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25 CENTS

# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



**When We Have the Best, Why Change?**

REUBEN W. ENGSTROM

*Harry Anderson*

"In the annals of human history the growth of nations, the rise and fall of empires, appear as dependent on the will and prowess of man. The shaping of events seems to a great degree, to be determined by his power, ambition, or caprice. But in the word of God the curtain is drawn aside, and we behold, behind, above, and through all the play and counterplay of human interests and power and passions, the agencies of the all-merciful One, silently, patiently working out the counsels of His own will."

—E. G. WHITE, *Education*, p. 173



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**RELIGIOUS LIBERTY****ASSOCIATION OF AMERICA****Declaration of Principles**

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right to freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent rights of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

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A MAGAZINE OF RELIGIOUS FREEDOM

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THE RELIGIOUS LIBERTY ASSOCIATION OF AMERICA was organized in 1889 by the General Conference of Seventh-day Adventists. Dedicated to the preservation of religious freedom, the association advocates no political or economic theories. General secretary, Marvin E. Loewen; associate secretaries, W. Melvin Adams, Roland R. Hegstad.

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A  
Gut  
Issue

**O**UTSIDE the Capitol, police shooed on a truck with a little red schoolhouse built on its bed. Through its windows could be seen thousands of letters—ostensibly from parents demanding that their children be permitted to pray and to read the Bible in public schools.

Inside the old House Building members of the House Judiciary Committee began hearings on proposed amendments to the Constitution that would permit state-required religious services in public schools.

The day was April 22.

One thing seemed sure as Congressman Frank J. Becker (R.-N.Y.) began to read his statement supporting his controversial religious amendment:

Congressmen were in for a rough time.

Take, for example, Charles M. Mathias, Jr., of Maryland's Sixth Congressional District. A member of the House Judiciary Committee, Mr. Mathias has refused to add his name to the discharge petition sought by Mr. Becker.

As a consequence, voters in his constituency were getting telephone calls—as many as half a dozen a night—saying, in effect, "Mathias is helping the atheists and Communists. He refuses to back a religious amendment that would let your children pray in public schools."

Now, Mathias himself has two children. A church member, he prays with them and reads the Bible to them. Further, he knows that the Supreme Court has not banned prayer or Bible reading in the public schools. He knows that it banned, in essence, state-enforced religious practices, quite a different matter. He considers the religious amendment to be a dangerous device—many constitutional lawyers are calling it the gravest threat to American religious liberty posed in the past 175 years.

When Mr. Mathias refused to sign the discharge petition, he knew something else. He knew that he would be in a tough primary battle on May 19. And he knew about the telephone calls.

We are glad to say that he will again be his party's nominee.

Gut issues, as the congressmen call them, come up now and then. Doubtless, as in the case of the proposed religious amendment, men of conviction and integrity are found on both sides. This time it falls to those opposing the amendment to demonstrate the courage. Many Americans, if congressional mail is an accurate indicator, fail to see the danger in enforcing religious practices, even in the schoolroom. No issue in years has brought more un-Christian mail in support of a purportedly Christian cause! And political opportunists have been quick to place those opposing the amendment in the position of attacking God, the church, the Bible, prayer, and—for good measure—mother.

Whichever their party, whatever the issue, we need more congressmen who put the good of country ahead of gain of office. And we need more voters able to distinguish between politics and principle.

ROLAND R. HEGSTAD

## LIBERTY: PACEMAKER

GEORGE HARDIN

*Durham, North Carolina*

Along with some other readers of the magazine, I seem to have been given a complimentary subscription to LIBERTY by some unknown benefactor; I have found its articles informative and stimulating.

"The rise of regimentation and the diminution of freedom" predicted by historian Will Durant are already with us. The American citizen is slowly becoming a prisoner of his own society. LIBERTY is a pacemaker in guarding the rights of the individual in this area and in presenting the paradoxes as well as the promises inherent in the concept of "freedom of worship," in a republic whose citizens range from devout religionists to dedicated atheists.

## WE'RE SORRY, TOO

LAWRENCE G. WALTER

*Rockville, Maryland*

Today in the faculty room of Richard Montgomery High School I happened to pick up the March issue of LIBERTY. . . . This is the first time I can recall seeing your magazine. I was much impressed with it and sorry I had not become acquainted with it long ago. I am enclosing a check for \$1.25 for a year's subscription.

## HEAD OF READING LIST

JOSEPH KOPELMAN

*Brooklyn, New York*

I have been a reader of LIBERTY for many years, and it is a publication I would put at the head of my reading list at all times.

The March-April issue should be read by everyone. I appreciate your contribution to the cause of liberty.

## AID TO FORMING OPINIONS

WILLIAM J. DICK

*Philadelphia, Pennsylvania*

LIBERTY is extremely useful in helping me to formulate various opinions on some of the key questions dealing with separation of church and state in this day and age. Recently I have undertaken the task of conducting a group study in our Presbyterian church on the subject of church and state.

## GOLDEN RULE SUFFICIENT

HENRY W. PARROTT

*Seattle, Washington*

Being an interested reader of LIBERTY over a period of many, many years, I wish to take the liberty to mention some things that are happening that seem to upset so many people.

The relation of religion in the schools to the general welfare appears to be about to cause one of the greatest splits of opinion in this country. While I enjoy the church, and believe generally in the teachings of the Methodist Church, I still firmly believe in keeping the church out of politics. It is my sincere belief that the firm teaching of the golden rule in all the schools of the country would suffice. . . . At most this is as far as the state should meddle with the proposition. It would seem that Congress under the general welfare clause



of the Constitution might provide for and establish this practice in all the schools. Nobody of the electorate could quarrel with this principle.

The Constitution has been stretched so often in the wrong direction, why not stretch it a little in the right direction?

## THINK

H. E. B.

*Ashland, Ohio*

I have now received four issues of LIBERTY. Whom shall I thank for sending them to me? Also, if it is about to expire, I desire to subscribe, as I do not wish to miss one single issue. I also wish to help by sending a year's subscription to a couple of my friends.

I am 63 years old, but never in my adult life have I felt anything was more crucial or more critical than the philosophy expounded by your magazine; and the quality of your articles and editorials is excellent. . . .

In my opinion there are but two kinds of wars: (a) economic; (b) religious. Without an awakening, I fear I can see new religious wars in the making.

America was founded on the principle of "separation of church and state," and who can fail to see the catastrophe ahead if that is not maintained?

Within the last two weeks I have clipped articles from the newspapers that simply astound me. One was where the writer said our national political conventions this year had a new factor to consider; namely, balancing the tickets between Protestants and Catholics. The other stated that President Johnson would surely have to pick a running mate from the Catholic Church. Where are we headed?

I just wish everyone would read LIBERTY and think.

## PLIGHT OF THE PLAIN PEOPLE

MRS. F. M. SCHILLER

*Walla Walla, Washington*

Thank you so much for the interesting article in the March-April magazine, "The Plight of the Plain People," the Amish.

It is indeed refreshing to find a people who have proved and who believe that they should and can live under their own fig tree.

## SEPARATION AMERICAN?

G. ARTHUR KEOGH

*Beirut, Lebanon*

I am a regular subscriber to LIBERTY because I am much interested in religious liberty and its definition.

I notice in your January-February, 1964, issue a letter by E. A. Greenough in which he suggests that the principle of

separation of church and state is understandably part of the "American scene and American historic prejudice." I wonder whether he is not parochializing a principle that has much wider application.

At the same time, I can understand his feelings toward the principle of separation of church and state, since I too come from a country of the British Commonwealth, and have often felt the advantages that can come from a government which supports righteous causes and principles. Furthermore, I live in a part of the world where the dominant religion sees no possibility of separation between the functions of church and state.

I have satisfied my own thinking in the matter by expressing the principle in these terms.

I believe in a distinction between church and state because I believe that each has its separate entity and function. Jesus referred to this distinctness when He said, "Render to Caesar the things that are Caesar's, and to God the things that are God's." He also said on another occasion, "My kingdom is not of this world."

I believe that a separation between church and state is expedient today because there is no church that is ordained of God to take over the reins of government in the same sense that governments are ordained so to do. This is not to say that there could not be a blending of church and state as in a theocracy. Israel, for a time under Moses, was a theocracy, but when Israel asked to have a king, it rejected theocratic government. It is my understanding that there has not been a theocracy since, although there may have been some governments which have claimed to be theocratic. The time will come when the kingdoms of this world will become the kingdoms of our God and of Christ. At that time there will be a perfect blend of church and state, since the God whom we worship will also be the Ruler whom we revere and obey.

There is a sense in which church and state cannot be absolutely separate and this is that both have to function under God and both must be true to God's principles of truth and righteousness. Both depend on men for their existence and the same men are both instruments of state and members of the church. The conflicts that arise are due to the conflicts of loyalty when one assumes the functions of the other. When each entity limits itself to its own sphere of action, there can be no conflict, and that is the position we refer to when we speak of a separation between church and state. . . .

So, Dr. Greenough, please do not relegate the application of the principle of separation between church and state to one area of the world. It applies to every area where human beings are found, even though a benevolent government may encourage righteous causes and prove a blessing to its people in more senses than one.



**THE SPIRIT OF '76**—Not the spirit of the summer soldier and the sunshine patriot, but of men who looked tyranny in the face and spat on its boots; who in a time that tried men's souls were not found wanting; who gave to prejudice no start, to bigotry no sanction, to persecution no stake; who served not for price, but for principle; who fought not for gain, but for right; and who, when they died, died not in vain, but that a new nation conceived in liberty might know its birth. Born it was, and this was the spirit that enlivened it—breath to its nostrils, beat to its heart, boon to its patriots, bane to its foes. When the flags wave and the horns blow and the drums beat, you will see it yet, marching down the main streets of America—the spirit of '76.

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HARRY ANDERSON, ARTIST

The back cover (Jan.-Feb., 1964) quotation "Legal Christianity" was wrongly credited "Article 1, Sec. 7, of the Ohio Constitution." The wording came from a decision of the Supreme Court of Ohio (Dec. Term, 1872) and credit should have read *The Board of Education of the City of Cincinnati v. John D. Minor, et al.*, 23 Ohio State Reports, 211-254.

## AN ECHO FROM THE CITY

MORRIS SMITH

*Chester, Pennsylvania*

Your magazine came in my mail. At first I did not read it, but when I did, I liked it very much. I very much admire the unbiased, unemotional, factual presentation of the matter of separation of church and state, upon which fundamental thesis our country was founded. You are to be highly complimented. It is like "a voice in the wilderness."

I enclose a check for a subscription in the amount of \$1.25.

## BORROWED LIBERTY STARTS SUBSCRIPTION

WINSTON B. WUTKEE

*Los Angeles, California*

LIBERTY magazine has been delivered to our cleaning shop address for a real-estate dealer who has moved to a neighboring office but who still allows much of his mail to be delivered to us.

After "borrowing" several LIBERTY issues, and hanging on to two or three, it's evident that we must have our own LIBERTY magazine—and to share, of course.

## INSTRUCTIVE AND INTERESTING

HAROLD BUTLER

*Southfield, Michigan*

For a period of some four or five, perhaps more, years I have been receiving your magazine. The historical content of many of the articles has oftentimes been both instructive and interesting to me.

THOMAS DUNBEBIN, ARTIST

# New York Harbor AD 2900

**H**ere once, the records show, a land whose pride  
Abode in Freedom's watchword! And once here  
The port of traffic for a hemisphere,  
With great gold-piling cities at her side!  
Tradition says, superbly once did bide  
Their sculptured goddess on an island near,  
With hospitable smile and torch kept clear  
For all wild hordes that sought her o'er the tide.  
'Twas centuries ago. But this is true:  
Late the fond tyrant who misrules our land,  
Bidding his serfs dig deep in marshes old,  
Trembled, not knowing wherefore, as they drew  
From out this swampy bed of ancient mould  
A shattered torch in mighty hand.

—UPSON



**I**N 1914 I was a farm boy in the foothills of the Ramapo Mountains, eighteen miles from New York City. From our porch on summer nights I could see three points of light near the horizon to the south.

One shone atop the sixty-story Woolworth Building, first great skyscraper, and only recently built. This was the only city light visible. The Palisades along the Hudson cut off all lower lights from our view.

The second light, my father explained, was Edison's Star. Set on a tower at Menlo Park, New Jersey, this light was a perpetual memorial to Thomas Edison.

To a youngster whose daily chores included keeping the oil lamps filled and glass chimneys clean, these distant lights offered hope of the wonderful day when electricity would come to the farm. Why, the electric light poles were only five miles away and coming nearer! What promise of a thrilling new day!

But for all the promise of those two lights, my favorite was the faint speck shining from the torch of Miss Liberty, standing stanch and fearless on Bedloe's Island. Many times I sat on the steps watching her twinkle, while my father told me her story, and of the hope for freedom that had become America. Later, in my teens, I often visited the statue, climbing as near the torch as I could get.

A few weeks ago, after nearly fifty years away, I returned to the old home. I walked the path to the porch and mounted the steps. No longer would the torch be but a faint speck of promise, I thought, for during the years her ancient torch had been brightened by fifteen one-thousand-watt bulbs.

I turned to seek my Lady of the Light and stood amazed. The night was transformed into a galaxy of incandescent brilliance! A great city had risen above the Palisades to challenge the darkness. In vain I sought the light of Liberty. It was lost in the blaze of the city.

I stood and pondered. One skyscraper had become many during the years I had been away. The Woolworth Building had pointed the way to the great technological triumph that is New York City. And Edison's Star had marched across the prairies and mountains to turn night into day, while telestars brought the world into living rooms. Not mine to mourn the "good old days" of oil lamps and soot-blackened glass chimneys.

But what of the light of Liberty? "Liberty enlightening the world," the inscription read. Had it too fulfilled its promise? Were the tired and the poor, the "huddled masses yearning to breathe free," finding here in America that "loophole of escape" of which Heine wrote? Or had self-evident truths been lost sight of amid the glow of humanism? of materialism? of secularism? of scientism?

I looked toward the light I could not see. "A million white crosses have been raised to keep you burning since first I sought your flicker in the dark," I mused half-aloud. "Amid the lights of our modern age, you must shine brightest of all."

What I could not see from my old home I saw clearly later that night as I stood once more near her torch. Her light shone strong across the harbor and the brightness of the city seemed dimmed from my place near her glow.

"It's the least I could do," I told her, "to see things from your point of view. And from this perspective, the old light still spells hope. Maybe all we need to do is make sure no other lights come between us." I nodded my approval to those who stood with me, seeing her torch flame bright above the land.

# LADY of the

**CURTIS QUACKENBUSH**

*Associate Pastor  
Takoma Park, Maryland  
Seventh-day Adventist Church*



# LIGHT





REUBEN W. ENGSTROM

## When We Have the Best.

**I**T WAS an impressive fifteenth-century Gothic cathedral, set like a fortress atop a hill guarding the rolling countryside near Stockholm, Sweden. The eleven o'clock Sunday worship hour approached as I neared the ancient sanctuary where I planned to worship with the parish folks.

To my surprise, only a few people were outside, a far cry from the throngs one would encounter at that hour before most American churches. I entered and stood a moment, awed by the beauty of the arches and the stained-glass windows that had withstood the ravages of the years. The organ began the introit, and I slipped into a pew.

With zeal and vigor the minister delivered a fine, polished sermon—to all fifteen of us who made up the congregation! And this in a church built for one thousand! A few weeks later I visited a cathedral in a different parish. Another well-delivered sermon; again a handful of people in the first five pews of a church seating many hundreds. I had often heard the expression "the faithful few," but never before had I realized how faithful or how few they really are.

Why did not people go to church? Why was secularism taking over this fine nation, formerly a stalwart bastion of the Reformation? The flower of its manhood had bled and died on the battlefields of Europe, that freedom of worship might prevail. Yet now, old and young alike were turning their backs on their Christian heritage. Why? And what could be done to recapture the vitality of faith that had once characterized the nation?

**I** BEGAN TO INVESTIGATE. Because the years of youth are critical ones in determining attitudes, I wondered whether it would not be well for the nation's schools to begin religious services, to have regular pre-

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*Reuben W. Engstrom is pastor of the Mountain View, California, Seventh-day Adventist church.*

scribed classroom prayers, to teach the young from childhood the great principles of Christianity. Let the schools be training centers for Old and New Testament history and Bible doctrines; then as the youth grow to maturity they will turn to the church as a flower to the sun.

But this obviously was not the answer, for I found that they were doing all this and had been doing it for a long, long time. Every citizen had studied his Bible doctrines, Bible history, church history, and other forms of Christian indoctrination, not just briefly but year after year in school.

And yet their churches were empty!

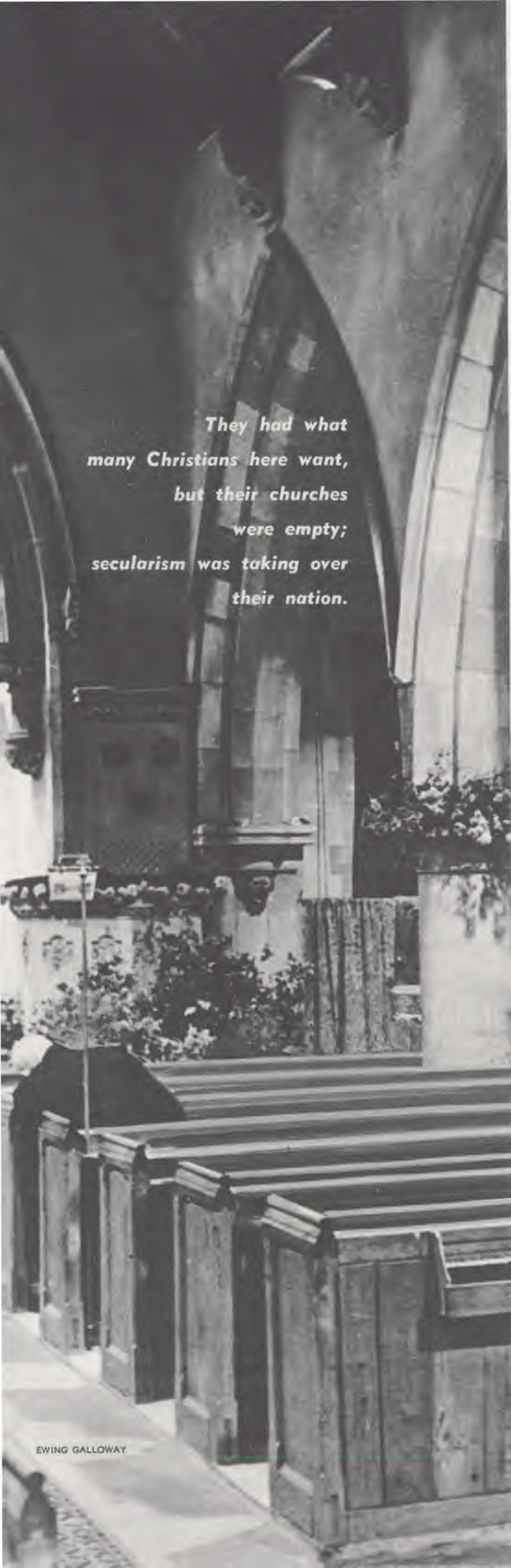
I wondered about the possible advantage of a Sunday-closing law, at least shutting down everything during church hours. That ought to be a real incentive toward increased attendance.

But it did not take long to discover that they had thought of that, too, many years ago. They did have a strict Sunday-closing law; you could not buy anything during Sunday worship time. The church faced no competition. And yet they did not attend.

It began to appear that compulsory prayer, compulsory teaching of Christianity in public schools, and Sunday laws were not the answer. The problem went deeper than legislation could probe. Secularism could not be cured by statutes.

I recalled the words of Saint Paul in his masterful letter to the Romans, chapter 1, verse 16: "I am not ashamed of the gospel of Christ: for it is the power of God unto salvation." As I looked about in this homeland of European Christian culture I was constrained to ask: What has happened to this power of God, the gospel? Why has it lost its hold, its attraction, its beauty, to almost nine out of ten in this fine nation, this former stronghold of Protestant vigor?

**S**TILL SEARCHING for the answer, I decided to visit a public school and see personally what was taking place. At the opening period of the fall session I found my-



*They had what  
many Christians here want,  
but their churches  
were empty;  
secularism was taking over  
their nation.*

## Why Change?

self in the classroom with a group of bright-faced youth in the nation's capital. The instructor began his session in "A Survey of the Old Testament." Here, I thought, is a subject that should lay the groundwork for future solidity in Christian belief.

The instructor was an upstanding young man, brilliant and qualified. The survey class that day covered the book of Genesis, fifty chapters in forty-five minutes, and the students listened with commendable old-world attention to his description of the Creation, the Fall, the Flood, the sacrifice of Isaac, and other high lights from the dawn of history.

Then I understood.

Before me was unfolded the true reason why all this state-attempted Christianizing of a nation, carried on for so many years, had failed.

This is what I witnessed: The instructor, persuasive in his logic, told his class that almost everything in the book of Genesis was fiction and folklore. There was no Creation, no Garden of Eden, no Adam and Eve, no serpent, and no Fall; the Flood was but a venerable legend handed down from people to people and found among nearly all ancient cultures. The sacrifice of Isaac was a logical act on the part of Abraham, learned from the pagans about him, to whom human sacrifices were commonplace and natural.

So this was how Christian faith was implanted in the hearts of impressionable youth! It took little imagination to see the consequences of just that one session. No Creation, no Eden, no serpent, no Fall—and thus no sin, no need for a Saviour, no gospel, no power of God in the life. Under such circumstances, why *should* youth go to church?

I consoled myself with the thought that I had visited only one class; possibly the instructor would say something to repair the damage later on. So I returned and attended several more classes. But no, each one only deepened the impressions made before.

A few weeks later on the street I met one of the boys from that Bible Survey class. "How are things

going in your Bible class?" I asked. His reply gave the final, tragic clue to what I knew was happening. "Well," he said, "we have learned one thing for sure—we can't believe in much of anything found in the Bible!"

**T**ODAY IN OUR OWN NATION sincere people deplore our secular public schools, feeling that if prayer and immortal Bible passages were there presented to our youth, we could rear a generation of God-fearing citizens. Some would rewrite the First Amendment to authorize religious services in public schools. Others support enactment of Sunday laws; still others seek legislative acknowledgment that this is a Christian nation.

Would such measures serve to fill our churches? To deepen our spiritual convictions? If the situation in the country I visited is an accurate indicator, the answer is No. Religion backed by civil laws loses spiritual power and adherents.

In the United States more than one half of the population are voluntary church members. Arrive at church late—almost any church—and you will have to drive a block or two to find parking space. Church pews are crowded.

In Europe, where the church enjoys state support, where religious instruction is given in many school systems, and Sunday laws date back a thousand years and more, we find the following conditions:

*Germany.* The well-known bishop of the German Evangelical Church, Hans Lilje, states that "less than 5 per cent of the Protestants of Germany attend church regularly, and in the larger cities average attendance falls to a low of 2 per cent." Surveying the Continent as a whole, he concludes: "The era when Europe was a Christian continent lies behind us. . . . It is no longer a question of which church one wishes to belong to, but whether he wants a church at all."<sup>1</sup>

*Italy.* Almost 98 per cent Catholic, but only 25 per cent attend mass and thus meet the minimum requirement of membership. There is an "increasing agnosticism among the intelligentsia, and a higher proportion of Communists than in any other non-Soviet country in Europe," writes J. D. Douglas.<sup>2</sup>

*France.* "Most French people belong nominally to the Roman Church, but the number of practicing Catholics is possibly not more than 15 per cent in a population of 46 million," says J. M. Nicole, professor at the Evangelical Seminary at Aix-en-Provence.<sup>3</sup>

*Greece.* Nominally Greek Orthodox. "Church attendance, according to official statistics, does not exceed one and one-half per cent on normal Sundays."<sup>4</sup>

*Spain.* Thirty million inhabitants, nominally Catholic, mainly indifferent.

*England.* "Two out of every three members of the population have been baptized in the Church of Eng-

land," writes Philip E. Hughes, but "only one out of four go forward to confirmation, and, worse still, only one out of every seventeen are present in church for Holy Communion on Easter Day. In other words, between baptism and communion there is a leakage of some 90 per cent—and even then we should take into further account the fact that Easter communions are inflated by numbers who ordinarily are not seen in church on Sundays."<sup>5</sup> That is, the "inflated" Easter attendance is only 6 per cent of the population!

According to church historian Kenneth S. Latourette, of Yale, "the trend [in Europe] is toward the de-Christianization of a predominantly nominal Christian population."<sup>6</sup>

**T**HE AMERICAN RETURNING from abroad thrills to see once more our crowded churches, and to witness the meaningful Christian participation found in such large measure in our nation. We have more than 100 million voluntary church members, all without legal threats, church support, or artificial props of any kind to uphold the Christian structure.

What is the basic weakness in trying to aid the church by bringing religious teaching into public schools? In essence it is this: There is no possible way by which we can be assured that the teachers are born-again Christians. Indeed, it is contrary to our Constitution to apply a religious test to public officials. But unless a teacher has personally known the power of God in his own life, it is far better that he does not attempt to teach others the divine principles of the gospel. Such teaching becomes worse than meaningless; it may become mockery. For vital Christianity is taught, first and foremost, by the life of the teacher. Solomon, writer of Proverbs, goes so far as to say that prayer offered by the unsundered heart is an abomination to God.<sup>7</sup>

A man may be a genius and a born teacher and be eminently successful in science, history, or language without the benefit of a regenerated life, but if he attempts to teach the divine Christian principles he will fail, as I personally witnessed in that Scandinavian classroom. Conversely, if a teacher is a Christian, his influence may be deeply felt even if no formal subject is used as a vehicle of expression.

Many earnest people feel that Sunday legislation could supply the climate for family togetherness in public worship that is not found now in our business-filled Sundays. But in countries where Sunday laws are an old institution, where the church has eliminated all secular competition, the people simply sit it out; they do not go to church. The blue-law heyday of our American colonies bears a similar testimony to the impotence of legal restraint in making living Christians.

In today's America religious observances and reli-

gious training are not forced on youth through public schools; our homes and our churches bear the responsibility of educating our youth. And what seems impossible by European standards, the church has to do its part without tax support. One faith is not favored over another. These features of church-state separation may seem commonplace, but in the words of a contemporary historian "they represent one of history's greatest cultural achievements. They distinguish the American way of life in matters of religion from that of many other nations which consider themselves democratic."<sup>8</sup>

We may not have found the perfect solution. But we have founded and preserved a nation where Christianity flourishes more than in any other; where the fresh winds of religious freedom are a wonder to the visitor

from abroad; where millions sacrifice to build and support church schools, colleges, universities, sanctuaries; where more missionaries and more mission funds go forth than from all the rest of the world combined; where many churches must have multiple services each week; and where the gospel is still a force of great vitality.

No, it is not perfect. There is still much to be desired, but so far it is the best that history has produced.

And when we have the best, why change? ★★★

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- <sup>5</sup> *Ibid.*, July 31, 1961, p. 5.
- <sup>6</sup> *Ibid.*, July 20, 1962, p. 15.
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## Voices in the Ecumenical Wind

THE ECUMENICAL SPIRIT has blown over the religious world with such a gust that our early, tentative experiments with interfaith dialogue seem almost primitive. Those adventurous Catholics and Protestants who, throughout the nineteen fifties, sought each other out for mutual exploration—mostly laymen, shepherding a few uncertain clergymen into a *terra incognita*—never dreamed, even in their most expansive moods, that it would take such a short time to get out of the catacombs. Now when I read about cardinals appearing with Protestant bishops on television programs, or hear about Lutheran theologians addressing Catholic clerical conventions, or see pictures of monsignors congratulating newly consecrated Episcopal bishops, or read Dr. Brown's column in *The Commonwealth*, even 1958 seems to belong to another era.—*John Cogley, formerly an editor of "Commonweal"; now member of Fund for Republic executive staff.*

ROME OR CHRIST—"The Catholic Church's official policy regarding interconfessional encounters does not allow us to rid ourselves of the apprehension that for Rome the word 'ecumenicity' is just another expression for a reunion movement conducted by friendly means and which comes very close to a conversion campaign."

The concept of "the separated brothers" by Pope Paul VI does not "bridge the gap between us but rather deepens it. The road toward the one Church does not go via Rome but through Christ . . . and the criteria of ecumenical community is the position regarding Christ

and not regarding Rome."—*Bishop Hermann Dietzfelbinger, of Munich, head of the Lutheran Church of Bavaria and Commissioner for Protestant-Catholic Relations for the United Evangelical-Lutheran Church in Germany (VELKD).*

INTERRELIGIOUS FIRST—Rabbi Herman S. Stern, acting senior minister at the Liberal Jewish Synagogue, created what was believed to be an interreligious first when he preached on Easter Sunday night before an all-Christian congregation in London's [England] Unitarian church.

The rabbi, an American who has spent three years in Britain, appeared in the pulpit at the invitation of the Reverend Jeremy Goring, minister of the church.

In his sermon Rabbi Stern declared that religion had lost a great deal of influence in modern times because it did not seem particularly relevant to men's needs.

TOGETHERNESS—Roman Catholic and Protestant Episcopal students at the University of Pennsylvania and Drexel Institute participated in an unprecedented interreligious Easter vigil and Easter mass.

The service began at 10:30 P.M., Easter eve, at St. Mary's Episcopal church. Reverend John M. Scott, rector, and campus pastors for the United Church of Christ and the United Presbyterian Church took part. Reverend James J. Murphy, Catholic chaplain and director of Newman Clubs in the Philadelphia archdiocese, attended as an observer, dressed in cassock and surplice.



*Luther W. Youngdahl, Judge of the United States District Court for the District of Columbia and former Governor of Minnesota, has demonstrated himself to be a leader who maintains honesty and humanity in government.*

*Born in Minneapolis, May 29, 1896, Judge Youngdahl has served as Assistant City Attorney, Minneapolis, 1921-1923; Judge, Municipal Court, Minneapolis, 1930-1936; Judge, District Court, Hennepin County, Minneapolis, 1936-1942; Associate Justice of Minnesota Supreme Court, 1942-1947; Governor of Minnesota, 1947-1951; Judge, U.S. District Court of D.C., 1951.*

*A veteran of World War I, Judge Youngdahl has his A.B. from Gustavus Adolphus College and his LL.B. from the Minnesota College of Law. He is married to Irene Annet Engdahl, and they have three children.*

# American Liberty and a Fearless Judiciary

JUDGE LUTHER W. YOUNGDAHL

In an Interview With Gordon F. Dalrymple

**Judge Youngdahl, you have spoken out decisively on the preservation of liberty. How may liberty best be preserved?**

Fronting the archives of the United States in the nation's capital, overlooking Constitution Avenue, is an impressive statue showing a classic warrior—a helmet in one hand, sword in the other. "Eternal vigilance is the price of liberty" are the words inscribed at the base of this striking figure. Although they have been repeated many times over, their significance endures today.

Indeed, it might well be stated that the statue is symbolic of one reason for the tremendous energies expended by America's statesmen who for so many years have endeavored to preserve liberty in fact and spirit in this country.

In my thinking, a reminder of continuing obligations imposed upon each citizen to foster within our great democracy an active and working concern for individual liberty is emphasized by this statue. The fact that the preservation of freedom is a task which continues endlessly is a stern admonition to each of us.

**What are some of the dangers that constantly confront freedom?**

A combination of political, economic, and social forces threatens the delicate balance that exists between freedom and order. An atmosphere must be maintained in which each individual feels secure, but at the same time is able to channel his abilities in pursuit of goals he covets. And this, without undue external direction, compulsion, restriction, or inhibition.

**What part can lawyers and judges play in this process?**

Judges and men trained for the legal profession have been taught to weigh conflicting data with precision and imagination. Particularly must we be alert to anxious levelers and hostile ideology peddlers. Expediency—the thesis that repression of individual freedom is necessary for the maintenance of the power of the state—must be constantly guarded against. The idea that social good can come from repression of a minority carries with it inherent dangers.

**What is your definition of freedom?**

Actually, the concept I have of freedom is simple. In the first place, this country is a republic, and its underlying principles cannot be blown by every wind of the

times or by the whims of individuals or groups. Rather it might be observed that the freedom of American societies lies in an ordered freedom. Indeed, it is a freedom under God, under law.

Rights of our citizens are labeled inalienable precisely because men are not given them by other men but rather are granted them, as is so eloquently described in the Declaration of Independence, by their Creator.

**You have commented that the “lifeblood of democracy is the belief that there is something of supreme worth in every human being.” Please explain.**

Our democratic society advocates that every individual is a central point in any measure of value. This is in marked contrast to various other philosophies of government which claim that the individual is subservient to the state and that any objective the state has must take precedence over the rights and the freedoms of the individual.

It is a fact of history, proved in free societies through the years, that no individual can be considered an expendable entity, nor has he the right to act in such a way as to demonstrate the idea that his liberty is more important than that of others. This is true regardless of existing differences of talent, capability, virtue, or belief.

Both liberty and freedom—and there is a difference between the two—are desirable because freedom to make choices and to act upon them is basic to development of the human being. If he no longer has opportunity to differentiate between good and bad, and his talent for making rational choice is circumscribed, then he is little better than an animal—educated and able to read.

Human qualities of self-restraint and responsibility are developed through use of freedoms. Full capacity for growth can take place only where freedom exists. And from the exercise of these freedoms comes a mighty wave of social progress.

I have stated before, and repeat again, that the greater the freedom the greater the probability that better ways of living will be discovered.

**What is your view of the source of governmental power?**

My view is the same as that of Abraham Lincoln, who maintained that power resides in the people, not in those who govern. In actuality ours is a limited government. It is a government created by the people, and it was established and exists today to promote the welfare of all the people. As Ralph Waldo Emerson so ably expressed it: “The office of America is to liberate.”

**Do you feel, then, that liberty is limitless?**

Definitely not. There is a constant question as to what the nature of liberty is and how far liberty should ex-

tend. No liberty anywhere can be limitless. Indeed, it might well be said that some liberties conflict with other liberties and some might seem to threaten values held equally dear. Consequently, mere veneration of liberty in the abstract is not enough. What we do about concrete cases constitutes the real test of liberty, and I might add that the strength of our democracy hinges upon the conduct of the judiciary in handling individual cases on an individual basis.

**What responsibilities does the judiciary have in maintaining liberty?**

Judgment must be impartially meted out, otherwise liberty becomes a mockery in the land. Both the words “liberty” and “freedom” are bandied about by those who advocate totalitarian government and practice it. And invariably in these countries, the judicial branch simply enforces the concepts of governmental authority, oftentimes with no respect for the rights of the individual.

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A combination of political, economic, and social forces threatens the delicate balance that exists between freedom and order.

Particularly must we be alert to anxious levelers and hostile ideology peddlers.

The idea that social good can come from repression of a minority carries with it inherent dangers.

Our democratic society advocates that every individual is a central point in any measure of value.

If history has any one great lesson to teach, it is that ultimately national security feeds and thrives upon strength of individual conviction.

It is only through the constant clash of ideas that man comes to recognize error and advance in truth.

Disagree with some, we may; make objection to heresy, belief, or orthodoxy, is our right. But no man is entitled to gain acceptance of his ideas through the suppression of another's.



# To the Commissar of Religion



*This strange document alleges to be the secret report of a spy charged with promoting Communism in American churches. It was reportedly found in a hollowed-out Bible picked up on the street near an Iron Curtained embassy in Washington.*

**GAYLORD BRILEY**

*Director of Publicity  
Protestants and Other  
Americans United*

Intelligence Section  
People's Commissariat of Religion

COMRADES:

My recent trip across the United States has shed new light on our failure to capture American churches for our socialist world struggle.

Our approach has been wrong. In our unsuccessful attempt to infiltrate the clergy, we have been hitting at their point of greatest strength, not weakness. I blame it on that incomplete American revolution of 1776, following which they tried to avoid church-state problems by making churches independent of the state. Thrown out early to shift for themselves, American churches learned to survive without tax support. As a result, many today are strong and vigorous.

We can only wish that U.S. churches were like those in the Old World, where churches traditionally allied themselves with the state, together often oppressing the masses. Even mild attempts at reform always foundered on the rock of church-state union. Change could only come through violent revolution.

(These simple Americans have never understood the political advantage of tying religion to the purse strings of the state. They have not observed how even our atheist regimes keep ministers of religion on the public payroll. Religionists have a way of falling into line when they find that to exist their church must look to the state and not their God!)

However, I have learned of a hopeful new development which, if encouraged, may yet turn whole denominations into useful instruments of the workers' revolution. Many churches now accept tax money for their sectarian institutions! Even some of the loudest declaimers of church-state separation!

They are well on the way to identifying the goals of their religion with those of the state—which is a



good first step toward stripping religion of its supernatural claims. Many bullets are saved this way. They are on the path which leads to that red-letter day when their houses of worship are turned into antireligious museums.

Eventually these churches will find themselves married to the state and saying, "Whither thou goest, I will go." (Pardon the scripture, Comrades, I use it in a good cause.) And go they shall. When one falls, so will the other. During good times the masses may tolerate rich clerics getting fat at the public treasury. But when there is war, or depression, or rebellion against high taxes, the people will see such religion for what it is. This will make our task easier. Robbed of power over men's lives, the churches will offer no serious obstacle to the establishment of our People's Republic.

In saboteur school they taught us how one well-placed bomb can destroy a wall. Comrades, believe it or not, these people have put a time bomb under their ancient wall of church-state separation! We did not have to pay an agent to do this for us. Their own church leaders are getting money for these suicidal efforts from their capitalist government. And they are doing it in the name of religion! (If there were a devil, he could not have planned it better himself!)

Some of the programs under which the American Government is in partnership with religion are these: aid to church colleges, grants to church hospitals, valuable grants of land in urban renewal projects, and large donations of surplus Federal lands and buildings.

Since a new college aid bill passed Congress, authorizing tax funds for the teaching of nonreligious subjects only, it is surprising to me how unreligious some of these church colleges claim to be. Traditionally they have been supported by the faithful who have been led to believe that the only reason their college exists is to teach everything with a special religious emphasis. If the curriculum is really so devoid of religious content, things may be better for us than we have thought.

So far, the boldest blending of church and state has taken place in cities where the government forced workers to sell their homes to an agency which demolishes the buildings and sells the cleared-off sites to favored "buyers"—including many church institutions. This is called "urban renewal" in public and "boodle" in private. (For being a capitalist country, the Government is not very smart. Instead of sell-

ing this property for a profit, it always sells it at a loss.)

I see little to stop the trend to church dependence on tax revenues for social, educational, and religious works. While there is always the chance of what some churchmen call a "revival" upsetting things, I think the possibility is remote.

Still, if the laymen in these churches ever discover how deeply committed some of their leaders are to pocketbook alliance with the state, there might be such a revolution as would do your hearts good to see, comrades—were it not confined to pulpits and pews.

I judge the greatest danger to our plan to be publicity which might anger taxpayers by revealing how foolishly trustful Uncle Sam becomes when dealing with churches.

Publicity of this sort, while bad for the churches, is actually worse for us. It might cause taxpayers to turn off the flow of funds with which American churches are debauching themselves. We need to encourage the suicide of "spiritual" religion by getting the churches to mind earthly things. As a matter of policy, therefore, we should counteract all publicity that would call attention to the growing dependence of church programs on state financing.

If a church-state debate threatens to get national publicity, we must divert public attention by setting up, say, spontaneous ink-bottle-throwing demonstrations against U.S. embassies in South America. This will get on the front pages and bury church news inside.

On another matter, comrades, I note that you wish my opinion of the recent Supreme Court rulings on compulsory religious practices in the public schools. My full analysis will come with the next courier. Meantime, view it as a setback for us. The Court threw back on home and church the responsibility for religious training of children. Unfortunately, this is where such training is most effective.

Had the Supreme Court left well enough alone, daily inoculations of watered-down, lowest-common-denomination public school religions could have immunized much of the rising generation to that wholehearted belief in God that has been so troublesome to us. As it is, we may have to spend considerable time to re-educate any religious people who survive the revolution they are letting their churches help bring about.

COMRADE DEMAS



The Dead End  
spitters at the Sup  
not only where they get their

THOMAS DUNBERIN, ARTIST

**W** RONG! ALL WRONG! But no man can tell how or why!" shrilled John Randolph of Roanoke. Chief Justice John Marshall had just handed down another of his decisions for the United States Supreme Court. Randolph, more Jeffersonian than Jefferson and a fanatical foe of central government, voiced the exasperation of the "states' righters" of a hundred and fifty years ago at the stream of decisions by which Marshall was building up the concept of a truly national government. At the same time, the Justice was building up the judicial branch of the government, until the Supreme Court could claim the power of judicial review, of deciding the constitutionality of laws.

For a century and a half anguished citizens of every political, economic, and religious stripe have seen the Court set aside their cherished projects, and more than one has reacted with the anger and bafflement of eccentric John Randolph. If the arguments of the Court prove hard to refute, the critic may charge that the process of judicial review itself is a usurpation. It may be a little late now to throw that procedure out, whatever the carefully vague wording of the Constitution may have originally intended. Ever since 1803 the

*Walter C. Utt is Professor of History at Pacific Union College, Angwin, California.*

Court has been using this power over the branches of the Federal Government and also over the States. An easier but even less conclusive approach is to appeal to the actual intentions of the Founding Fathers and thereby charge that the Justices are bringing strange fire into the sanctuary.

In recent months much huffing and puffing, lay and ecclesiastical, has been occasioned by the decisions relating to officially required prayers and Bible reading in public schools. An impressive amount of insight has been displayed, as evidenced in the public prints; the Supreme Court has been rebuked in both sorrow and anger for deviating from the true intentions of the Fathers. Those eighteenth-century deists who wrote our great initial documents had ideas, so it now appears, on the relationship of religion and public education which by strange coincidence are very close to those of some eminent spokesmen for American churchdom, and those cover the religious spectrum all the way from Evangelicals to Catholics.

We had not previously suspected that the prohibitions on establishment of religion and the concept of the "wall of separation" were anything but the intent and intelligent purpose of those who launched our Government. We learn now that the science of divining the intentions of men who lived and wrote long ago has

# Brickbats and Dead Cats

ers of the "American" League are throwing  
urt Justices and in so doing are revealing  
nition, but also their motives in throwing.

WALTER C. UTT



developed a great deal, and we are better able now to tell what they meant—better able, in fact, to read their minds and express their intent than they were themselves—the poor, tongue-tied semi-illiterates. Where John Randolph was merely baffled, today's critics of the Court can tell us what is wrong.

By bracketing decisions on censorship and civil rights with the prayer decisions, the brickbat-and-dead-cat brigade can charge that the Court defends homosexuality and Communism but is anti-God. The Supreme Court has been denounced by "experts" ever since there was one, so it is not their feelings that need concern us, but what the critics reveal to us about themselves.

CLERGYMEN MAY HAVE some priority in the public discussion of right and wrong, but they have had enthusiastic help from some of the political fraternity who evidently have figured that there are votes to be garnered in by aligning themselves loudly at the side of embattled virtue. There have been notable and honorable exceptions to the clamor among the Protestant churches, and most mainline denominations now—when confronted by a religious amendment, the potential of which is ill understood by the ill-informed laity—are springing to the defense of the Court, but drums still beat, and insistent voices are carried on

the winds that blow from many an editorial sanctum.

Says a Congressman: "The Court has embraced, aided and comforted Communist defendants in the vast majority of its opinions. It says 'yes' to communism; 'no' to God."<sup>1</sup>

An Evangelical outcry, made apparently without realizing what effect the argument would have in other areas of state-church controversy if used as a precedent, includes the following:

"I am shocked at the Supreme Court's decision. Prayers and Bible reading have been a part of American public school life since the Pilgrims landed at Plymouth Rock. Now a Supreme Court in 1963 says our fathers were wrong all these years. . . . At a time when moral decadence is evident on every hand, when race tension is mounting, when the threat of communism is growing, when terrifying new weapons of destruction are being created, we need more religion, not less."<sup>2</sup>

Without being sidetracked into a discussion as to how far back toward Plymouth Rock public schools actually go, we may turn to a recent Roman Catholic pronouncement: "The effect of the decision can only mean that our American heritage of philosophy, of religion and of freedom are being abandoned in imitation of the Soviet philosophy of Soviet materialism and of Soviet regimented liberty."<sup>3</sup>

It is refreshing to find calmer reactions too. Glenn Archer, of Protestants and Other Americans United, says: "This decision is not a blow at religion. . . . It is an encouragement to religion since it takes religious leadership out of the hands of public officials where it does not properly belong and restores it to the church, synagogue and home where it does properly belong."<sup>4</sup>

One of the more interesting ironies about the whole controversy is that some of those with the most to say against governmental interference in the personal lives of citizens, who plead against Government compulsion in race relations, and exalt State and local autonomy against statism, are the most vociferous in endeavoring to give Federal sanction to religion.

By some miracle such people expect to find a prayer formula that will be specific enough to curb juvenile delinquency and abate the moral declension of the adult as the school children grow up, and yet be nondenominational enough so that a Southern Baptist and a Roman Catholic will be happy with the result. (Whether the large minority in this country who have no religious affiliation would have views on the subject, no one seems much concerned—except possibly the Supreme Court.)

The suggestion that God will be on "our side" if we reach a high enough level of officially endorsed public religious acts is mighty close to Himalayan superstition—why not install prayer wheels on the roof of each city hall and have the wind turn them? The public school interdenominational prayer seems like a sort of cautious throat-clearing addressed to such a nonspecific deity. One is puzzled to find any use for the exercise except perhaps to establish a foot in the door so that pressure groups could rework the prayer a little closer to a "true" theology in due time. It is more than a little insult to the Deity to assume that He can be coaxed into our service against enemies foreign and domestic by such means. It would not be a very perceptive God who could be induced to be our tribal totem on the strength of having "Pray for Peace" cancel our postage stamps and overlook the kind of lives many of us live and the way we treat one another.

**B**UT WHAT OF THE MOTIVATIONS of the brickbat-and-dead-cat school of thought? What does a nation betray about itself when official piety seems so important? As the spirit dies, the letter becomes increasingly precious and consoling. In a materialistic society rote prayers serve to soothe the unsanctified conscience, and, best of all, no change in life is required!

Guilt feelings? Probably. On Sunday morning, if one gets up at all, there is golf or boating. One lives in a milieu that is casual about acquisitiveness, tax cheating, racial discrimination on a sophisticated level, divorce,

alcoholism, and a rather seamy level of entertainment and reading. Certainly there seems to be something lacking in the high comfort level at which one lives, and a twinge of guilt that may take a religious turn. So let's take the virtuous side and close something on Sunday—not liquor stores, gas stations, theaters, bars, or anything we might want to patronize. Let's make the kids say prayers in school—it won't hurt them and they are awfully impudent lately. We can't seem to get up in time to send them to Sunday school. Then we can go back to chasing the dollar, or the neighbor's spouse, reassured inside because we have made a gesture in favor of right. The school already does baby-sitting, spots dental caries, and provides driver education. It might as well take on the additional service of nondenominational salvation.

I want peace of mind. I want to see myself as honest, religious, reasonably pure, and patriotic. Some can be

#### REFLECTIONS ON PRAYER AND THE PRAYER AMENDMENT

My son, a college freshman, has just gone off to bed. Sitting at our kitchen table, I find myself reflecting on the strange contrasts of the day. . . .

A few moments ago the two of us knelt together in prayer—a daily part of our family life. Yet no more than six hours before, I sat in a Congressional hearing room, listening to the author of the Becker Amendment, and other Congressmen, testify to the need for a constitutional change that would permit public schools to sponsor prayer and Bible reading.

Did I really hear them say that the will of the majority would have to be imposed on the minority? A school authority would have to decide the form of prayer and Bible reading? Students who were opposed would either have to ask to be excused, or just endure the ordeal?

A few minutes ago my son and I talked to God. There was no coercion, no majority dictating to the minority—just a voluntary talk to God as to a friend.

Yes, it's been a day of strange contrasts!

W. MELVIN ADAMS

conscienceless and live as I do; they simply overcome or circumvent the obstacles in their way and forget about it. I have some conflicts, however: some external but more internal. It is guilt left over, I suppose, from an earlier, more primitive and uncomfortable age—an age of antique morality, it has been called. This guilt interferes sometimes with what I want to do and what I must do to meet the competition in my personal and business life. I must repress these doubts, these self-accusations. Good old defense mechanisms! How helpful they are!

Take a reaction formation, for example.<sup>5</sup> I can strengthen the repression of inconvenient qualms by vigorously, compulsively, expressing my real desires in negative terms. I am a cheat, so I become rabid for honesty; I have all the conveniences, so I make a fetish of physical exercise; I deny constitutional rights to others, and develop the most red-white-and-blue patriotism and loyalty to the Constitution you ever heard; and above all, since I no longer have a personal religious relationship, I urge more religious ritual and make a fetish of religious symbolism. In no case, of course, must I face up to *me* and make any change in *my* life.

ANOTHER TYPE OF CRITICISM of the Court comes from those who frankly wish to enforce piety by state police power. The Court stands in the way of this at present. If cynical enough, one can rejoice that the Court has fallen for the "social welfare" approach to Sunday legislation.<sup>6</sup> Call a thing social and get the cops in. At least, while waiting to loosen up the First Amendment or to get our religious amendment, we can send some people to jail if they sell cars or paint their houses on Sunday. And what a blessing those discount houses were! Men who constantly moan about government interference with business and claim to worship at the shrine of free enterprise rallied round the Sunday banner on *that* one, eager to have the police knock down their competition for them!

Some lessons have to be learned over and over again. The idea of forced improvement by police and law codes is an attractive one. "Nothing is more attractive to the benevolent vanity of men than the notion that they can effect great improvement in society by the simple process of forbidding all wrong conduct by the same means."<sup>7</sup> If the witness of the church is too faint to command respect for Sunday, call the man with the badge. Have we then any reason for complaint if the man with the badge extends his good works to interfere with other hitherto private concerns?

The Court has once again disapproved efforts to tie formal religion to tax-supported institutions. This presents a challenge to those who fear a slide in the public schools toward Dewey and Darwin. Can this slide be

averted by a prayer without elaboration? Can it have meaning without elaboration or be nonsectarian with elaboration? A mission field for churches and Sunday schools exists under our noses. A mumbled incantation by a public servant is not likely to do their job for them. Do not the churches concede their defeat and uselessness in our secular age when they call the police? There is nothing hopeful either in our own history or that of other nations where the police have had to protect and promote the church.

Fancy political footwork by clergymen invites anti-clericalism inevitably. Benjamin Franklin's wise saying, that churches which cannot support themselves or obtain God's support and must turn to the government are bad churches, has validity still.

"What is really on trial in this hour is the spiritual conscience and commitment of every individual citizen. . . . Where . . . dedication is lacking, particularly in the home, it is easy for parents troubled over the erosion of inherited values to seek an institutionalizing of these values in order to protect and preserve them. But faith in the living God cannot be coerced by legislative action or by public education, and, moreover, ought not to be. . . . What the Supreme Court debate really constitutes, however, is a call to every American family to determine what convictions are of utmost priority, and to establish these in the life of the home."<sup>7</sup>

"No course in religion in any public school can begin to take the place of the Bible as diligently taught and interpreted in home and church."<sup>8</sup>

It would seem that there is enough work cut out for the critics of the Court to keep them busy for a long time. When they are moved to beat their drums and organize their chants they might do well to remember what they may be exposing in themselves. To assume that God will opt for "our side" for our much speaking and is unable to see through our sham piety into the lives we daily lead is not to do Him much credit. It is in the personal sector that a relationship with God is legal, and it is the only area where it can help either the individual or the nation.

An ancient spokesman for God put it well: "To obey is better than sacrifice, and to hearken than the fat of rams."<sup>9</sup> ★★★

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- <sup>7</sup> Editorial, "Is the Supreme Court on Trial?" *Christianity Today*, March 1, 1963, p. 28.
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- <sup>9</sup> 1 Samuel 15:22.

## KENNETH W. SOLLITT



Ever since that glorious day in July, 1776, when a clarion call to live as free men pealed forth from a bell which bore the inscription "Proclaim liberty throughout all the land unto all the inhabitants thereof" (Lev. 25:10), one question has plagued the American people: What do you do with liberty besides proclaim it?

What does liberty mean in our land to the inhabitants thereof? Can we just "let freedom ring," or have we a responsibility to make it ring—make it ring in a manner that will ensure its growth and extension rather than make certain its destruction?

First of all we can try to understand and appreciate freedom. Certainly we do not appreciate it as those who have known its opposite—the signers of the Declaration of Independence and the framers of our Constitution, for instance. "Admitting the probable calculations to be against us," the signers of the Declaration said, "we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor." We so easily forget that the lives of some, and the fortunes of most, of these men were forfeited, and because we cannot remember, we are spurning the liberty they sacrificed to give us and espousing the security they disdained to embrace for themselves.

"A nation can lose its liberties in a day, and not miss them in a century," wrote Montesquieu. Knowledge of the liberties, religious and otherwise, which we have lost since 1776 would startle us were these words not so true. Must we to whom liberty was proclaimed in such resounding tones one hundred and eighty-eight years ago weep beside the grave of freedom, as our forefathers did, before we learn how dear a thing it is?

We do not understand it either. The words "freedom" and "liberty" mean many things to many people.

The libertine and the anarchist would say, "Freedom means liberty to do as we please." But the sane man answers, "Not unless one pleases to do what he ought."

This raises the question, Who is to say what one ought to do? Government? In a day when we look to Uncle Sam for almost everything else, there are those who look to him for the answer to this question.

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Our forefathers knew where to look. "Let us with caution indulge the supposition that morality can be maintained without religion," wrote George Washington. "Reason and experience both forbid us to expect that . . . morality can prevail in exclusion of religious principles." It was this conviction that led the writers of the Declaration of Independence and the Constitution to point their countrymen to God, giver of "unalienable rights." And so we sing, "Our fathers' God, to Thee, Author of liberty." If God is the Author of liberty, then government is not. And if government is not, then freedom is not something government has the moral right to give or to take away, as if liberty flowed from God, but government controlled the spigot.

We do well to insist that freedom is not government's to give. The only freedom government can *give* us is freedom *from* freedom, and it will give us that if we persist in demanding it.

If freedom is not government's to give, or to take away, it must be God's to give or to take away. If it is God's, it must be based on the inherent moral law. Freedom, then, is the right to act without interference within the limits of God's law. "And I will walk at liberty; for I seek thy precepts," was the psalmist's way of saying this (Psalm 119:45), and nothing but seeking the precepts of God will ever guarantee our liberty, either.

There are those who say that freedom is liberty to do as we please so long as what we please to do does not interfere with our neighbor's equal right. Their definition emphasizes the fact that freedom is based on responsible respect for moral right and religious truth. We here approach a correct definition, for it takes into consideration, as every proper definition of freedom must, that our God-given rights are accompanied by God-imposed responsibilities to be concerned for the rights of our brothers of every race, color, and religion.

Freedom is seen to be not so much precepts as a spirit of willingness to live and let live, supplemented by a real desire to live and help live. "Now the Lord is that Spirit," said Paul: "and where the Spirit of the Lord is, there is liberty" (2 Corinthians 3:17). This is the psalmist's view seen through the eyes of the New Testament.

Freedom, then, is a spirit of good will and cooperation, not dictated by law but by love, and where this spirit is—the Spirit of the Lord—there is liberty. Doing what you must because you must is slavery, but doing

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what you should because the Spirit motivates you to want to, is freedom.

So freedom is not something men can give us. God has already given it. But it is something that we can easily lose by failing to understand and appreciate it.

**A second thing we can do with freedom is to try to use it wisely and responsibly, for this is the only way to keep it.**

There are ways of exercising freedom that lead inevitably to bondage. These are the ways of the unwise and the irresponsible. These ways are exemplified in every person who wants things at another's expense, for he wants freedoms he is not willing everyone should enjoy. If you and I are free to plunder and to despoil, we cannot be free of being plundered and despoiled by others. To destroy another's freedom ultimately is to destroy our own.

In many ways we enslave ourselves by taking too many liberties. The thief helps himself to that which is not his and is imprisoned. The libertine exercises his right to buy and consume all the liquor he wants and becomes the servant of alcoholism. The student cheats his way through school and becomes the prisoner of his ignorance. The psychotic exercises his prerogative to rationalize his wrongdoing and becomes a slave to warped ideas and wrong philosophies. If we do not serve God because we want to, we shall serve Caesar because we must.

Samson provides us with a good example of the bondage that results from unwise and irresponsible liberty. He was so strong he thought himself a law unto himself. So he took liberties with the laws of God. Then, feeling secure in his great strength, he slept. His enemies first cut his hair (and he didn't feel it a bit). Then they blinded him and finally enslaved him. Loss of liberty has often followed this pattern, which begins with the unwise and irresponsible acts of those presumably most interested in preserving liberty.

Paul understood how man's liberties could enslave him, so he wrote: "I may do anything I please, but not everything I may do is good for me. I may do anything I please; but am not going to let anything master me" (1 Corinthians 6:12, Goodspeed).\*

In other words, Paul said, "I will live so as to avoid the bondage of a false liberty." So he lived by the precepts of God, and by the spirit of his living Lord. Though often in prison, Paul called himself a free man—free because he was the bondservant of Jesus Christ. For as there is a form of liberty that leads to bondage, so there is a form of servitude that leads to freedom. "Live as free men," said Peter, "yet without using your freedom as a pretext for evil; but live as servants of God (1 Peter 2:16, 17, R.S.V.).

Whenever men use their freedom as a pretext for

evil, they enslave themselves. Industrialists exploited labor and one day found themselves no longer free to hire, fire, and pay as they pleased. The laborer who thinks himself free to demand of his employer more than he is worth has often helped to destroy his job. The citizen who thinks his government should give him everything he wants is doomed to discover that government has to take from him everything he has to supply his demands.

Nations as well as individuals have enslaved themselves in these and other ways, usually in the name of liberty. Totalitarianism has been introduced into one country after another in the name of liberty. And citizens have accepted it rather than bother to think rightly and act responsibly.

We Americans are not guiltless. We are wise enough to see that if our neighbor has something we want and we take it from him at gunpoint, the law will catch up with us and take away our liberty. But we have not been wise enough to see that if we do with ballots what we must not do with bullets we will ultimately reap the same consequence.

What can we do with freedom? We can try to understand and appreciate it. We can seek to use it wisely, as servants of our God instead of our greed.

**Finally, we can seek to enlarge our freedoms.**

God means us to be free men and not slaves, to have all the freedom we can understand and appreciate, all the liberty we can use wisely and with due consideration for the rights of others, and to enlarge it rather than to be content to watch it diminish day by day.

I believe the time is ripe for a new Declaration of Independence—a religious declaration, a declaration of independence from immoral and irreligious forces, whether they arise from within us, or are thrust upon us from without. With the psalmist, we must say, "I will walk at liberty: for I seek thy precepts"; with Paul, "I may do anything I please; but I am not going to let anything master me"; with Peter, we will "live as free men, yet without using . . . [our] freedom as a pretext for evil; but live as servants of God."\* For "where the Spirit of the Lord is, there is liberty," and nowhere else!

You and I may not be able to turn the tide, but we can at least be part of the solution instead of part of the problem. Certainly we must be one or the other. For in the fight between liberty and bondage there is no such thing as an innocent bystander. He who merely stands by is not innocent.

Inevitably we cast our lot with the unthinking and the irresponsible who take the liberties that lead to bondage, or with those who accept the servitude that leads to freedom. ★★★

\* Smith and Goodspeed, *The Complete Bible: An American Translation*. Used by permission of University of Chicago Press.



*UNDER ATTACK:*

# Metaphor of the Wall, Establishment Clause



**FREDRIC MITCHELL**

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**T**HE war to destroy the First Amendment barrier against Federal aid to parochial schools is being waged vigorously. Less publicized than the press releases, legislative proposals, and court decisions that mark the battle front is a more subtle underground campaign to distort the intent of the writers of the Constitution. Particularly singled out for debunking is the metaphor of the wall of separation and the Establishment of Religion clause.

The "wall of separation," the argument goes, was never actually a wall, and of course the term does not appear in the Constitution at all. Jefferson said it, and it really cannot mean that religion should get no support from the state, for Jefferson arranged for religious education at the state-supported University of Virginia.

As for the Establishment of Religion clause, our forefathers meant only that the state could not favor one church over another, not that churches should get no help from government.

Both assertions are fallacious and both are worth correcting, for if the principle of separation of church and state can be minimized in the minds of our citizens, the way will be opened not only for aid to institutions of the church but also for the abuses of church-state union that caused our forefathers to write the First Amendment in the first place.

## **Jefferson: A Shell Game**

What did Jefferson do about religious education at the University of Virginia?

As one of the commissioners appointed to fix the site of the university, Jefferson wrote possibly the first reference to religion in the university's history in the report of 1818 to the Virginia Legislature. What he said there was this: "In conformity with the principles of our con-

stitution . . . we have proposed no professor of divinity . . . as the proofs for the being of God . . . will be within the province of the professor of ethics."<sup>1</sup> He went on to say, "It is supposed probable that a building of somewhat more size in the middle of the grounds may be called for in time, in which may be rooms for religious worship under such impartial regulations as the Visitors [the University's governing board] shall prescribe."<sup>2</sup> This was evidently all that Jefferson intended, for he stated in the same report that having proceeded "thus far without offense to the Virginia Constitution, we have thought it proper at this point, to leave every sect to provide, as they think fittest, the means of further instruction in their own peculiar tenets."<sup>3</sup>

Before the university buildings could be erected there was severe attack from sectarians because this was to be a secular institution; that is, no provision had been made for teaching sectarian religion. Of these attacks Jefferson says in a letter of 1820 to William Short: "The . . . serious enemies . . . are the priests of the different sects, to whose spells on the human mind its improvement is ominous."<sup>4</sup>

Four years later he wrote in the same vein to Thomas Cooper that the Presbyterian "ambition and tyranny would tolerate no rival if they had power. Systematically in grasping ascendancy over all other sects, they aim, like the Jesuits, at engrossing the education of the country, are hostile to every institution which they do not direct, and jealous at seeing others begin to attend at all to that object."<sup>5</sup>

He summarized the opposition of the clergy in these words of 1822 to Thomas Cooper: "In our University you know there is no professor of Divinity. A handle has been made of this, to disseminate an idea that this is an institution, not merely of no religion, but against all religion."<sup>6</sup> And he goes on to tell Cooper that "occasion was taken at the last meeting of the Visitors to bring forward an idea that might silence this calumny, which weighed on the minds of some honest friends to the institution."<sup>7</sup>

The idea Jefferson brought forward was an invitation to the different sects to set up their own religious schools somewhere near the University of Virginia. Students of the university were not, however, to be al-

## gentlemen of the jury



In order to prevent frauds on the public a law is passed forbidding the solicitation of funds without a permit from a public official, who is to satisfy himself that the cause for which the funds are solicited is a good one. Members of a religious group are arrested for soliciting funds without having obtained such a permit.



### Verdict?

- The statute may be applied to them as it has a valid public purpose behind it.
- The statute may not be applied to them, as it inhibits their freedom of religion and places too much discretion in the hands of the public officials.
- The solicitation being a religious activity, it is beyond regulation by the state in any way.

### Answer:

*b.* The statute may not be applied to them. "The Act requires an application to the secretary of the public welfare council. . . . He is not to issue the certificate as a matter of course. His decision to issue or refuse it involves an appraisal of facts and the formation of an opinion. . . . Such a censorship of opinion . . . is a denial of liberty protected by the First Amendment. "Nothing we have said is intended even remotely to imply that, under the cloak of religion persons may, with impunity, commit frauds upon the public. Certainly penal laws are available to punish such conduct. Even the exercise of religion may be at some slight inconvenience in order that the state may protect its citizens from injury. Without doubt a state may protect its citizens from fraudulent solicitations by requiring a stranger in the community, before permitting him publicly to solicit funds for any purpose, to establish his identity and his authority to act for the cause which he purports to represent. The state is likewise free to regulate the time and manner of solicitation generally, in the interest of public safety, peace, comfort or convenience. But to condition the solicitation of aid for the perpetuation of religious views or systems upon a license, the grant of which rests in the exercise of a determination by state authority as to what is a religious cause is to lay a forbidden burden upon the exercise of liberty protected by the constitution."

lowed "released time" to attend the religious schools. An official regulation stated that they "will be free, and expected to attend religious worship at the establishment of their respective sects, in the morning and in time to meet their school in the University at its stated hour."<sup>8</sup>

Having made the offer to the various sects to build their own schools near the university—an offer that meant nothing in any case, since they had a right to do so irrespective of Jefferson's wishes in the matter—Jefferson immediately withdrew the earlier offer of the use of university rooms for religious purposes. In reply to the minister, A. S. Brockenbrough, who requested a room "to be used regularly for prayers and preachings on Sundays," Jefferson said "that the buildings of the University belong to the state, that they were erected for the purpose of an university and that the Visitors, to whose care they are committed for those purposes, have no right to permit their application to any other."<sup>9</sup>

Did Jefferson recommend "procedures by which students at the University of Virginia, supported by the state and founded by Jefferson, might receive religious instruction," as educator Robert M. Hutchins<sup>10</sup> asserted recently in the *Saturday Evening Post*?<sup>11</sup> Hardly. What Jefferson did was to play the shell game of now-you-see-it-now-you-don't with the sectarian enemies of the university—with Jefferson himself manipulating the shells. While he engaged their attention with the invitation to build their own schools near the university, he withdrew the earlier offer of the use of university rooms for religious purposes.

### The Establishment Clause

Misinterpretations of the Establishment clause vary widely—there being evidence of a correlation between the degree of misinterpretation and what is to be gained from it. At the furthest extreme from the original meaning of the clause is the construction put upon it by the Catholic bishops in a 1948 statement in the *New York Times*.<sup>12</sup> According to the bishops, the Establishment clause was intended to prevent Congress from making laws disestablishing religion in the States—"No interference by the Federal Government in the Church-state relations of the individual states" were their words.

Here is an unheard-of extension of States' rights that would give constitutional protection to State support of religious schools, or even exclusive establishment of religion in any or all of the fifty States. It also is diametrically opposed to the Supreme Court interpretation, which says that "neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another."<sup>13</sup>

Tacit in the *Post* article by Hutchins is the idea that the "establishment of religion" clause means only that

the Congress and State Legislatures are prohibited from setting up single official churches for the States or for the nation as a whole, with the corollary implication that the Congress and State Legislatures can legally aid religion and church education if they do so equitably. This interpretation, as in the case of Jefferson's intent at the University of Virginia, is not supportable, as a brief review of the First Amendment's history discloses.

Final wording of the First Amendment was fixed in a committee made up of Madison, Sherman, and Vining from the House, and Ellsworth, Carroll, and Paterson from the Senate. Just as he dominated debate on the floor of the House, Madison doubtless left his impress on the final wording of the amendment in committee. Other members of the committee had little or nothing to say in the debate in their respective chambers.

Turn then to Madison to see what the "establishment clause" meant when written. At one time or another he said the following are violations of the Constitution, and when President he vetoed bills from the Congress, which were never passed over his veto, because they contained one or more of the following violations:

Paying chaplains in Congress and the armed forces with tax money.<sup>14</sup>

Exempting churches from paying taxes.<sup>15</sup>

Incorporating churches in the District of Columbia.<sup>16</sup>

Permitting churches to accumulate and hold tax-exempt property.<sup>17</sup>

Government declarations of religious fasts, festivals, or holidays.<sup>18</sup>

Giving churches, through incorporation papers, the implied legal agency to operate schools and provide charity. Education and charity are, Madison said, "a public and civil duty."<sup>19</sup>

Giving tax funds for the use or support of religion.<sup>20</sup>

Providing public land for religious use or support.<sup>21</sup>

Madison's viewpoint on the Establishment clause was further clarified when he vetoed a bill giving incorporation papers to an Episcopal church in the District of Columbia, "because the bill exceeds the rightful authority to which governments are limited by the essential distinction between civil and religious functions, and violates in particular the article of the Constitution of the United States which declares that 'Congress shall make no law respecting a religious establishment.'"<sup>22</sup>

It was no accident that Madison used the above italicized words instead of the official wording of the First Amendment ("... respecting an establishment of religion"), for he vetoed in the same words a second bill donating a piece of land to a Baptist church "because the bill in reserving a certain parcel of land of the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article of the Consti-

tution which declares that 'Congress shall make no law respecting a religious establishment.'"<sup>25</sup>

What the Establishment clause meant to its author was that the Congress is prohibited from making laws which *establish* religion; that is, laws which give any sort of direct or indirect support, aid, or official status to any or all religions, religious institutions, or religious practices.

The United States Government has already gone to the mat with church officials over the issue of tax support of religious schools in a little-known and extremely bitter chapter in our history. In 1819 the Congress made a first annual appropriation of \$10,000 to the War Department to use as a "civilizing" fund among the Indians. The War Department, and subsequently the Office of Indian Affairs, for eighty years thereafter distributed this money to church schools already existing on Indian reservations. This practice continued until 1900, by which time the annual appropriation to church schools had reached half a million dollars.

On realizing in the last decade of the nineteenth century that it had blundered into giving tax funds to support religious schools, the Congress began cutting off appropriations. Protestant churches approved, and refused further funds, but the Roman Catholic Church, which was receiving about three fourths of the money, objected and precipitated a conflict that was terminated only when the Government, represented by the Indian Affairs Office, officially severed relations with the Catholic Church, represented by its Bureau of Indian Affairs. The Congress then cut off all funds whatsoever and asserted the following in the Appropriation Act of 1895: "And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school."<sup>26</sup> This official policy of the United States Government has never been revoked.

There can be no question that parents' religious liberty covers the right to provide sectarian training for their children at their own expense, a right affirmed by the Supreme Court in 1907. Nor can there be any question of the right of private and religious schools to function as businesses, for in 1925 the Supreme Court struck down an Oregon law that would have closed schools of the Catholic Church, and other private schools, on that church's plea that its schools cannot constitutionally be given tax money and that it supports its own schools "cheerfully."

### An Emphatic No

The meaning of the First Amendment when applied directly to the question "Is tax support of parochial schools constitutional?" yields an emphatic No! The intention of the First Amendment was to separate church from state and state from church. And in so far as the

state undertakes to support education, that education must be dissociated from religion; it must be religiously neutral. The Supreme Court stated this principle on one occasion: "Free public education, if faithful to the ideal of secular instruction and political neutrality, will not be partisan or enemy of any class, creed, party, or faction."<sup>25</sup>

It is difficult for many to understand that the religion from which they derive inspiration and faith must be a matter of legislative indifference to secular authority. The intent of the Founding Fathers, however, was to separate religion from civil power, and the metaphor "wall of separation" describes their intent. This doctrine was spelled out as long ago as 1907 by a Federal court in these words:

"The First Amendment to the Constitution, by the clause 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof' has shackled the hands of legislation against aid or hindrance to creeds and faith; so be it that they live and flourish or die or wither they go untouched, unmoved, unstirred by law; against them it speaks not, nor in their favor; in their field each human creature stands unawed—a sovereign supreme, to turn which way he will; not only the white and black, but the red man as well."<sup>26</sup>

So far as the Constitution is concerned, the answer to the question about tax support for parochial schools could be made much stronger and still remain well within the meaning of the First Amendment: Any religious institution has exactly the same claim (no better or worse) on tax funds to aid religious schools that the American Association for the Advancement of Atheism (or any other antireligious institution) has for the support of antireligious schools—which is to say, none whatsoever. ★★★

### REFERENCES

<sup>1</sup> Report of the Commissioners Appointed to Fix the Site of the University of Virginia (Richmond, 1818), p. 10.

<sup>2</sup> *Ibid.*, p. 4.

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<sup>4</sup> P. L. Ford, *The Writings of Thomas Jefferson* (New York: G. P. Putnam's Sons, 1899), vol. X, 243, Letter of Nov. 2, 1822.

<sup>5</sup> *Ibid.*, p. 243.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> Saul K. Padover, *The Complete Jefferson* (New York: Duell, Sloan & Pearce, Inc., 1943), p. 1110.

<sup>9</sup> *Jefferson Papers*, Library of Congress, Jefferson to A. S. Brockenbrough, April 21, 1825, vol. 229, Folio 40962.

<sup>10</sup> "A Liberal Calls for Aid to Church Schools," Robert M. Hutchins, *The Saturday Evening Post*, June 8, 1963, p. 6.

<sup>11</sup> *Ibid.*

<sup>12</sup> *The New York Times*, Nov. 21, 1948.

<sup>13</sup> *Everson v. Board of Education*, 330 U.S. 1.

<sup>14</sup> W. A. Blakely, comp., *American State Papers*, 4th rev. ed. (Washington, D.C.: The Religious Liberty Association, 1949), p. 188.

<sup>15</sup> *Ibid.*, pp. 185, 186.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, p. 187.

<sup>18</sup> *Ibid.*, pp. 190, 193.

<sup>19</sup> James D. Richardson, comp., *Messages and Papers of the Presidents* (Washington, D.C.: Government Printing Office, 1898), vol. 1, pp. 489, 490.

<sup>20</sup> *Ibid.*, p. 490.

<sup>21</sup> *Ibid.*

<sup>22</sup> Blakely, *op. cit.*, p. 184.

<sup>23</sup> Richardson, *op. cit.*, p. 490.

<sup>24</sup> 210 US 50 (1908), note 60. Appropriation Act of 1895, 188, 29 Stat., 345.

<sup>25</sup> *West Virginia v. Barnette* 319 U.S. 624 (1934), p. 637.

<sup>26</sup> 35 *Washington Law Reporter* 766 (1907), 770.



## THE AMERICAN WAY OF LIFE

**F**REEDOM, it has been said times past remembering, is a priceless thing.

A man may buy his way out of jail. Another may sell freedom from worry in the form of a bottle of tranquilizers. But these are trifling plays on the word freedom in the grand sense that Americans mean when they think of this homeland as . . .

"The land of the free . . ."

Freedom is a paradox, too.

It is as unquenchable as man's loftiest spiritual strivings.

Yet it is as easily extinguished by the chill of neglect as an ember in an autumn downpour.

How, then, are we to enjoy and serve this intangible, priceless, fragile heritage of freedom?

The Credo of the American Way of Life, as formulated by the Freedoms Foundation, Valley Forge, Pennsylvania, suggests the way:

"To create and build an understanding of the spirit and philosophy of the Constitution and the Bill of Rights and of our 'bundle' of indivisible political and economic freedoms inherent in them.

"To inspire love of freedom and to support the spiritual unity born of the belief that man is a dignified human being, created in the image of his Maker, and by that fact possessor of certain inalienable rights."

These goals suggest that freedom—while it may not be bought and sold like any commodity—nevertheless is due something from us. We owe to our forefathers and their bequest of liberty three things:

Knowledge of the rights to worship God in one's own way . . . to free speech and press . . . to assemble peaceably and petition for grievances . . . to privacy in our homes . . . to the legal protection of habeas corpus . . . to trial by jury and the withholding of the stigma of guilt until proven guilty. . . .

We should know the history of these rights. And we should give to them and others a second payment:

Respect for the rights to travel about freely at home and abroad . . . to own private property . . . to elect our officials by personal secret ballot . . . to work in callings and localities of our choice . . . to bargain with our employers or employes . . . to go into business, compete and make a profit . . . to bargain in a free market . . . to contract about our affairs. . . .

To all of these and more we owe understanding, respect and a third acknowledgment:

Support of the rights of service by government as a protector and referee . . . of freedom from arbitrary government regulation and control.

When we can lay knowledge of, respect for, and support of these basic rights upon the foundation of a fundamental belief in God and a constitutional government designed to serve the people, we have begun to discharge our indebtedness to the Founding Fathers and our responsibility to succeeding generations who will inherit . . .

"The American Way of Life."—NEWELL JONES and JACK TUCKER. Last in a series on the Bill of Rights from the *Evening Tribune*, San Diego, California.

## OLD SCRATCH

[Protestants and Other Americans United (POAU), an organization dedicated to preservation of separation of church and state, has been accused of being in a rut because of its insistent and consistent opposition to public subsidies for parochial schools. In a recent issue of *Church and State*, its voice, POAU defended itself so delightfully that we thought the record ought to be on stereo. Herewith, their tweeter and our woofer.—ED.]

**C**HRISTIANITY AND CRISIS, which describes itself as "a Christian journal of opinion," thinks that Protestants need a new approach to the matter of public subsidies for Roman Catholic schools. Its idea of a new approach is apparently to give these schools the subsidies. Such an action, says that publication, would be "breaking with dogmatism." It would be something like real new.

*The Brooklyn Tablet* jubilantly agreed. Something like real new.

"The customary responses of the 'professional Protestants' are not very helpful," asserts helpful *Christianity and Crisis*. "Often they sound like a broken record stuck in the 18th Century."

Now for as long as we can remember "professional Catholics" have been demanding tax funds for their denominational schools. We have had from them an endless litany: "Give us money; give us money; give us money." A broken record stuck right in the Middle Ages.

To these dreary demands POAU has regularly responded in the spirit of American freedom and democracy—"No, no, no!"

*Christianity and Crisis* makes the curious discovery that the Catholic litany is something brave and new while the POAU litany is something monotonous and old. Why?

What is so novel about going after government money? Clear back to the Middle Ages and beyond runs the tradition of tax support for religion. What is new is functional and financial separation of church from state with freedom from the tax for religion.

Why does not *Christianity and Crisis* appeal to its Catholic friends to throw away their scratched medieval record and get in tune with America? Until this is done, we promise to answer the medieval "Gimme, gimme, gimme" with a firm "No, no, no."

C. STANLEY LOWELL

### THERE IS NO JOY IN MUDVILLE

**M**ADALYN MURRAY is up at the plate swinging the First Amendment again. This time she has filed a suit in Baltimore, Maryland, to end tax exemptions for church organizations.

Mrs. Murray, a forty-four-year-old mother of two, is the woman who gained notoriety by knocking the cover off required religious services in public schools her last time at bat.

The Baltimore suit asks Superior Court to declare the tax exemptions unconstitutional, stop officials from granting further exemptions, and direct the State to put churches, parochial schools, and grounds on the property tax rolls.

According to Mrs. Murray, other suits will be filed in Chicago, Illinois, Los Angeles, California, Stockton, Kansas, and Cedar Rapids, Iowa, by Other Americans, Inc., a corporation she has formed to promote distribution of information about atheism.

Mrs. Murray should be called out on strikes.

In the first place, exempting church buildings from taxation is in harmony with church-state separation. The church belongs to God. Repeatedly in the Scriptures the church is called the "house of God," "the temple of God," "the sanctuary of God," and "my holy house."

Tithes and offerings likewise belong to God. Those who withhold them are said to "rob God." To tax the churches and the tithes and offerings, all of which belong to God, would be to tax God and put Him to tribute to the government, thus subordinating God to human authority and domination.

Churches are exempt from general tax laws in the United States because of the principle of separation of church and state. This principle presupposes the church to be free from state control and the state to be free from church control. Each functions in its own sphere without interference from the other so long as each respects the fundamental rights of the other. To tax the church would be to subordinate the church to the goals of the state. The Supreme Court's dictum may have become a cliché, but it is nevertheless factual: "The power to tax is the power to destroy," and "the evidence of superior authority over the taxpayer."

Said the Supreme Court further: "The fundamental ground of all such exemption (whether charitable, educational, or religious institutions) where allowed is a benefit conferred upon the community by charitable and benevolent institutions in relieving the state to some extent of the burden resting on it to care for, and advance the interests of, its citizens."—*Corpus Juris*, vol. 61, p. 452.

Whether church-owned industry should be exempted is another question. When this industry is part of an educational institution and an integral component of its curriculum, we would say Yes. (Records show that precious few educational institutions have industries of this type that make any money on which to pay taxes.)

Of course, church industry goes far beyond this classification—radio stations, hotels, office buildings, parking lots, bakeries, warehouses, real estate, to name a few. Thirty years ago 12 per cent of real property was exempt; today 30 per cent is exempt, with religious organizations accounting for one third of this. Some church industry is competitive with private industry, the exemption of the former leading to a competitive advantage over the latter. If there is little logic or right in some of these exemptions, neither is there in exemptions which favor one segment of private industry over another—the depletion allowance enjoyed by the oil industry is an example.

An equitable arrangement might be to let the use to which church-owned realty is devoted determine whether it should be taxed.

Mrs. Murray does not seek to differentiate between a curve ball and a straight pitch. She seeks to whale the lot out of the playing field. In so doing she is not forwarding the cause of separation; rather she attacks a vital principle of separation that in most of its aspects must be defended and maintained. Strike three!

R. R. H.

### CITIZENSHIP

The best way to teach our young people the meaning of our democratic freedoms is to demonstrate, by our own example, that we have mastered the "three R's of citizenship"—Rights, Respect and Responsibilities.

—Earl Jas. McGrath,  
U.S. Commissioner of Education  
in "School Executive," 2-51.



## UNITED STATES

### Parochial School's Use of Public Facilities Held Legal

*Annapolis, Md.*—Public school facilities may be used by parochial schools for secular education, Maryland's attorney general has ruled.

In a precedent-setting opinion, Thomas B. Finan found no constitutional barrier, at the State level, to cooperation between public and parochial schools. Specific approval, he said, should come from the State legislature.

Mr. Finan's ruling came in response to a Hagerstown Roman Catholic school's application. The parochial school sought permission to hook into Washington County's closed-circuit classroom television network. The County Board of Education had deferred action until an opinion could be obtained.

The opinion held that "constitutional provisions, while they prescribe state neutrality toward religion, do not require hostility to it.

"Mere accommodations to religions and religious institutions are not forbidden, especially where the subject is to further the secular education of school children.

"The arrangement contemplated here would do no more than provide secular educational opportunities for school children, without the expenditure of any additional money by either the state or the county.

"It follows," the opinion concluded, "that enabling legislation to permit it would be constitutional."

### Citizen Protests Force Repeal of Sunday Law

*Charlotte, N.C.*—Protests from citizens forced Charlotte's City Council to repeal an ordinance restricting Sunday retail sales that had been in effect only three weeks.

Although the law had been enacted 18 months before, a court injunction had prevented its enforcement until the State Supreme Court upheld its constitutionality.

Councilmen, who conceded they had "misjudged the desires of the citizens," declared they were forced to repeal the measure because of a storm of protests. Even during its brief life the law was amended once to permit sales of hygienic items.

Repeal of the Charlotte ordinance caused some consternation in Raleigh, where the City Council and the Wake County commissioners recently repealed Sunday sales laws already in effect and adopted new ones identical to the Charlotte measure. They acted, they said, because the Charlotte law had already been tested in the courts.

In both cities ministers and church groups were among the principal supporters of the laws.

### Kansas Sunday Law Ruled Unconstitutional

*Topeka, Kans.*—A 1963 State Sunday-closing law has been declared unconstitutional by the Kansas Supreme Court.

The court said the law could not be applied uniformly throughout the State and therefore was arbitrary, oppressive, and unreasonable.

Constitutionality of the statute had been challenged by a group of Wichita grocers who held it violated Federal and State constitutions and deprived them of property without due process of law.

Enacted in April, 1963, the law replaced another Sunday measure declared illegal by the State Supreme Court in 1962. Kansas now has no Sunday-closing legislation.

## AFRICA

### Dutch Reformed Pastor Condemns Rain Making

*Messina, South Africa.*—A Dutch Reformed pastor has created a stir by condemning the use of "devilish rockets" to bring rain to this Northern Transvaal area which was in the grip of a serious drought.

In the course of a sermon the Reverend G. D. Wessels said he regarded rain-making rockets as an attempt by science to interfere with the will of God.

He called it "most irresponsible, a sacrilege, and an act of sabotage which ought to be punished as severely as any other form of sabotage.

"These so-called rockets," the pastor said, "are the devil. The only rocket justified is the rocket of prayer. Man was put on earth and justified in diverting rivers and building dams and taking necessary measures to fulfill his needs on the land.

"But shooting rockets at the sky to force rain to come

against the dictates of nature is an invasion of the domain of man's Maker. Man has no control over these devilish inventions, and the consequences could be destructive to people and property alike. Firing these rockets is an act inviting the wrath of God."

## GERMANY

### Step Up Atheist Propaganda Educator Tells German Reds

*Berlin.*—Intensification of atheist propaganda in East Germany, particularly among teachers and educators, was urged by Prof. Olof Klohr, holder of the first German chair for "scientific atheism" at the Philosophical Institute of Jena University.

Writing in the East Berlin *German Magazine for Philosophy*, Dr. Klohr, thirty-six, held that certain changes in the political attitude of the churches—tendencies of adaptation of theology to natural sciences; the growing number of people discontinuing church membership; and the increasing participation of Christians in political life—had favored a notable decrease of atheist propaganda efforts. He emphasized, however, that the Christian faith continued to constitute a stagnating element in the development of socialism and hindered active cooperation of Christians with the East German state.

Dr. Klohr cautioned that while atheism must be an integrating part of all ideological work, the atheistic propaganda "must not be conducted by unqualified and malignant methods which would only keep our Christian workers from cooperating in our great socialist society."

### One Third of All Germans Back Protestant-Catholic Union

*Munich.*—A public opinion survey conducted in West Germany indicated that one of every three persons favored reunification of Protestant and Roman Catholic churches.

According to survey officials, 40 per cent of those advocating reunion were Catholics, 26 per cent were Protestants.

The study also disclosed that 39 per cent of all Protestants and 49 per cent of all Catholics spoke out in favor of a *rapprochement* of the religious bodies.

Only 15 per cent of those questioned believed that the relationship between the churches should remain unchanged.

In 1962, when a similar poll was taken, only one of every five West Germans advocated reunification, one in four favored *rapprochement*, and one in three voted to continue relationships at the current status.

Catholic sources attributed the change to the impact of Vatican Council II and the trend toward ecumenicity.

## ITALY

### Pope Stresses Education Uplift Inherent in Army Service

*Vatican City.*—Compulsory military service may involve hard discipline, but it also has elements of education and uplift, Pope Paul VI declared at an audience to members of a Belgian military pilgrimage to Rome.

"You sons of a hard-working and peaceful people," he told them, "are the first to hope that you will never have to use the arms that you bear. Nor will you marvel at the fact that the Pope, Vicar of the Prince of Peace, should share your hopes and should invoke upon you during these days of Easter the blessings which the gospel promises to the peaceful."

The Pope went on to say, however, that while "awaiting this perfect peace of minds and hearts, which will only be realized truly in Heaven, you must bow down to the austere discipline of the military life with all that it has of nobility, education and uplift as well as of the pain of subjection and of sorrow for both you and your families."

(In Belgium, young men on reaching the age of 20 are called up for 18 months of military service.)

Pope Paul said "every effort at the service of the great cause of duty and honor to the fatherland is paid for by sacrifices."

"But," he added, "the very greatness and nobility of the ideal aimed at renders it easier. And we remind that Christian faith, above all, gives to the soul the courage and strength to face these sacrifices with serenity, even joy."

## RUSSIA

### Witnesses "Political Body" Soviet Radio Charges

*Moscow.*—Soviet Radio, in an English-language broadcast beamed at the United States, charged that in their teachings "Jehovah's Witnesses are more a political organization than a religious body."

The broadcast claimed that leaders of the Witnesses are "often people with a shady past" who carry on activities "which contradict our laws, our norms of social life and behavior, and their activities have very little to do with religion."

While Soviet attitude toward the leaders is "negative," the broadcast continued, authorities feel that the rank and file "have been misled, and that through patient painstaking explanatory work they can be dissuaded" from further Witness activities.

This is believed to be the first time that Soviet authorities have openly expressed their views on the Witnesses.



## **Reds Claim Israeli Diplomats Issue Anti-Soviet Literature**

*Moscow.*—Charges that Israeli embassy personnel in Moscow have been distributing "Zionist and grossly anti-Soviet literature" through the Moscow Synagogue have been made by both the Soviet radio and the newspaper *Trud*.

The Communist journal claimed that the leader of the Moscow Jewish community has "repudiated" the alleged propaganda attempts and appealed to the Israeli ambassador to halt "your efforts to impose this literature on us."

*Trud* singled out Abraham Agmon, former first secretary and now counselor of the Israeli embassy, as the principal propagandist. "Judging by his actions, he sees the main purpose of his stay in our country to be the distribution of nationalist Zionist literature and the collection of fantastic rumors about life in the U.S.S.R."

## **American Liberty**

*From page 15*

Senator Alexander Wiley, when he was chairman of the Senate judiciary committee, well stated: "An independent judiciary is a strong judiciary, a fearless judiciary, having respect for its co-equal branches of government, but respecting even more its paramount obligation to the American people in interpreting the supreme law of the land."

### **Do you feel that the desire of many for security constitutes a threat to liberty?**

Immediately after World War II was over, a security psychosis gripped the country. Shifts in policy by totalitarian nations were constant and erratic. Many were seized with panic. And it might be added that many capitulated to the new god of security. They were ready to cast away their liberties without question.

The tendency existed to forget that the most sacred rights were theirs inherently rather than doled out and granted by government, or exercised only by the consent of men.

This capitulation gradually oozed into democratic institutions. The idea became prevalent among some, at least, that liberty was a luxury, not a source of strength. Some went so far as to advocate that security required common agreement on all affairs of state. And the thesis was advanced that insecurity would necessarily befall any nation as people criticized leaders or disagreed about formulation of state policy.

This is illogical. If history has any one great lesson to teach, it is that ultimately national security feeds and thrives upon strength of individual conviction. When this conviction is shaken, governmental institutions will tend to reflect the peoples' insecurity by expanding and

entrenching their oppositions. This in turn will lend an aura of stability to an inherently unstable condition. It is at these moments in history that very basic changes will occur between the people and their government; they may also take place within the government itself.

### **What impact do you feel this desire for security has had upon the judiciary?**

I feel the judiciary has been successful in resisting it in most of its adjudications. The judiciary must challenge the tendency to deal with heretical thought or apparently erratic action outside the law or through methods which are calculated to slip narrowly within the law. Immediately it does this it becomes a target for criticism, and this criticism comes from both extremes of political philosophy. With this criticism of the judiciary comes criticism of personalities as well as decisions.

Judges are only human; they don't have blinders and are not made of iron. Neither are they insensitive. It is impossible for them to mount a soapbox in support of unpopular decisions if they are to maintain objectivity. These, then, constitute compelling reasons why judges exemplify courage and remain true to their convictions.

### **In your experience as a judge, have you received letters of criticism?**

Yes. Indeed, if I had not received such letters, I would wonder how fearlessly I was serving as a judge. A fair amount of correspondence that comes my way from time to time is the result of decisions I feel it necessary to render. In 1955 I gave a verdict in a particularly complex case which brought immediate reaction. Letters and telegrams descended upon me. Some were prefaced with the words, "I am not a lawyer, but according to the papers . . ."

Some antagonistic letters were addressed to "U.S. No. 1 Traitor," or in terms comparably endearing. Some correspondence gave hints as to how I could improve myself as a judge. One of them read: "DEAR JUDGE YOUNGDAHL: You ought to be impeached. You crook! You are in with the same, sneaky back-alley gang that threatened the very life of our great republic. But don't worry, you'll get yours. The people won't stand for your doublecross. Very truly yours, YANKEE DOODLE, JR."

But regardless of the torrent of abuse and criticism, there can be no justification, nor possible excuse, for judges becoming spineless or failing to adhere to conviction. It is true that abuse is discouraging; it may even cause depression. But it should never sweep away principles basic to freedom and liberty.

### **What do you regard as the task of lawyers and members of the judiciary?**

First of all, we are to preserve free and searching

debate. The public is to be better informed as to what limitation might rightfully be imposed upon nonconformity and what limitation may not be imposed. This can be done as we use the tools of our trade.

This will alleviate fear of the unknown. As the area of free discussion is more clearly delineated, we can resist more competently intimidation and threats of reprisal when they have no place. We are to be mindful of Thomas Jefferson's counsel. In 1803 he wrote: "It behooves every man who values liberty of conscience for himself, to resist invasions of it in the case of others." \*

A second part of our task is to serve as watchdogs, ascertaining that laws are kept clear, understandable, and reliable. This will minimize frictions in day-to-day living and lessen impediments to individual achievement. It is from an active and satisfied people that loyalty springs. And from this loyalty comes national strength—all as a guarantee of liberty. For if liberty is to continue, an organized society capable of maintaining public order must exist.

Commented the late Justice Jackson: "I think that under our system, it is time enough for the law to lay hold of the citizen when he acts illegally or in similar circumstances when his thoughts are given illegal utterance. I think we must let his mind alone." This observation is certainly apropos today. Thoughts, speech, and action must be treated as distinctly unique and separate concepts; we dare not create from them a mantle of liberty so broad as to cover everything and so feeble as to predict nothing. Speech must be treated as more akin to thought. If we must err, we are to err in favor of inviolate thought.

Above all, we are to cling tenaciously to the God-given right to think and believe what we will.

**Is conflict—controversy—over our liberties to be avoided?**

Conflict is not to be feared but welcomed, for the search for truth is endless. It is only through the constant clash of ideas that man comes to recognize error and advance in truth.

Let us bear in mind that no man is infallible; no individual is the arbiter of final truth.

Throughout history it has so often happened that the heresies of yesterday become the accepted beliefs of today. Indeed, they are often the orthodoxies of tomorrow. Disagree with some, we may; make objection to heresy, belief, or orthodoxy, is our right. But no man is entitled to gain acceptance of his ideas through the suppression of another's.

Truth is encountered only through liberty, and the guarantee of liberty is the courageous application of the thoughts of watchful men. ★★★

\* George Seldes, compiler, "Letter to Dr. Rush, 1803," *The Great Quotations*, p. 369.



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