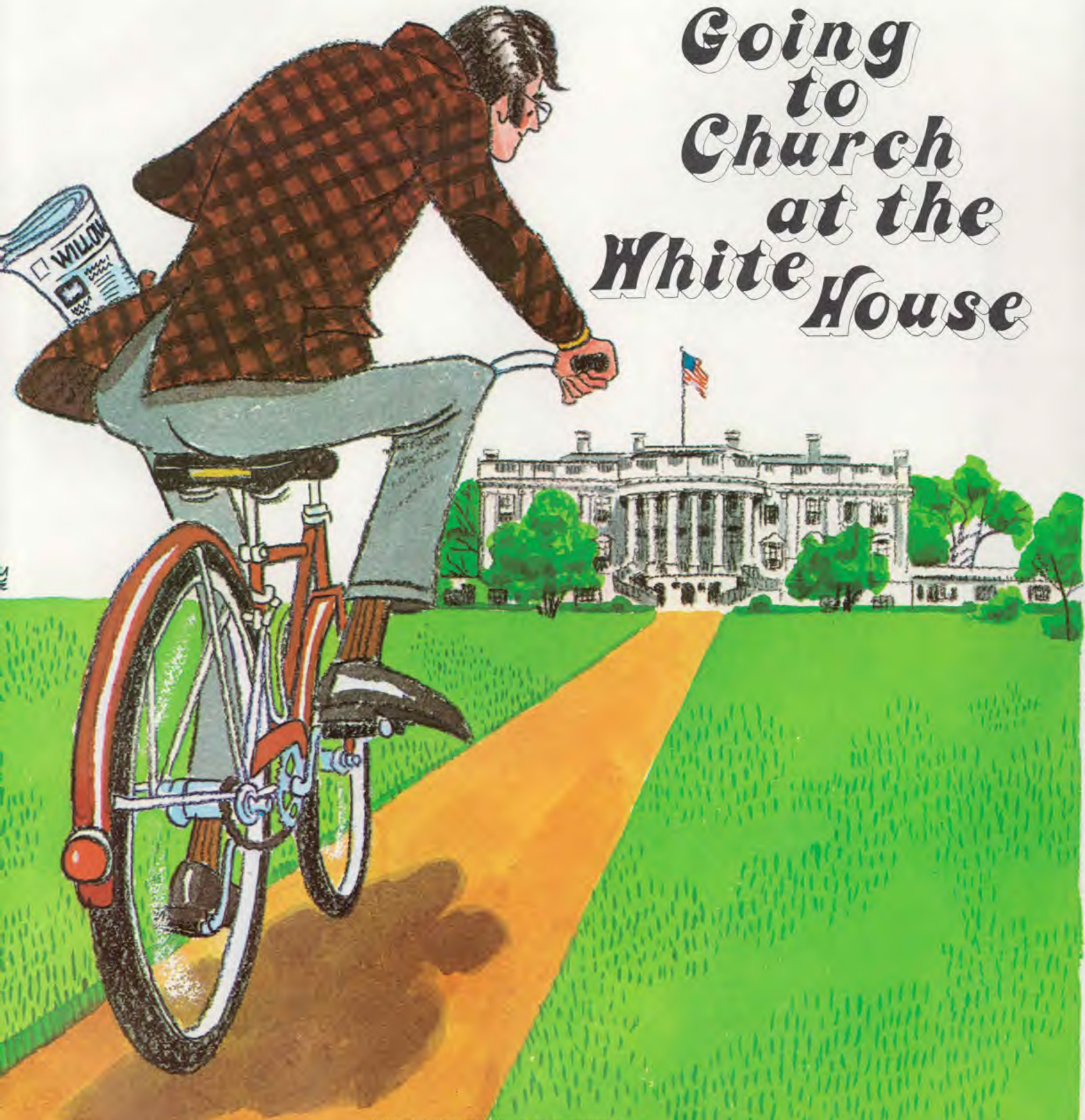


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Going to Church at the White House

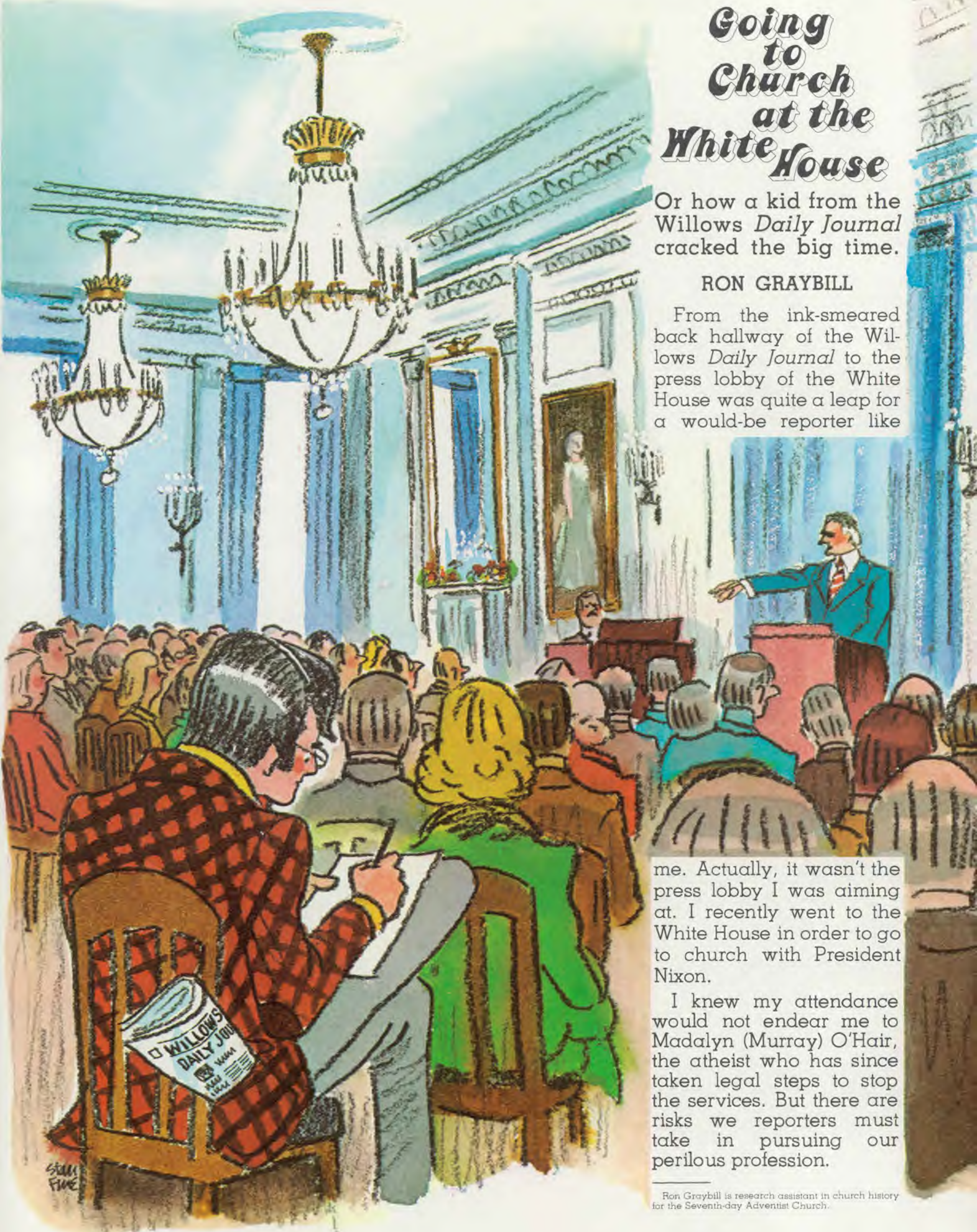


Going to Church at the White House

Or how a kid from the *Willows Daily Journal* cracked the big time.

RON GRAYBILL

From the ink-smeared back hallway of the *Willows Daily Journal* to the press lobby of the White House was quite a leap for a would-be reporter like



me. Actually, it wasn't the press lobby I was aiming at. I recently went to the White House in order to go to church with President Nixon.

I knew my attendance would not endear me to Madalyn (Murray) O'Hair, the atheist who has since taken legal steps to stop the services. But there are risks we reporters must take in pursuing our perilous profession.

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The occasion was the inaugural worship service at the White House on Sunday, January 21, this year. This was to be the only official religious observance connected with Nixon's second inaugural, and it boasted a distinguished cast of three clergymen—a Rabbi, a Roman Catholic archbishop, and Billy Graham, the Protestant evangelist who kicked off White House worship services four years ago, just after Nixon took office.

Little did I know that before the day was over the big names from the big papers would be asking me what the Chief Justice thought about reading the Ten Commandments in a public school classroom. But, then, I was the only one dumb enough to ask him. You see, that's the way we did things on the *Willows Daily Journal*.

My introduction to journalism was as a paperboy pitching the *Willows Daily Journal* from a balloon-tired bicycle onto the porches of that sweltering, mosquito-infested, rice-growing town in the upper part of California's Sacramento Valley.

The *Journal*, folded up tightly, was about as big around as a quarter, and for me to suddenly find myself hobnobbing with the religion editor of the *New York Times*, wire-service writers, and big-time society reporters was a bigger kick than meeting the Chief Justice and his wife, Elvira.

The organ was intoning "Sweet Hour of Prayer" as I took the last seat on the last row in the East Room

of the White House. It didn't seem much like a church—gold draperies, three giant crystal chandeliers overhead, and Mike Mansfield over there looking very solemn along with other Congressional leaders and cabinet officers.

We rose as the President entered. Then we sat down as he stood in front of the pulpit and in a very low, hoarse voice began the introductions. Pity the poor man. He hadn't got to bed until 1:30 that morning after a hectic, car-rally dash from one to another of six inaugural balls.

He told the three hundred worshipers why they were there—because they had worked faithfully on his inaugural committee, or were part of his old or new administration, or a prominent government leader.

This is the usual procedure at White House services. The President always invites some special class of people — diplomats, Congressional leaders and their staffs; he usually mentions who was invited, and he always introduces the speakers he has chosen for the occasion.

For this particular service there was Rabbi Edgar F. Magnin from the Wilshire Boulevard Temple in Los Angeles. The President confided to us that the Rabbi had known Mrs. Nixon even before he did, having taught her when she was studying at the University of Southern California.

Then there was the Most Reverend Joseph L. Bernardin, recently transplanted by Pope Paul from Washington, D.C., to Cincinnati. Finally Billy

Graham was introduced. Graham first came to Mr. Nixon's attention while the President was a freshman member of Congress in 1947. The President's mother had written him that she had just heard a promising young preacher named Billy Graham. "I think that young man will go far," she wrote. "And so he has," the President told us.

In introducing the speakers, the President referred not to their differing faiths or political ideologies, but as one might expect from a political figure, he pointed out that they represented different regions of the country. Magnin was from the West, Bernardin took care of the East and Midwest, and Graham the South.

Mr. Nixon held thirty-six worship services at the White House during his first term. The preachers he invited have been predominantly Protestant, but he has heard several Catholics and Jews, as well as a layman of the Eastern Orthodox faith.

The services were drastically curtailed during 1972 to avoid any appearance that the President was using religion for political purposes during an election year, but according to White House spokesmen, they have been so well received that there is every prospect the President will continue them during his next four years.

When the President had finished introducing the thirty-voice select chorus from the Mormon Tabernacle Choir, we all stood to sing the doxology. I

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thought the song lagged a little, but after all, most of the worshipers had been celebrating half the night. Even the Rabbi stood with us to praise "Father, Son, and Holy Ghost."

Archbishop Bernardin opened with prayer, then carefully read his homily just as it had been released to the press in advance.

It was essential that the Archbishop read his remarks. He was the only preacher that morning who offered any kind of prophetic challenge to the President and his government, and he phrased his words carefully.

Even his prayer carried out the theme: "Help us to take our part in the life of this nation, to be brave in the pursuit of justice, to share what we have for the welfare of all men. Grant that our national boundaries will not set limits to our love. Ward off the pride that may come with possession and power."

The homily seemed well accepted, even when the Catholic prelate suggested that the loss of self-confidence in America could be interpreted not as a weakness but as a growing maturity, a growing sense of realism, and a deepening sense of humility.

Rabbi Magnin followed, and his talk was the hit of the day. He wandered freely from his advance text, and often had the congregation laughing at his witty asides. Basically, he appealed for common sense and cautioned against naive idealism. He was lavish in his praise of the President, calling him "our great leader, our

great President, and a beautiful human being."

He told an East Indian proverb in which three pompous magicians allowed a common, simple "boob" to tag along with them. They attempted to impress the peasant by raising a dead tiger to life, whereupon the tiger mauled and devoured the magicians while the simple man looked on from a nearby tree. "They had knowledge," the Rabbi said over the laughter, "but no common sense."

"Any fool is bad enough, but an educated fool is worse—more dangerous," Magnin continued, throwing in casual jabs about the esoteric language of sociologists and psychologists and the "foolish talk of demagogues and educated idiots who just want shock value to get their books printed."

He took on the "new morality" and got a good laugh from saying that it was nothing but the "old immorality." The Rabbi's solution was for us to have faith, to believe in God, or at least that "mystic something that transcends whatever is material and physical."

The Mormon chorus sang "The Lord's Prayer" and "America the Beautiful," and then Billy Graham took the pulpit, tanned and beaming, his radiant presence filling the room.

The Rabbi had taken more than the ten minutes each of the preachers had agreed to over coffee earlier that morning, so Graham had to slash his sermon to the bone to cut it off at twelve noon. It was Protestant evangelical

preaching at its best, interesting, well-organized, and pointed.

He said we were living in an age of earthquakes, but there are still some things that never change. God never changes, God's law never changes, and God's purpose in history never changes. Then he closed by echoing the President's election night appeal for us to so conduct ourselves that years from now people will look to the generation of the seventies and say, "God bless America."

It was in his remarks about the unchangeability of the moral law that Graham made his most interesting proposal: "I believe that our young people are floundering because no one is saying to them with authority in the classrooms, 'This is right and that's wrong.' We need a moral law. And I would like to see Catholics, Protestants, and Jews unite in our pluralistic society and say, 'We would like to have the Ten Commandments read in every classroom in America every day so that our students throughout the country will know that there is a right and there is a wrong.'"

I marked the margin of the text with a big star and glanced across the room to see if Chief Justice Warren E. Burger was listening. He was.

After posing for official pictures with the preachers, the President moved on to the State Dining Room to receive his guests. Spiro Agnew and Billy Graham took up their posts in the Blue Room, and we reporters scrambled to enrich our stories.

I must admit I was a bit awed by the array of famous faces. There was Presidential Advisor H. R. Haldeman, whom I have to consider the most courageous man in America for sticking with a crew cut to this very day. William P. Rogers sauntered by munching on a cookie. Caspar Weinberger was smiling and jovial in spite of the struggle he still faced to get Senate confirmation for his appointment as Secretary of Health, Education, and Welfare. His optimism was rewarded: he made it.

Ron Ziegler, the President's press secretary, came charging up to me while I was changing film in my camera: "There are no pictures allowed in here! None at all! Get that out of here!" I was badly shaken. In the excitement I had rolled an unused film clear back into the canister. Three lousy bucks right down the drain.

When I could get a word in with John Ehrlichman, another top Presidential advisor, I asked him why the Religious Observances Committee of the Inaugural had had no duties to perform when they had done so much the last time.

John was very nice. He didn't know, but over there was Jeb Stuart Magruder, the next-to-the-top man in the Inaugural Committee. He should know.

Jeb merely pointed out that the White House worship service we had just attended took the place of the little prayer book the Religious Observances Committee issued last time around.

I wandered into the Blue

Room and spied Archbishop Bernardin sipping orange juice. Didn't he think Graham's proposal would be unconstitutional? Perhaps it would be in just that form, he replied, but "the Ten Commandments are just as valid as ever. And it's our responsibility as representatives of our churches to teach the Ten Commandments."

I could heartily agree with that myself, so I looked up Rabbi Magnin. "Well," he said, "I'm not so radical as some on this church-state business, but I agree with the suggestion in a general way, yes, the gist of it."

"But wouldn't it create confusion for many of these youngsters to hear every day when the fourth commandment was read that the seventh day is the Sabbath?"

"Ah, yes," he chuckled, "because some of them don't believe that."

Finally, after a brief chat with Julie Eisenhower about the "Salute to America's Heritage," where I had seen her and her mother, Pat Nixon, wrestle their way through mobs of well-wishers on Friday afternoon, I saw Warren Burger come into the room.

I introduced myself; he introduced his wife. I asked him, "Wouldn't Billy Graham's suggestion about reading the Ten Commandments in the classroom raise grave constitutional questions?"

"At this time it would," the Chief Justice replied. Then he went on to remark that the Ten Commandments had come very close to being declared unconstitutional for

reading in schools, that while considering a case where the Psalms had been read, some of the lower courts had ruled against it.

Actually, the reading of any portion of the Scriptures as a religious exercise has been ruled unconstitutional, but I was not prepared to argue technicalities with the Chief Justice of the United States at my first White House reception.

Finally, there were more pictures of the President posing with the members of the Mormon Tabernacle Choir, and then, smiling and waving, he ascended the stairs for a last meeting with Henry Kissinger and General Haig before sending them off to Paris to initial the peace agreement.

I went back to the press lobby and shared what I had learned with the rest of the reporters. The Associated Press man was very interested in Burger's remarks.

That night I sat in the kitchen with my wife watching Garrik Utley handle the NBC Evening News. Just before signing off, Utley mentioned a worship service at the White House. A picture of Billy Graham flashed up over Utley's shoulder. Graham suggested that the Ten Commandments should be read in the classroom every day, but (Burger's head on the screen now) the Chief Justice, asked if it wouldn't create grave constitutional questions, said that at this time it would.

Not a bad start for a kid from the Willows *Daily Journal*. □

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An attorney states the American Civil Liberties Union's

Case
Against
Parochial Aid

JOSEPH B. ROBINSON

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The drive for government financing of church-related schools would overthrow a precept of our society that has been taken for granted until recently—that the government should not, and may not, give its tax-raised funds to sectarian instruction. This principle is embedded in the First Amendment to the United States Constitution and in parallel provisions in the constitutions of the various states. The American Civil Liberties Union believes that this principle should be preserved intact.

The various forms of aid that have been proposed are frequently lumped together under the title "parochial aid"—by both proponents and opponents. In practice, all the proposals would aid all nonpublic schools meeting state standards, both sectarian and nonsectarian. (However, schools operated for profit are often excluded.) ACLU has no policy objections to govern-

ment aid to nonsectarian, nonpublic schools on grounds of establishment of religion. Such schools, however, represent less than 10 per cent of the total attendance at nonpublic schools.

ACLU regards government aid to sectarian schools as a violation of separation of church and state. It views the current drive for parochial aid as an attack on the Bill of Rights.

Tax Funds

Of course, there have always been disputes about just what the separation principle means. Like all of our constitutional guarantees, it is surrounded by a gray area. But one concept has been generally taken for granted—the government cannot give *money* to churches or church institutions, directly or indirectly. Government financing of the practice or propaga-

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Statements . . . that a way will be found, . . . to finance sectarian schools should be seen as what they are—attacks on the Bill of Rights as a whole.

tion of religion is not permitted. This principle obviously applies to government financing of sectarian schools, which are set up to propagate religion and which weave sectarian precepts into all aspects of their operations.

Until recently the principle has not been seriously challenged. Minor forms of support, such as busing and textbooks, have been obtained, sometimes with court approval on various grounds. But not money. The demand that tax monies be used to finance sectarian schools is something new.

Those who supported this demand when it first began to be pressed with vigor five to ten years ago recognized that the constitutional requirement of separation of church and state, as generally interpreted, stood in the way of simply transferring tax-raised funds into the treasuries of sectarian schools. Consequently, various stratagems were devised for relieving those schools of the expense of the purely secular aspects of their operations. It was argued that the teaching of arithmetic, science, and languages had no sectarian impact and could therefore be paid for out of state funds. (This required either actual or pretended abandonment of a fundamental precept of most if not all sectarian schools—that religion must be interwoven into all subjects.)

The first stratagem to become law was embodied in a statute enacted in 1968 in Pennsylvania. It authorized the State Superintendent of Public Instruction to "purchase" certain "secular educational services" from nonpublic schools, directly reimbursing those schools for teachers' salaries, textbooks and instructional materials. In 1969, Rhode Island adopted a statute using a slightly different approach. It authorized state

officials to "supplement" the salaries of teachers of secular subjects in nonpublic elementary schools by paying directly to the teachers up to 15 per cent of their current salaries. Similar "purchase of secular services" or "salary supplement" laws were adopted in a few other states.

In June, 1971, the United States Supreme Court ruled that the Pennsylvania and Rhode Island statutes were unconstitutional. Only one Justice dissented. In an opinion delivered by Chief Justice Burger, the Court rejected the ingenuous argument that the statutes aided the pupils rather than the church institutions. It also made it clear that nothing in its opinion should be construed "to disparage the role of church-related elementary and secondary schools in our national life. Their contribution has been and is enormous." The Court reached its decisions, it said, because "the Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice, and that while some involvement and entanglement is inevitable, lines must be drawn."

"Entanglement"

Ironically, the Court rested its decision in part on the very provisions that had been designed to save the laws. It held that the elaborate arrangements to insure that the state monies were used only for secular teaching created the kind of "entanglement" of church and state which the separation principle was designed to prevent. The Court said in effect that, in guarding against use of tax-raised funds for religious purposes, the statutes inevitably embroiled the state in improper supervision of church affairs.

However, that was not the

whole opinion. The Court also condemned the acts on other grounds, including the fact that any form of financing would create "political divisiveness related to religious belief" because of the "need for continuing annual appropriations and the likelihood of larger and larger demands as costs and populations grow."

Not surprisingly, the advocates of parochial aid did not simply give up after this ruling. But the road they took was rather strange. Concentrating attention on the "entanglement" aspects of the Supreme Court's decision, they threw their weight behind various proposals giving money to parochial schools, directly or indirectly, with no strings attached. This, they said, would avoid the vice of "entanglement."

Of course, no one is proposing direct payments to church schools. The various plans under consideration all involve "indirect" aid, usually under such names as "tuition grants," "tuition reimbursement" and "vouchers." The money is given to the parents of church school pupils and they turn it over to the school.

Perhaps it is true that these measures avoid or reduce entanglement. However, they provide the very kind of simple financing of the operations of religiously affiliated schools which has always been regarded as impermissible. Hence, it is not surprising that every court that has considered them has held them invalid.

Tax Credits

The latest entrant into this field, "tax credits," makes the aid a little more indirect, but without changing any of its essential features. Under this arrangement, parents of children in nonpublic schools are al-

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Various stratagems were devised for relieving parochial schools of the expense of the purely secular aspects of their operations.

lowed to deduct a specified amount from the income tax they would otherwise have to pay. It may be \$5 per child, or \$100, or the full amount of the tuition they have paid.

It would be exalting form over substance if we were to accept the idea that this scheme for financing church-affiliated schools differs either practically or constitutionally from others mentioned above. It is simply another way of financing church schools at the expense of the taxpayer. Whether you give tax credits or tuition reimbursements, the account books of all the parties come out the same. There is just as much less in the public till and just as much more in the church coffers under one plan as the other.

Civil Liberties

ACLU's opposition to these measures does not rest solely, or even primarily, on what the courts have said, or may say, about the meaning of the First Amendment. The main basis for our position is that the very practical considerations that underlie the separation principle reveal the dangers of all forms of state financing of religion. The same factors that prompted the Framers to add to the Constitution the broad language of the clauses on religion in the First Amendment in the eighteenth century warrant continued defense of complete separation today. Indeed, the ACLU would today oppose public financing of sectarian schools even if there were no First Amendment—because we believe it violates civil liberties principles.

The reasons may be reviewed briefly. First, there is the involvement of the democratic processes of our government in conflict among religious groups, the "political fragmentation and

divisiveness on religious lines" which the Supreme Court warned against in its recent decision. Government support of church schools, the Court there noted, benefits "relatively few religious groups"—those which operate schools. Parochial aid programs, therefore, favor some sects over others, a situation that invites sectarian strife.

Our democratic system, of course, allows room for differences among religions on substantive matters; abortion is a recent example. It is quite a different matter, however, when the conflict is about money—about government support that may affect the survival of a church or its institutions. Resolution of the abortion issue, one way or another, will not affect the ability of any sect to propagate its faith. Resolution of the issue of state aid to church institutions obviously will. Hence, once it is established that the state may finance religious institutions, every sect will be given the strongest possible incentive to mobilize its strength and assets to control governmental agencies and processes.

Already, the issue of parochial aid has taken too large a place in our elections. If the principle that such aid may be given is ever established, the amount, extent and form will be an issue in every future election—local, State, and Federal.

Second, separation of church and state is good not only for the state but also for the church. Any time government gives money to private institutions, it must accept responsibility for the way the money is used. This means close supervision of the beneficiary's operations. Church schools must pay a price in loss of independence for every dollar of tax-raised funds they get.

The governmental restraints may have many aspects, ex-

tending far beyond the existing laws that require maintenance of minimum quality and specific content in curriculum. They would obviously include bars on discrimination based on race and national origin in both hiring and admissions. If the bars extended also to sex and age bias, the characters of many institutions, including aspects that give them their special appeal, might well be affected. But it would also be necessary to bar discrimination on the basis of religion. That requirement would radically alter the character of sectarian schools.

Even this is not the whole story. Basic constitutional principles for which ACLU has fought many successful battles require that such liberties as due process, academic freedom and student rights, which bind public institutions, follow any expenditure of public funds. This is part of the responsibility owed to the public by institutions using public funds.

Finally, in the case of church schools, the restraints accompanying public funds would also include measures to insure that those funds were not used for religious instruction or practices. This would mean eliminating religious content from most if not all secular courses. This has caused many religious leaders to express concern about the cutting of religious content by church schools seeking to qualify for government aid.

Controls

Two fundamental civil liberties principles are involved here. The first says that those who pay taxes are entitled to know and have a voice in how their money is spent. In the case of public schools, the taxpayer retains a voice, through the ballot box and otherwise. No such

Whether tax credits or tuition reimbursements, the books come out the same: There is just as much less in the public till and just as much more in the church coffers under one plan as the other.

control exists as to nonpublic schools unless elaborate procedures for accountability are created. Merely turning public funds over to school officials who are not accountable to the public is taxation without representation.

It is equally important to remember that one of the purposes of the Religion Clauses of the First Amendment is to insure, as the Supreme Court has said repeatedly, that "No tax in any amount . . . can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." Hence, parochial programs must contain control procedures to insure that the public funds are not used for sectarian purposes.

Despite these considerations, supporters of parochialism insist that if they are not worried about loss of independence no one else should be. But what is this confidence based on?

On the one hand, the assumption may simply be that the restraints described above will not be imposed. As we have shown, however, that would violate both the principle that those who spend tax-raised funds must be responsible to the taxpayers, and the rule that tax-raised funds may not be used for religious purposes.

On the other hand, it may be assumed that the restraints will be put down on paper but they will not in fact be enforced. This very real possibility is even more dangerous. It invites disrespect for law, either because it is ignored or because it is enforced selectively only against weaker or less popular institutions.

Finally, aid to nonpublic schools would deal a crushing blow to the effort to achieve effective racial integration of the public schools—an effort al-

ready facing increasing obstacles and active opposition. Private schools are by their nature selective; they have little reason for existence if they are not. Even if they are subject to and honestly accept a ban on racial discrimination, the selection process tends to favor whites over blacks, particularly in schools limited to or favoring particular religious groups. Fragmentation of the school population among hundreds of private schools would compel abandonment of the effort to undo the effects of past school segregation.

These and other arguments support the view, generally accepted until recently, that government aid to parochial schools is unsound and violative of the constitutional principle of separation of church and state. The proponents of parochialism nevertheless urge that other considerations require reversal of our past national policy. Let us review these considerations.

"Double Tax"

Perhaps the most familiar argument is that parents who send their children to nonpublic schools are subjected to "double taxation." They are taxed, it is claimed, to support the public schools and then they are taxed again when they pay private school tuition. This, of course, misconceives the function of taxation.

Taxpayers—all of us—are taxed to support activities of a public nature, whether they benefit us directly or not. One of these is maintaining public schools that are open to all. We are taxed for this public purpose, whether or not we have children. We are taxed whether or not we choose to, or even can, use the schools. Even corporations pay school taxes.

Is a company that hires private

guards doubly taxed because its taxes also support the local police? Is a wealthy family doubly taxed because it belongs to a private swim club and does not use the public pool? Is the ghetto dweller doubly taxed because he does not use interstate highways? Are Christian Scientists doubly taxed because they help pay for public hospitals which they cannot use? Or wealthy families who prefer private hospitals?

"Double taxation" is a myth. Tuition payments are not taxes. They are the cost of choosing not to use public services. This cost does not differ in any way from the expense of using private hospitals, swimming pools, or police forces.

Religious Freedom

Parochialism proponents sometimes argue that their case is different—because the religious freedom clause of the First Amendment guarantees the right of parents to send their children to church schools. That right is worthless, it is claimed, if the parent has to pay in order to exercise it. But the fact that the Constitution tells the government to let you go to a religious school does not mean that the government must pick up the check.

The First Amendment also guarantees freedom of the press, including the right to publish a newspaper. That right, too, is hard to use effectively if you do not have money. Yet, no one says that the government is required to grant you a voucher or a tax credit to keep your newspaper alive. The First Amendment also guarantees freedom of worship—but you still have to raise your own funds to pay the preacher.

In effect, this argument says that the First Amendment not only permits but requires use of

Demands of nonpublic school administrators may be modest now but their ultimate, frankly stated goal is "parity."

tax-raised funds to finance church institutions. That is a strange interpretation of language written by a man, James Madison, who opposed compelling any citizen "to contribute three pence only of his property" to any church establishment. It is not surprising that every court that has been asked to uphold this view has rejected it.

Freedom of Choice

Then there is the "options" argument. This holds that it is unhealthy to have only one school system, that parents should have several options as to where to send their children, and that the only way to assure this is for the government to provide the financing for several school systems. If there were any validity to this suggestion, it could be implemented without including church schools in violation of the Constitution. In fact, in some school systems today, experimental programs are under way that will give parents the opportunity to choose among public schools having a variety of programs.

Implicit in the "options" argument is the suggestion that the public schools have failed. In fact, there are many parts of the country, particularly in rural and suburban areas, where the public schools are still doing very well—at least as well as the nonpublic schools. When people talk about the crisis in the public schools today, they almost always refer to the central city areas where the underprivileged, especially the minority group children, are located. Or else they are talking about schools that have been or may be involved in desegregation and other efforts to do something about the inner-city schools.

The public schools are indeed shortchanging minority group children. But they always have.

The present "crisis" arises from society's increasing, though reluctant, awareness that it can no longer continue this neglect.

However, the solution to this crisis lies in doing what we have never really done up to now—providing public school education that really serves the needs of underprivileged children. Those children would not benefit from any program of financing nonpublic schools. It is surely illusory to picture government financing as bringing into existence a significant number of private schools competing for the opportunity to teach educationally retarded pupils. It is far more likely that those pupils would be left behind in a public school system confined to poor children.

Neutrality

A variant on the "options" argument is the contention that the public schools are not religiously neutral, that they affirmatively teach secularism, and that the government, to be truly neutral, should also finance those schools that teach religion. However, it is not true that the public schools "teach secularism." The faith of the child who has received religious training at home and in church is not undermined by anything that is taught in his public school. The public schools do not teach anything that conflicts with religious faith. On the contrary, they should, and for the most part do, make clear the role of religion in shaping beliefs and codes of conduct.

Supporters of parochialism reveal a crude inconsistency in making this argument. On the one hand they say that public schools teach a secular approach to life while their schools teach a religious approach by interweaving religious precepts into all subject matter. On the other hand, they assert that the

government may constitutionally support the secular aspects of their operations because, as they say, "there is no such thing as a Catholic arithmetic or a Jewish physics." If, in fact, the teaching of these subjects in parochial schools has been secularized to the extent that they claim (for constitutional purposes), their argument that the public schools teach secularism falls to the ground.

The fundamental weakness of this argument is that it betrays a lack of faith in the ability of the home and the church to teach religion. Those who believe that the government should be supporting parochial schools and other religious institutions are in effect saying that propagation of the faith must fail unless it has government support.

This belief is belied by the American experience. We have operated on the theory that the child can receive his general education in a secular public school and his religious instruction in his home and church. The high proportion of Americans affiliated with a church today—higher than at any time in our history and higher than in most if not all other countries—is ample validation of that theory.

"Dumping"

But it is the "dumping" argument that is supposed to be the real crusher. This one says that the nonpublic schools are in dire straits with one closing every day, that they will all close if they are not bailed out by the government and that the cost of taking care of all those children in the public schools will be far higher than what is being asked for the various parochial plans. A book could be written about the fallacies of this argument. Space requires that we cover only the high lights.

First, any plan that proposes

They are saying that . . . the Bill of Rights can and should be circumvented or ignored whenever public clamor . . . makes officeholders and office seekers uncomfortable. None of our constitutional rights could survive that kind of politics.

to save money by spending it is suspect from the start. Parochial in any form costs the state more money here and now. Its claimed future savings are highly speculative.

Second, the demands of the nonpublic school administrators may be modest now but their ultimate, frankly stated, goal is "parity." They assert that they are performing a public function in providing secular education and that the state should cover the entire cost. Obviously, it will not save the taxpayers money to pay for this education in hundreds of private school systems rather than in the public schools.

Third, recent closings of parochial schools are not a simple matter of finances. Studies by Catholic educators and others have shown that population and other trends, including profound philosophical changes in the Catholic community, point inexorably to a continued drop in nonpublic school attendance regardless of financing. Many of the closings of parochial schools that have been publicized in the past few years turn out to involve schools in inner-city areas from which the Catholic population has moved, or schools that have been consolidated as part of an efficiency move paralleled in many public school districts.

Fourth, it is absurd to suggest that a complete shutdown or anything like it is impending. Religious movements which regard their schools as a vital part of their mission do not simply drop them overnight. Financial stress may cause a reduction in the number of children the nonpublic schools can handle but it will certainly not close all of them down.

Fifth, the same population trend that points to declining parochial school enrollment is

also producing increased space in the public schools. While "dumping" might cause some dislocations, much of it could be handled with little difficulty in existing public school space. Moreover, the emptied parochial school buildings that are direly predicted would be available for use by the public schools, thus reducing construction costs. If not so used, they would at least be returned to the tax rolls from their present tax-exempt status, thus giving further relief to the taxpayer.

Sixth and last, what this argument really says is that honoring the principle of separation may cost money. That has never been an acceptable reason for violating the Constitution. Surely, our economy is strong enough to bear the burden of fulfilling our obligation to make free public school education available to all our children.

Officials' Responsibility

Here, indeed, is the nub of the whole controversy. Are we going to pay what is necessary to make our public schools work, for the underprivileged as well as for the middle-class child, or are we going to turn our backs on those schools and opt instead for government support of privately controlled education? No one should be under the illusion that nonpublic schools can correct the grossest injustice of our present school set-up—continued segregation and inadequate education for the children of deprived families, predominantly black and Hispano-American. Is it not time for our public officials, legislative and executive, to stop seeking political advantage out of the issue of parochialism and to start carrying out their prime responsibility of making the public schools work for all?

Recent statements by public officials and by candidates for public office that a way will be found, somehow or other, to finance sectarian schools should be seen as what they are—attacks on the Bill of Rights as a whole. Those who make such statements are saying, in effect, that the guarantees of the Bill of Rights can and should be circumvented or ignored whenever public clamor reaches a level that makes officeholders and office seekers uncomfortable. None of our constitutional rights could survive that kind of politics.

Parochialism is unconstitutional. It should therefore be opposed by government officials, at every level, all of whom have taken an oath to support the Constitution.

Those government officials who have the courage to take that position will find that they have the support of the American people. The people oppose parochialism. This may be seen in the fact that the almost unanimous decision of the United States Supreme Court against parochialism in 1971 was widely hailed and aroused little opposition or criticism, except from the groups that were directly affected. It may be seen in the fact that every time parochialism has been put to the voters on the ballot it has lost—in New York, Michigan, and Nebraska.

The struggle to preserve religious freedom in America through preserving strict separation of church and state can be won. It is worth winning. □

ELEVEN

VOID

THE GENIUS AND FAITH OF BEN FRANKLIN

JOHN L. KENT

Debunking historical figures, especially those who have been accorded national hero status, seems to be a sign of our antihero times, so it is not surprising that Ben Franklin should be the subject of "revisionist" historians.

Franklin is accused, among other things, of being an agnostic. He was a scientist-philosopher, hence by some people's definition must have been opposed to the idea of a Supreme Being.

Franklin was a versatile man. He had interests in many areas. His inventions and discoveries testify to his scientific versatility. The repeal of the hated Stamp Act and the French-American Treaty of Alliance are evidence of his diplomatic skill. The Declaration of Independence and the Constitution reveal his contributions as a patriot. (He also helped found a university, a library, and a fire company.) And his writings reveal his practical understanding of human nature. With the exception of Shakespeare, perhaps no English-speaking individual during the past 400 years has presented posterity with so much quotable wisdom.

Franklin's words or a paraphrase are spoken daily by millions of Americans



TWELVE

John L. Kent is a free-lance writer from Monrovia, California.

who seldom are aware of their author. His best quotation: "We must indeed all hang together, or most assuredly we shall all hang separately." This was his simple way of pleading for unity during and after the signing of the Declaration of Independence.

When asked what kind of government was set up in the Constitution, he said hopefully: "We have given you a Republic, if you can only keep it that."

Little is recorded about Franklin as a spiritual or religious person. Some historians have accused him of being a "freethinker" (whatever that is) and even an agnostic. Some say he was partial to the ideas of the French revolutionaries, many of whom were atheists.

It is true that he lived in France between 1776 and 1785, years of mounting agitation for reform that finally erupted in the French Revolution of 1789. It is also true that he was a member of the Constitutional Convention that framed the U.S. Constitution in 1787 and was one of the signers.

Some historians point out that he, together with Jefferson (also a freethinker and scientist), had a lot to say about what went into the Constitution. And they further cite the omission of any mention of God in the

Constitution as evidence that the major authors were atheistically inclined.

Critics, a number of them clergymen, began to complain within a few years after the Constitution was adopted. They asked pointedly: "Why was mention of God or Christianity omitted from the document?"

One of the most significant replies was made by James Bayard, a Senator from Delaware, more than a century ago. Bayard was a constitutional lawyer and came from a family that since the Revolutionary days provided American statesmen. Bayard said the omission of the mention of religion or the recognition of the existence of God was not to be interpreted as deliberate disregard.

"The convention which framed the Constitution comprised some of the wisest and finest men of the nation—men who were firmly persuaded not only of the divine origin of the Christian religion, but also of its importance to the temporal and eternal welfare of men," Bayard wrote.

He explained that the colonists were "generally impressed with religious feelings, and felt and acknowledged the superintendence of God."

The all-encompassing reason, Bayard wrote, was that the Constitution was intended exclusively for

civil purposes, "and religion could not be regularly mentioned, because it made no part of the agreement between the parties.

"They were about to surrender a portion of their civil rights for the security of the remainder but each retained his religious freedom, entire and untouched, as a matter between himself and his God, with which the government could not interfere."

This separation of government from church was uppermost in the minds of Jefferson, Franklin, and others who had a hand in writing the Constitution. As for Franklin, he made so many references in his writings about his faith in a Supreme Being that only a most biased historian could fail to find them.

"Here is my creed," he once wrote: "I believe in one God. Creator of the Universe. That He governs it by His Providence. That He ought to be worshiped. That the most acceptable service we can render Him is doing good to His other children. That the soul of man is immortal, and will be treated with justice in another life respecting its conduct in this life."

Surely those were not the words of an agnostic!

□

I BELIEVE IN THE TEN COMMANDMENTS

**Richard Hammill, President, Andrews University,
Berrien Springs, Michigan.**

Most men will admit that they believe in God in a general way. But tell them that God makes requirements of them, that He directs the way that they should live and sets standards for their moral behavior, and a great many persons will back away from their professed belief in God. They don't want a God who interferes in their lives, limits their freedom to act, to speak their ideas, or to live in the way they are accustomed.

Men who respond in this way do not really believe in God as a supreme being but in a god who is subservient to their own ideas and desires or who doesn't care enough about them to help them live in a way that is for their best good.

Man cannot by searching find out God. All he can develop by his reasoning is a god in his own image, in the likeness of his own tastes or desires. But the God of old who revealed Himself to the Hebrew prophets, whose revelation is contained in the Bible, is the God who is the Creator of all things, including man. Inasmuch as He created man, He knows, better than man, the type of life that is for man's ultimate good.

A modern automobile is an intricate machine for whose proper operation the manufacturer specifies the type of gasoline to be put into the fuel tank, the grade and weight of motor oil to lubricate the engine, and the weight and type of grease to put into the rear axle. Now, the owner might say, "The manufacturer is getting too arbitrary, too legalistic, in trying to tell me how to operate this automobile. I don't like to be circumscribed in this way, and so I am going to do it the way I wish. I will put the gasoline in the engine, where the oil is supposed to go; I will put the 90-weight grease intended for the rear axle in the fuel tank and motor oil in the rear axle." Such a practice is folly.

We all recognize the validity and the desirability for the manufacturer of a machine stating

the needed care for it so that it will operate properly. Is it not amazing that man is not willing to accept directions from his Maker regarding the proper operation of his body, either for its physical operation or for its moral and mental well-being? The commandments that God has given us are for our good.

A Christian obeys the Ten Commandments, not only because they are God's specifications of the best way for him to live but also because he wishes to live according to God's manner of life. The Holy Scriptures state that man is made in the image of God (Gen. 1:26). This image is not merely a physical image; it includes man's Godlike capacity to make judgments in areas right and wrong, good and evil, noble and vile, beautiful and ugly. Of all the creatures that walk on the earth, man alone has the ability to understand and appreciate these aspects of existence. Man has this ability only because he is made in the spiritual and moral image of his Maker.

God says to creatures whom He made—"As obedient children, do not be conformed to the passions of your former ignorance, but as he who called you is holy, be holy yourselves in all your conduct; since it is written, 'You shall be holy, for I am holy' " (1 Peter 1:14-16, R.S.V.).

The Ten Commandments are set forth by God as directives for human living. These commandments express the moral nature of God and are in this respect a transcript of God's character, an expression of the thought of God. Inasmuch as man is made in God's image, one would expect that God would ask man to live in harmony with His own nature and His own thinking.

Through sin, man's nature has become depraved. Jesus tells us that man needs a new birth, a moral and spiritual renewal. Israel's promised renewal was described in this way: "A new heart I will give you, and a new spirit I will put within you; and I will take out of your



flesh the heart of stone and give you a heart of flesh. And I will put my spirit within you, and cause you to walk in my statutes and be careful to observe my ordinances" (Eze. 36:26, 27, R.S.V.). In the New Testament regeneration is expressed in these words: "If any man be in Christ, he is a new creature: old things are passed away; behold, all things are become new" (2 Cor. 5:17).

I believe that the Ten Commandments are an expression of God's will for man, but that this will is not arbitrary; it is but the expression of God's own nature. If men allow God to write His law in their hearts, give them a new spirit, and make them a new creation in Christ Jesus, then their nature will be like the nature of God, and they will want to be followers of God. They will desire to live His manner of life. This way of life is expressed in the Ten Commandments.

The Ten Commandments are a special summation of God's will. The Bible is God's revelation of Himself. It shows what kind of God He is. It reveals His character. It reveals the way He thinks. It shows the way He acts, out of love and pity for His erring children. It sets forth the moral principles that are basic to God's nature and that were basic to man's nature before sin entered into his experience and caused a corruption, a twisting, a distortion of his nature. The Ten Commandments and the Bible not only show what kind of god God is, they also show what kind of man God made man to be.

Some people are disturbed by the word *law*. Because they are prone to err and to do wrong, not only in moral issues but often in their civic responsibilities, they tend to look upon law in a negative way. Actually the word most frequently translated "law" in the Old Testament (*torah*) really means "teaching" or "instruction." The noun comes from the verb meaning "to teach." God's law, therefore, is God's teaching, God's instruction, God's direction for man's life. In this respect it is God's will for man; and a genuine Christian will accept it as such. How could a genuine Christian wish to do anything but follow the will of his Maker? Jesus phrased it well when He said, "Not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven" (Matt. 7:21).

It is helpful to the Christian to understand what the Ten Commandments are and how they came to us. Inasmuch as God is the Creator of all things in the universe, the moral order of the universe is an expression of God's moral nature. If sin had not entered, all beings, having been



**The Ten
Commandments
express
God's will
for every Christian.**

FIFTEEN

Inasmuch as man is made in God's image, one would expect that God would ask man to live in harmony with His own nature and His own thinking.

made in the image of God, would naturally live in harmony with God's law. They would not think of law as we do in terms of sanctions. This has been beautifully stated by Ellen G. White in the following words: "The will of God is expressed in the precepts of His holy law, and the principles of this law are the principles of heaven. The angels of heaven attain unto no higher knowledge than to know the will of God; and to do His will is the highest service that can engage their powers.

"But in heaven, service is not rendered in the spirit of legality. When Satan rebelled against the law of Jehovah, the thought that there was a law came to the angels almost as an awakening to something unthought of. In their ministry the angels are not as servants, but as sons. There is perfect unity between them and their Creator. Obedience is to them no drudgery. Love for God makes their service a joy."—*Thoughts From the Mount of Blessing*, p. 109.

When God created Adam and Eve, He made known to them the principles of the law, embodying the nature and the will of God, the principles of Heaven. When Satan tempted Adam and Eve, they rebelled against God. The way was thus opened for the insidious, perverted, and rebellious spirit and ideas of the evil one to permeate their lives. In great sorrow, God spoke to man again and expressed the principles of His nature; His law was adapted to man's changed environment.

The more man sinned, the greater became his inability to apply the principles of God's law to his everyday moral and spiritual problems. "If man had kept the law of God, as given to Adam after his fall, . . . there would have been no necessity . . . of God's proclaiming His law from Sinai, and engraving it upon tables of stone, and guarding it by definite directions in the judgments and statutes given to Moses. . . . The definite directions which the Lord gave to Moses in regard to the duty of His people to one another, and to the stranger, are the principles of the ten commandments simplified, and given in a definite manner that they need not err."—Ellen G. White, *Spiritual Gifts*, vol. 3, pp. 299, 300. (Emphasis supplied.)

Because the Ten Commandments are an expression of God's will, the moral and religious requirements contained in them are up-to-date and binding upon man. When men stumble over the Ten Commandments they stumble because they are still carnal. The Ten Commandments are not against man; they are for his benefit.

Just as the law of God was an effort to make

concrete for man the principles of God's nature, so the incarnation of Jesus Christ, the Son of God, in the form of a human being, was an effort on God's part to show even more clearly to fallen man what God is like. Jesus came to the earth to work out a means for man's salvation and to show him more clearly the nature of God, and how God would have him live. "He that hath seen me hath seen the Father," Jesus said (John 14:9).

One of the great values of the life of Christ to those who follow Him today is that Jesus in His own life showed how the principles of the law are to be carried out in human life. He magnified the law to the extent that He could say, "He that hath seen me hath seen the Father" (John 14:9).

Man suffers the moral weaknesses that have come upon the race in the millennia of rebellion against his Maker. The law, therefore, serves two functions for him. The first function is to set forth the nature of God, the requirements of God, the will of God for man. The second is to show man, when he finds himself unable to live up to these high and holy principles, that there is an innate weakness in him, an innate inability to attain to a spiritual life. A man who is trying to follow God finds in the law not only an expression of God's will, not only a guide for his life, but also a teacher that points out his inability to keep these spiritual precepts.

Rightly used, the law helps the sinner to see his need of becoming a new creature in Christ; it shows him that he must allow the Spirit of God to renew him in knowledge after the image of his Creator. It shows him that the principle of the law is the principle of love, and it tells him that unless he allows God to shed His love abroad in his heart, he will not be able to keep all the precepts of the law that is itself based upon the love that is in the heart of God.

Love for God brings about a new spiritual understanding—an understanding that enables a person to live in harmony with God's nature in a thousand specific ways that he was unable to do before he had this fuller understanding. As it were, then, rather than negating the ten specifics of the Ten Commandments, love adds to them. It fills in around them. It fills in the principles covering specific problems not mentioned in the Ten Commandments. It goes between them. It undergirds them. It enfolds them with fuller spiritual understanding. It affects every phase of man's life. It enables him to live a life like that which Jesus lived.

For these reasons I believe that the Ten



**Rather than negating
the ten specifics of the
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love adds to them.
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It undergirds them.**

Commandments are binding upon all men in every age. The nature of God does not change; the principles of God's law do not change; the will of God for man does not change. The apostle James describes "the Father of lights" as One "with whom is no variableness, neither shadow of turning" (James 1:17). With God, the great light of the universe, the light of every man that cometh into the world, there is no changing. He is stable, immutable.

The apostle Paul describes Jesus in these terms, "Jesus Christ the same yesterday, and to day, and for ever" (Heb. 13:8). Jesus did not come to do away with the Ten Commandments, but to establish them, to magnify them, to explain how their principles reach out into many other phases of our lives besides those specific items. He magnifies the law; He writes it within our heart. He renews us in knowledge after the image of God. And as our Lord and Master, He says to us, "If ye love me, keep my commandments. . . . He that hath my commandments, and keepeth them, he it is that loveth me" (John 14:15-21). "If ye keep my commandments ye shall abide in my love; even as I have kept my Father's commandments, and abide in his love" (John 15:10).

The Ten Commandments express God's will for every Christian. They are binding upon Christians today as they have been binding upon men in all other ages. They portray a spiritual life of love in which the Christian obeys not because of the Bible's specifically stated requirements, but because he has experienced the new birth and has had a change in his life. His nature is now in harmony with the nature of God. Thus, the renewed Christian does not find obedience to his Maker a drudgery. He does not give service in the spirit of legality. As is true of the angels, he can "attain unto no higher knowledge than to know the will of God," and "to do His will is the highest service that can engage . . . [his] powers." He rejoices that God has written His law, in terms of principles and specifics, within his heart. He chooses to do the will of God freely, spontaneously, out of love for the One who has seen fit to renew him in knowledge "after the image of his Creator." □

SEVENTEEN

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In January, 1925, Mennonite leaders came from all over Russia to Moscow to plan their response to Communism's religious persecution. The conference was nicknamed the Second Martyrs' Synod, because most of the men died in prison or exile during the thirties.



EIGHTEEN

That Mennonites have survived in the Soviet Union is almost unbelievable. But it's true—in spite of wars, revolutions, famine, and the complete breakup of their communities. To be sure, the steady stream of antireligious propaganda from the government over the past fifty years has hurt them, their pre-Revolution economic base has been wiped out, and the organized church structure

dissolved, but still they persist.

Peter Dyck reported in 1959 that 400 Mennonites were baptized the previous year in the coal-mining town of Karaganda. The membership is now 1,200 in that area. In a few years' time a church in Kant grew from 200 to 700 and 150 persons were baptized in Novosibirsk.

What do the Soviets think of their Mennonites today?

In 1967 a remarkable book

appeared in Russia about the Mennonites of that country. Written by W. F. Krestyaninov and entitled *Mennonity*, it was one of a series of books on "Contemporary Religions in Russia," which included the Russian Orthodox Church, Catholicism, Islam, Judaism, Baptists, Pentecostals, Jehovah's Witnesses, Adventists, and some others. Moscow's Publishers of Political Literature printed 55,000



LOHRENTZ PHOTOS

WHERE HAVE ALL THE RUSSIAN BROTHERS GONE?

GRANT STOLTZFUS



NINETEEN

copies of the 223-page book.

The appearance of *Mennonity* is a testimony to the vitality and numbers of a small religious group in a population of over 240 million. Copies of this work have reached North America, and several Mennonites who read Russian have studied and reviewed the book. The purposes of *Mennonity*, says one reviewer in the July, 1969, *Mennonite Life*, are first "to inform the non-

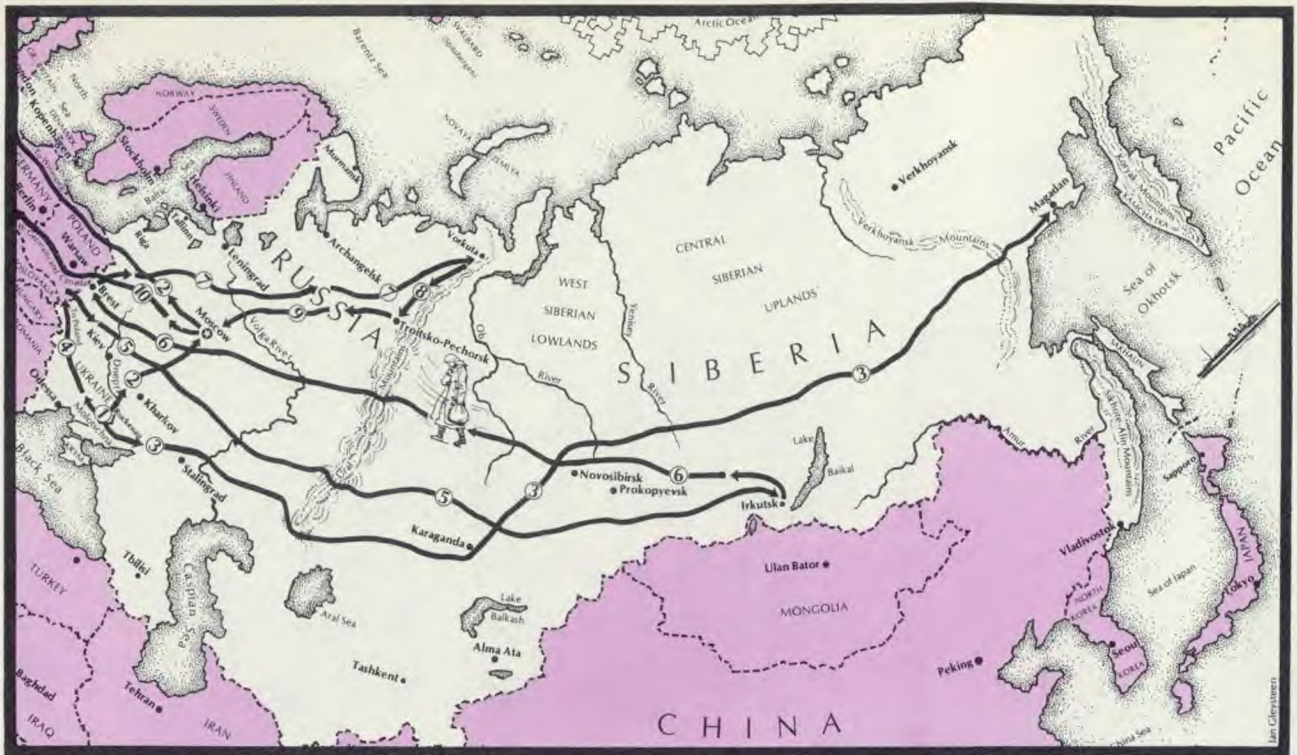
Mennonite as well as the Mennonite reader about the background of the Mennonites and the second is to help the Mennonite and non-Mennonite atheist agent in making the Mennonites an integral part of the contemporary communist society."

What does this official Soviet publication say about the Mennonites and how does it say it?

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Reprinted from *Christian Living*, May, 1972, with permission.

The author notes that Mennonites are not numerous, but they do not belong to a group that is dying out, especially since they affiliated with the Baptists in 1963. The problem is not due to their size but their influence, especially on the German-speaking population of the U.S.S.R. Krestyaninov holds that the Mennonites have religious views which are a hindrance to the progress of a "scientific world view." Leaders of Mennonites on the interna-



Travels of one Mennonite woman's family: 1 She is born in Molotschna, Ukraine. 2 Her parents emigrate to Canada in 1924. 3 Her husband is exiled in 1936 to the mining city of Magadan on the Pacific Coast. 4 She flees to Poland in 1943 with retreating German armies, and a daughter escapes to West Germany but 5 she is captured by the Russian Army in 1945 and sent to Irkutsk, a Trans-Siberian Railroad city. 6 She dashes for freedom to Brest in 1947, is captured and interrogated, and 7 sentenced for life to the Vorkuta coal mines in 1950. 8 Stalin dies and she is transferred to Troitsko-Pechorsk in 1953. 9 She makes numerous trips to Moscow seeking an emigration passport and 10 she is released and arrives in Canada in 1961.

tional scene try to reinforce their coreligionists in Russia and this delays the spread of sympathy to the communist cause among Russians of German background. The reactionary character of these people must be revealed and exposed.

The author cites Anabaptist origins as revolutionary in character, but later these people "cooled down" to become a bourgeois sect interested in accumulating wealth by exploiting Russian peasants and laborers in capitalistic fashion, the author claims. The wealth was concentrated into the hands of a small group. And all this was defended by religion.

Eventually within the Mennonite communities developed a class of poor farmers who were exploited by their own wealthier members. After 1860 the czarist government resettled these poor Mennonites, who thus established the "daughter colonies."

The second chapter of the book claims that by the time of the Russian Revolution in 1917 about 95 per cent of the prosperity of Mennonite communi-

ties belonged to a handful of rich capitalists. Mennonite opposition to the Revolution, though clothed in religious dress, was really due to a desire to maintain economic status and so employ 20,000 Russian workers (even more at harvest times) at an exploitive level.

It is the promotion of the "witness and content of the Bible" by Mennonites (and also Baptists) that distinguishes this group "among all the existing Christian sects in the U.S.S.R." The Bible is even made relevant to Soviet space achievements. In 1963 the author heard a Mennonite by the name of Neufeld say in a sermon, "All sputniks which man releases to the heavens are a witness to the power of man who is a creation of God. The Creator must be much more powerful than the wisest of men." Thus does other worldly emphasis penetrate the outlook of these people, who also talk about preparation "for the life hereafter."

Of course, any account of the Russian Mennonite experience must deal with nonresistance,

and the author of *Mennonity* treats it thoroughly. Because of this belief Mennonites migrated to the land of the czars in the eighteenth century, and because of this belief they emigrated in the nineteenth and twentieth centuries to Midwestern United States, Canada, and South America. The author then makes his most serious indictments of the Mennonites. He examines the record of what these nonresistant people claimed to believe, he looks at how they performed, and then he cites them for hypocrisy.

First of all, the Mennonites went to great lengths to prove their loyalty to the czarist government. They believed during those years that "all power is given by God," including, apparently, the power wielded by the czars. However, when the Revolution came and a new government rose to power, they looked at things differently. The reason: they were now in danger of being stripped of their earthly possessions. Mennonites forsook their peace position and even formed armed units for



Russian Mennonites following the German Army, fled the Communists in 1943, taking only what they could carry. Women gather and prepare what food they can find. Several families will share this meal. (Below) Dressed in what warm clothes she salvaged, this woman braces for the month-long winter trek to Poland.



self-defense. [No doubt this Russian author alludes to the famous (or infamous) "Selbstschutz," or self-protection movement, of World War I days.] The small picture on page 19 shows members of one family murdered by bandits.

This taking up of arms by Mennonites for self-protection, blessed by some Mennonite ministers, was justified on the grounds that it protected women and children against anarchistic bandits. But their real reason, the author claims, was a desire to put down the deprived Russian population which had arisen to take revenge of the exploitive Mennonite landlords and capitalists.

He charges that in good capitalistic fashion, Mennonites during World War I at Millervo and elsewhere produced war materials and lined their pockets with the profits of "blood money." Whenever there was profit in prospect, the author says, "nonresistance" could be shelved.

Repeatedly nonresistance kept Mennonite young men out of the

Red Army. But it did not keep them from serving in the German Army, especially during the 1941-1943 occupation of the Ukraine by the Nazi Wehrmacht. This breakdown in nonresistance is proof to the author that Mennonites are inconsistent.

The peace, well-being, and happiness which Mennonites seek is to be found after all in Communism, which can bring happiness to the greatest number of people, the author suggests. The religion of the Mennonites is counter to patriotism and the defense of the fatherland. It degrades womanhood. It fosters ignorance and poor schooling. Like all religion, it is harmful to the future of the Soviet Union. Therefore it is necessary for the Soviet Union to free such people from their wrong ideas. They must be penetrated with atheistic books, art, music, and drama. Their faith in God is not so much their fault as their misfortune. Whatever frees men from religious prejudices makes for a better present and a brighter future for mankind.

Unfortunately, not all of *Mennonity* is propaganda and rose-tinted history. Some of the author's observations about Mennonite history are true.

The Mennonites first settled in the Ukraine of South Russia in 1789 during the reign of Catherine the Great, and for almost 130 years they prospered and grew rich. But World War I and the Revolution of 1917 set forces in motion that were to change the settlements in the Ukraine. The famine and typhus epidemic between 1921 and 1923 took no less than 2,200 lives. In 1928, under the First Five-Year Plan, collectivization of all farms began to alter the traditional Mennonite way of life. Of the 13,000 who fled to Moscow in the fall and winter of 1929-1930 less than half made their way out of the U.S.S.R. to Germany, thence to Canada and South America.

As if the above were not enough, there was yet another famine in 1932-1933. By this time the effects of the government's official antireligious policies could be seen. Churches were turned into clubhouses, stables, theaters, or granaries.

The Stalin purges of 1937-38 took further toll of Mennonite leadership. In two years the Chortitza settlement alone lost 800 men.

It remained for World War II to terminate the German settlements, including the Mennonite ones, in the Ukraine. The Soviets feared that the German-speaking people, among them the Mennonites, would cooperate with the German Army. The major Mennonite settlements, Chortitza and Molotschna, were completely dissolved. Interestingly enough, the Siberian settlements near Omsk, Slavgorod, and Akmolinsk remained generally intact through World War II.

With the descent of the Iron Curtain after World War II little authentic word was heard about Russian Mennonites. One could assume that Mennonite group life had come to an end and that the surviving members would be absorbed into Russian society. The last session of the General Conference of Mennonites had been held in Moscow in January 1925. Following this, the years under Stalin saw the movements of citizens of German background much restricted. However, under Khrushchev in 1955 these restrictions were lifted, or at least modified, and Mennonites apparently began to concentrate in some form of common life.

Letters from them began to reach relatives in Canada and other parts of the New World. In the fall of 1957 Western Mennonites visited the Soviet Union and contacted Russian Mennonites, chiefly at Baptist churches in a few major Russian cities.

Later tours and contacts revealed the welcome news that despite revolution, civil war, famine, and the upheavals of World War II the Mennonite Church still existed in the Union of Soviet Socialist Republics.

Over the years the Mennonites have affiliated with or attended Baptist churches since these are the only Protestants they can find in the cities or communities in which they have been resettled. The Baptist Union of Russia includes Mennonites along with Evangelical Christians and Pentecostals. An

assistant pastor of the Moscow Baptist Church is from a former Mennonite congregation and in 1969 was with a group of Russian Baptists who toured America.

In June, 1971, when I met Baptist Church leaders in Moscow, they spoke with appreciation of their association with Mennonites, and their Baptist literature refers rather often to both the Mennonite Brethren and the General Conference branches of the Mennonites now in Russia.

In 1966 the Documents of Moscow All-Union Conference of Evangelical Christian-Baptists had this to say about "Unity with the Mennonites" in a special section on pages 36-38:

One of the most blessed decisions of our 1963 Congress provided for the merger of the fraternal Mennonite movement with our Evangelical Baptist Brotherhood. This came as a natural step for those familiar with the history of our Evangelical Baptist movement, since in the initial stages of our movement there existed a most intimate association between the so-called fraternal Mennonites and the Russian Baptists.

Fellowship has existed in Russia, then, for one hundred years between Baptists and Mennonites. It is no wonder that in 1963 the Baptist brotherhood returned to its earlier relationship with the Mennonite Brethren, says the document.

The report mentions that some Mennonites baptize by pouring or sprinkling and not by immersion. Regarding these, the following paragraph is of note:

The full-scale AUCECB Plenary Meeting adopted, on September 24, 1964, the following decision: To permit them, provided their regeneration to life in Christ, to preach in our communities and to sing in our choirs, and also, should there be a negative reaction among members of our communities to their participation in our bread-breaking, to allow them to hold separate bread-breakings in our prayerhouses.

By way of strengthening unity between Mennonites and our Evangelical Baptist Brotherhood, they are given an opportunity to preach and sing in their native German language.

A final paragraph has this important information:

We also invariably try to insure registration of those Mennonite congregations which are situated in localities where we have no registered church of our own.

No figures can be gathered on the number of Mennonites now scattered throughout Russia. The lowest figure usually given is 40,000 and the largest is over 100,000. The majority, apparently, are still living in rural areas or villages, where they work on collective farms or in small factories. One authority claims that many choose this kind of location and occupation because there is less interference with their religion. Others live in urban areas, where they are subjected to greater pressure to learn Russian and to become a part of the Russian environment.

Mennonites apparently have largely forgotten their history, and nonresistance is practically lost among them. Their young men serve in the Red Army along with other citizens. While only a few of the youth have become members of the Communist Party, many accept the atheistic, materialistic views of Marxism. The antireligious line of the government has not been counteracted by religious influence.

Frank Peters wrote in the December, 1966, *Canadian Mennonite* that the following still obtain in Mennonite communities: mutual aid in support of ministers; brotherhood aid in time of tragedy, such as when after the death of a breadwinner a local congregation cares for the widow and children; simplicity in personal equipment and appearance; teaching of the Bible in the home with a family altar; and regular, if restricted, worship services. Bibles are circulated among the village homes with each home having the book for a day or two. Sometimes passages are copied by hand. All congregations must be registered with the government, and activities are subject to government scrutiny.

So another page in the long chapter of church and state is being written, another page of the Christian community in an unchristian society. □



His life possessions are on the wagon, but his horse is down for good. Animals, children, and old people died and had to be buried along the way during the great trek out of the Soviet Union in 1943.



Arizona Court Reverses Peyote-Use Conviction

PHOENIX—An appeals court has reversed the conviction of a California couple who used the drug peyote in a ceremony of the Native American Church.

In a unanimous decision written by Judge Francis J. Donofrio, the Arizona Court of Appeals declared that the state cannot interfere with the free exercise of a chosen religion "unless there is a substantial threat to public safety, order, or peace. We believe that the state failed to sustain its burden of proof upon this issue."

Greg and Janice Whittingham, both 26, of Granada Hills, California, were arrested in a hogan near Parks, Arizona, in October, 1969, and charged with taking peyote—a cactus bud containing the hallucinogenic drug mescaline. They said they had been taking part in a ceremony of the Native American Church to bless their marriage. Although most of the members of the Native American Church are American Indians, the Whittinghams are not.

In the decision Judge Donofrio stated that although testimony had established excessive use of peyote by humans to be accompanied by possible ill effects, "many products are marketed universally and yet if ingested in unusually large amounts can be harmful; to wit, aspirin and alcohol."

He further declared that "the peyote was being used in connection with a bona fide practice of religious belief; it was an integral part of the ceremony, and it was used in a

manner not dangerous to the public health, safety, or morals."

The Whittinghams had been arrested with 39 other persons in the raid by officers of the Department of Public Safety. Of the others, charges were dropped against nine Indians, but 30 non-Indians were charged with possession of peyote, a misdemeanor, and were placed on probation.

Tennessee Court Says "No" to Religious Marijuana Users

NASHVILLE—The Tennessee Supreme Court has upheld marijuana convictions of four

communal cult members and ruled that the State's drug laws do not interfere with religious freedom.

Stephen Gaskin, 36, one of the original defendants, says marijuana is essential for attaining "spiritual consciousness" in his cult. Gaskin, a former college professor in San Francisco, led his 400 followers to the rural commune near Hohenwald, 65 miles south of Nashville, in 1970. He and three of his followers later were arrested and convicted for growing marijuana.

Speaking for a unanimous State Supreme Court, Associate Justice George McCanless rejected Gaskin's argument that the First Amendment of the United States Constitution gave him the right to grow and use marijuana for religious purposes. Judge McCanless cited such practices as bigamy, snake

TWENTY
FOUR



LONDON—Women make a bold bid in behalf of Soviet Jews during an auction of Russian icons at the normally staid Sotheby's in London. The women, representing an organization called "Campaign for Soviet Jewry," sought to "draw attention" to "three new show trials" of Jews they said were taking place in the Soviet Union.



international

handling, and human sacrifice to support the court's position that government at times must regulate religious practices for the good of society.

Gaskin said he will appeal the decision to the United States Supreme Court.

Ukraine Pentecostals Sentenced to Prison

LWOW, Soviet Ukraine—Two leaders of a Pentecostal group have been given stiff prison sentences by a Lwow court for allegedly violating Soviet laws on cults and for "anti-social" activities.

A Lwow Radio report said Bohdan Petrovych Stypa, a welder, and Kornel Makymovych Vasylyk, a glazier, both of Lwow in the Ukrainian Soviet Socialist Republic, had between 1969 and 1972 organized "a religious sect of Pentecostals," and engaged in "illegal" religious rituals.

According to the report, the Lwow court accused the defendants of "forcing" sect members "to pray continuously for long periods of time," thus causing "a collective psychosis," manifesting itself in "the so-called tongues speaking," and in "hallucinatory behavior."

Czechoslovakia Prints Scriptures for United Bible Societies

PRAGUE—For the first time since World War II, Scriptures have been produced in an East European Communist country for export to a Bible society outside the continent, according to United Bible Society.

Czechoslovakian authorities said 1,000 copies of the Kuranko New Testament are ready to be dispatched to Sierra Leone, West Africa, to fulfill an order from the Bible Societies in West Africa.

More Czechoslovakian print-

ing of Scriptures for Africa is also scheduled, the Bible agency said. Orders have been given for 5,000 Baoule New Testaments and 10,000 diglot Baoule/French Gospels.

In mid-July Czechoslovakia pledged "to show the absurdity of the belief in God" and tried a British Pentecostalist minister for "sedition" for carrying Bibles and other religious material into the country.

Church-State Conflict Rises in Indian State

BOMBAY—A church-state conflict is brewing in Bassein, some 20 miles north of Bombay on the Arabian Sea.

At issue is the fate of an agricultural orphanage school, founded by the Franciscan Missionary Brothers in India in 1922, and some 18 acres of farmland cultivated by the

brothers in the old fort of Bassein.

The government of the state of Maharashtra, which has leased the property to the Catholic Archdiocese of Bombay since 1930, has indicated that it is not prepared, for undisclosed reasons, to renew the lease.

The Franciscan Brothers and the orphans are threatened with eviction—despite the fact that in a state where this year there has been a serious drop in agricultural output, production in the Bassein Fort fields has not fallen.

The Christians of Bassein, nearly 100,000 strong, have rallied behind the Franciscan Missionary Brothers and have sent a petition to the Chief Minister of Maharashtra, asking for "justice and fair play." The petition suggested that the government's reluctance to re-



JOYOUS REUNION—Across the country reunions such as this between Lt. Col. Robert Stirm of Foster City, California, and his family have brought a happy ending to the Vietnam war story. Stirm was shot down over North Vietnam in October, 1967.

TWENTY
FIVE



new the lease was indicative of discrimination against Christians.

Wisconsin Bill Would Strip Churches of Tax Exemption

MADISON — A Wisconsin State representative has introduced a bill that would repeal the State property tax exemption on church-owned property. Two ministers supported it.

Rep. Lloyd Barbee (D-Milwaukee), author of the proposal, said that the exemption violated the separation of church and state, that it had been used by churches for real estate speculation, and that it deprives municipalities of needed revenue. He said Milwaukee lost about \$32.3 million through the exemption in 1952, the latest year for which an amount could be determined.

About a dozen pastors, primarily from the Milwaukee area, have opposed the bill. They claim removal of property tax exemptions would be detrimental to their churches. "The power to tax is the power to control," said Pastor Carl Camp of the suburban Brown Deer Baptist church.

Congressmen Introduce Nine "Prayer" Bills

WASHINGTON, D.C.—During the first two weeks of the first session of the 93d Congress, Senators and Representatives introduced nine bills calling for prayer in public schools.

Senators Richard S. Schweiker and Hugh Scott, Pennsylvania Republicans, introduced a joint resolution to amend the Constitution to provide for "voluntary nondenominational prayer in public schools and buildings." Senator William L. Scott (R-Va.) introduced a similar bill.

Rep. Robert Price (R-Tex.), who submitted a similar reso-

lution in the House of Representatives, commented in the *Congressional Record*: "Our schools are more than a place to learn the mechanics of English; they are and ought to be a source of inspiration and moral strength which will contribute to the betterment of future generations of American citizens."

Other bills were introduced by Reps. Jack Edwards (R-Ala.), Tom Bevill (D-Ala.), Albert W. Johnson (R-Pa.), Joe D. Waggoner, Jr. (D-La.), John J. Flynt, Jr. (D-Ga.), and L. A. (Skip) Bafalis (R-Fla.).

Former Justice Says Prayer Is Church Responsibility

ST. LOUIS—Former U.S. Supreme Court Justice Tom C. Clark, who wrote the Court's decision on prayer and Bible reading in public schools, said

the schools and courts cannot be blamed for the lack of religious training of children.

Speaking at the twenty-fifth anniversary conference of the Americans United for Separation of Church and State, Justice Clark held that the primary responsibility for religious training rests with churches and parents.

"Why cannot the churches teach the young people not only to pray, but also what prayer is about?" he asked.

He said he believed the Supreme Court decision on prayer in public schools "has proven to be constructive."

The 1962 and 1963 Supreme Court decisions, which did not specifically prohibit voluntary prayer, prohibited governmentally prescribed prayer and religious exercises in the public schools.

TWENTY
SIX



NEW YORK—Episcopal Bishop Paul Moore, Jr., of New York, center, welcomes Cesar Chavez, right, head of the United Farm Workers Union, and Mrs. Coretta Scott King to an interreligious service of intercession for workers who are conducting a boycott of iceberg lettuce not picked by their union.

Since someone unknown to me is sending LIBERTY to this address, and since you are said therein [Jan.-Feb., 1973] to be a professor of church history and insist that Sundaykeeping can never fulfill the Sabbath commandment, I am addressing this to you. . . .

Here we have a professor of church history claiming that ancient records, including the writings of Justin Martyr (!), "all prove that the day God's people kept in Bible times" was Saturday.

Justin, if you had given him a chance, would have told the reader what day it was on which Christians worshiped in the early church. You, however, do not even give the reference for your distorted quotation so that the reader can look it up.

Did the professor himself know these things? Was he sincere? I am sure he knew them, for he was indeed quoting Justin. Furthermore, he knew exactly where to start quoting and where to stop—in order to pervert what Justin was saying.

What Justin said was this: "On the day called Sunday, all . . . gather. . . . Sunday is the day on which we all hold our common assembly, because . . . Jesus Christ our Saviour on the same day rose from the dead" (*First Apology*, chapter 67).

CLYDE W. FIELD
Bible Presbyterian Church
Long Beach, California

I am genuinely happy to spend a little more time with Justin Martyr. He is one of my favorite early Christians. He was transparently sincere (even if at times I disagree with him), and he was a soul-winning layman.

There is no doubt that Justin attended worship services on Sunday, or that many other early Christians did the same. I

did not mention this fact in my article because I was there discussing primarily the Sabbath of the Bible. It may be of interest to you, however, to know that Seventh-day Adventists have for a long time acknowledged the early introduction of Sunday into Christian piety. In Volume I, No. 11 (November, 1850), of the first Seventh-day Adventist periodical, *The Present Truth*, there appeared these words: "The issue is not whether the first day of the week was observed at a very early period by Christians. We admit that it was. We admit that its observance may be traced up to very near the borders of the apostolic age." [Emphasis supplied.]

This statement is followed, as you might guess, by the question, "How was the day observed by early Christians?" and the answer given there, a century ago, is that they did not keep Sunday as a Sabbath.

This was, of course, quite correct. Barnabas (A.D. 130?) went so far as to say that no Christian was good enough to keep the Sabbath holy. Tertullian (around A.D. 200) argued that to the members of the church Sabbaths were "strange" (*On Idolatry*, chapter 14). What the early Christians did on Sunday was merely to assemble for Bible reading, preaching, prayers, and the celebration of the Lord's Supper. Other than that, Sunday during the second century was for most of them a day just like any other.

What this means for Christians today depends on whether they base their way of life on the traditions of the church or on the teachings of the Bible.

Those who claim Justin Martyr as an authoritative guide for their lives nowadays must reckon with other things he stood for. For example, in chap-

ter 29 of his *First Apology* he taught that among second-century Christians sexual intercourse was practiced only for the production of children. In the twentieth century, is this just as binding as Justin's Sunday?

In his *Dialogue with Trypho*, chapters 80-81, he insisted with other Christians of the second century that the soul does *not* go to heaven at death, and that the fires of hell are *not* burning now but will begin to burn at the second coming of Christ. Along with Sunday and sex-only-for-procreation, should these doctrines too be normative for a Bible Presbyterian like yourself?

As a Bible Presbyterian, wouldn't you prefer in every case to take the Bible rather than Justin Martyr as your ultimate rule of faith and practice? I know I would! And in my Bible, Jesus says, "Think not that I have come to abolish the law and the prophets. . . . For truly, I say to you, till heaven and earth pass away, not an iota, not a dot, will pass from the law until all is accomplished" (Matthew 5:17, 18, R.S.V.).

Incidentally, you will be interested to learn that in spite of his statement that "all" Christians assembled on Sunday, Justin said elsewhere that not all early Christians rejected the Sabbath. In his *Dialogue with Trypho*, chapter 47, he referred to both Gentile Christians and Jewish Christians who "along with their hope in this Christ" observed the weekly Sabbath of the Bible.

Did John have Christians like these in mind when in the book of Revelation he described God's saints as those who "keep the commandments of God, and the faith of Jesus" (Revelation 14:12)?

perspective



HARD-CORE PORNOGRAPHY

TWENTY
EIGHT

The Minnesota Supreme Court has adopted a definition of hard-core pornography that seems reasonably unambiguous. Said the court:

"Hard-core pornography . . . includes photographs, both still and motion pictures, with no pretense of artistic value, graphically depicting acts of sexual intercourse, including various acts of sodomy and sadism and sometimes involving several participants in scenes of orgy-like character."

One problem may lie in the phrase "without pretense of artistic value," which contains its own invitation to pornographers to hire professionals to produce and film their epics.

But we think the best definition of pornography is still that attributed to a Supreme Court justice by cartoonist Lichty in his "Grin and Bear It" feature above: "It never fails to work with me . . . I judge a book to be hard-core pornography if it makes my Adam's apple bobble!"—R.R.H.

PAYING THE PIPER

Whether a joint resolution introduced into the Senate by Frank Church (D-Idaho) deserves public support is arguable; that it points up the danger to churches accepting Government funds for their institutions is not.

The resolution would exempt hospitals, physicians, and "others" from having to perform abortions and sterilizations contrary to their religious or philosophical beliefs.

The way the Hill-Burton funding of hospitals has been used to compel adherence to public policy is troubling Senator Church. Under this act thousands of hospitals have been built, remodeled, enlarged, modernized or equipped with Government money. Hospitals, in turn, have had to agree to comply with certain Federal regulations. But—and here is the sticker—these regulations need not be stipulated prior to the acceptance of the Federal grant or loan, but may be stipulated afterward.

Having accepted the money, hospitals have found that they are forced to subscribe to positions contrary to the religious and philosophical beliefs of their sponsoring bodies.

"Physicians who participate in the medicare and medicaid programs," says Church, "could find themselves in the same predicament. Their eligibility might come to be conditioned upon their willingness to perform all those services prescribed by federal regulations."

Church was concerned for Catholic hospitals that "do not permit their facilities to be used for the performance of an abortion under ordinary circumstances. It is simply contrary to the Catholic faith, regardless of what the civil law may say. Religious beliefs," said the Sena-

tor, "must remain above the reach of secular authority."

Cited by Senator Church was a recent case in Montana where a Federal district court issued a temporary injunction compelling a Catholic hospital, contrary to Catholic belief, to allow its facilities to be used for sterilization operations. The district court based its judgment on the fact that the hospital had received Hill-Burton funds, he said.

Nothing in the Supreme Court's recent decision on abortion obligates Catholic—or other—hospitals to perform abortions. But, as Church points out, "nothing in existing law prevents zealous administrators from requiring the performance of abortions, within the limits of the court's decision, as a part of their regulations pertaining to federally funded programs."

The question that legislators will have to decide is this: Should public policy follow public money into private institutions? In 1923, in a case involving Catholic schools, the Supreme Court confirmed their right to operate independent of the public system. But, added the Court, "We cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all."—*Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

"It is hardly lack of due process," the Court has held, "for the Government to regulate that which it subsidizes."—*Wickard v. Filburn*, 317 U.S. 111, 131 (1942).

Church schools and hospitals may yet be brought to acknowledge that he who pays the piper calls the tune.—R.R.H.

liberty and the law

THE UNBORN IN THE COURT OF THE LIVING

Roe v. Wade, No. 70-18, Doe v. Bolton, No. 70-40, Supreme Court of the United States (January 22, 1973).

Sanctity of life? Detering immorality? Mother's health? Privacy of decision? Constitutional rights of the unborn?

All these competing considerations and more got a long, critical look as the Supreme Court of the United States did what it felt it had to do: decide the incomparably sticky issue of the validity of State abortion laws.

By any standard the Court's striking down the basis for most abortion statutes is among the most controversial decisions of the decade if not of the century. Supporters hail the holding as giving judicial muscle to an inherent right of womankind to be the custodian of its flesh. Detractors join dissenting Justice Byron White to accuse the Court's majority of "interposing a constitutional barrier to state efforts to protect human life and . . . investing mothers and doctors with the constitutionally protected right to exterminate it."

Those who predicted an uncertain ruling because of the complexity of the issues will have to admit that the decision is nothing if not plain. Its mandate may be hard for some to take, but what it requires isn't hard to understand.

The issue arose in two places at once. A single woman in Texas and a married one in Georgia — both pregnant — sought therapeutic abortions. Both States had restrictive statutes regulating abortion. The Texas law, characterized by the Supreme Court as "typical of those that have been in effect in many States for approxi-

mately a century," made criminal any abortion other than "by medical advice for the purpose of saving the life of the mother." Georgia's statutes, a little more permissive, reflect what the Court calls "the influences of recent attitudinal change, of advancing medical knowledge and techniques, and of new thinking about an old issue." Permitted were abortions where continued pregnancy would endanger the mother's life or injure her health, where the child would "very likely" be born seriously defective, or where the pregnancy resulted from rape. The woman must be a Georgia resident and the abortion must be performed in a hospital licensed by the State Board of Health and approved by the Joint Commission on Accreditation of Hospitals.

The women, denied abortions for failure to meet the statutory conditions, filed suits in Federal district courts challenging the constitutionality of the statutes. Both of the three-judge courts declared some of the statutory requirements violative of constitutional rights of privacy and personal liberties, but refused to issue injunctions to prevent their enforcement. Both women, still unwillingly with child, appealed directly to the Supreme Court of the United States, where their cases were argued twice before being decided.

Associate Justice Harry Blackmun's exhaustive historical and ideological analysis made for a lengthy (51 pages) decision in the Texas case, where most of the arguments were aired. Speaking for seven of the nine Justices (Justices White and Rehnquist dissented), Blackmun acknowledged the Court's "awareness of the sensitive and emotional nature of the abortion controversy, of the vigorous

opposing views, even among physicians, and of the deep and seemingly absolute convictions that the subject inspires." Justice Blackmun appears to believe that many of these considerations could and must be ignored: "Our task, of course, is to resolve the issue by constitutional measurement free of emotion and of predilection."

Abortion is not a new invention. Admitting that ancient attitudes toward it "are not capable of precise determination," Justice Blackmun traced its history back as far as the pre-Christian Persian Empire, where "criminal abortions were severely punished." The Greeks and Romans, a little later, based what little opposition they had to abortion on "a concept of a violation of the father's right to his offspring." A remarkably short sentence disposes of the theology of antiquity: "Ancient religion did not bar abortion."

Blackmun took a long look at early American law and at the English common law from which it descended. The law reflected the attitude apparently prevalent until the middle of the nineteenth century—that a fetus wasn't really a person before "quickening," or the first feeling of movement by the mother. Other criteria were popular at some times in some places—whether or not the embryo had become "formed," or recognizably human, or whether or not it had been infused with a "soul." Organized religion got into the act and fixed the "point of animation" at forty days for a male and eighty days for a female. If any were punished under the common law, Blackmun concluded, they were those who took the lives of "quick" fetuses, by whatever standard of "quickness" might have been currently in vogue.

(continued)

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NINE

liberty and the law

(continued)

The Court had been urged to recognize at least three reasons for the early enactment of criminal abortion laws and for their continued validity. The social pressure to discourage illicit sexual conduct, the medical risk of the abortion procedure, and the government's interest in protecting prenatal life had been suggested as justifying keeping of the statutes on the books. Justice Blackmun looked at the three, one at a time. Abortion laws, he asserted, were not an appropriate way to stop wrongful sex, since they made no distinction between unwed mothers and married ones. Medical danger, always real before the advent of modern medicine and today present in the latter weeks of pregnancy, could not be used to justify a sweeping prohibition of today's brand of abortion. It was the third consideration—the Government's duty as prenatal protector—that made the Court perspire with the difficulty of determining when life really starts, then decide that it didn't need to know: "We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer."

THIRTY

The Court was but recognizing that it faced the same difficulty suffered by every mind that ever tried objectively to determine that magic moment when that which had not been, attains the status of *person*, of possessing human life. All, or almost all, of the criteria available were subjective and not objective guidelines. It is easy to assert (as does the Catholic Church) that human life comes into be-



A twelve-week-old human fetus in its amniotic sac.

RNS

ing at the moment of conception (if indeed there is an exact moment, as distinguished from a longer process). It is not hard to state (as did the Stoics and as do many Jews and some Christian spokesmen) that only at live birth does the fetus become a human being. And it doesn't take much courage to draw the line at some arbitrary time when an embryo could reasonably be expected to survive if it should then be born, though prematurely. But nobody can *prove* any of these assertions, and the Court not only knew it but decided to do

the best it could without the information.

The Court noted that all kinds of unborn embryos had apparently been left out when the Constitution's Fourteenth Amendment was enacted in 1868, with its Equal Protection and Due Process clauses. Section 1 of the Fourteenth Amendment defines "citizens" as "persons born or naturalized," and other references to "persons" in the Constitution appear to describe those already born. The Court thus disposed of any claim that might have established a constitutional protec-

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tion for the unborn. "In short," Justice Blackmun summarized, "the unborn have never been recognized in the law as persons in the whole sense."

The Court leaned heavily in its judgment on the right of a woman to privacy in making decisions that affect herself. Observing that "the Constitution does not explicitly mention any right of privacy," Justice Blackmun nevertheless noted that some eighty years of the Court's decisions have "recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution." While "only personal rights that can be deemed 'fundamental' or 'implicit in the concept of ordered liberty' are included in this guarantee of personal privacy," Blackmun pointed out that the Court had applied the personal privacy concept to activities relating to marriage, procreation, contraception, family relationships, and child rearing. Then came the sweeping sentence that pushed everything else to the sidelines: "This right of privacy . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

The Court nevertheless balanced a woman's right of private decision against the concern of the state for its citizens: "It is reasonable and appropriate for a State to decide that at some point in time another interest, that of health of the mother or that of potential human life, becomes significantly involved. The woman's privacy is no longer sole and any right of privacy she possesses must be measured accordingly." Only during the "first trimester" of pregnancy, when the risk of the mother's death is less in abortion than in normal childbirth, did the Court give the full

right of decision to a woman and her physician, "free of interference by the State." From then until the point of "viability," when a fetus might survive if birth should occur, the Court held that "a State may regulate the abortion procedure to the extent that the regulation reasonably relates to the preservation and protection of maternal health." After the point of viability, said the Court, "if the State is interested in protecting fetal life . . . it may go so far as to proscribe abortion during that period except to preserve the life or health of the mother." The Court recognized the right of a State to set medical standards to assure safety whenever abortions are performed.

The Court concedes that its holding is a pragmatic one, and lays no claim to a base of absolute knowledge or infallible wisdom. Justice Blackmun summed it up: "This holding, we feel, is consistent with the relative interests involved, with the lessons and examples of medical and legal history, with the lenity of the common law, and with the demands of the profound problems of the present day."

Justice White's short but stinging dissent concedes that the Court perhaps had the "raw judicial power" to do what it did, but calls the Court's judgment "an improvident and extravagant exercise of the power of judicial review." Justice Rehnquist similarly accuses the Court of finding "within the scope of the Fourteenth Amendment a right that was apparently completely unknown to the drafters of the Amendment."

The decision is not a victory for religious freedom. But neither is it a defeat. Whatever else may be at stake, neither of the religion clauses of the First Amendment is threatened. No

free exercise of religion is endangered, no establishment of religion suggested.

The civil power has a legitimate interest in protecting its citizens quite apart from any religious consideration. Even governments where religion is frowned upon enact statutes to forbid and to punish the taking of human life. The state must establish criteria by which its citizens may know where the state has drawn the line between which acts it will punish as homicide and which it will not. However, when a person's orientation, religious or otherwise, leads him to believe that abortion at any stage is such a taking of human life, it is his privilege, and perhaps his civic duty, to protest to his government when that government permits the offensive procedure to take place without punishment.

The standards by which the Court has decided the issue of abortion need not be the same standards that guide religious people and organizations in their attitudes toward either the issue of abortion or the Court's resolution of it. Nowhere in the Court's language is there any suggestion that any person be required or even encouraged to participate in an abortion. Churches are still as free as ever to call abortion a sin and to urge their adherents and others to shun the procedure.

To protest the Court's ruling because it allows sin is tacitly to admit that one favored the abortion prohibitions because they forbade sin. Thinking people, and especially religious people who prize their freedom to act according to their consciences, ought not to consider it a favor for their government to legislate religious morals to ensure the rectitude of its citizens.

THIRTY
ONE

Letters

Tennessee Chain Gang

Before somebody beats me to it, I want to point out an embarrassing omission from my article "Tales of a Tennessee Chain Gang." I foolishly failed to make any allusion to the fact that another very famous trial also took place in the Rhea County Courthouse in Dayton, Tennessee. Exactly thirty years after the trial in which Adventists were sentenced to the chain gang for violating the Tennessee Sunday Law, Clarence Darrow and William Jennings Bryan squared off for the opening of the famous "Monkey Trial" of John Thomas Scopes, the local high school teacher accused of violating Tennessee's law against teaching the evolutionary origin of man. It looks like Dayton had a certain fascination for church-state conflicts!

RON GRAYBILL
Wheaton, Maryland

Creation Vs. Evolution

If teaching creationism in the public schools creates a religious issue as scientists accuse the California curriculum makers of doing, what do you call it when educators make derogatory comments about the Bible as they have done for decades? Isn't this a religious issue in reverse, or at best, provoking a religious issue?

The Book that contains the story of creation and undergirds our national ideals, educators label myth and fable. It is ridiculed and scoffed at in our classrooms, its miracles called a mirage of the mind. Dates, places, nations, and personages have evaporated under their scrutiny only to be resurrected much later by archeologists.

Suppose Bible believers were to demand that archeological,

historical, scientific, and prophetic material that refutes their charges against Biblical statements [be] made a part of the school curriculum. Suppose they demand that books which expose the weaknesses in the theory of evolution be included in the curriculum. Would this be a violation of the First Amendment? Or would it be denying the faculty academic freedom?

Who dares question anything scientists say? Who wants to be labeled bigoted, narrow, ignorant, or at best not informed? They wouldn't like our attitude.

KAY JEAN
Burlingame, California

No Secular Humanism Here

For a minute I thought Ed Doerr [Letters, January-February] was writing tongue-in-cheek, but the rest of his letter shows he was sincere.

A teacher who assumes that all religious and ethical systems are human inventions passes his attitude on to his students quite effectively, without even thinking about it. Mr. Doerr must know this very well. So what was he thinking of when he said that our public schools are not teaching secular humanism?

DWIGHT M. PAINE
Professor, Messiah College
Grantham, Pennsylvania

Necessary Challenge

LIBERTY is a very challenging publication. I disagree with most of your interpretations, but I believe your magazine is very necessary and at times helpful and inspiring.

Thank you for it!
JAMES E. BALDWIN
Pastor, First Presbyterian Church
Sandusky, Ohio

Sabbathkeeping and Sunday Blues

Even though I am a Sunday Sabbathkeeper, I enjoy reading the articles in LIBERTY. The material is stimulating and interesting. I stand with you one hundred per cent in your contention that Sabbath observance should not be legalized. I agree with you that Sunday Blue laws are unjust, an infringement upon individual personal liberty. I concur wholeheartedly that no one should be restricted in any way by law, in carrying out the dictates of his conscience. I agree with you in this, even though I disagree with you in your stand that Saturday-keeping is the only scriptural answer to the fulfillment of the fourth commandment. Exhaustive studies of the Sabbath question have confirmed my position in this over and over again.

Recent contact with some sincere, right-living Seventh-day Adventist people has given me new perspective in my evaluation, not of Seventh-day Adventist doctrine, but of the application of your doctrine to the personal lives of individuals. The common ground of faith in Christ, which I discovered with these people, has relegated the Sabbath issue into the background, until I do now understand the intent and desire of Seventh-day Adventist people of honoring Christ in their observance of Saturday Sabbath, as I honor Him in my observance of Sunday Sabbath. I have come to realize that if Saturday Sabbath observance does not honor Christ, it would be Christ dishonoring, and these people, by their attitude and living, show clearly that they do not intend to dishonor Christ in anything. They are kind, love-filled Christians. As Jesus says, "Ye shall know them by their fruits."

Letters

I do not believe Saturday Sabbath observance will be the final test of our salvation. But I do believe that when Jesus comes, He will gather unto Himself all who are in Him.

MEL E. DePEAL

Pastor

Davison, Michigan

Chipping the Keystone Challenge

In Mr. Reed's reply to letters [November-December, 1972] Mr. Reed states that "changes of venue are ordered to forestall" biased juries whose opinions have been to some degree affected by careless reporting of crime news.

Mr. Reed should know that the damage to the case has already been done *before* the change of venue is ordered.

I believe the not guilty as well as the guilty are entitled to the same consideration so far as protecting their right to a fair trial is concerned. Many an accused has been indicted and then his case found to be unfounded, or he has been acquitted by a jury. If an accused is not guilty until proved guilty, then he is entitled to protection until he is found guilty.

We all know that lawyers, especially criminal defense lawyers, will pull every trick in the bag to sway opinion toward leniency for their client. The very fact that frivolous appeals are made to delay execution of sentence, and the case drags on and on, makes it seem to be cruel and unusual punishment.

The media are so callous of the finer feelings of the public that they bring the sordid details right into our living rooms via the "Boob-tube" and this does in some respects affect the opinion of some people who may be called to sit on juries. I call to mind the Jack

Ruby killing in the Dallas police station. The media should not have been allowed within gunshot of that area. Yet the whole mess was brought right into our homes where children and others of impressionable age or condition could see and hear it all. The public's right to know is satisfied when an accused is brought to public trial in open court, and not until the jury has found its verdict should the details of the trial be published.

REGINALD W. HOVER
Norwich, New York

Belief Cost Mother Her Children

I read with much interest comments in your "Our Readers Speak Out" [September-October, 1972]. It is glaringly apparent that statements are basically emotionally inspired, but I am surprised at the reasoning of attorneys who wrote in.

1. Regardless of what religion a person belongs to, there are people who will consider some of their beliefs fanatical.

2. Attorneys are not remembering to take into consideration their legal knowledge of court decisions establishing precedent.

We do not agree with Witnesses' beliefs in denial of transfusions to save lives; but we all know other religions that do not believe in medication to cure illness.

People must eliminate opinionated emotions in matters pertaining to freedom. Indulge in clear and hard-headed thinking. Regardless of personal opinions, a chunk of religious freedom was nibbled away by Judge Holliday's decision. How soon will some other religious group find themselves in a similar case? The shoe is then on the other foot and before we realize

it, it is pinching quite hard.

Many of us cannot, apparently, countenance beliefs of others. Still it behooves all of us to realize that in this great country we have already lost many of our freedoms to governmental control. The more we allow legal infringement of any of our rights, the sooner we will find our lives completely regimented by government.

Freedom? Better start worrying about it as a whole rather than picking apart one particular aspect.

Remember our founding fathers established this country after migrating here to escape religious persecution. Let all of us take stock of the direction our country is taking. Not in any one aspect, but in its entirety. Our constitution gives citizens control of our country! We had better start exercising this right in proper manner before government controls us.

ROBERT DOUGLAS
Cheyenne, Wyoming

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SORRY, MADALYN



Madalyn (Murray) O'Hair, the atheist who initiated the Supreme Court decision against state-sponsored prayer in public schools, isn't going to like Ron Graybill. Just when she brings suit against the President and Government colleagues for allowing religious services in the White House, Ron reports on attendance at a recent Sunday service there.

"I knew my attendance would not endear me to Madalyn," said the "kid" from the *Willows Daily Journal*, "but there are risks we reporters must take in pursuing our perilous profession."

Just how perilous it can be, Ron found when he sought to change film in his camera in the State Dining Room only to have Press Secretary Ron Ziegler charge him, saying, "There are no pictures allowed in here! None at all! Get that out of here!" Badly shaken, Ron rolled an unused film "clear back into the canister."

But reporters are not only brave but resilient. During a chat with the Chief Justice, Ron turned up the only news unearthed that day. "Spade work," he says modestly. But that story belongs to him. He tells it, beginning on page 2. Sorry, Madalyn.

I asked the Chief Justice, "Wouldn't Billy Graham's suggestion . . . raise grave constitutional questions?"
See page 2.



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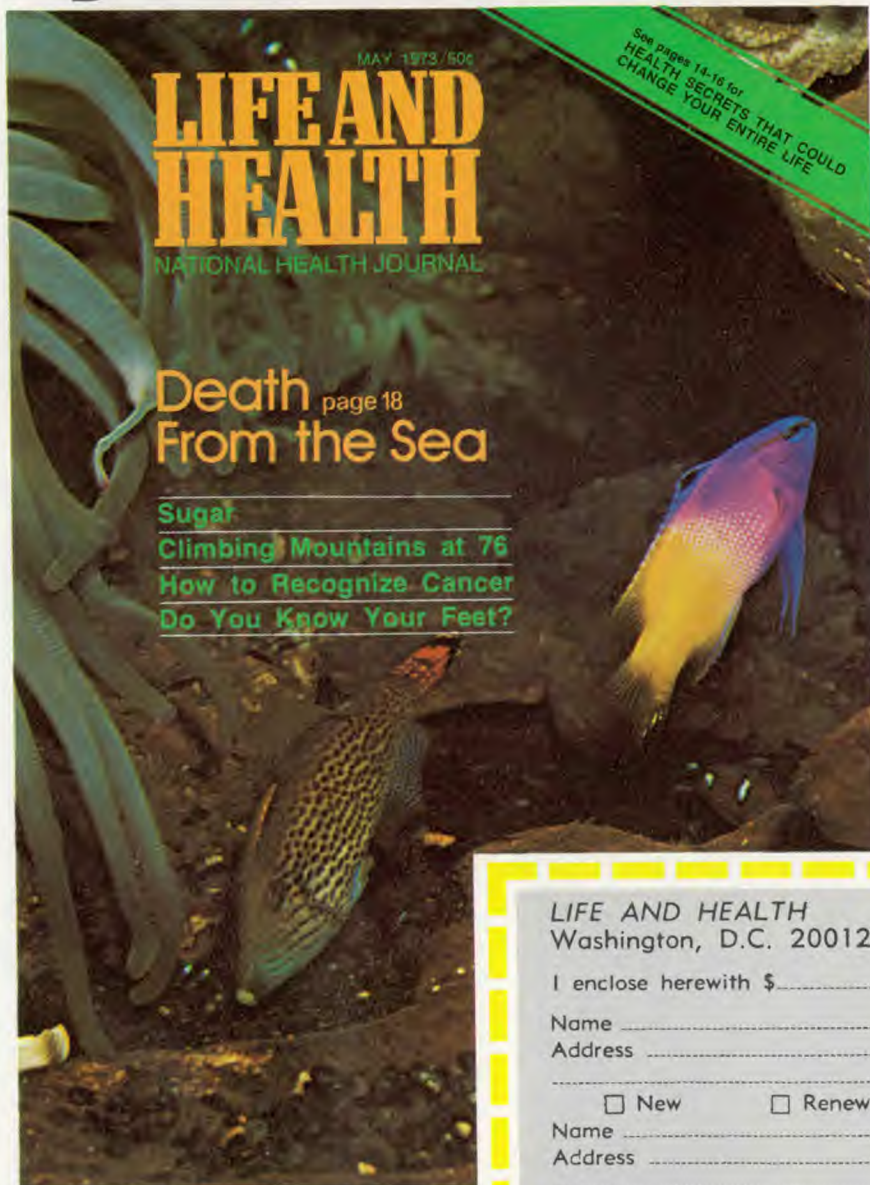
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It's probably your own fault



Healthy Pets—Healthful Homes

CHARLES C. HUNTER, D.V.M.

It is common knowledge that a pet's health is closely linked to the health of its owner. The relationship between the two is so intimate that it is often difficult to distinguish between the two. In fact, the health of the pet is often a reflection of the health of the owner. This is why it is so important for pet owners to take care of their own health as well as that of their pets. The following are some tips for pet owners to help them keep their pets healthy and happy.



if you are ill. We are quick to blame "the bug" or our ancestors' genes, but usually the trouble can be traced to our own doorstep.

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