Sabbath, and abstain thereon from doing things herein prohibited on Sunday." However, a number of following provisions ban a wide range of Sunday activities, including the work of the barber, and no exception in favor of the seventh-day observer is made concerning these things.

14. "Perfect toleration of religious sentiment shall be secured."

No citizen should be satisfied with "toleration of religious sentiment," since his right to believe in God, or to not believe; his right to worship as he pleases, or not to worship at all, is inherent. Nothing less than liberty not toleration-is the American's heritage.

In the statutes of this particular state is a long list of prohibitions governing Sunday activities. The first words are these: "The following are the acts forbidden to be done on the first day of the week, the doing of any of which is Sabbath breaking." Here we have a clear-cut declaration that the state is undertaking to take care of the Sabbath. It is our opinion that the profane hands of politics ought to be kept off sacred things. Of course, the state -has a right to protect people in their worship. No sympathy with allowing religious services on Sunday to be disturbed can be given. When the state, however, has protected its citizens in the enjoyment of their natural rights', it has gone as far as the state has a right to go. Religious laws are no rightful part of civil legislation.

15. "No human authority can, in any case whatever, control or interfere with the rights of conscience and no preference shall ever be given by law to any religious establishments or modes of worship."

The provisions of this declaration of rights seem all comprehensive; but section after section of the statutes are devoted to telling what may and what may not be done on Sunday. If that is not giving "preference" to a religious establishment, then we confess we have no understanding of the English language.

16. This state, of all states, ought to have preserved complete religious liberty because it was founded by that great apostle of soul freedom, Roger Williams; and its declaration of rights refers to the "religious and political freedom established by -our venerated ancestors." One of the sections of the "declaration of certain constitutional rights and principles" recites verbatim a part of Roger Williams's words. Stirring, thrilling words they are, too. But under the general laws of the state, certain types of business and sports, pleasure and recreation, are forbidden. Perhaps the authority for this was questioned, for we find that in some cases town councils or boards of police commissioners have authority to allow on Sunday within the limits of a corporation what is forbidden generally by the law of the state.

There is an exemption clause in this commonwealth, also, but it differs a little from others cited. It says: "Every professor of the Sabbatarian faith or of the Jewish religion, and such others as shall be owned or acknowledged by any church or society of said respective professions as members of or as belonging to such church or society, shall be permitted to labor in their respective professions or vocations on the first of the week, but the exception in this section contained shall not confer the liberty of opening shops or store on the said day."

Here we have not only religious legislation, but class legislation. One branch of these religionists may not carry on their regular business. The farmer may work, and apparently the artisan may ply his trade; but the shopkeeper cannot sell anything. This but another instance of the confusion that results from the mingling of the business of church and state.

17. "No person shall be eligible to the office of governor who denies the existence of the Supreme Being."

This is another example of a religious test being applied to the one who aspires to be governor. Under the code of laws a large number of things are prohibited on the "Sabbath day."

18. "The right to worship God according to the dictates of conscience shall never be infringed," seems sufficient protection; but the code of the state declares that certain acts done on Sunday are "Sabbath

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breaking."

The exemption clause in this commonwealth follows: "It is a sufficient defense in proceedings for servile labor on the first day of the week to show that the accused uniformly keeps another day of the week as holy time and does not labor upon that day and that labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time."

Such a law is subject to various interpretations. In one state some years ago a man was convicted for plowing in his field, which was about a quarter of a mile from a highway and not near any neighbors. A prosecuting witness testified that he was disturbed by his neighbor's work, and the court sent the offender to jail.

19. One section of the bill of rights of this state says: "No political or religious test, other than an oath to support the Constitution of the United - States and of this state, shall ever be required as a qualification to any office or public trust under this state." But under the general title, "Disqualifications," this is thus annulled: "No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this state."

Sunday legislation is found in this state, too. A long list of things are prohibited on Sunday in the code of laws.

20. In the declaration of rights of this state a new note creeps in. Religious advice is offered thus: "Nevertheless every sect or denomination of Christians ought to observe the Sabbath, or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God."

It is good advice; most devout persons will admit it. But whenever did the Creator delegate to a body of politicians-statesmen, if you will-the task of admonishing and advising and directing His church? Our list could be continued, but it would become wearisome. The things cited show, however, with crystal clearness that the notion that church and state have been effectively separated in this country of ours is a grossly mistaken one. It may not be strange that we have some of these anachronisms left from the old days. Someone has compared the American Revolution to a resurrection. The figure is not a bad one, and will help us to understand how we have so many grave clothes from the tomb of the past draped around the body politic. The thing that is hard to comprehend is the insistence with which many clergymen and devout laymen will oppose any attempt whatever to repeal or abrogate the statutes that clearly have no place in the civil books of law.

We would not for the world be understood as saying that there is too much Christianity in the land. We believe that there is need for more godliness as manifested in the practical application of the teachings of the Man of Nazareth. We are sure that the wise man spoke truthfully when he declared that "righteousness exalts a nation."

The golden rule applied every day, in every social relationship and in every business transaction, would transform the world. But centuries of civil law applied to spiritual things have proved beyond all doubt that the proscriptions of man-made statutes do not prevent sin.

Only the conviction that one is accountable to God for his deeds, only the sincere desire to secure the approval of heaven, only the fixed belief that nothing short of one's best efforts and wholehearted faith can keep mortals in the paths of righteousness, is sufficient. The fear of civil disabilities, incapacities, or penal retribution may lead men to an outward correctness of behavior. In the service of God more than this is required, but it can never come from civil legislation, no matter how rigid its demands. This is self evident, but men refuse to learn; and there is an ever-increasing demand for new civil laws to govern in the realm of the soul. Men are forgetting all the long history of woes which sprang from a union of church and state. There is less excuse for Americans to forget than for any other people in the world, because of our heritage.

Yet it is reported that at the International Council of Religious Education, held in Chicago in February, 1942, a prominent speaker went so far as to say: "The American people, realizing the dependence of democracy on religion, are even beginning to question the validity of the doctrine of separation of church and state."

With such heresy being taught in high places, it is time for every lover of liberty to gird his loins to fight for that which is more precious than life itself-religious liberty. The enemies of the things this nation stands for must not be permitted to gain a beachhead.

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