The Holy Grammar

The Day They Shut Down

Sherlock Holmes

The Madison and Jefferson Blues

The Seventh-day Idea

Day of the Mob

I Do (Not) Solemnly Swear

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BLUE LAWS AND BEER

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Senator Harris on Liberty

Thank you for your September/October presentation of both sides of the debate concerning the so-called Religious Right.

The article “Stealth Candidates” by Rob Boston contained the usual saws, half-truths, and outright lies that the liberal left has put out about Christian conservatives, but it was no more offensive than most leftist publications.

My personal experience with politics as a pro-life conservative is utterly different than that portrayed by Mr. Boston. I, as a pro-life candidate for the Senate, and both pro-life candidates for the House of Representatives in my district, truthfully portrayed ourselves in our literature and in our door-to-door solicitation of votes. We were elected overwhelmingly against pro-abortion candidates, who, rather than tell the truth, portrayed themselves as “personally pro-life” while taking money from and pledging loyalty to the abortion industry. The point here is that the pro-life candidates are a plus in the political arena, not a minus.

Again, thanks for your good work in this important area and for putting up with those of us who slice and dice each other in the name of religious freedom.

Dobson: You’re Either for Him or Against Him

What a refreshing, delightful change it was to read Dr. James Dobson’s article (“Freezing the Linebacker”) in your September/October issue. You would do well to include Dr. Dobson as a regular feature in your magazine.

R. Ray Anderson, Pastor
United Methodist Church
Durand, Wisconsin

By chance, I came across Liberty at the professional institute where I am an instructor in the General Education Department, and decided to become a subscriber.

If the September/October issue is representative of your publication, I commend you for your adherence to the principles of free speech, which are so often honored only in the breach. I was particularly interested in James C. Dobson’s essay. Naturally, I was not surprised to find it to be polemic. The hair-splitting sophistry is typical of those organizations.

Gayle Ernst
Phoenix, Arizona

For all your supposed dedication to religious freedom, you sure don’t allow Catholics or the Religious Right freedom to believe as they will. I cannot agree with Catholic doctrine and practice, and at times have had to show them the error of their faith. But the big difference between us is that I do not hide behind a facade of religious tolerance. I really can’t find any tolerance in your publication for your arch rivals.

Thank you for including the article by Dr. James Dobson in the September/October issue. It was noble of you to include a perspective from the other side.

Rev. Steve L. Highlander
Oberlin Christian Fellowship
Oberlin, Kansas

[Didn’t you just contradict yourself, Rev.?—Ed.]

Gene’s Revenge

A short feature in the November/December section “lams and Pentameters” caught my fancy. Beginning “Lenin’s Revenge . . . ,” the article noted that 45 percent of Americans are uncertain of the origin of the phrase “. . . from each according to his abilities, to each according to his need.”

Happily, anyone intimately familiar with the biblical book of Acts would immediately recognize such phrasing as originating therein. That the original Christians practiced a very pure form of Communism is found in “All that believed were together, had all things in common, sold their possessions and goods, and parted them to all according as each had need” (Acts 2:44, 45). These words are not taken from the hated Communist Manifesto of Karl Marx, but from the Holy Bible itself.

Gene Kasmar
Minneapolis, Minnesota
**Sentencing Judge Belew**

In your November/December article "Doing Time in the Pews," by Jack Douglas, Jr., the more I read, the more I felt like running. I thought, Yes! Yes! Belew was out of line and the U.S. Constitution was abrogated by abuse of his power and discretion!

Then my mental faculties came upon one sentence that led me to question my conclusion of the judicial indiscretion and tipped the scales of justice closer to balance. The sentence contained the limits of "the outer edge of the envelope" of judicial response, and I slowed my pace. The statement was: [sentencing Oliver to church every Sunday, without fail at] "the Progressive Baptist Church where her father pastors." (Italics supplied.)

There are discretionary gray areas that may allow a judge to maneuver in the best interest of the convicted, their families, and society, all within the bounds of the law. Such may have been the case for Belew. Judge Belew presumably believed that the most likely person to have a positive and changing effect upon Oliver and the future well-being of her minor children was her father. Her father, one who happened to be a defined religious person and pastor of a defined church—and possibly the person most able to grasp Oliver from the depths of and grip upon her physical, mental, and criminal trough—was a proper sentence and remedy.

It is reasonable to suggest that Belew would have made a similar decision had Oliver’s father been a rabbi; a counselor at a drug rehabilitation center, or maybe an upper-level executive with strong financial means and willing to take his daughter and grandchildren into his family fold with discipline, compassion, and understanding. Although Belew’s quoted comments may be offensive as religious aversion, they were only editorial, clearly within the discretion of a sitting judge and not uncommon throughout the judicial system on all types of issues.

WARREN A. LAUER, Attorney Laramie, Wyoming

**Trial by Fire**

In this article in your September/October issue, author Dennis Crews refers to an Amish farmer’s words following a violent crime committed against his farm as “quaintly innocent” because, “rather than retaliation, they suggest redemption. . . ." Many people involved in the study and advancement of nonviolent resolution to conflict regard the pacifist philosophy of the Amish as anything but quaint. Refusing to allow anger to drive them to vengeance, nonviolent groups like the Amish proactively employ alternatives to violence in working through conflict. In so doing, they hold a future of peace and reconciliation in their hands. In romanticizing Amish life as innocent and quaint, Crews perpetuates the false image of pacifism as a charming ideal, when in fact the pacifist tradition exhibits wisdom, strength, and courage—qualities of true peacemakers.

JAMIE BEACHY
Washington, D.C.

**Liberty Bound**

When the shoe is on the other foot, the tone of your periodical becomes hypocritical (your editorial “The Whiners,” November/December). After three articles on Southern Baptists, who have done more for the cause of Christ in mission and evangelism worldwide than any other denomination, you lambast Pat Robertson and others in his camp for their cry of persecution.

Do you not see the hypocrisy? Two of the articles nitpick the Southern Baptists for their long-standing controversy over inerrancy, liberalism, and political control. I’m not offended by the opinions of men who know very little of the controversy, since they are not directly involved. I was at the convention in New Orleans when the BJC was cut off from SBC funding. Your use of the Holocaust illustration is very timely. In the late 1920s when the philosophy of Socialism began to permeate German life, the Jews, the evangelical Christians, and other similar groups had the chance to speak up and declare their offense to this liberal and radical change, but few said anything and even fewer did anything to change the political and moral climate. Just like the frog in the kettle.

Perhaps you need to rename your periodical Bound or Captive since your legalistic hypocrisy leaves little room for the responsibility of those who indeed love freedom so much that they would risk name, character, and persecution to promote it.

CLIFFORD A. SIMS, Pastor
Hillsdale Boulevard Baptist Church
Sacramento, California

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**DECLARATION OF PRINCIPLES**

The God-given right of religious liberty is best exercised when church and state are separate.

Government is God’s agency to protect individual rights and to conduct civil affairs; in exercising these responsibilities, officials are entitled to respect and cooperation.

Religious liberty entails freedom of conscience: to worship or not to worship; to profess, practice and promulgate religious beliefs or to change them. In exercising these rights, however, one must respect the equivalent rights of all others.

Attempts to unite church and state are opposed to the interests of each, subversive of human rights and potentially persecuting in character; to oppose union, lawfully and honorably, is not only the citizen’s duty but the essence of the Golden Rule—to treat others as one wishes to be treated.
DEMON'S ADVOCATE: A U.S. district judge ruled that a self-proclaimed satanist not only must be allowed to perform satanic rites in prison, but that the prison may have to provide the needed materials. "I refuse," said Judge Edward W. Nottingham, "to gloss over the serious First Amendment concerns this case raises." Saying that the rites involve no violent acts or blood-letting, the judge ruled that the prisoner, Robert Howard (serving 10 years for kidnapping and auto theft) is "asking for the same privileges granted to every other religious group." Nottingham's decision contradicts one in 1988, when a federal judge in Alabama denied a prisoner's appeal for materials to worship Satan because one of the things he asked for, knitting needles, would pose a security risk. Prison officials in the Howard case argued that some things Howard requested—candles, candle-holders, incense, a gong, a black robe, a chalice, and a short wooden staff—could be security risks. The candles, for example, could start fires and a robe could pose an identification problem. "All of these are legitimate concerns," the judge said. "The problem is that many of the other religious groups regularly use these very same—allegedly dangerous—implements." Howard's attorney, Darold Killmer, said that this decision may "serve as a strong precedent for other prisoners who want to conduct rituals that do not imply security concerns." Nottingham is one judge who, apparently, wants to give the devil his due.

CRY ALoud, SPARE NOT, LIFT UP THY VOICE LIKE A TRUMPET (BUT NOT IN THE U.S. AIR FORCE): The military expects chaplains to be pastors tending to the flock, not prophets bemoaning corporate transgression. At least that seemed to be the case when, last year, the Air Force retired Lt. Col. Garland Robertson, 48, because he spoke out, as a chaplain, against the Gulf War. A decorated Vietnam War combat pilot, Robertson angered his superiors by complaining that chaplains were forced to compromise their religious beliefs in support of the war and to be "moral cheerleaders" for military commanders. He was relieved of his preaching duties in 1991, and in October 1994 he was forcibly retired. "The lack of support from the military chaplaincy," Robertson griped, "made me realize that I had misunderstood what the group was supposed to do. I felt that there would be more tolerance for diverse opinions, even if they had been unpopular ones." Sorry, Bob, this is the Air Force, not The Capitol Gang.

APPLYING FOR PARENTHOOD: Beginning with the assumption that parenting isn't a right, but a privilege, psychiatry professor Jack Westman advocates a license for would-be moms and pops. His book, Licensing Parents, proposes government regulations to ensure that only the right people raise children. Bemoaning that just about any man and woman can procreate without demonstrating the "minimal competence" needed to get a driver's license, Westman proposes that those applying for parenthood would have to pass certain age requirements, promise to support and care for the child, and "the
third, possibly optional, criterion, would be completion of a parenting course or its equivalent." In Westman's vision of the Brave New Family, would Lynn Kivi, a Georgia mother arrested, handcuffed, and charged with a felony after she slapped her brat in the mouth in a store (the kid admitted he had it coming and police quickly dropped all charges) have had her license to be a parent revoked? Would they have taken her kids away from her? Meanwhile, from all that we have learned about her so far, Susan Smith (you know, the one who drowned her two boys) probably would have passed the licensing exam with flying colors.

**Moment of Defiance:** A Georgia high school teacher was fired for refusing to obey a state law mandating a moment of silence at the beginning of each school day. Social Studies teacher Brian Bown of South Gwinnett High School refused to keep quiet during the mandated minute to "reflect quietly." After the first class period began, the principal announced over the intercom that, "As we begin another school day, let us take a few moments to reflect quietly on our day, our activities, and what we hope to accomplish." Bown paused for a few moments, said "OK," and then continued his discussion of the Protestant Reformation. Bown said he couldn't follow the law because it was a deceptive way to introduce prayer in public school. "I either violate my conscience and beliefs and follow a law that is patently unconstitutional, or I'm fired." Bown is suing in federal court. However, if a constitutional amendment to allow for legislated prayers or moments of silence in public school passes, Bown's case would be moot.

"**Make a Joyful Noise [Below 100 Decibels] unto the Lord**": A pastor in a Minneapolis church has been fined, and even spent a few hours in jail, for violating the city's noise ordinances. The shouting, singing, and praising the Lord at Pastor Robert Wesley's True Apostolic Assembly Church had supposedly reached levels nearing the decibels of low flying jets, much to the consternation of neighbors, who have registered formal complaints more than 70 times. The problem is worse in the summer, when the windows are open each Sunday in the 150-member church. A city council member said he has arranged for the installation of storm windows (at no charge to the church) and hopes to have air conditioning in there by the summer, so they can worship with the windows shut. Perhaps the church could sue, citing the ordinances as a violation of the Free Exercise clause. After all, the Bible does say, "Shout unto God!"

**The Myths of David Barton:** With the prospect of a constitutional amendment for legislated prayer in public schools, what the country needs is an intelligent debate about the issue, not the nonsense promoted by David Barton, author of *The Myth of Separation*, a 300-page tome dedicated to proving that the "separation of church and state is a myth." The gist of this book is that since 1963, when the Supreme Court began rejecting "Divine Law," our nation began its moral slide. Because of these decisions, Barton writes, "the United States is now number one in the world in violent crime, divorce, and illegal drug use; number one in the western world in teenage pregnancies; and number one in the industrial world in illiteracy. . . . By rejecting Divine Law, the Supreme Court has rejected the base that produced the stability our nation previously experienced." That's a cute theory to blame teen pregnancies, drug use, and just about every other national ill on *Engle v. Vitale or Abington v. Schempp*. If Barton is correct, and if this amendment for government legislated prayer is instituted, we should see a precipitous drop in teen pregnancies, drug use, divorce, and all the other social ills Barton blames on a few early 1960 Supreme Court decisions. If not, the myth isn't separation, but David Barton's theories.

"**What? They're Letting Pagans Bring Knives Into School But Won't Let Christians Pray There!**": Would you believe that the California legislature passed a law allowing students to carry knives on school property? It's true, and it wasn't a matter of the legislators throwing up their arms in disgust at the inability to stop school violence (sort of like what this country did years ago with laws against liquor). The knives, called kirpans, are worn by devout Sikhs, who see the small, stainless steel curved daggers as symbols of self-respect, freedom from oppression, triumph of spiritual knowledge over ignorance, and a reminder to aid the weak and oppressed. When Sikh teenagers in a California high school were forbidden to wear their kirpans to class, they sued. Though a federal appeals court reversed a lower court decision upholding the ban on wearing the kirpans, the state house came to the rescue and, rightly so, passed a law that allowed the students to wear their kirpans. Sikh and ye shall find.
storefront church on a busy downtown corner displays a wooden cross next to a sign reading "Hallelujah, Jesus Is Alive." The local radio station features advertisements for visiting evangelists, and an announcer condemns beer as "the devil's firewater." The holy messages even extend to the men's room at city hall, where the only graffiti is a scribbled "Jesus Loves You. Try Him."

The folks in the rugged mountain town of Bristol, Virginia, take their religion so seriously that it seemed only natural for the city school board to use the King James Version of the Bible as a textbook at the local public high school.

Natural, that is, until the American Civil Liberties Union threatened to sue the city for violating the constitutional wall between church and state. The school board reluctantly backed down, but Bristol's struggle mirrors a battle increasingly being waged across the country.

From the halls of Congress to statehouses throughout the South, from the high school principal's office in rural Jackson, Mississippi, to the crime-ridden ghettos of Washington, D.C., a nation founded on the principle of religious freedom seems to be wrestling with the age-old conflict of the proper place for God in the classroom.

It's a question that seemed relatively settled until a recent court ruling muddied the legal waters enough to give prayer advocates a new opening. So with polls reflecting public concern about the lack of values in today's society, politicians are rushing to legislate moments of silence or graduation prayers.

Nowhere is the holy war more heated than in Virginia, the state in which the Statute of Virginia for Religious Freedom was first signed more than 200 years ago, and the birthplace of the Bill of Rights—including the First Amendment prohibition against government establishment of religion. Today, though, Virginia is the home turf of the Religious Right—the state in which both Jerry Falwell and Pat Robertson preach. It's also the base of operations for Robertson's aggressively activist Christian Coalition.

Just last March the Virginia General Assembly passed two bills intended to encourage school prayer, and Republican governor George Allen gladly signed both, ignoring constitutional concerns. One established the right of students to voluntarily initiate prayer at school functions and the other directed state officials to craft guidelines for how they can do so.

But hundreds of miles to the west of the state capitol in Richmond, the city elders in tiny Bristol on the Tennessee line weren't satisfied with a little prayer here and there. They wanted their schoolchildren daily picking up the Bible in class.

In March 1994 school board members showed up for a meeting with what they thought would be their solution to a panoply of modern-day evils afflicting their isolated Appalachian community, from disrespect, to drugs, to teenage sex. The answer? A resolution directing that the King James Version of the Bible would be used as a textbook. Not to teach religion, they said, but to teach grammar, literature, and history in grades 9 through 12. And if some old-fashioned Christian values happened to rub off in the reading, well, so much the better.

"The King James Version of the Bible has been one of the best selling books in the United
States of America,” the resolution stated, and “it is the desire of this board to recognize the King James Version of the Bible as a source for teaching grammar . . . literature, and . . . history.” In a half-bow to the Constitution, the resolution stipulated that no specific church or religion should be mentioned and that “at no time shall a prayer be made, nor is there to be any discussion as to redemption of the soul, salvation, hereafter predictions, sin, born-again desire, or any statement concerning religion, except as stated in the Bible.”

“There is no book in our school system that teaches morality,” board chair Ronald R. Morgan said that night at the board meeting. Students must be taught some kind of morality, he declared, “because the family has gone to hell in this country.”

The proposal had the same effect as lighting a cigarette in one of the methane-filled coal mines that populate these parts. Even Superintendent David Lenker had no idea that it was coming, having been shown the resolution just 90 minutes before the meeting. But four of the five board members signed the resolution and directed Lenker to seek legal advice for the inevitable storm.

The next day the American Civil Liberties Union began mobilizing to stop what it saw as an egregious violation of church-and-state separation. The Bristol School Board, the ACLU declared, was trying to slip religious indoctrination in through the back door with an absurd justification. If it went through with the plan, the board would assuredly face a federal lawsuit.

“They’re way off base,” said Kent Willis, the Virginia ACLU chapter executive director. “There is nothing wrong with schools teaching values. It’s religious dogma they can’t teach.”

To Willis, the notion of using the Bible as a grammar textbook was especially ludicrous and exposed the board’s true intention. “That’s an archaic form of grammar that . . . you would not use to teach grammar,” he said of the King James book. “We’re going to have all these people saying ‘thee’ and ‘thou.’ ”

These days, anyway, no one in Bristol uses a lot of “thees” or “thous.” Located in the far southwest corner of Virginia more than 300 miles from Washington, Bristol is a manufacturing town that grew up around a railroad that no longer stops here. The town literally straddles the state border, with 18,000 living on the
Virginia side and 23,000 on the Tennessee side. Legally, they are two separate cities, with two separate governments and two separate school systems. Walking down the main drag, State Street, you find yourself in Virginia if you walk on the right sidewalk, but if you stop in the drugstore on the left, you’re suddenly in Tennessee. During parades in the old days, the governor of Tennessee would stroll down one side of the street while the governor of Virginia would amble down the other.

What unites most of the folks who call themselves residents of Bristol, though, is a love of the nearby NASCAR racing circuit and a deep reverence for religion.

“Bristol is basically in the Bible Belt,” said Jim Clifton, a school board member who signed the resolution and who proudly displays posters of race-car driver Richard Petty on the wall of his car dealership office. “Most of the people here do have good family values. . . . Eighty-five percent of the people in this area are for this resolution. I guarantee you that all of my phone calls—except [one man named] Achmed—are for this.”

Of that there seems little doubt. At the Sidetrack Tobacco Shop located in a closed-down and renovated train station, patrons searching for cigars, postcards, and collectibles were nearly unanimous in their support for returning God and the Bible to the classroom.

“They should never have taken it out,” said Josephine Gudger, 70, who was buying lottery tickets with her husband, Ben, 68. “You can’t do anything without that Man upstairs. That was the dumbest thing they ever done. They got dope up there, but they take out the Bible. . . . If they got that Bible back in, it’d be easy to get that dope and cigarettes out.”

Her husband chimed in, recalling his own days in school that started with a Bible reading. “They’ve got ‘In God We Trust’ on the money. That’s what this country was founded on,” he said. “This country has enough problems without messing with that. You could take a Playboy up there and read it and not get in trouble. Take the Bible up there, and they’ll put you in jail. That’s crazy.”

There’s a nagging sense among the folks at the Sidetrack counter that the younger generation has no respect, no values. Even here, so far from the urban drug wars of Washington and New York, people fear lawlessness and an eroding social order. “I’ll tell you what. I know the condition of the kids. No morals,” said Jean Leonard, who owns the small shop on the perimeter of downtown with her husband, John, and also works for the school system. “They need something, let’s put it that way.”

Even at the town’s only high school, Virginia High School, many of the 770 students welcomed the idea of mixing the Bible with their studies.

“Walk around here and you see all these girls who are pregnant. If they are taught the morals to begin with, it wouldn’t be such a big problem,” said Sabrina Guinn, 14, a freshman who regularly attends Baptist services. “Some students might not like it at first ‘cause they’re not used to it. But it would be the best for everybody. There’s a lot of people in school who are embarrassed to say, ‘I’m a Christian.’ ”

Interestingly enough, this was not the first time the issue of religion in school has surfaced in Bristol. For 42 years, until the early 1980s, fourth and fifth graders in town were obediently trooped into classrooms once a week for Bible study, where they were taught a literal interpretation of the Holy Book, including hell, damnation, virtue, and sin—all through a distinctly fundamentalist Baptist lens. If the Bible says Noah built an ark, then that’s what happened. If it says Jesus is the Son of God, there could be no question. The few Jews and Catholics in town found the sessions uncomfortable, but simply withdrew their children and said nothing or even, in many cases, let them attend without complaint.

By the time that 9-year-old Kathleen Crockett tried to opt out of her first session and was made to feel so bad she left crying, the end was near. Her parents, Sam and Sally Crockett, decided enough was enough. Churchgoing Methodists and pillars of the local community—Sam was a member of the city council and Sally was a schoolteacher and former YWCA president—the Crocketts embarked on a course that soon made them local pariahs.

Their federal lawsuit, filed in conjunction with the ACLU, focused a national spotlight on Bristol and ultimately forced the school board to abandon its Bible sessions in 1983. But the Crocketts paid a price. Their telephone rang after midnight with hate calls. Sally had to go to a neighboring county to get work. Sam was ousted from the city council after losing reelection.

During the furor, the mayor, Ron Morgan, stubbornly defended the Bible classes. Three times he had the city council pass resolutions supporting the sessions, each time with Sam Crockett the lone dissenter—and after losing in
court, Morgan vowed never to surrender. By the time he tried to resurrect the Bible in local classrooms 11 years later, he had left city hall and was now in his final months as chair of the school board.

A rough-hewn, strong-willed man who’s not afraid to speak his mind, Morgan said all he wanted to do was instill two biblical precepts: Thou shalt honor thy parents and thou shalt not kill. He looks around at schools today and sees children bringing pistols to campus, teachers being attacked, young girls getting pregnant, and the family in decay.

“I’m no religious nut,” he said. “I don’t go to church every day... But there has to be something out there for somebody somehow that’s going to teach these kids. . . . It’s all right to burn the flag. It’s all right to bring condoms to school. This is a situation that really bothers me... I don’t know what the answer is, but I feel pretty good coming down on the side of the Bible.”

His old adversaries, though, saw this attempt to use the King James Bible in school simply as Morgan’s last-ditch attempt to win where once he failed. Sitting in their living room, the Crocketts pulled out three thick scrapbooks with newspaper clippings of their epic 1983 battle, pointing to Morgan’s ultimately futile pledges to keep God in Bristol schools.

“When you get right back to it, it’s Ron Morgan’s little ball game,” said Sally, an engaging silver-haired woman who is the more outgoing of the two and mimics Morgan’s speaking style. “He has no concept of minority rights. He just didn’t get it and he still doesn’t.”

It didn’t take the Crocketts to defeat Ron Morgan this time, however. He was done in by his own lawyers.

The constitutional case law involving religion and public schools is generally traced to the 1962 decision by the U.S. Supreme Court in Engel v. Vitale. In that case, the Court ruled that a New York school district violated the Establishment Clause by directing that a “nondenominational” prayer be recited daily by each class. Justice Hugo L. Black wrote that it “is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by government.”

The Court extended the restrictions a year later in Abington School District v. Schempp, when it struck down Pennsylvania and Maryland laws requiring that Bible verses or the Lord’s Prayer be read without comment at the start of each school day. “What are the purpose and the primary effect of the enactment?” Justice Tom C. Clark wrote in the majority opinion. “If either is the advancement or inhibition of religion, then the enactment exceeds the scope of legislative power as circumscribed by the Constitution.”

However, he noted, the First Amendment did not prohibit “study of the Bible or of religion, when presented objectively as part of a secular program of education.”

In 1992, though, a much more conservative Court sent a different signal prompting many religious activists to see a loophole in the principles that had governed the school-religion relationship for three decades. The Fifth Circuit Court of Appeals in New Orleans ruled that prayer in school was legal when it was spontaneous, nonsectarian, nonproselytizing, and initiated and led by students. When the Supreme Court declined to hear an appeal and left it standing, groups like the Christian Coalition took that as a mandate for student-led prayers.

While that ruling led to the current spate of prayer legislation around the country, the more applicable case to Bristol was still Abington. And though Morgan and the other school board members tried to present their use of the Bible as a neutral textbook, even the lawyers from the Virginia School Boards Association, whose advice they sought, categorically rejected that argument and branded the proposal patently illegal.

“We told them what they did is not constitutional,” said Frank E. Barham, the association’s executive director. “If your primary objective is to teach grammar and literature, then pick one of the hundreds of other books that do it without the controversy.”

In the face of such universal legal advice, the school board backed down. After the massive court fight a decade earlier, Morgan said, the city could not afford another round of protracted litigation.

“I’ve got an IQ higher than a lawn mower. I know when you can fight something and when you’re whipped,” he said. “But that doesn’t mean the battle is truly over. I’m not going to give up on prayer. Eventually it’s coming back. By the turn of the century, when the schools look like prisons... then the silent majority will say, ‘Hey, we need to do something.”

Perhaps, but there will always be people like the Crocketts, who will agree that something needs to be done, but the answer isn’t forcing religion into public schools.
The Day They Shut Down Sherlock Holmes
In the most famous gas station in America, Barry Davis sits at a battered, gray-steel desk beneath a sign that reads “We will be closed Friday sundown to Saturday sundown to observe our Lord’s Sabbath.”

His lean, sculpted hands punctuate razor-sharp sound bites as he wraps up his story on videotape for a Seattle TV news team, the eighth media group to stop by or call that day. And it’s only 1:30 in the afternoon.

“It’s really very simple,” smiles the lanky 51-year-old seated in his burst-seamed chair in the Salem, Oregon, station office. “Texaco wants to take away my constitutional right to refrain from business on my day of worship, the seventh-day Sabbath.”

A shift in the ratty chair telegraphs a paragraph change.

“I’ve been the top Texaco gasoline retailer in the nation. For 18 years every station I’ve touched has become a winner, a record setter. But when it comes to allowing a dealer to follow his conscience, they just can’t seem to tolerate giving him that kind of power.”

His high cheekbones spread like wires from a blade-thin nose as his blue eyes bore into the lens and onto the TV screens of thousands of Pacific Northwest viewers.

Slap a deerstalker hat on Davis’ graying pompadour and the prosperous Texaco dealer would vaporize in a haze of unleaded fumes, to rematerialize as a Sherlock Holmes ringer.

And his appearance would be justified by his amazing accomplishments. For nearly two decades he’s been known in the industry for his uncanny ability to ferret out and fix the problems of failing service stations, and in the process drive them to dizzying financial success.

And he’s grown accustomed to being quietly wined, dined, feted, and honored for pulling off the head-scratchingly miraculous in the lucrative, cut-throat field of gasoline retailing.

The son of a southern California inventor and former NASA project man, Davis, like the mythical detective, showed no youthful interest in the sedentary skills of academia, though in high school he set local swimming records that still stand.

“I was born a competitor, and I’m at my best when there’s a contest, a goal, a situation that stretches me to the limit,” says Davis, who, Sherlock Holmes style, claims that there’s nothing more melancholy than a ho-hum day.

Edwin D. Schwisow is communication director for the North Pacific Union of Seventh-day Adventists.
For the past 18 years he's found that challenge in a surprising (and lucrative) arena—the almost incomprehensibly complex business of pumping gas.

Within weeks of assuming leases on a succession of Texaco stations, he's been able to show two-, three-, ten-, twenty-, and in some cases, thirtyfold increases in sales.

"We've taken stations that were doing 5,000-10,000 gallons a month to 200,000 gallons a month in a matter of weeks," he says. "This has been the rule rather than the exception. We've made it our business to take the worst stations, usually in the worst neighborhoods, and then we've taken them to top profitability."

"It's simple," he says, intoning a modern equivalent of the sleuth's "elementary." "You observe people; the clues to why they choose one station over another, the reason they make that right- or left-hand turn to your islands, are found in the way they act, the way you act, and the way they perceive you to act."

Case in point: the kind of car an owner/manager parks by his stations. For Davis, it's a 1972 Dodge Polara, worth, at most, $300 on a used-car lot.

"If you're selling gasoline, you just don't go driving around town in a Continental and parking it by your station. If I were selling real estate, I'd drive the Continental. But in this business, people want to feel that the man who pumps their gasoline wants and needs their business. And, I might add, that Dodge is in absolutely perfect mechanical condition."

Many of Davis's secrets have to do with employees ("dress them in bright colors; keep them conspicuously out in front among the islands at all times"). But beyond the window dressing, Davis works closely with his employees to instill a winning attitude, a positive demeanor, that spills over into their performance with the customers.

"We provide quick service. That's why we don't have the minimart situation in our stations. People come, they get immediate service, we handle the transaction while they're still in their cars, and they're gone. Our employees are cordial, friendly, articulate, very upbeat. People appreciate that and they come back—they'll even drive out of their way—to get that kind of service again. And of course, the price is exactly right."

Indeed, the interior of Davis' station appears to have been furnished with secondhand items salvaged from the fall of Berlin or perhaps a bit earlier. Casted steno chairs display shriveling, sun-browned foam-rubber cushions exposed by decades of use. There's no computer, no high-tech gadgetry aside from an old adding machine. No tires, no batteries, no special additives, clutter Davis' war bunker.

It's as if Davis, in his continued quest to lead the nation in gasoline sales, has followed the scriptural injunction to cast aside all impediments and to run the race with absolutely single-minded purpose, stripped of all unnecessary accoutrements as surely as he stripped to win his swimming bouts back in California.

"My employees absolutely support me in what I'm doing," says Davis, and indeed the camaraderie and single-minded attention to business mingle seamlessly as the manager confers with Davis, from time to time, planning for gasoline deliveries, projecting sales, and discussing staffing.

Eighteen young employees, including a pair of identical twins, operate the pumps 24 hours a day—for example from sundown Friday to sundown Saturday. Davis's decision to opt for the 24-hour cessation of sales lies at the root of his problems with Texaco, for Davis's leases call for him to operate his station in Salem, as well as the ones he leases from Texaco in Eugene and Clackamas on the same I-5 corridor in Oregon, 24 hours a day seven days a week.

Yet, since January all three stations have been closed during the biblical Sabbath, a truth he claims to have discovered through the same means of detective insight he has employed to become the star among the stars of Texaco.

"My employees do not, themselves, feel strongly about the seventh-day Sabbath," says Davis. "But they absolutely support me and my right to exercise my religious convictions in this way."

The employees agree: "Barry's right-on," says one of the twins. "We may lose our jobs if they take this station away from Barry, but we think he has a right to do what he's doing. He's still selling as much gas as ever before, and his customers know why he's doing what he's doing, and are supportive of his right to close, as well. We're all 100 percent behind Barry."

Like his young employees, Davis had little interest in religion as a young man. The descendant of religious forebears with roots in Roman Catholicism, the Baptist faith, and Methodism, the Davis family knew Cardinal Cushing as a family friend, and through his influence young Barry Davis's swimmer's hands were used as models for works of religious art now at the Vatican.
Another interesting sidelight of our work was to count how many concealed stashes of drugs we would find in the gasoline spouts of cars that would come by for gasoline."

But by and large, Barry was too busy surfing, swimming, and sweating under the hoods of early 1960s muscle cars to concern himself with battles on the spiritual front.

He married and had two sons, but in 1971 the marriage dissolved, and the two boys, Chance and Gannon, stayed with their mother while Barry moved north, where he remarried in 1974.

Meanwhile, he and an associate had gone into the filling station business, and Davis had immediately sensed that here he would find his fortune. For one, he knew he could outcompete any station in town and win, and as he performed detective duty among other stations in the area and recognized the haphazard management at work, he knew he could win big-time.

And win he did. He started out leasing a station in Los Angeles during a time of social upheaval in Watts, when a common commuting-to-work pastime was counting the number of as-yet-uncollected bodies littering the streets.

“We were in a very tough neighborhood,” says Davis. “Another interesting sidelight of our work was to count how many concealed stashes of drugs we would find in the gasoline spouts of cars that would come by for gasoline.”

But Davis survived that first station and moved on, developing a reputation for taking badly located, badly managed stations in depressed areas of town, and turning them into winners.

“One thing I learned early was the need to clean up the reputations of these stations. That would sometimes mean dealing decisively with drug dealing and prostitution on the streets near these stations. But we knew we had to do it, not only because our legitimate business could not succeed while these things were going on, but because it was also our responsibility as citizens to serve the community in this way.”

As he increasingly devised winning tactics, and as Texaco played Avis to Standard Oil’s Hertz, Davis moved northward, away from his southern California roots to the more quiescent family-rearing environment of Oregon.

By age 45 (and by then the father of seven children), in 1988, he was acknowledged as the top Texaco retailer in America. Relations with the company were at a high point; it was during this period that Texaco executives, astounded at Davis’s ability to pump unheard-of gallons of gasoline per day at what was once considered “marginal” stations, would spend days with him trying to ferret out the reasons for his success.

But it was at this time of highest achievement that Davis began a period of self-evaluation that would lead him, detective-style, to yet another conclusion—a conclusion that ran in the face of every decision he had ever made before in his conspicuously secular life.

“It became evident,” says Davis, “that someone was taking care of us. The level of success could no longer be accounted for by skill and luck—and we had that. But as we thought about it, we realized that someone was blessing us beyond what we should have expected. It was a sobering thought. We were thankful for this extra blessing, and we began seriously thinking about giving something back.”

And with characteristic thoroughness, Davis set out to discover how and why the family was unaccountably being blessed. One of his first acquisitions was a set of narrated tapes of the complete King James translation of the Bible.

As a family, Barry, wife Jennifer, and the younger children began taking time to listen to the complete Scriptures, getting the “big picture,” as any detective would do.
With his eye for quantification and detail, Davis immediately began to pick up on consistencies he had never been taught in previous catechisms or Sunday schools.

"Time and time again, throughout the Bible, in the New Testament as well as the Old, we faced reference after reference after reference to the seventh-day Sabbath, from the first chapter of Genesis to the last book of the Bible. I sat up and said, 'Here is something very interesting. The seventh-day Sabbath is extremely important to God.'"

He noted that the seventh-day Sabbath was to be observed from Friday sundown to Saturday sundown, not from midnight to midnight. And as he studied the multitude of references spanning from the account of Creation to the prophecies of Revelation, his detective's mind began to see a pattern.

"There's one thing I've found about the Bible and those ancient writers, and it's their style of looping back to certain themes. They say something, build on it, and then come back to their original thought and start over. Well, as I watched this pattern developing, I saw that the Sabbath was one of the central points that these writers kept coming back to. It is called a covenant, a sign, a command, depending on how it's discussed. But the writers keep coming back to it. It's central to the whole Bible."

With typical Northwestern independence, Davis sought no counsel from local pastors or even Sabbatarian congregations in the area.

"As a family, we decided that denominations were kind of like ready-made suits of clothes, and that we preferred tailor-made." This decision, he believes, may have played into the hands of the media, which attempted, at one point, to portray him as a lone Messiah figure à la David Koresh.

But decision time had come. How would the Davis family relate with something that appeared to be a matter of great importance to God, transcending time and epoch? Should they observe the Sabbath?

They tried, first by staying away from the stations during the Sabbath, allowing employees to carry on without them. But frustration continued to grow. First was the nagging knowledge that the fourth commandment of Exodus 20 calls on landlords to allow their servants to rest on the Sabbath day, as well. And yet Barry was employing and paying his regular workforce to continue pumping gas all weekend.

"Every Sabbath we'd get continual phone calls from the stations (by now, three; two operated by Gannon and Chance, who had joined the enterprise from southern California). Something would go wrong, something needed attention. It was impossible to rest, mentally, when you knew thousands of gallons of gas were being pumped down at the stations."

And so it was that the fateful decision was made, the one that Texaco contends invalidates all three leases—the one that has since led Davis into conflict with another provision of the fourth commandment, the part that says "Six days shalt thou labour."

In 1993, the Davises placed prominent signs on the premises of their three stations advising customers that the stations would be closed for Sabbath observance from sundown Friday to sundown Saturday.

At first nothing happened. Customers were curious but accepting, Davis says. Gasoline continued to flow in profusion, and a lot of tanks were filled on Saturday nights.

But in May (at a time Davis believes was opportunistic for Texaco's press relations people, given the news backdrop of Waco, where David Koresh, the rock-and-roll Sabbatarian of cultic convenience, had been incinerated with his entire following) Texaco filed motions in court contending that the leases were null and void because of Davis's actions and that Texaco customers were suffering hardship because of the one-day-a-week closures.

But the public, says Davis, understands that the issues are far different, and have responded accordingly. Many former customers (Davis left his stations in late May by court order) have destroyed their Texaco cards in protest, and local media has been kind to him.

But the biggest surprise of all—a phenomenon for which even the Sherlock Holmes of gas sales was unprepared—came as the avalanche of media exposure cast him on newspaper front pages and opening lines of television news reports.

"We've been contacted by many, many people by telephone, in person, and by letter who tell us, 'You know, we've been privately keeping the seventh-day Sabbath for a long time because we believe it's biblical. We're proud of you because you're standing up for your convictions.'"

As a result of this unexpected contact, Davis has become convinced that regard for the seventh-day Sabbath, even in the nominally secular community, is far higher than generally believed.

"We had no idea that there were so many
who privately believe,” says Barry. “These are nondenominational people who have come to this conviction in much the same way as we have—through private study, not through denominational creed.”

And nominal Sundaykeepers have also rallied to the defense of the Davises, based on a conviction that legitimate First Amendment rights must be championed for those who hold minority beliefs.

The Davises are no longer pumping gas. But the legal battle continues as Davis seeks not only what he considers his constitutional right to observe his religious convictions, but also redress from Texaco on several other matters related to business conduct, including managing of its credit system.

But as the Civil War hinged on the issue of slavery, so the battle with Texaco, as Davis sees it, ultimately has to do with constitutional rights. Davis hopes to return to gasoline retailing, but in these days of unemployment and waiting for a decision from the Ninth Circuit Court of Appeals in San Francisco, he and his wife, Jennifer, have studied for and have obtained their real estate licenses. They went to work as brokers in December.

As asked how he would adjust to the new career, Davis characteristically admitted to “studying the way things are currently done” in the business and suggested that he would soon be trying some new and more efficient approaches in real estate sales.

“We’re going to prevail,” quietly nods the Sherlock Holmes of the gas pump as he surveys stacks of legal briefs and court papers related to his multifront and ongoing legal battles with Texaco. He admits that millions of dollars are at stake, but waves it off with a line taken from every chapter of his life: “We’ve been through hard times before, and we’ve always succeeded far beyond expectations.”

Presumption? Blind faith? The stakes are the highest ever, and yet Davis appears undeterred by the deep pockets of his opponent or the complexity of the case.

A lot of Oregonians expect the gas-pump detective to rise again with even more thrilling exploits and winning formulas in the further chronicles of Barry Davis.
Although raised in a strict Catholic family by Italian immigrants during the Great Depression, Mom has fallen away from the church. Or, as she sees it, the church has fallen away from her. Mass is no longer said in Latin. People play guitars. Civilians take too big a part in the ritual. Women no longer cover their heads. It's just not the same.

Just because she no longer goes to church, however, does not mean Mom has lost her faith. She still prays a lot, most often for the less pious members of our family, like me.

Another remnant of Mom's upbringing is her refusal to eat meat on Friday, even though that restriction was lifted years ago. It doesn't matter to Mom if the pope has a patty melt on Friday—she's preparing tuna salad or spaghetti with garlic and oil sauce.

Although I'm considered the family heathen, I have no problem with her adherence to that tradition. If someone else is doing the cooking, who am I to gripe? Besides, Mom makes excellent tuna salad, and spaghetti with garlic and oil is one of her specialties.

While I will graciously consent to observe religious traditions—no matter how outdated—out of respect for family and friends, I will not do so by government mandate. If meatless Fridays were still part of the Catholic experience, for example, neither Mom nor I would expect the city, county, state, or federal government to prohibit the sale of meat on Friday. I daresay that even the most zealous of those who would mix church and state would agree. Obviously, it would be an attempt to make all citizens, no matter what their religion, live by the rules of the Catholic Church.

Many who would object to legislated meatless Fridays, however, find nothing wrong with "blue laws," which are still common throughout the United States, even though those laws are an attempt to make all citizens, no matter what their religion, live according to Christian beliefs.

These laws control Sunday activities. In some places, for example, stores are not allowed to open until after noon, if at all. The south Florida city in which I live is one of many in which the law says no one is allowed to buy alcoholic beverages before 1:00 p.m. on Sunday.

As a non-Christian, why should I not be allowed to buy a six-pack of beer on Sunday morning, particularly to please a preacher who's drinking wine as part of his service? In most cases I would be buying it to serve at a picnic, barbecue, or other gathering later in the day. But even if I were planning to spend Sunday morning swilling beer by my pool, whose business is it but my own?

Besides, many of us heathens prefer to do our marketing on Sunday mornings, when most people are in church or in bed. Why should we have to make another trip to the store later in the day to observe some antiquated, religious-based law?

The city has a right to regulate the sale and consumption of alcoholic beverages. But it does not have a right to do so for religious rea-
sons. If you and I were to start a Christian sect that considered peanuts sinful, would the city outlaw the sale of peanuts before noon on Sunday? Of course not.

Obviously the only possible reason for such laws is to honor the Christian Sunday. Yet the United States Constitution says the government shall not establish a religion. It says everyone should be free to practice the religion of his or her choice without government interference.

So, to be fair, a government that honors the Christian Sunday must honor the Sabbath of every religion. I'm not even sure what some of them are. But if we observed them all, I'll bet there wouldn't be many windows of opportunity to purchase a beer during the week. Besides, how could the city possibly be fair to people like me, who observe no Sabbath whatsoever?

And what would the city do if one religious observance clashed with another? What if, for example, the Beer Drinkers of America (an actual club) decided to become a religion (some members already treat it as such) and make beer-drinking on Sunday morning a requirement for everyone in the flock? Could the city legally support one religion over the other?

I also have to deal with a law brazenly referred to as “the church rule.” It states that no organized activity involving children will be allowed in a city park before noon on Sunday. As president of my local Little League, I received a letter from a city Parks and Recreation official informing me that if we were to hold a tryout, practice, or game before noon on Sunday, we would be ejected from the park, by the police if necessary.

Again, the only possible reason for such a rule is to force everyone to observe the Christian Sunday. But if Johnny wants to play baseball instead of going to church on Sunday morning, that's not the city council's concern.

Besides, the city council doesn't seem to care much about whether Jewish children observe their Sabbath. Games and practices are regularly scheduled between sundown Friday and sundown Saturday. In fact, that is when the greatest number of games and practices take place.

To be fair, the city should give equal respect to the Jews as it does to the Christians. Of course, that would mean there would be no organized youth activities allowed in any city park from sundown Friday until Monday morning. Obviously, that is not acceptable. Why have parks if kids can’t use them except on school days?

You see how sticky this can get. The Framers of the Constitution did too, which is why they said that the only way for the government to be fair to all religions is to remain neutral. To do otherwise would violate the Constitution. Worse, it would violate the rights of citizens to observe—or not observe—religion as they choose.

If the government isn't going to tell Mom what to eat on Fridays, it shouldn't, then, tell us what to do on Sundays.
Some attempts at breaching the wall of separation between church and state use the 1961 Supreme Court McGowan v. Maryland decision, which upheld the constitutionality of secular Sunday laws. The ruling was based partly on the fact that Thomas Jefferson and James Madison once supported a Sunday law bill eventually enacted by the Virginia legislature. Because of their involvement, the argument goes, Sunday legislation must be constitutional; if so, then the Founding Fathers were not strict separationists, but church-state accommodationists—and the concept of a “wall” of separation is wrong.

How were Madison and Jefferson related to that Sunday statute, and what conclusions can and cannot be drawn from it?

Jefferson’s Politics

By the time Jefferson and Madison entered Virginia politics, Sunday laws already had a long and entrenched history. One of the latest laws, dated 1705, became the model for succeeding acts down to the Revolution:

“That if any person, being of the age of twenty-one years, or upwards, shall wilfully absent him or herself from divine service at his or her parish church or chapel, the space of one month . . . and if any person shall, on that day, be present at any disorderly meeting, gaming, or tippling, or shall, on the said day, make any journey, and travel upon the road, except to and from church (cases of necessity and charity excepted), or shall, on the said day be found working in their corn or tobacco, or any other labour of their ordinary calling . . . shall forfeit and pay, for every such offense, the sum of five shillings, or fifty pounds of tobacco; and if any person or persons herein offending, shall refuse to make present payment, or give sufficient caution for the payment of the fine . . . shall, by order of such justice or justices before whom such conviction shall be, receive on his or her bare back, ten lashes, well laid on.”

This was the type of law that Thomas Jefferson and his colleagues faced when they began revising the Virginia statutes in 1776. After considerable discussion, they decided to alter the whole body of British statutes. The result was 126 new acts to be presented to the Virginia legislature.

The acts were reported by the Committee of Revisors in June 1779. The editors of the Jefferson Papers have determined that Jefferson “drew” 46 of the 126 acts, including No. 82 (his famous bill for establishing religious liberty), No. 83 (concerning the property of the established church), and No. 84 (concerning disturbers of religious worship and Sabbathbreakers).

The question is How could Jefferson, in one statute (No. 82) establish eternal principles of religious freedom, and concurrently endorse a law to punish Sabbathbreakers?

As Jefferson examined the Sunday laws and, probably, revised them into what became Bill No. 84, he was fully cognizant of the limits current attitudes placed upon his desire for more radical reform. The Sunday revisal began with two paragraphs protecting religious worship from disturbance. The bill also sharply limits provisions that were in earlier laws:

“If any person on Sunday shall himself be found labouring at his own or any other trade or calling, or shall employ his apprentices, servants, or slaves in labour, or other business, except it be in the ordinary household offices of daily necessity, or other work of necessity or charity, he shall forfeit the sum of ten shillings for every such offense, deeming every apprentice, servant, or slave so employed, and every
day he shall be so employed as constituting a
distinct offense.”

That revision is in marked contrast to the
1705 provisions requiring attendance at divine
services on Sunday, outlawing “disorderly
meeting, gaming, or tippling,” making illegal
journeys or travel “except to and from church,”
and assigning “ten lashes” as punishment for
failure to pay the fine.

We do not know for certain that Jefferson
wrote No. 84, and we cannot demonstrate that
he retained it merely because he found the cli-
mate unreceptive to more liberal ideas concern­
ing religion. However, we know that the polit­
cical climate in 1779 definitely precluded pas­
sage even of his bill for establishing religious
freedom. Indeed, none of the 126 revisions
were acted upon then. Thus, no matter how Jef­
ferson felt personally, he surely would not have
attempted to abolish Sunday laws. The evi­
dence does support the proposition that any
such effort would have failed. Even so, the Jef­
ferson revision of the 1705 statute is markedly
less restrictive and offensive than previous
colonial provisions. Whatever the explanation,
for Jefferson to have attempted to end Sunday
laws could easily have created a firestorm.

Madison’s Politics

In 1785 Madison offered to his colleagues in
the Virginia General Assembly 118 bills from
the statute revisions inspired by Jefferson,
among them No. 84. Madison’s legislative
actions in 1784 provide an obvious explana­tion
as to why he didn’t excise the Sunday law bill.

With the conclusion of the war Madison
took his place in the governing body of Vir­
inia. Almost immediately he was confronted
with two threats to freedom. First, there was a
renewed effort to establish the Episcopal
Church. Second, there was a general assess­ment
bill that would levy taxes to support reli­
gious education by Protestant churches, a pro­ject
justified as a means of curtailing sin and
immorality among the young. In the fall of
1784 Madison knew that he could not deflect
both bills. Politicians were not likely to cast two
votes “against God” in the same session.

His dilemma was quickly resolved. Madison
voted for Episcopalian establishment, which
passed. He convinced his colleagues to post­
pone a vote on assessment until the next ses­
tion in 1785. Madison believed that the assess­
ment bill was a far more insidious form of
establishment than the Episcopalian one,
because he was certain that Presbyterians,
Methodists, and Baptists would not long toler­
ate the preeminence of the Episcopal Church.
He was correct. Within a decade that church
had been stripped of its established status.

In those circumstances, if he were prepared
to support a bill quite noxious to him, in order
to accomplish a greater good, with the convic­
tion that the establishment of the Episcopalian
Church would soon collapse of its own weight,
might not Madison have adopted the same poli­
cy for Sunday laws anticipating a similar fate
for No. 84 in the future?

Madison was a gifted practitioner in the art
of politics. He was open to compromise in
behalf of principles he believed to be basic. In
order to get the religious freedom statute (No.
82) passed, he had to accept major alterations
in the original draft. Madison was aware that
most of his fellow delegates failed to grasp all
the implications in the bill. He knew, too, that
most of his colleagues would have bridled at
any tampering with Sunday laws. Madison was
committed to building a strong case for reli­
gious free exercise and nonestablishment. The
specific issues would take care of themselves, he
believed, once the principles were put in place.

If Madison was willing, and he was, to vote
to establish the Episcopal Church in order to
parry the more dangerous assessment
bill in 1784, it would have been
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Today’s Politics

Thus, to say, as the Supreme Court did in
McGowan, that because Madison supported a
Sunday law bill, he endorsed the theory behind
it is simply to ignore the political realities of the
time as well as the bulk of his writings, which
consistently opposed any type of religious coer­
cion or accommodation. On the basis of what
we know about Jefferson’s and Madison’s sup­
port of the Sunday statute, any attempt to vali­
date religious accommodation is a violation of
the writing and examples of both men on mat­
ters of church-state separation.

Jefferson and Madison left something for
posterity to do besides pore over their writings
in order to undermine their lifelong commit­
tment to free exercise and nonestablishment.
Being honest with their works would allow us
to heed Jefferson’s final words to Madison:
“Take care of me when [I’m] dead.”

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What a Difference a Day Makes

By Walter M. Booth

The seventh-day Sabbath illustrates the meaning the unlimited transcendence of God gives to all that He is, all that He does, and all that He creates. As Rabbi Abraham Heschel commented: "There are few ideas that contain as much spiritual power as the idea of the Sabbath."

The Sabbath reminds us that human beings are a creation of God, and it is in that context that the Sabbath must be understood. The Sabbath teaches that we were created by a transcendent God in His image, that we exist for a purpose, that there is a divine ideal for our lives, and that this purpose and ideal are exalted beyond measure. We believe that an infinite God who transcends us without limit would not have created us in His image without having plans for our lives that are incomparably grand and glorious.

As a memorial of Creation the Sabbath reminds us that human beings are central to creation, mandated to establish dominion over it. The physical world exists for our sakes, to afford opportunity for the development of intellectual power and creativity in establishing this dominion. It exists also for our usefulness, theological education, and aesthetic delectation. This dominion is to be a rational, benevolent, conserving stewardship, not an exploitative, ravaging lordship.

In order to afford maximum rewards that would come to human beings in establishing this dominion...
and to make it a rewarding, stimulating, challenging experience, the Creator, I believe, programmed into nature a degree of toughness and intractableness, making its conquest a difficult experience, one worthy of the high level of human ability and intelligence. This task requires unremitting work and exercise of the imagination at a high level.

How is this related to the idea of the Sabbath? This unremitting work required for the realization of the divine ideal for our lives and the establishment of our divinely mandated dominion over nature necessitates periodic rest. And the Sabbath provides the opportunity for this rest from the arduous work of the six days.

The idea of the divine creation of human beings inevitably involves also the idea of divine sovereignty over their lives. Surely the God who is responsible for our existence can claim sovereignty. And keeping the Sabbath constitutes a recognition of this sovereignty.

The moral law and all of God’s other requirements are based on reason and love. There is a rationale for obeying them. The Sabbath commandment is no exception, for we need the rest and renewal that it offers. Still, the divine specification of the seventh day as the day of rest was clearly arbitrary.

Given the idea of a recurring Sabbath, the specification of which day it should be is not a rational matter, as a seventh day is really no better than, say, a sixth day or a third. Obviously God had to make the decision or leave it to human beings. He decided on the basis of His sovereignty, and Sabbathkeepers honor His sovereignty by accepting this decision.

Thus, recognition of the sovereignty of God in relation to the Sabbath involves (1) keeping as the Sabbath the day God has designated; (2) honoring the idea that God has the sovereign right to claim as His own, in a special sense, a portion of our time on a regular basis; and (3) honoring the divine stipulations that certain activities are legitimate, and others illegitimate, on the Sabbath.

Those who honor the Sabbath in effect, therefore, honor God’s claim to all that they are. For by accepting, without challenge, His claim to the seventh day, they honor His claim to the other six days. For if He may, without being challenged, claim one seventh of our time as His own, He may claim, say, one third of it. In other words, He may claim as much of it as He chooses to, which means that He is free to claim all of it. Those who acknowledge His claim to one seventh of their time could only, by the same logic, honor His claim to whatever portion of it He might claim.

In other words, loyalty to the Sabbath is symbolic of the total dedication of the person to God, not with regard to one day in each week only in a special sense, but in regard to all the days in a more general sense.

The God of the Sabbath is, then, the God of all the days of the week. We can agree with Dick Davidson, who understood Sabbathkeeping as “a symbol of our entire life” of “consecration,” because “we cannot live wholly for ourselves during the week and wholly for God on the Sabbath,” and with Samuele Bacchiocchi, who said that by accepting God’s claim to the Sabbath, we accept His claim to our “whole life and world.”

It surely seems, then, that Davidson was right in calling the fourth commandment the “moral nerve-center of the law,” indicating that human beings are to worship God totally and without reservation. Similarly, Clifford Goldstein was right in characterizing the Sabbath commandment as the “hub of the law,” because it indicates the status of God as Creator, thereby justifying His claim to our obedience of the other nine commandments also.

Another implication for an understanding of the Sabbath, of the declaration that human beings were created in the image of God, is that they were created morally free. I am aware of the longstanding disagreement regarding the reality of human freedom. Neither the affirmation nor the denial of moral freedom is, I believe, susceptible of proof. The only way to resolve this disagreement is to recognize that moral freedom is a condition necessary to the realization by human beings of the divine purpose in their existence and the divine ideal for their lives. I suggest also that God is committed to respect for human freedom, regardless of how it is used or misused, and refuses to interfere with it, and He expects human beings to respect their own freedom and the freedom of each other. Unjustified compulsion to conformity should, therefore, be rejected.

The Sabbath, then, is a day of rest from the work God has given to human beings in the realization of His ideal for their lives and in establishing their divinely mandated dominion over nature. It is a memorial of Creation, a sign of the sovereignty of the God who created and sustains the universe, and created us morally free. It frees us from the work of the six days and affords quality time for renewal and for activities that are enjoyable and relaxing.
But they loudly urged their demand that he should be crucified, and their shouts carried the day.” (Luke 23:23, Moffatt).*

The setting is Pilate’s courtroom. Jesus stands, bound as a prisoner, before the Roman governor. Spectators jostle for position. Just outside the entrance is the mob—the mob that is ever potential in each of us.

Too often in American history a mob has cried for the blood of someone who is different: black instead of white, Jew instead of Gentile, Catholic instead of Protestant, Moonie or Mormon instead of Methodist.

Ironically, or perhaps providentially, the judicial proceedings of 2,000 years ago reveal the dynamics of mob violence, dynamics that are now present in American society as well. They witness that the Day of the Mob approaches.

Outside the court are the leaders of the nation. They have come to hear the sentence of the Sanhedrin, their high court, confirmed and executed by the Roman authorities who govern Judea. Pilate turns a stern face to the prisoner. He has heard of Jesus. His wife has told him of the wonderful works of the Galilean prophet.

“Who is this Man? Why have you brought Him to me?” he demands.

Quickly the religious leaders confer. They hope to secure Jesus’ condemnation without a hearing. Pilate must not think that he is being asked to decide a religious issue. The welfare of the state must seem at stake. “Interests of the highest order” must be invoked.

So they charge Jesus with perverting the nation, inciting rebellion, interfering with the payment of taxes to Caesar, and claiming to be King Messiah.

His interest aroused, Pilate asks Jesus, “Are You the King of the Jews?”

“Yes,” Jesus replies, “it is as you say.”

Pilate turns to the leaders. “So?” he says. “That isn’t a crime.”

The religious leaders are desperate. “He stirs up the people by teaching all over Judea!” they cry. “He started from Galilee and now He is here!”


Times change, but tempers don’t. It’s still them against us.

And times don’t change much in courtrooms, either. When Pilate heard that Jesus came from another jurisdiction, he remanded Him to Herod’s court. After all, had not the governor of Galilee served up the head of John the Baptist on a platter? Let him handle this hot potato!

Herod was delighted to see Jesus. He had heard of Him and wanted to see Him perform a miracle. Perhaps Herod sent soldiers out to gather up a few of the maimed and diseased who infested the city streets. Perhaps he brought them before Jesus and commanded Him to heal them—for His own good.

Jesus will have nothing to do with this charade. Nor will He work a miracle to save Himself. Though Herod puts many questions to Jesus, he gets no answer. Jesus stands silent. Herod had rejected truth spoken by one Jesus called the greatest of the prophets, John the Baptist; no other message shall he receive.

Herod’s face grows dark with anger. He and the troops mock Jesus. With filthy innuendo they scoff at His alleged “virgin” birth. They put a bright robe on Him and kneel to offer homage. Then they turn the mob loose to batter Him about. But hardened as he is, Herod dare not ratify the condemnation of Jesus by the Sanhedrin. He sends Him back to Pilate.

Once again Pilate summons the high priests and rulers and people. Again he stresses the Accused’s innocence and offers to release Him with a whipping. Hardly justice, to be sure, but it’s better than being tarred and feathered with sin and ridden out of the world on a cross!

Pilate further attempts to placate the crowd by offering to release a prisoner. It was a pagan custom to release a prisoner during Passover.

Roland R. Hegstad is the former editor of Liberty magazine.
He has Barabbas brought before the mob. Barabbas, who had claimed to be the Messiah, who had claimed authority to establish a new order of things, to set the world right. And he had gained a following. Actually, he was a hardened and desperate criminal.

"Whom shall I release to you?" Pilate asks. "Barabbas or Jesus?"

Like the bellowing of wild beasts comes the answer: "Barabbas! Release Barabbas!"

Again Pilate seeks to release Jesus. But the mob roars, "To the cross, to the cross with Him!"

Says the record: "They loudly urged their demand that he should be crucified, and their shouts carried the day."

Some would say that such a travesty of justice couldn't occur in our day. We respect minority rights. We have legal safeguards in this constitutional republic.

And it's true. We do enjoy freedom in America. Unprecedented civil and religious freedom in this nation first among all nations to separate church and state. But we too have endured the Day of the Mob. Watch for it, as the drama in Pilate's courtroom shows, on four specific occasions:

I. When Great Moral and Ethical Changes Convulse the Nation.

Jesus didn't end up in Pilate's courtroom because He said, "Consider the lilies and how they grow," but rather because He said "Consider the Pharisees and how they steal!" Because He challenged the moral and ethical values of His day.

Jesus said, in effect: "You have heard it said that a man can divorce his wife if he doesn't like her cooking; but I say unto you, she can burn the lasagna and oversalt the soup, but unless she's sleeping with the grocer, she's yours for life."

Jesus challenged established moral and ethical values. He was considered a threat to the religious establishment, and He died for it.

Is our day characterized by great moral and ethical challenges? Abortion, trial marriages, coed dormitories, situation ethics, unisex, homosexual, pornography—the list goes on.

Listen for the mob in response to the challenge of the gay rights movement. Out of their closets they have come to tell us that being gay is just like being black or brown or green—you're born that way. It's just an alternative lifestyle, and those who practice it have their rights, just as others do.

Listen for the mob wherever abortion clinics challenge asserted biblical morality. Out of their suburban comfort, out of their sanitized complacency, they have come to assert the sanctity of life. They make little distinction: the 13-year-old victim of incest, the 25-year-old victim of rape, the unmarried victim of callousness, the wife bearing a fetus doomed by genetic damage—none, despite Roe v. Wade, has the moral right to "interrupt a pregnancy,"
The foremost definer of what constitutes a church is not the KJV nor the RSV nor even the church itself, but the IRS.

as the euphemism has it. They reject the euphemism: for them, to abort is to kill. Many act with compassion, caring for mothers-to-be, taking salvaged infants into their home. Many witness to their convictions within legal parameters. But there are others who bomb clinics and kill, and their “shouts” grow in intensity.

Listen for the mob when schoolchildren are heard cursing instead of praying. Up to their election campaign podiums the politicians stride to support returning prayer to public schools. The case seems compelling: God has been kicked out of our schools. So today children who once carried Bibles to school are carrying guns. Assaulting teachers. Using drugs. Making babies.

The mob doesn’t read court decisions; it reads headlines and shouts for the “good old days,” those “God-fearing days,” when America was a land of milk and honey rather than of pot and cocaine. The mob doesn’t know that only government-written or -sponsored prayers were ruled unconstitutional; it doesn’t know that the Court said Johnny can read the Bible and pray in public school, but that he cannot expect aid of the state in those exercises.

In this civilized age the shouts of the mob may not be “Crucify Him!” It may be simply “Repent!” A call for moral regeneration, for the old virtues, for the faith of our fathers. Millions have died, not because bad people tried to make other people bad, but because good people tried to make other people good.

You can expect to hear their shouts—

II. When Large Groups or Vociferous Smaller Groups Espouse New Religions.

Jesus was not brought into Pilate’s courtroom because He claimed the title Rabbi, but because He claimed to be the Son of God. Let an Oral Roberts claim revelations from God; that we can tolerate. But let Sun Myung Moon claim to be the Messiah, and you hear the mob.

Not that the mob has carried the day. Our courts have upheld the rights of Moonies, Scientologists, Jehovah’s Witnesses, Muslims, the Amish, and others. But the shouts, amplified by the fraud and sexual peccadilloes of TV evangelists and focused by the tragic events of Jonestown and Waco, penetrate our complacency.

Hear the post-Jonestown words of nationally syndicated columnist Carl T. Rowan: “How and when are we going to face up to the fact that ‘religion’ is America’s greatest sanctuary for people who engage in systematic theft, tax evasion, rape, torture, and even murder. .. There are dozens of ‘religious’ groups in America that are just as venal and vicious as the People’s Temple. .. However much we cherish our separation of church and state, we have got to find a safe way for the state to rein in those who steal and kill in the name of God.”

We’ve seen what the government did to a group that neither murdered nor stole. They called their headquarters Ranch Apocalypse. Their address: Waco, Texas.

The foremost definer of what constitutes a church is not the KJV nor the RSV nor even the church itself, but the IRS. Should it be? Does not the state have a legitimate interest in determining whether a church is eligible for a tax exemption?

Four decades ago a handbook of denominations listed 300 in America. Today’s list runs into the thousands. How do you feel about Hare Krishnas soliciting at airports? Or the Unification Church celebrating mass marriage ceremonies, with the matches picked by Sun Myung? How do you feel about the mosque or the temple going up in your neighborhood?

The strangeness of new religions, the chicanery of pseudo religions, and the moral peccadilloes of alleged “saints” spur a growing public antipathy and increasingly involve government in religious affairs.

You can expect to hear the shouts of the mob—

III. When False Accusations Against Minority Faiths Are Widely Circulated and Believed.

When religious leaders wanted to get the Roman governor in the mood to crucify Jesus, they charged Him with teaching people they didn’t have to pay taxes to Caesar. Pilate was not particularly concerned that Jesus claimed to be the Messiah. But when the mob made it appear that Jesus was working against Roman law, that was another matter.

The accusations against Jesus were false—perverting the nation, inciting rebellion, interfering with the government’s taxing authority. But they had their impact. They stirred up the mob.

Have you heard of cults that manipulate
In our day, as in Christ’s day, the legal rationale for another crucifixion is on record.

minds? There are some. Should we then endorse deprogramming and kidnapping, as has been done—among those kidnapped and deprogrammed have been Roman Catholics, Episcopalians, and Methodists? Today’s heresies have a way of becoming tomorrow’s orthodoxies. So it was with Christianity.

The shouts of the mob. We hear them when great moral and ethical changes convulse the land. When large groups or vociferous smaller groups espouse new religions. When false accusations against minority faiths are widely circulated and believed. The shouts of the mob. When can we expect them to carry the day? Indeed, to bequeath us the Day of the Mob?

We can expect the Day of the Mob—

IV. When Constitutional Principles Are Weighed Against National Interests.

As we have observed, the enemies of Jesus sought to make it appear that He was working against national interests. Against the welfare of the state. “Interests of the highest order” were invoked, so that the Roman government would acquiesce in His crucifixion.

The strategy is not unknown in our nation. One example: Under the Constitution it is not the right of government to write a prayer or force any segment of our citizenry to recite it. But if the ills of the nation can be traced to lack of piety; if piety is enhanced by prayer in schools, if impious citizens stand in the way of the act so intimately associated with the nation’s interests. . . .

Another example: Abortion, the High Court has said, is a constitutional right. But if abortion breeds disrespect for life, if disrespect for life multiplies the crime—drug dealings, assaults, murders—dominating the daily news; if the very future of our society is at stake. . . .

The same line of reasoning was advanced by the high priest, Caiaphas, before Jesus was taken prisoner and brought before Pilate. Said he, addressing the Sanhedrin, “It is more to your interest that one man [Jesus] should die . . . than that the whole nation should be destroyed” (John 11:50, NEB).†

The argument is convincing. If allowing Jesus to live meant that the whole nation would perish, would not His death be justified? Morally justified.

One would assume that, in our day, national interests of such magnitude would be few and secular. Collapse of the economy. An energy crisis. A nuclear disaster. The president does have extraordinary powers to exercise in such events. Surely “interests of the highest order” would not be invoked over religion. Not in our day!

But some good Americans disagree. They argue that national repentance is an interest of the highest order. They argue that our nation is in decline because we have departed from the faith of our fathers. God will not act on our behalf, they say, until we turn from our “wicked ways.” Then, and then only, will God “hear from heaven,” . . . “forgive” our sins and “heal” our land (2 Chronicles 7:14, NEB).

Their “shouts” have been heard in our courtrooms, legislative halls, executive offices. Today, through various coalitions, they seek to elect the “right kind” of Christians to public office—even the presidency.

Whatever their rationale, the sobering truth is this: In our day, as in Christ’s day, the legal rationale for another crucifixion is on record. Great moral and ethical changes convulse America. New religions proliferate. False accusations against minority faiths are widely circulated and believed. And now constitutional principles are weighed against national interests. Weighed and found wanting by the mob that is ever potential in each of us.

Horrified by the tragedy of Guyana, a television commentator’s “shout” sounded across the land:

“It was not a gun held to their head that killed the people of Jonestown; it was not cyanide; it was the First Amendment.

“False messiahs can no longer be permitted to use the First Amendment as an umbrella. . . .

“The public must be informed that, just as the American people wrote the Constitution, so the American people can change the Constitution.”

“But they loudly urged their demand that he should be crucified, and their shouts carried the day.”

Sitting at the front desk of a Fresno title company, Lanell Bessard—a friendly, attractive grandmother of two—hardly looks like a revolutionary. Yet that’s what she has become since her challenge to California’s loyalty oath.

Several years ago Lanell moved to Fresno to take over a family janitorial business. When that failed, she worked as a part-time administrative assistant with the Training Institute of Fresno City College. After several months she applied for and took a full-time position.

“After working a couple weeks,” Lanell says, “I got a call from the personnel office. ‘Have you signed the loyalty oath yet?’ they asked. Somehow I’d missed seeing that when I filled out the application. ‘Send it over,’ I told them.”

When she read the application, she had a problem. Lanell is a Jehovah’s Witness. And Jehovah’s Witnesses do not take oaths.

“I was raised by the Bible,” she explains. “I went my own way for a few years. I had a troubled youth. But then one day I realized that the values I was raised with by my parents were good ones. They were the values I wanted to live, and raise my children with.”

Lanell offered to sign if she could change a few words.

“They told me, ‘This is the law. You sign the oath, or you can’t work here.’”

She was surprised, because she’d already been working for months.

“For weeks we were on the phone about this almost every day,” she recalls.

The stress took its toll: Lanell went into the hospital with severe abdominal pains that led to surgery. During her convalescence, the personnel office made it clear that they would not compromise. Retroactively returning her to temporary status, the office replaced her with a temporary worker, and Lanell never returned to the office.

A Question of Conscience

To many, Lanell’s differences with the wording of the oath may seem insignificant. If it

Loren Seibold is pastor of the Palo Alto Seventh-day Adventist Church.
It is the loyalty oath, enshrined in Article XX of the California Constitution, that troubles her.

"The oath may seem unremarkable to some," she says, "but it asks me to do something that I can't."

Article XX, section 3, of the California State Constitution reads in part: "I, ______________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California..."

Lanell is bothered by the phrase "true faith and allegiance."

"While I support my country and would do nothing to harm it," she says, "I bear true faith and allegiance to no one but God."

She is also bothered by the reference to defending the Constitution.

"If defending the Constitution meant shooting someone," she says, "I would not do it."

The means by which one would defend the Constitution is also problematical to Lanell's attorney, David Anton, who is seeking reinstatement and damages for Lanell.

"Does that mean passing out machine guns to the secretarial pool?" he asks. "I don't think so. But it isn't clear."

Anton points out additional problems. "A 1972 amendment to Title VII [the landmark 1964 federal antidiscrimination statute] expects employers to make reasonable accommodation for differing religious beliefs."

Objections to such oaths by radical Christians like Quakers and Jehovah's Witnesses go back centuries. Thus, Anton argues, Title VII ought to protect people like Lanell.

"If the courts have accommodated free speech and political conviction," he reasons, "they surely ought to accommodate Lanell on religious grounds."

Some state constitutions, like New York's, have made provision for those who will not swear an oath: they are permitted to make an "affirmation."

California also allows for an "affirmation" instead of an "oath." Lanell, however, is not

Lanell Bessard: "My word means something."
Most Christians understand Jesus’ words as a warning about swearing frivolous, unnecessary oaths. Others take the words literally. Quakers have shown staunch opposition to any oath since George Fox himself refused to swear allegiance to the British crown in the 1660s. Similarly, Waldensians, Mennonites, and Jehovah’s Witnesses believe that Jesus’ words mean one ought not to take an oath, particularly when the oath may imply an obligation to military action. Thus, the heart of Lanell’s problem.

Under Constitutional Law

Oaths have always been an integral part of our constitutional republic. The 1787 constitutional convention of the United States added the expectation of fealty to the document. Says Article VI, paragraph 3: “The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.”

Following the federal model, every state has a loyalty oath in its constitution. Massachusetts asks that the applicant to a state job “solemnly affirm that I will uphold and defend the Constitution of the Commonwealth of Massachusetts and that I will oppose the overthrow by force, violence, or by any illegal or unconstitutional method.” The latter part of the oath has been challenged. A dissent in a Supreme Court case (Cole v. Richardson, 1972) asks, Does the oath ask one to oppose an overthrower who uses “force, violence, or any illegal or unconstitutional method,” or to revert to “force, violence, or any illegal or unconstitutional method” to oppose an overthrower?

Oath-taking in state employment has been upheld by the High Court. In Cole v. Richardson, a majority argued that the oath did not

comforted by changing a word. The specific content of what the passage asks one to affirm troubles her. Instead, Lanell wanted to change a few words in the oath to make it acceptable.

“I was quite willing to say that I wouldn’t take up arms against my country, or do anything to hurt my country or break its laws,” says Lanell. “I just wasn’t willing to swear ‘full faith and allegiance’ to a human system. Nor would I promise to take up arms to defend it. I want to give to Caesar the things that are Caesar’s, and to God the things that are God’s.”

Lanell insists she would never have sought a job in a governmental agency whose work contradicted her faith.

“It would have been wrong for me to expect accommodation to the oath in the Department of Defense,” she says. “But I just wanted to be a secretary in a community college.”

Many states reserve the oath for people in governmental positions. However, Anton argues, as a clerical employee Lanell was no more a security risk without signing the oath than if she had signed it. She did, after all, the same secretarial work as a temporary worker as a full-time one.

The Problem of Christian Loyalty

Lanell’s problems are not new. Roman pro-consul Pliny wrote in about A.D. 110 that Christians would be placed under sentence of death unless they “called upon the gods at my dictation and did reverence, with incense and wine, to your image which I had ordered to be brought forward for this purpose, together with the statues of the deities.” The letter illustrates the greatest fear of Roman leaders: that serving Christ would undermine civil order by diluting their subjects’ worship of the emperor, who was considered a god. Willingness to swear loyalty to the emperor became a central issue.

The establishment of Christianity as a civil religion in succeeding centuries moved the conflict to nonconformist Christians. The followers of Peter Waldo, or those with unconventional theology, like Bohemian reformer John Huss, were labeled “insurrectionary” for not showing loyalty to political and religious powers. One way they were expected to demonstrate loyalty was by the statement of an oath to the emperor or pope. Many refused and were martyred.

The definitive Christian statement about oaths is Matthew 5:33-37, where Jesus questions the wisdom of making an oath. Oaths in the Old Testament involved an appeal to something held sacred as support for the truthfulness or sincerity of a vow. The problem, Jesus points out, is that humans are hardly equipped to act with the certainty that such an oath implies, thus casting disrepute upon sacred things should the vow not be completed. Jesus said: “Simply let your ‘Yes’ be ‘Yes,’ and your ‘No,’ ‘No,’” and leave it at that (verse 37, NIV).

Most Christians understand Jesus’ words as a warning about swearing frivolous, unnecessary oaths. Others take the words literally. Quakers have shown staunch opposition to any oath since George Fox himself refused to swear allegiance to the British crown in the 1660s. Similarly, Waldensians, Mennonites, and Jehovah’s Witnesses believe that Jesus’ words mean one ought not to take an oath, particularly when the oath may imply an obligation to military action. Thus, the heart of Lanell’s problem.
The building where Lanell worked: They told her to sign the oath—or else.

contradict First Amendment rights, but merely asked applicants to live by the constitutional processes of our system. In Biklen v. Board of Education the Court felt that a school did have compelling interest in expecting a Quaker teacher to affirm her belief in the basic structure of the United States government.

A Seventh-day Adventist applicant for United States citizenship did successfully challenge an oath. The applicant argued that as a non-combatant, he was unwilling to promise to take up arms for the United States. In Girquard v. United States, the Court agreed, striking down the proposition that “an alien who refuses to bear arms will not be admitted to citizenship.”

“The bearing of arms,” said the Court, “as important as it is, is not the only way in which our institutions may be supported and defended, even in times of great peril.”

In California, oaths have been attacked since the 1940s. Article XX, section 3, contains several paragraphs of the loyalty oath no longer included in applications for state jobs. It asked an employee to swear that he or she does not, has not, nor ever will advocate nor be a member of “any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or the State of California by force or violence or other unlawful means.”

While a promise not to overthrow the government does not sound like an unreasonable expectation for a government employee, it was ultimately used during the McCarthy era to justify aggressive intrusion into the personal beliefs of applicants for purposes of ferreting out ex-Communists, potential Communists, or Communist infiltrators.

Challenged in court, after the McCarthy rage had passed, this part of the oath was declared unconstitutional, regarded as overly intrusive into personal expression and conscience. It is no longer used.

The Challenge

But the other part of the oath remains, and that’s what has given Lanell the problem.

“I don’t feel I’m asking for an exception to the law,” insists Lanell. “I’m just asking for the religious freedom the law says I should have.”

And, apparently, she’s going to get it too. On October 13, 1994, U.S. district court judge William Shubb decided in favor of Lanell. Citing the Religious Freedom Restoration Act, Judge Shubb said that denying employment to those who for religious reasons won’t swear “true faith and allegiance” to government is unconstitutional. He ruled that California had no compelling interest in forcing Lanell to sign. He said too that “the court seriously questions whether an oath in any form can achieve loyalty.”

David Anton, though, isn’t through. Many people have suffered in California from the same problem as Lanell. “We’re not going to back off,” he said, “until either California revises or dumps the loyalty oath completely. If it doesn’t do either, the state and its governmental entities are wide-open targets for liability.”

However sweet the victory was for Lanell, the battle isn’t over. She’s still suing to settle for reinstatement, wage loss, and emotional damage, all caused by the simple desire to exercise her religious freedom.

There’s a final irony in this whole case: In March 1994, the state found itself in a fix by trying to find a place to parole violent rapist and child abuser Melvin Carter. The parole of Carter, who has confessed to raping 100 women and had served only 12 years of a 25-year sentence for 23 counts of rape, assault, and burglary, ignited a public backlash fueled by intense media attention. Desperate to find a solution, the state made Carter a state employee: he was hired to work at a conservation farm near remote Alturas.

“Presumably,” says attorney Anton dryly, “he signed the oath.”

"I esteem it above all things necessary to distinguish exactly the business of civil government from that of religion and to settle the just bounds that lie between the one and the other."
—John Locke

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer. Neither the United States nor any state shall compose the words of any prayer to be said in the public schools."
—Proposed language for the Twenty-Eighth Amendment to the U.S. Constitution

ears ago, when a group of conservative Christian businessmen gathered at a meeting, the speaker asked, "How many of you men would like to see prayer reinstated in public schools?" Instantly, hands shot up along with a litany of "Amen!" "Down with separation!" "Let our children pray!" When the saints calmed, the speaker then asked, "How many of you men pray with your children at home?"

The response: dead silence. This story, told to me by a New Right lawyer, epitomizes one of the great mysteries of America's culture war: How does amending the U.S. Constitution to allow for legislated prayer in public school dovetail with the long-needed scaling back of the size, scope, and influence of the federal government? Why are those determined to get Uncle Sam out of our pocketbooks just as determined to get him into our prayer life? Why do the same ones who decry tax dollars going to unwed mothers and inner-city preschoolers support government legislating the most private aspect of a person's most intimate right, the free exercise of religion?

Something appears a little ironic if not, dare I say... hypocritical?

Just as some people who don't want to earn a living get on welfare, some who don't want to pray with their kids seek a prayer amendment. In both cases government is doing what people don't want to do for themselves. Actually, socialized religion is
worse than socialized welfare. Why? Because not everyone can work. But everyone can pray.

“Many parents,” wrote Baptist Keith Durso in The Journal of Church and State, “have not accepted the responsibility for their children’s religious education and find it easier to leave the responsibility of initiating prayer to public school teachers.”

Is the prayer amendment indicative of a creeping Christian socialism? Or, maybe, the equivalent of spiritual food stamps?

Democracy, Nietzsche quipped, was a “mania for counting noses.” Deep down, the House leadership doesn’t give a hoot about this goofy amendment, but they’ve been counting the noses of those who have been pulling levers to show they do give a hoot, and the noses are many.

Which leads to the second great irony. Why would conservative evangelicals and Fundamentalists—those who believe in the transcendence and omnipotence of the loving, powerful Creator revealed in the Bible—seek Caesar to do the things of God? Even James Madison, hardly an evangelical (much less a Fundamentalist), understood this principle when he railed against a proposal to use tax money for religion, calling the bill “a contradiction of the Christian religion itself, for every page of it disavows a dependence upon the powers of this world; it is a contradiction to the fact; for it is known that this religion both existed and flourished, not only without the support of human laws, but in spite of every opposition for them. . . .”

In Wallace v. Jaffree, Justice O’Connor wrote that “nothing in the Unites States Constitution . . . prohibits public school students from voluntarily praying at any time before, during, or after the school day.” Though his type of personal devotion might not satisfy some Christians, it was good enough for Christ. In the Sermon on the Mount, after warning about the hypocrites who loved to flaunt their prayer life in public, Jesus told His followers to pray privately. “But thou, when thou prayest, enter into thy closet, and when thou hast shut the door, pray to thy Father which is in secret, and thy Father which seeth in secret shall reward thee openly” (Matthew 6:6).

 Apparently, for the evangelical socialists, rugged individualism is for economics, not for religion.

In the unlikely event that this proposal does become etched into the Constitution, the evangelical socialists still won’t be happy. They’ll want even more. People on the dole always do.

The amendment, actually, says more about the decline of American spirituality than it does about the decline of the Establishment Clause protection. The amendment reveals not only the Christians’ political clout but their spiritual vacuity as well. They have numbers, money, and electoral gravitas. All they need is a real experience with the One whom they profess to emulate, Jesus Christ, whose life and ministry showed utter independence from the state when it came to the sacred matters of the soul.

Of all people, the evangelicals and Fundamentalists pushing for the prayer amendment should know that legislated prayer isn’t the worship God wants. After all, they do claim their mandate from the Bible, and doesn’t the Bible depict Jesus Himself warning about false worship? “But in vain they do worship me,” Jesus said, “seeking for doctrine the commandments of men” (Matthew 15:9).

Maybe now He would say “the amendments of men” instead.
We hold it for a fundamental and undeniable truth "that religion, or the duty which we owe our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The religion, then, of every man must be left to the conviction and conscience of every man: and it is the right of every man to exercise it as these may dictate.