

LIBERTY



**The
Shaming
of Religion**

The Question of the Common Good

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by [Douglas Morgan](#)

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For much of the twentieth century, observers of American political culture could dismiss apocalyptic prophecy as a preoccupation thriving only on the paranoid fringes of national life. Nearly a decade into the twenty-first century, though, such a view is long past. The phenomenal commercial success of the *Left Behind* books and films put the spotlight on the longstanding influence of dispensationalist premillennialism in predisposing conservative Evangelicals to favor an assertive American military stance, particularly in regard to defense of the state of Israel.

During the era of *Liberty* magazine's predecessor, the *American Sentinel*, more than a century ago, dispensationalism was just beginning its rise to predominance among conservative Protestants. However, other forms of millennialism thrived as powerful influences in that era's struggle over the position of Christian identity and morals in the nation's political realm.

The postmillennialism of the Second Great Awakening led to revival and social reform as the path to a millennium of peace and righteousness, after which Christ would return. In the late nineteenth century it still exerted considerable influence. This was the form of millennialism that animated "the Christian lobby"—the moral reformers of such organizations as the Woman's Christian Temperance Union (WCTU) and the National Reform Association (NRA).

The *American Sentinel* and the National Religious Liberty Association were part of the new Seventh-day Adventist Church. The church was an outgrowth of the Millerite movement, which derived its driving force from the older, historicist form of premillennialism and saw the fulfillment of biblical prophecy in a progression of historical developments through the centuries, including the rise and eventual fall of the American republic. Adventists thus did not believe that the legislative proposals of the Christian lobby, which came before Congress in 1888 in the form of a national Sunday rest bill and a proposed constitutional amendment requiring public schools to teach the principles of the Christian religion, would lead a reformed America toward the millennial era. Instead, such use of legislative coercion on behalf of religious ideals would lead to the demise of the republic and the liberty it espoused.



American Sentinel coeditor Alonzo T. Jones came to Washington in December 1888 to present his argument against Senator Henry W. Blair's national Sunday observance bill to the Committee on Education and Labor that Blair chaired. As discussed in part 2 of this series, Jones' central argument was that the religious nature of Senator Blair's Sunday rest bill made it unconstitutional. He buttressed that main point with two other lines of argument, which he called "practical" and "historical"—and it is in the latter, especially, that we find the primary source of his intense motivation.

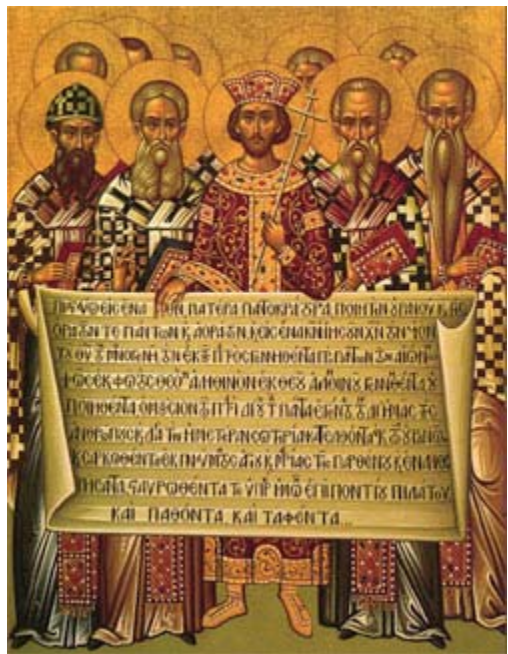
Among the practical arguments, Jones cited the economic unfairness of Sunday laws to observers of a Saturday Sabbath, who are compelled either to give up one sixth of their productive time, or violate their religious convictions. A proposed exemption for "Seventh-day believers" would solve nothing. Acceptance of an exemption clause would mean conceding the central principle and acknowledging the authority of Congress to legislate in connection with the observance of rest days. A Sunday law with an exemption would still make "every man's observance of Sunday, or otherwise, simply the football of majorities." It would reflect mere *toleration* of difference, not recognition of *human right*.¹

This and other practical arguments concerning the inconsistencies and unintended consequences of such legislation strengthened the force of Jones' case. The *historical* line of argument, though, showed that a greater concern than potential loss of income was at stake. It was conviction about the direction of history and their role in its climactic drama that made Adventists the most energetic and unrelenting opponents of Sunday laws and related measures.

Jones built his historical argument on an analogy from Roman history. In his introduction to the committee, he identified himself as a professor of history at the Adventist Battle Creek College in Michigan, where, alongside his editorial work, he had just completed his first semester of teaching. Jones the professor also became a prolific historical writer, displaying impressive immersion in church history and effectiveness in construction of clear, persuasive argument.

A decade before America's imperialist venture in the Spanish-American War made it more commonplace to do so, Jones developed a comparison between the trajectory of American history and that of ancient Rome. However, Jones focused not so much on the transition from republic to empire as he did on the late empire's synthesis with the Christian church. Drawing especially on the work of the noted German church historian August Neander (1789-1850), Jones portrayed for the Blair committee how a progression of Sunday laws in the fourth and fifth centuries A.D. functioned as a critical mechanism for bringing about the linkage of

church and empire that characterized medieval European Christendom.²



After the emperor Constantine ended the persecution of the church and began bestowing imperial favor upon it, the bishops accepted the emperor's arbitration in resolving theological disputes, most famously at the First Council of Nicaea in A.D. 325. In his *General History of the Christian Religion and Church*, though, Neander emphasized the agency of the bishops in this new collaboration with the empire—"their determination to make use of the power of the state for the furtherance of their aims."

Constantine's Edict of 321, which ordered that "judges and townspeople and the occupation of all trades rest on the venerable day of the sun," but exempted agricultural work, constituted an initial step in the bishops' cultivation of power. According to the fifth-century church historian Sozomen, the law had a religious intent—"that the day might be devoted with less interruption to the purposes of devotion," though it must be noted that the language of the decree, referring to *Sol Invictus* rather than the Christian God, makes the object of that devotion ambiguous at best.³

By the reign of Theodosius I (379-395), matters were becoming much clearer, as Christianity defined by Nicene orthodoxy progressed from the status of favored religion to become the only legal religion of the empire. As part of that process, a Sunday law of 386 extended earlier restrictions on Sunday labor and business transactions much further and implemented more rigorous enforcement.

With Sunday increasingly free from labor, Jones told the committee, the circuses and theaters throughout the empire became more crowded than ever on Sundays, prompting a council of bishops meeting in Carthage in 401 to send a resolution to the emperor calling for a rescheduling of "public shows" on days other than Sunday and feast days. Because "the church could not then stand competition," "she wanted a monopoly," he declared. The desired law requiring that circuses and theaters be closed on Sundays finally came in 425, its stated purpose being "that the devotion of the faithful might be free from all disturbance."⁴ Thus, as Jones presented it, Sunday laws were instrumental in the gradual ratcheting up of the church's reliance on the coercive power of the state in the Constantinian revolution.

Capping the process, the "theocratical theory," which Neander had identified as driving the bishops' agenda since the time of Constantine, gained a powerful theological rationale when one of the most influential

thinkers in church history, Augustine, defended the use of coercion in the Catholic Church's struggle against the heretical Donatists in North Africa. In the words of Neander, Augustine's rationale for using force on behalf of the church "contained the germ of that whole system of spiritual despotism . . . which ended in the tribunals of the Inquisition." But Jones stressed that Augustine's "infamous theory" was "only the logical sequence of the theory upon which the whole series of Sunday laws was founded." It worked this way:

"The church induced the state to compel all to be idle for their own good. Then it was found that they all were more inclined to wickedness. Then to save them from all going to the devil, they tried to compel all to go to heaven. The work of the Inquisition was always for love of men's souls, and to save them from hell."⁵

Jones' emphasis on Sunday laws as the *mainspring* driving the union of church and empire in ancient Rome might not as easily convince historians today. But clearly, such enactments were integral to the development of what twentieth-century scholar John Howard Yoder called "that fusion of church and society of which Constantine was the architect, Eusebius the priest, Augustine the apologete, and the Crusades and Inquisition the culmination."⁶ The Adventists' apocalyptic reading of history intensified their belief that the same process was at work in the drive for a national Sunday law in late nineteenth-century America. That was the foremost reason Jones and the *American Sentinel* were determined to do something about it.

The 1888 Sunday law "crisis" also prompted the Seventh-day Adventist Church to a new level of grass roots organization. The denomination's International Tract Society, working through its state-level societies, distributed petitions to the church members, urging them not only to sign but to canvass their friends and neighbors for signatures as well. By March 1889 they had amassed 260,000 signatures in opposition to the national Sunday bill, presented in large stacks of files—one each for the House and the Senate—bound in patriotic red, white, and blue fastenings.

Presentation of the stack of files in the House created a "quite interesting" scene, according to a report in *The Advent Review and Sabbath Herald*. When by prior arrangement pages delivered the three-foot-high stack to the desk of Representative O'Donnell of Michigan, his head barely appeared above it. The Adventists claimed that all 260,000 of their names came with the individual signatures of voting-age citizens. By contrast, their opponents had only 407 individual signatures, which pledged the support of the various churches and associations, upon which the claim of 14 million names was based.⁷

In the meantime Senator Blair also brought before his committee his proposal for a constitutional amendment requiring the states to provide free public education that included instruction in "the principles of the Christian religion." Jones returned to Washington in February 1889 to speak against this effort to "Christianize" both the public schools and the U.S. Constitution with one stroke. In contrast to testimony in favor of the amendment from several Protestant clergymen, including members of the Evangelical Alliance, Jones contended it would establish Protestantism as the state religion. The public schools would become "seminaries for the dissemination of Protestant ideas," which would "violate the equal rights of Catholics, Jews, and infidels."⁸

This variation on a "Christian amendment" went nowhere, though another attempt in a different form created a larger stir in the 1890s. Also, Senator Blair's efforts to get the national Sunday rest bill reported out of his committee for a vote on the floor were frustrated. On the final day of the congressional session in March he tried to get the bill to the floor with a discharge petition, but the opposition of one senator—all that is required—blocked the maneuver.⁹

The Christian lobby, however, was a long way from accepting defeat on Sunday legislation, and the

Adventists, conversely, continued to step up their organization of resistance. They organized the National Religious Liberty Association in July 1889, dedicated to the same agenda as the *American Sentinel*.¹⁰ Through name changes and structural modifications, the organization continues to the present in the form of the International Religious Liberty Association and associated entities throughout the world, such as the North American Religious Liberty Association.

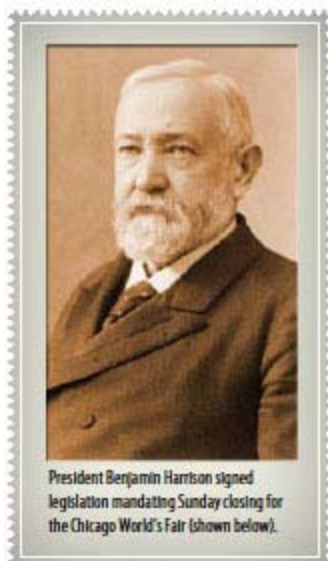
The new organization mobilized Adventist advocacy that helped thwart new attempts at national Sunday legislation in 1889 and 1890. Senator Blair introduced a revised measure in the Fifty-first Congress, designed to neutralize Jones' most telling arguments from the previous December. Overt religious language was minimized and an amendment for Saturday-observers included. None of this altered the foundations of Jones' opposition, however, and he had no trouble locating abundant evidence of unconstitutionality. And, the Adventists this time came up with 500,000 signatures in opposition. In 1890 a bill proposed by W.C.P. Breckenridge of Kentucky in the House of Representatives, applicable to the District of Columbia only, likewise kept a narrow focus on the right of employees to one day off from work per week. The primary danger here, said Jones, was the precedent it would set for broader and more dangerous legislation.¹¹

Success for the Sunday-law forces soon came via a different route, though. First, in a decision written for the Supreme Court's ruling in *Church of the Holy Trinity v. U.S.* (1892), Justice David Brewer referred to the United States as a "Christian nation," and cited state and local Sabbath observance laws as part of the evidence for that characterization.¹² This decision appeared to put the judgment of the nation's high court in opposition to the foundational principle upon which A. T. Jones and the *American Sentinel* had stood from the beginning—namely, the neutrality of the federal government with regard to religion.

Jones saw the "Christian nation" decision as a dramatic step toward the final apocalyptic crisis scripted by the book of Revelation. In his intricate interpretation of the prophecy of Revelation chapter 13, verses 11-18, a passage that Adventists believed directly concerned the United States, the decision signaled the formation of an "image to the beast." The demise of the constitutional principle against the federal government's endorsement of a particular religion opened the way for a repressive union of church and state like that of medieval Europe.

A series of dramatic sermons preached by Jones to Adventism's largest congregation, the Battle Creek Tabernacle, in May and June of 1892 nicely illustrates the impact of this set of intense beliefs about apocalyptic prophecy. With the "image to the beast" now formed, declared Jones, only one small step remained in the fulfillment of Revelation 13 and the final crisis of religious persecution that would immediately precede the second coming of Christ. Some further event would "give life" to that image, as described in verse 15.

Jones did not know just when this latter development would occur, but he reminded his hearers of their task in the interim: to use their resources and institutions to the fullest in giving the warning message to the world. The shortness of time, he argued, does not make the church's institutions obsolete; rather, "*because time is so short, we need more institutions and more means.*"¹³ Thus, rather than a call to hunker down and passively observe the unfolding of predetermined events, the signs that the end was nearer than ever constituted a call to greater action than ever on behalf of the values—such as liberty—to be championed by a people preparing to meet their Lord in peace. On top of all that, a recent Christ-centered revival opened to believers, if they would receive it, the spiritual power needed for faithful witness through a final crisis.¹⁴



Then, less than three months later, another event seemed to give dramatic confirmation to Jones' analysis of the times. On August 5 President Benjamin Harrison signed the first piece of federal legislation mandating Sunday closings. After an intense spate of advocacy led by the NRA and WCTU, Congress passed a law that made federal appropriations to the Chicago World's Fair contingent on the fair closing its doors on Sundays.¹⁵

Wilbur F. Crafts called it "the greatest moral victory since emancipation [from slavery]."¹⁶ Alonzo T. Jones viewed the action as having at last given life to "the image of the beast." In itself threatening no one with death or even imprisonment, the law put into action the illicit union of church and state sanctioned by the *Holy Trinity* decision.¹⁷

Both men were proved wrong in seeing the measure as the prelude to an imminent millennium. Though a victory for the Christian lobby, it fell far short of the provisions of the national Sunday rest bill that had been at the center of the heady push toward a millennial "theocracy" in 1888. For the Adventists, the immediacy of the external threat to religious liberty receded by the mid-1890s. If the urgency of the prophetic impulse driving public activism diminished somewhat, though, it would never disappear from the Adventist outlook. In fact, the 1888-1893 epoch left a permanent legacy for how the editors of the *American Sentinel* and its successor, *Liberty*, viewed public events and the corresponding action in the public arena that they advocated. They watched for signs of a reprise of the heightened repression of liberty in society, combined with spiritually energizing revival that would once again bring them to the verge of the final, dramatic conflict between good and evil, followed by the glorious establishment of Christ's eternal kingdom. As in the 1880s and 1890s, those expectations would do much to propel action for religious liberty and human rights.

A serious issue remains to be addressed, however. If prophecy belief played a major part in motivating Adventists to an oppositional kind of activism that has in turn contributed to the expansion of religious freedom in America, did such beliefs encourage or even allow for a broader and more positive range of action to meet societal need? Put another way, if the *American Sentinel* can be credited with helping to check the overbearing excesses of some reformers, did it contribute in any way to the kind of organized action to relieve suffering and redress injustice with which the progressive reformers must be credited?

Again here, exploration of the experience of the *Sentinel's* most influential editor, Alonzo T. Jones, may lead us to partial answers. Jones' extensive study of history, politics, and theology, his spiritual ardor, and his

rhetorical gifts indeed made him a powerful advocate of religious liberty. Even Senator Blair, who must have tired of Jones' relentless opposition to his legislative initiatives, remembered the editor some 20 years later "with respect" for his "great ability" and "evident sincerity."¹⁸

But Jones had penchant for pressing his principles to their radical extreme, for holding his positions with individualistic absolutism, and for bombarding his opponents with harsh invective. These traits contributed to conflicts that seriously marred his legacy both within the Adventist movement and in the public arena.

Jones developed the theme of "Christian citizenship" in the early 1890s. Building on the apostle Paul's statement that "our citizenship is in heaven" (see Philippians 3:20), Jones insisted that truly loyal Christians have transferred their citizenship from earthly government to the heavenly kingdom. While their names remain on the citizenship rolls of earthly government, they are in fact citizens of another country, sojourners in the particular nation-state where they happen to reside in the present age.¹⁹

Many contemporary Christian thinkers, such as Stanley Hauerwas,²⁰ would likely welcome this emphasis for its thorough break with conventional, American-style "Constantinianism," which blends devotion to God with devotion to America, even while church and state remain legally separate. Indeed, this perspective did equip Jones and other Adventist writers for a bold witness against American imperialism during the Spanish-American War. In a time when, according to historian Sydney Ahlstrom, "patriotism, imperialism, and the religion of American Protestants" stood in more "fervent coalescence" than ever before,²¹ Jones decried the war as national "apostasy from republicanism to imperialism." The preachers who pronounced blessing on the war, he said, gave evidence of a parallel apostasy in the Christian church. He called for "a revival of the preaching of the gospel of peace," and bluntly declared that those "preachers that preach war are not the ministers of Christ, whatever their profession may be."²²

As a result of his views on Christian citizenship and separation of church and state, Jones concluded that a clean break with Constantinianism meant not only that the church must not accept public funds for any of its institutions or activities, but it must also repudiate tax exemption. But the Adventist missionaries, who were already trying to establish church work in other political contexts, and the famed Dr. John Harvey Kellogg, who was at that very time seeking tax-exempt status in Michigan for the church's medical missionary institutions, pushed back at Jones' unbending policy, and in the end it did not prevail as the denomination's policy.²³

Jones' blanket condemnation of pro-war preachers as "not ministers of the gospel" is but one example, and a rather mild one, of his rhetorical attacks. By the summer of 1889, Wilbur Crafts became fed up, and he demanded that Jones and coeditor Ellet J. Waggoner be put on trial for "wholesale slander and falsehood" by the congregations in which they held church membership. The June 19, 1889, issue of the *Sentinel*, he charged, contained "sixty-seven false statements, thirty-seven of them gross slanders, bolstered up by thirty petty slanders."²⁴

Roman Catholic clerics in particular bore the brunt of Jones' harsh rhetoric. In an era of pervasive anti-Catholicism, Jones may not have been particularly extreme, but as he monitored the growing Catholic presence in America, he consistently portrayed actions and statements from the hierarchy in sinister, conspiratorial terms.

Such polemical combat frequently drew pleas for caution from Adventism's spiritual mother and prophetic counselor, Ellen White. "I am pained when I see the sharp thrusts which appear in the *Sentinel*," she wrote in

a lengthy letter in 1895, pointing out that by such “harshness” we “grieve the Lord Jesus Christ.” In particular, she urged restraint in making “hard thrusts at the Catholics,” for many of them are “most conscientious Christians” who “walk in all the light that shines upon them.”²⁵ Five years later she put it this way:

“If we wish men to be convinced that the truth we believe sanctifies the soul and transforms the character, let us not be continually charging them with vehement accusations. In this way we shall force them to the conclusion that the doctrine we profess cannot be the Christian doctrine, since it does not make us kind, courteous, and respectful. Christianity is not manifested in pugilistic accusations and condemnation.”²⁶

Most remarkable of all, Ellen White gave similar counsel to Jones regarding his interaction with one of the *Sentinel*'s most powerful opponents in the theocracy-threatening Christian lobby—the WCTU. Herself a temperance lecturer at WCTU rallies, Ellen White had exhorted Adventists to be involved in the organization since the late 1870s. The Adventist prophet fully endorsed political action for prohibition. The liquor traffic, she wrote in the lead article for the November 8, 1881, issue of *The Advent Review and Sabbath Herald*, caused a “moral paralysis upon society,” and that reality placed every temperance advocate under the mandate of exerting influence “by precept and example—by voice and pen and vote—in favor of prohibition and total abstinence.”²⁷

Ellen White did not approve of the WCTU's shift to a broader political agenda under Frances Willard's leadership in the 1880s, and she fully supported the *American Sentinel*'s vigorous campaign to block Sunday legislation. However, she did not see the misguided aspects of the organization's work as reason for severing connection with it and burning bridges with fiery denunciations.

At the annual meeting of the American Health and Temperance Association held in Oakland in 1887, Ellen White urged her Adventist listeners not to be put off by the WCTU's new ventures but to view the situation as an opportunity: “You say they are going to carry this [temperance] question right along with the Sunday movement. How are you going to help them on that point? . . . How are you going to let your light shine to the world without uniting with them in this temperance question?”²⁸

Adventists could learn much from WCTU women, Ellen White believed, and at the same time had much to offer them. Realization of this important mutual benefit, she wrote Jones in 1900, required “discretion” and “Christlike tenderness” that would honor the nobility of their work and their spiritual integrity rather than a disputatious spirit that would treat them as enemies of the truth, and thus drive them away.²⁹

In these and other ways, Ellen White tried to prod Jones and the church's other advocates for religious liberty to a more nuanced and constructive relationship with benevolent reform organizations. This approach, she believed, would open the way for Adventists to make a broader contribution to the well-being of society, while at the same time drawing greater and more respectful attention to the transforming message that Adventism offered every individual.

Jones did make some changes in response to Ellen White's admonitions. However, Jones' unyielding individualism contributed much to a break with the denomination, finalized in 1909. He stretched the doctrine of religious liberty to mean that the individual Christian was accountable to no authority structure outside himself—be it congregation, class, conference, synod, council, hierarchy, or anything else. Though he continued to preach and write for small groups of supporters until his death in 1923, Jones experienced the painful reality that no accountability meant, in the end, no community.³⁰

Nevertheless, because the story of the *American Sentinel* and the prophetic impulse that motivated its witness is Alonzo Jones' story more than anyone else's, we must here give him the last word. Whatever the flaws and shortcomings of his work, he did recognize the need to show that his dissenting, apocalyptic form of Christianity, radically free from all the corrupting elements of Constantinianism, was not irresponsible escapism, heedless of the systemic injustice and desperate human need in society.

In his appearance before Senator Blair's committee in 1889 to oppose the amendment that would "Christianize" the public schools, he did his best to portray how, in the long run, the best way for *the church* to make an impact on the world and to lead the way toward the millennial dream of a transformed society cherished by the Christian lobby was simply to be the church, uncompromised and unencumbered by any allegiances save to Christ alone:

"Let [the church] prove herself by her works of self-denying charity, to be the true church as Jesus proved Himself to the disciples of John to be the true Messiah, when He told them 'Go and show John again those things which ye do hear and see; the blind receive their sight and the lame walk, the lepers are cleansed and the deaf hear, the dead are raised up and the poor have the gospel preached to them.' Let her organize all her forces for a more determined and closer, hand-to-hand, struggle with sin and evil, of every form, and the misery and wretchedness, of which they are the cause. Let her ministers and missionaries not only proclaim from their pulpits 'the unsearchable riches of Christ,' but descending among the hungry multitudes, distribute to them the precious bread of life. . . . Let them, by setting forth the beauty of holiness and the purity of 'the truth as it is in Jesus,' which is able to make us wise unto salvation, send the healthful and invigorating influences of our holy religion through every social relation. . . . Let them turn these streams of the pure water of life, welling up in the hearts of their followers, into the dark and pestilential receptacles, where ignorance, poverty, misery, and sin are gathered, and breed disorder and death. . . . Then shall be hastened the promised time of the coming of our King, when there shall be a new heaven and a new earth, wherein dwelleth righteousness—the Holy City, New Jerusalem, coming down from God out of heaven, prepared as a bride adorned for her husband, the tabernacle of God with men, where He will dwell with them and they shall be His people, and God Himself shall be with them and be their God."³¹

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1. "The National Sunday Law, Argument of Alonzo T. Jones Before the United States Senate Committee on Education and Labor; at Washington, D.C., December 13, 1888," pp. 118-122 (*American Sentinel* tract, 1892), in Religious Liberty Tracts, Online Document Archives, General Conference of Seventh-day Adventists Office of Archives and Statistics, www.adventistarchives.org/doc-info.asp?DocID=47173.
2. *Ibid.*, pp. 67-74.
3. Kenneth A. Strand, "The Sabbath and Sunday From the Second Through Fifth Centuries," in Strand, ed., *The Sabbath in Scripture and History* (Washington, D.C.: Review and Herald Pub. Assn., 1982), p. 328.
4. "The National Sunday Law," pp. 69-71.

Labor Unions and Workers' Rites

 libertymagazine.org/article/labor-unions-and-workers-rites

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Organized labor has lately been working to transform its political muscle into organizing muscle through something creatively captioned “the Employee Free Choice Act”—“free choice” meaning that employees would be forever barred from having a secret ballot vote on whether they wanted to be represented by a labor union.

Political pundits have argued that the union officials have gone too far. The public seems unwilling to allow union organizers to increase membership by stripping employees of a secret ballot. Although the effort to destroy the secret ballot may be on life support, organized labor is still continuing with behind-the-scenes efforts to get the government to help it to corral those stubborn employees.

Whether labor union officials will be able to cast their net over ever-larger-numbers of employees will have a great impact on employee religious freedom. Whatever the supposed value of union representation, there is now no doubt that it is a poison pill for employee civil rights, including religious freedom in the workplace.

Although the public has been able to observe and weigh in on whether employees should have the opportunity to vote in secret, most people are likely unaware that the U.S. Supreme Court just handed labor unions (and employers) the right to take away an employee’s right to a fair trial.

Secret ballot? Fair trial? Fundamental liberties at risk? Yes. Employees have just been released from their second major operation before the High Court. Here is the “medical history” of employee rights.

Labor union officials enjoy numerous and unusual privileges in American law. Unions are modern monopolies created and protected by law. The general antitrust and antimonopoly laws do not apply to labor unions in their traditional work. This is at the heart of the problem. Monopolies, by their nature, sacrifice individual rights. They value and enhance collective rights. As every Star Trek fan knows, the advance of the Borg means the loss of the individual.

Congressional protections for employees of faith

In 1964 Congress passed Title VII of the Civil Rights Act, which, among other things, protects employees against workplace religious discrimination. It forbids an employer (or labor union) to “discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s . . . religion.”¹ As a result, an employer could not fire an employee because he was a Baptist, and a labor union could not kick a member out of the union because he was a Roman Catholic. This kind of direct religious discrimination, however, is pretty rare. The bigger issue was this: What should happen when an employee’s faith conflicts with a general work requirement?

Assume a company is behind in its manufacturing goals and decides that all employees will have to work an additional day during the weekend. If an employee objected because Saturday or Sunday is that employee’s day of rest and worship, would it be “discrimination” to fire that employee for not working during the weekend? If the definition of discrimination is to “treat someone differently,” then requiring everyone to work the weekend is evenhanded treatment, right? In 1971 that precise issue came before the U.S. Supreme Court in *Dewey v. Reynolds Metals*, 402 U.S. 689 (1971). The Court, in a very rare circumstance, evenly split on the issue of whether the prohibition on religious discrimination included an obligation to affirmatively accommodate individual religious belief.

Congress reacted to this uncertainty by making its intentions in Title VII clear. In 1972, the year after *Dewey* was decided, Congress amended the definition of “religion” in Title VII to include an affirmative obligation to accommodate an individual employee’s religious beliefs.

From a historical point of view, this made sense. The first freedom described in the amendments to the U.S. Constitution is the freedom of religion. Our Founders did not describe the protection for individual religious freedom in terms of discrimination, but rather they described the right of an individual to freely “exercise” religious freedom. That points to a

desire to allow individuals to practice their faith without interference from the government or government-sponsored monopolies.

After the 1972 amendment, employees held two important legal rights: the right to be free from religious discrimination and the right to a reasonable accommodation of religious belief and practice.

Congress gives, the Court takes away

Employees possessed both of these rights for, well, about the time it takes to get a case before the U.S. Supreme Court. In 1977, in *TWA v. Hardison*, 432 U.S. 63 (1977), the High Court considered the case of Larry Hardison. Larry, a member of the Worldwide Church of God, observed his Sabbath from sundown Friday to sundown Saturday. His employer wanted him to work on his Sabbath.

The cure for Larry's problem was his recently acquired right to a religious accommodation—the right to be treated differently because of the demands of conscience. Larry had a second, less obvious problem: the International Association of Machinists was his monopoly bargaining representative.

Larry's right to different treatment based on his faith ran headlong into the union contract that created only one basis for treating employees differently: an employee's seniority under the union contract.

What to do? Should the union contract or congressional authority prevail? It was a "*Borg v. Congress*" scenario. In its first major operation on employee religious freedom under Title VII, the justices of the Supreme Court decided that the religious accommodation provision was at best an appendix and at worst a tumor. They eviscerated it in favor of collective rights.

Pinkerton guards escort strike-breakers in Buchtel, Ohio, 1994.

The Supreme Court's opinion in *Hardison* reveals a very strong judicial bias against the (then) recent congressional mandate requiring employees of faith to be treated differently when an employment requirement conflicted with religious faith. Consider this portion of the opinion:

"The emphasis of both the language and the legislative history of [Title VII] is on eliminating discrimination in employment; similarly situated employees are not to be treated differently solely because they differ with respect to . . . religion."²



Such language made it appear that Congress never amended Title VII to require an affirmative accommodation of employee religious belief and practice!

Instead of protecting minority rights, as demanded by Congress, the Court protected the rights of the collective. It decided that if a religious accommodation required an employer or union to violate the seniority provisions of a union contract, such accommodation was no longer required under federal law.

The Court endorsed the union lawyers' view of how to sort out an employee's preferences about which days to work. "The seniority system . . . represent[s] a significant accommodation to the needs, both religious and secular, of all of TWA's employees."³ The practical translation of this is that no employee with a minority religious belief need apply for work in a union shop. New employees have no seniority and (now) no religious accommodation rights either when it comes to Sabbath work.

The dissenting justices put it well: "Today's result is intolerable, for the Court adopts the very position that Congress expressly rejected in 1972."⁴ It took only five years for the High Court to bleed out the religious accommodation rights given employees by Congress and give a blood transfusion to the monopoly bargaining powers of labor unions.

That was the first operation. The "good news" (such as it was) arising out of *Hardison* was that employees of faith would at least be able to argue their religious freedom cases in the lower federal courts—courts that seemed to be more receptive to the rights of individual employees. That good news would last for another 23 years before the U.S. Supreme

Court decided to bring employee rights in for a second operation. This time the bloodletting left employees unable to open the doors of the federal courts to their religious freedom claims.

The doors shut with the decision of the Supreme Court in *14 Penn Plaza v. Pyett*, 556 U.S.__(2009). Instead of being a religious freedom case, *14 Penn Plaza* was an age discrimination case. A number of New York employers entered into a contract with a union representing employees working as night guards in hotel and office lobbies. These employees had a complaint. With the union's agreement, their employers told them that henceforth they would be night porters and cleaners, while younger workers employed by a security agency would take over their night guard jobs. Overnight, their jobs changed from "heavy sitting" to "heavy lifting." Preferring to go to a gym for their workout, the employees protested the new conditions. The employees alleged the transfers were made because of their age and filed suit in federal court.

Age discrimination is prohibited by the federal civil rights laws. Whether the employer was illogically (and discriminatorily) turning to older employees for heavy lifting will never be determined in court. Why? The Supreme Court read the union contract and found that it expressly required employees to submit any claims of employment discrimination, including claims arising under federal law, to the contract's grievance procedure, which ultimately ends in arbitration. Assigning an arbitrator the job of resolving disputes over the meaning of a union contract is common because it is a simple and low-cost way to resolve "shop floor" disputes, but this agreement obviously went further.

Moreover, in this second major operation on employee rights, the High Court determined that these employees' statutory age discrimination claims could go only to an arbitrator. The door to the federal courts was closed.

For at least the prior 35 years the Supreme Court had held that a union could not waive the statutory civil rights of individual employees. Why? There are two reasons. First, the justices had previously ruled that labor union officials are monopoly representatives only for workplace matters normally included in the union contract. Unions had no right to monopolize every legal right an employee possessed. In particular, unions had no monopoly rights when it came to an employee's civil rights claims. Therefore, unions could not waive the civil rights of individual employees, including their right to be heard in federal court.

Second, the law had been that employees' union collective bargaining rights (contract rights) and their federal civil rights were separate and distinct bundles of rights. They could be separately enforced.

But that is no longer the case. In the second operation, activist conservative surgeons on the High Court used the union grievance/arbitration procedure to cut off employee access to court. The union collective now had the authority to agree that all employees in the bargaining unit (with or without their individual consent), including employees who had rejected union membership, could be barred from having their civil rights claims heard in court!

The court surgeons denied that they had just excised an individual employee's civil rights. They were just moving "parts" around. The right to have your day in court before a federal court judge would be shifted to the right to be heard before an arbitrator. The employee's "substantive" civil rights supposedly would still be intact. This was just a procedural matter, purred the knife-wielding majority.

For those knowing nothing about the facts of employment arbitration, the Court's claim might make sense. For those in the know, it makes little sense.

Individual employees with civil rights claims often bring them against both the employer and the union. Who gets to pick the arbitrator who now stands in the place of a federal court judge? Not the individual employee. The employer and union typically select the arbitrator. They not only mutually select the arbitrator; they pay for the arbitrator's decision.

Worse, the arbitrators have a virtual word tattooed on the palm of their writing hand. That word is "acceptability." In every case the arbitrator makes a decision with the full knowledge that if he or she too seriously offends the employer or union (and therefore becomes "unacceptable"), they will never select him or her again to be the arbitrator. If an arbitrator wants to eat next month, an arbitrator writes a decision that is acceptable to both parties who will consider hiring him or her next time: the employer and the union. The individual employee is not part of the arbitrator's future employment prospects. Individual employees will not be sending the arbitrator's children to college.

Just in case this picture is unclear, imagine a judicial system in which your litigation opponent selects the judge, pays the judge for deciding your case, and determines the amount of the judge's future income! That is *14 Penn Plaza* in a nutshell. Employees of faith had their workplace religious freedom carved from the hands of a federal court judge and placed in the hands of an independent contractor selected by company and union bosses. It was quite the operation.

In the national debate about whether government should increase its support for union organizing, consider that *14 Penn Plaza* applies only to employees represented by union officials. For employees who are concerned about pleasing God, would a union in the workplace be helpful? Would the government aid to union organizers be a good thing?

The answer is clear. If organized labor persuades Congress to help it organize more employees, workplace religious freedom will suffer. Worse, the Court is always open for further operations transferring individual employee rights to the union collective. You might want to mention this to your elected representatives.

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1. 42 U.S.C. § 2000e-2(a) (1) (employer); 42 U.S.C. § 2002e-2(c)(1) (union).
2. *Hardison*, 432 U.S., at p. 71.
3. *Ibid.*, at p. 78.
4. *Ibid.* , at p. 87.

Author: Bruce N. Cameron

Liberty for All

libertymagazine.org/article/liberty-for-all

Published in the [January/February 2010](#) Magazine
by [Lincoln E. Steed](#)

What began nearly eight years ago as an event more tightly focused on *Liberty* magazine and its first 100 years of publication has grown even more historic. What began as an event almost completely funded by *Liberty* magazine has grown into a shared financial endeavor that highlights many facets of the Seventh-day Adventist religious liberty leadership role. What began as a focus on recognizing individuals of distinction in the religious liberty field has, curiously widened both ways: the awardees now cover the entire international field and more of the attendees are grassroots religious liberty activists from all over the United States and Canada.

The 2009 Seventh Annual Religious Liberty Dinner—held at the downtown Washington, D.C., Hilton to allow a greater number of people to participate—was arguably the best yet and showcased the changing and expanding role of the event.

Many faiths and viewpoints were represented by the audience of religious liberty activists, a number from the Washington political establishment, and various ambassadors. While in the past we heard from political leaders such as Hillary Clinton, John McCain, and John Kerry, the speaker at this Seventh dinner, Emanuel Cleaver II, is by way of his cochairmanship of the International Religious Freedom Caucus in Congress a true insider in the battle to maintain religious freedom for all.

Denton Lotz, general secretary emeritus of the Baptist World Alliance, in accepting the International Award, spoke for many when he said, “We are here tonight as coreligionists of all the major traditions because we believe that religious freedom is an inherent right for all humanity. We believe that where religious freedom is denied, all other freedoms are denied.” His assertions were underscored not just by the message and presence of the National Award honoree Rabbi David Saperstein, director for the Religious Action Center of Reform Judaism, but by the testimonial given by Iranian-American Keveh Khansari Nejad. His search for religious freedom led him from his ancestral faith in Iran to a new Christian identity in the United States—and a continuing struggle for accommodation of his minority religious identity.

The event closed with a rousing musical rendition of the famous Emma Lazarus poem—with music by Irving Berlin—“Give me your tired, your poor,” and we could appreciate again the yearning to be free, to have freedom.

So the four sponsoring entities, *Liberty* magazine, the International Religious Liberty Association, the North American Religious Liberty Association, and the administration of the world headquarters of the Seventh-day Adventist Church remain committed to this very public annual freedom initiative in the nation’s capital.

Lincoln E. Steed, Editor, *Liberty* Magazine.

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The Conscience

libertymagazine.org/article/the-conscience

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by

“The church must be reminded that it is not the master or the servant of the state, but rather the conscience of the state. . . .

“The good Samaritan represents the conscience of mankind because he also was obedient to that which could not be enforced. No law in the world could have produced such unalloyed compassion, such genuine love, such thorough altruism.”

—Martin Luther King, Jr. (1929- 1968), theologian, civil rights’ leader, Nobel Peace Prize winner, in his book *Strength to Love* (1963).



Bull in the China Shop

libertymagazine.org/article/bull-in-the-china-shop

Published in the [January/February 2010](#) Magazine
by [Lincoln E. Steed](#)

I will never forget my visit to the Golden Temple of the Sikhs, in Amritsar, India. It was my first visit to that fascinating country and quite a few years before the Sikh rebellion and an Indian Army attack on the temple, the holiest site for the Sikh faith. Founded by Guru Nanak Dev (1669- 1538), the religion is marked by strong monotheism and a militant approach to faith.

Before we were allowed into the temple itself we had to remove all leather from our bodies. That meant removing shoes and belts. It also meant walking barefoot along the public street for some distance before entering the temple courtyard and seeing the “pool of nectar” that surrounds the building itself. I once had a painful plantar wart likely picked up by going barefoot, and the paddle through debris affronted my senses.

The temple was as impressive in its own way as the more famous Indian tourist icon, the Taj Mahal. I’m told that it has been rebuilt after the military siege, but am glad I got to see it in its original form. The visit impressed me on a number of levels.

Going without a belt and shoes for a few minutes was at best a minor inconvenience. It did cause me to reflect on the why. Sikhism is not Hinduism—although it can be seen as a reform movement of sorts arising from that faith. It also can be traced to Islamic influences brought to India during the reign of the Mogul emperors. However, the respect for cows must come from Hinduism. Sacred cows wander most of the streets of India. The cow is not to be interfered with. And if a cow wanders onto your property, or into your shop, you must not restrict it, on risk of offending someone who sees it as sacred. The phrase “like a bull in a china shop” conjures up the mayhem that an unrestrained animal can cause. I can’t verify it, but it seems likely that the phrase came from the days of the English Raj, or rule, when this sort of scene played out.

Certainly India itself acted a little like the proverbial bull as it attempted to put down the Sikh separatist cause, which had illusions of establishing a Sikh state in the Punjab region. Maybe the army should not have been goaded into attacking the temple to root out militants. And once the rebellion was put down, the Indian government continued to tread the china underfoot by choosing to ignore the religious element in the conflict. Goodness knows there had been warnings. The iconic nationalist Mahatma Gandhi was assassinated by a Sikh militant. And not too long after the uprising in the Punjab, Prime Minister Indira Gandhi was killed by one of her Sikh bodyguards. It is, of course, a testament to the inherent stability of India that it survived that trauma and today still attempts to reconcile religious friction. But I sense in public statements from Indian officials, after continuing reminders such as the Mumbai bombing, that they understand the gravity of religious sensibility.

It seems incredible, but so many years after the shock of 9/11, the United States seems unsure about the role of religion in the conflicts that have followed. No, we are not at war with Islam, or any other religion. That would be not only foolish, but destined to create a greater bloodbath. But we are in conflict with a certain view of religion.

A few months ago now, Major Nidal Hasan killed 13 fellow soldiers at Fort Hood, Texas. There is little doubt that he did this because he thought his religion demanded such action. What is amazing is how much was known of his mind-set



before the rampage. It is almost as though no one wanted to break the china and hoped the threat would just wander away.

In the aftermath of the tragedy there is the now all too obligatory professions of disdain for his actions and reiterations of the mantra that no religion calls for such violence. I do note that President Obama correctly invoked a God who would not countenance such crimes.

And already we are back to talking about the danger as one of “religious extremism.” It is true that the Osama Bin Ladens of the world have what is obviously an extremist application of the religion they espouse. And at present the larger world is reeling from the acts of Islamic extremists. My point, one that I make gingerly, is that we are blinding ourselves to the real threat and laying the groundwork for the destruction of all religious effectiveness by casting things in “extremist” terms.

There never was a major religion yet that encouraged adherents to be a little committed. No faith with any lasting power minimizes its importance and says “Don’t take it too seriously—don’t change your life over these things. Be moderate.” Anytime that attitude creeps into a faith structure there will arise a reform movement or a new belief system.

I fear that in countering a virulent and pitiless form of religious fanaticism we are attempting to redefine all religion to a safe nominalism.

This magazine has staked a lot from its beginning on the principle of a separation of church and state. We have never believed in passive religion, nor have we held it to be of no interest to the state. But the state should never venture into defining what is true and acceptable religion, or indeed becoming a party to explaining a particular religious viewpoint.

A few years ago Pope Benedict unleashed more than he expected when he gave an address at Regensburg University in Germany and treated on the topic of violence in religion. Little noted were his remarks on violence in Christianity. Curiously, he tried to implicate the Reformer’s principle of *sola scriptura* as leading toward religious violence. In this regard, my best explanation for this is that he was taking a statist view that “freelance” faith is uncontrollable, since it is ideological rather than institutional. No doubt he sees the Reformation as regrettable.

The other violent statement he made in that speech was a simple inaccuracy. He said that early Christianity had violent tendencies until made rational by a process of Hellenization. Such a view ignores the fact that early Christianity was most unviolent—martyrs going peacefully to the lions were a reality until the church allied itself with Constantine and state patronage.

So this editorial is a call away from moderation, away from the middle road, away from inactivity. It is a call for religion to become faith, to become a faith that changes lives and reaches out in ways that change the world.

Violence will always be the toxic fallout from religion gone bad. Let the arm of the magistrate deal with bad religious acts as harshly as “nature and nature’s God” require. Let the state also commit itself to providing a safe environment for all faiths to coexist. But never let the state co-opt a particular religion and put a patina of excusability to even its most dangerous pronouncements. Let the state and society inform itself well on the tenets of all systems operating within its zone and be forewarned about the implications of Hale Bop, 12th Imam, or Secret Rapture. And may every civil system come to see that truly spiritual religious “activism” is the stuff of which we are made.

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The Shaming of Religion

 libertymagazine.org/article/the-shaming-of-religion

Published in the [January/February 2010 Magazine](#)
by [John W. Whitehead](#)

Religion and religious expression have been objects of censorship in the public schools for quite some time. However, the intolerance of anything related to religion has taken a turn for the absurd in recent years.

Much of the credit for this state of affairs can be chalked up to those who have been relentlessly working to drive religion from public life in America. John Leo, a former contributing editor at *U.S. News & World Report*, paints a particularly grim picture. Written in 2002, his article was an eerie foreshadowing of our current state of affairs:

"History textbooks have been scrubbed clean of religious references and holidays scrubbed of all religious references and symbols. Some intellectuals now contend that arguments by religious people should be out of bounds in public debate, unless, of course, they agree with the elites."

"In schools the anti-religion campaign is often hysterical. When schoolchildren are invited to write about any historical figure, this usually means they can pick Stalin or Jeffrey Dahmer, but not Jesus or Luther, because religion is reflexively considered dangerous in schools and loathsome historical villains aren't. Similarly, a moment of silence in the schools is wildly controversial because some children might use it to pray silently on public property. Oh, the horror. The overall message is that religion is backward, dangerous, and toxic."

Unfortunately, things have gotten only worse since John Leo wrote those words. As we have seen all too clearly, Christians of all ages are increasingly finding themselves subjected to censorship and discrimination.

A plea for help from Kathryn, a parent in Colorado, is a perfect example of what's happening in America's public schools. Kathryn's son, Wade, is in the fourth grade. His class was given a "Hero" assignment, which required each student to pick a hero, research the person, and write an essay. The student would then dress up and portray the chosen hero as part of a "live wax museum" and give an oral report in front of the class.

When 9-year-old Wade chose Jesus Christ as his hero, school officials immediately insisted that he pick another hero. After Kathryn and her husband objected, the school proposed a compromise: Wade could write the essay on Jesus. He could even dress up like Jesus for the "wax museum." However, he would have to present his oral report to his teacher in private, with no one else present, rather than in front of the classroom like the other students. The message to young Wade, of course, was twofold: first, Jesus Christ is not a worthy hero, and second, Jesus is someone to be ashamed of and kept hidden from public view.

This is not an isolated incident. I have been contacted by a number of parents whose children are being subjected to the same kind of treatment in the schools. For instance, a third grader at an elementary school in Las Vegas, Nevada, was asked to write in her journal what she liked most about the month of December. When the little girl wrote that she liked the month of December because "it's Jesus' birthday and people get to celebrate it," her teacher tapped her on the shoulder and told her that she was not allowed to write about religion in school. And a teacher in a Pennsylvania public school



was told that she could not post a picture of the Statue of Liberty in her classroom because it has the words “God Bless America” at the bottom.

It makes no difference that the material in question does not proselytize, or, as we have seen, that it was presented to people who by and large do not know that it was religious, or even that it is not meant to be religious. What matters is what *school officials* consider to be religious.

A ruling by the U.S. Court of Appeals for the Ninth Circuit in *Nurre v. Whitehead*, which affirms the right of school administrators to censor material that has the remotest connection to religion, illustrates exactly how outlandish things have become.



At Henry M. Jackson High School in Snohomish County, Washington, the senior members of the woodwind ensemble, the top performing instrumental group, traditionally select a piece each year to perform during graduation ceremonies. Having performed Franz Biebl’s “Ave Maria” at a public concert in 2004, the seniors in the wind ensemble unanimously chose to perform it again at their graduation ceremony on June 17, 2006, because they felt its aesthetic beauty and peacefulness would be appropriate for the tone of the ceremony.

As Kathryn Nurre, a member of the ensemble, explained, “It’s the kind of piece that can make your graduation memorable because we actually learned to play it really well. And we wanted to play something that we enjoyed playing.”

The student musicians proposed to perform Biebl’s piece instrumentally: no lyrics or words would be sung or said, nor did the senior members intend that any lyrics would be printed in ceremony programs or otherwise distributed to members of the audience. However, despite the absence of lyrics, the school superintendent, Carol Whitehead, refused to allow the ensemble to perform “Ave Maria” at their graduation ceremony because she believed the piece to be religious in nature.

Ironically, the superintendent reportedly didn’t even know that the words “Ave Maria” are Latin for “Hail Mary.” Nevertheless, determined to avoid offense, despite the fact that this Biebl version of “Ave Maria” is not one that most people would even recognize, the superintendent banned it.

Believing that school authorities had violated her right of free speech, Nurre turned to us at The Rutherford Institute. We filed a First Amendment lawsuit against the school in federal district court in June 2006. A year later, a federal district court ruled that the school’s actions were “reasonable” in trying to avoid offending anyone.

In a 2-1 ruling that was handed down in September 2009, the Ninth Circuit Court of Appeals concurred. According to the court, school authorities can deny students’ rights to free speech just to keep some of those attending graduation from being offended.

However, in a dissent that is notable for its lucidity, Judge Milan D. Smith insisted that Nurre’s right to free speech had been unreasonably violated. “In prohibiting Nurre and her classmates from playing their selected piece of music, the school district misjudged the establishment clause’s requirements and, in so doing, violated Nurre’s First Amendment rights,” observed Smith. He continued:

“I am concerned that, if the majority’s reasoning on this issue becomes widely adopted, the practical effect will be for public school administrators to chill—or even kill—musical and artistic presentations by their students in school-sponsored limited public fora where those presentations contain any trace of religious inspiration, for fear of criticism by a member of the public, however extreme that person’s views may be.

A graphic with a black background and white and yellow text. The text reads: "In an attempt to avoid offending anyone, America's public schools have increasingly adopted a zero-tolerance attitude toward religious expression." The words "attempt", "anyone", "attitude", and "expression" are in a larger, bold font. The words "zero-tolerance" and "religious" are in a smaller, bold font. The rest of the text is in a standard font.

“The First Amendment neither requires nor condones such a result. The taking of such unnecessary measures by school administrators will only foster the increasingly sterile and hypersensitive way in which students may express themselves

in such fora, and hasten the retrogression of our young into a nation of Philistines, who have little or no understanding of our civic and cultural heritage.”

In an attempt to avoid offending anyone, America’s public schools have increasingly adopted a zero-tolerance attitude toward religious expression. The courts have not helped, allowing schools the discretion to let an offended minority control a cowed majority. Such politically correct thinking has resulted in a host of inane actions, from the Easter Bunny being renamed “Peter Rabbit” to Christmas concerts being dubbed “Winter” concerts, and some schools even outlaw the colors red and green, saying they’re Christmas colors. And now, simply because someone is offended by the title, students cannot play music that has no words and is performed with no religious intent.

What school officials and the courts fail to understand is that by agreeing to sanitize the schools of anything remotely related to religion, they will not only be silencing an entire segment of the population, but will also be contributing to a cultural wasteland bereft of a rich heritage of Western art, music, and literature—all of which, at one time or another, has been greatly influenced by religion.

Where do our children learn about culture, things such as fine art, classical music, great literature, and anything else that really has substance? They surely don’t find true culture in strip malls, video games, designer clothing, or movie theaters. Unless their parents make an effort to teach them about the traditions of Western culture, children hardly ever encounter anything more complex than a comic book unless schools teach them about this history.

Religion is such an innate part of American culture that it would be impossible to create a strictly secular course of study for students.

For example, if someone complains about Michelangelo’s art because it was so often themed on Christianity, does this mean that we are supposed to have art history books without the Sistine Chapel? What about other masterpieces such as Da Vinci’s *Last Supper*? For that matter, what about great writers such as Charles Dickens, Alexandre Dumas, or Edgar Allen Poe?

Some of Western civilization’s greatest music was inspired by religion or created for a religious purpose, composed by such maestros as J. S. Bach, Wolfgang Mozart, and Joseph Haydn. Even contemporary artists could find their music banned in schools under such a rubric. For example, the Beatles are visited by Mother Mary in “Let It Be”; Led Zeppelin writes of a “Stairway to Heaven”; and even Jon Bon Jovi sings about “Livin’ on a Prayer.” Such a course of action would reduce American culture and arts education to a sterile wasteland.

Just as with religion, art has always been a matter of personal experience. Each person brings their own experiences and interpretations to art, rendering it nearly impossible to establish a litmus test for what constitutes “religious art” as opposed to secular art.

Anyone who has ever appreciated a book, painting, symphony, or even a newspaper article, movie, or television show should be repulsed at the idea of government officials dictating what art is—and, more important, what it is not. Anyone who has ever appreciated even a comic book should cringe at the thought of letting the government control it.

This brings us back to the Ninth Circuit’s ruling in *Nurre*. We are witnessing the emergence of an unstated yet court-sanctioned right, one that makes no appearance in the Constitution and yet seems to trump the First Amendment at every turn: the right not to be offended. Yet there is no way to completely avoid giving offense. At some time or other, someone is going to take offense at something someone else says or does. It’s inevitable.

Each time we allow political correctness to triumph over our constitutional freedoms and basic common sense, we are complicit in undermining the freedoms on which this nation was built. And, in a case such as that of *Nurre v. Whitehead*, we will destroy our culture as well.

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Require the Little Children

libertymagazine.org/article/require-the-little-children

Published in the [January/February 2010](#) Magazine by [Hannah Goldstein](#)

Thousands, if not millions, of American Christians have complained that their religious freedoms have been taken away because of court rulings restricting public school prayer. Yet many people believe that when prayer is mandatory in a nonprivate educational setting, it violates the religious freedom of others.

Imagine a Buddhist, a Jew, an atheist, and a Hindu attending a public school that enforces morning prayer with a Christian flavor. In actuality, these young people are being required to participate in something that goes against their beliefs. Is not this a violation of their religious freedom? Would not, then, the safest option be to keep religion from being forced upon people by having all religious beliefs, including prayer, reserved for one's own mind, conscience, home life, church life, or even private school routine—instead of in a public school setting, where people are forced to attend by law?



I am an 18-year-old Christian. I have made the personal decision to live my life as a believer in Jesus. As a follower of Christ, I believe that God has called me to witness to others, as well as preach His message to the world. However, nowhere in the Bible does God state that religious tradition must be enforced upon people, even in subtle ways. Faith should be a personal choice—not an insincere obligation. If someone has a love for God, then *not* participating in a public and mandatory morning prayer will *not* hinder their spiritual growth.

If a person isn't a believer in Christ but in Allah, the pressure of partaking in a morning prayer even in a subtle context of Jesus Christ would certainly not make that person desire Christianity; it most likely, instead, would turn them away. If Christians are so adamant about prayer in schools, shouldn't they be equally so about witnessing to individuals on a personal level, rather than by shoving obligatory practices down their throats? If Christians are truly strong in their faith and beliefs, as well as their love for God, they shouldn't feel as though their growth in Christianity is "dwindling" simply because they aren't given opportunity to listen to someone recite a written prayer.

Why do so many Christians feel the need to try to enact laws that protect their own religious comfort zone? These individuals argue that they should be free to practice their personal religious beliefs in public places, but they seem to have forgotten that this freedom has already been given. There are no laws against having a personal prayer with another classmate, praying before lunch, or even witnessing to other students as long as it doesn't turn into harassment. However, because there is no mandatory school prayer, some people see it as "discrimination against Christian belief." Some have even gone so far as to call it "persecution."

Persecution? These people ought to spend a little time in parts of the world where Christians are killed for their faith. Maybe then they wouldn't be so quick to throw the word "persecution" around.

America was founded on the principle that all people can have the freedom to practice their religious beliefs—or not practice any beliefs at all—without being imposed or forced upon by larger and more politically powerful religions.

Some misguided Christians spout nonsense about "majority rules." This basically means that if the majority of students at a particular school are Christian, then the minority of other religious or nonreligious students, who don't hold the same beliefs, should be forced to participate in that tradition. That's hardly religious freedom!

If a majority of students were Muslims in a school, I doubt the same Christians crying out now about “majority rule” would be uttering that same cry then. Also, what if the teacher of a certain class is required to have a daily morning prayer, yet she is a Wiccan? What’s to stop her from reciting a pagan chant or prayer? If Christians insist on having publicly mandated prayer, they must be ready for the believers of other doctrines and faiths to do their own thing as well.

The idea that prayer in school is outlawed is ridiculous. Individual, personal prayer never has been proscribed by law. The courts have declared that only *government-fostered* prayers are unconstitutional—that is, prayers that are required and scheduled by school officials who have the power of the state behind them. I think Ulysses S. Grant said it best: “Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and state forever separate.”

Recently I was reading an article online. It said: “The removal of prayer from our schools was a violation of the third commandment, which commands us ‘not to take the name of the Lord in vain.’ By the judicial act of forbidding invocation, the Court audaciously elevated a secularized system of education beyond the authority, reach, and blessing of God Himself. Worse than taking the Lord’s sacred name in vain is treating it with contempt, denying its rightful place and stripping it from public use and even from the lips of children. Jesus’ own expressed desire ‘Let the little children come to Me, and do not forbid them’ was also violated by these judges, many of whom were raised in Christian homes.”

Oh, yes! By not forcing people to participate in a prayer to a God they don’t believe in, the government is taking Christ’s name “in vain.” Get real!

To pray is to be in communion with Christ, and if one doesn’t even believe in Christ, the entire point of prayer is destroyed. The Bible says, “Let the little children come to Me, and do not forbid them.” It doesn’t say, “Require that the little children come unto Me, even against their will, and make it a mandatory act that they observe Me once a day, whether they believe in Me or not.”

The bottom line is this: children are required by law to attend school. Thus the school system has absolutely no right to indoctrinate kids into any religious belief whatsoever.

Ironically enough, in the early days of this country, Christians were the ones most in favor of the idea of “separation of church and state.” Why? Because they had suffered so much persecution in the name of religion by other “Christians” who had the political power to oppress those who didn’t believe in the same doctrines as the majority. So, these minority Christians wanted to live in a country where they were free to practice whatever doctrines they so desired—and not in a country where a certain dogma was enforced upon them. And they found that country, and helped create it too. It’s called the United States of America.

“Nothing,” wrote John Adams, “is more dreaded than the national government meddling with religion.”

And that goes not just for national government, but for state and county governments as well. Hence, despite all the protestations and noises about “persecution” and the abolition of faith in America, our country’s continued practice of not allowing the public schools to use their power to coerce, in any way, no matter how subtle, religious practice reflects the principles of religious freedom that have made this country great.

Hannah Goldstein writes from Sykesville, Maryland.

Hannah felt compelled to speak to the double standard of religious expression in schools. After she submitted this article, I got a call from a very impressed father, who realizes that his daughter did listen to Dad and does “get it.” The dad, as some of our readers may have guessed, is Clifford Goldstein, editor of Liberty for several years before he let me take over!—Lincoln E. Steed, Editor.

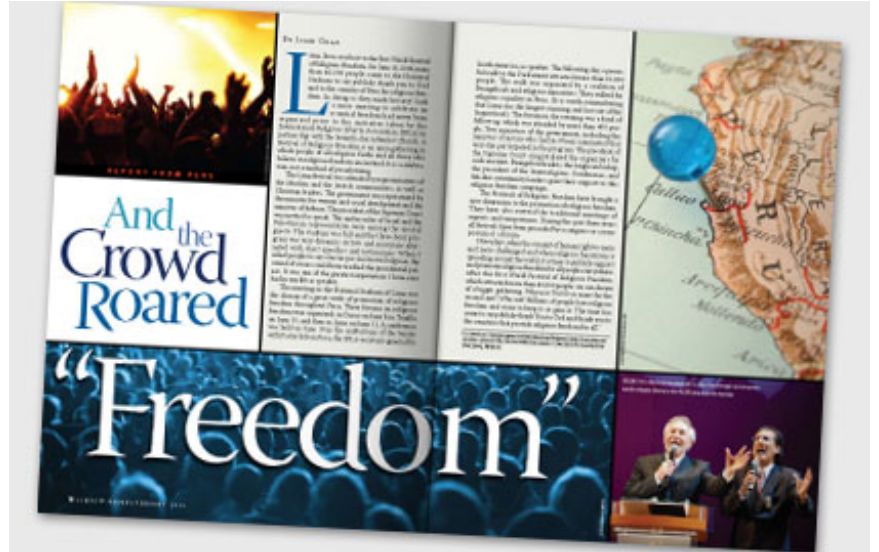
Author: [Hannah Goldstein](#)

And the Crowd Roared “Freedom”

 libertymagazine.org/article/and-the-crowd-roared-freedom

Published in the [January/February 2010 Magazine](#)
by [John Graz](#)

Lima, Peru, was host to the first World Festival of Religious Freedom. On June 13, 2009, more than 40,000 people came to the National Stadium to say publicly thank you to God and to the country of Peru for religious freedom. In doing so they made history! Such a mass meeting to celebrate an essential freedom had never been organized prior to the initiative taken by the International Religious Liberty Association (IRLA) in partnership with the Seventh-day Adventist Church. A Festival of Religious Freedom is an open gathering in which people of all religious faiths and all those who believe in religious freedom are invited. It is a celebration, not a method of proselytizing.



The Lima festival was attended by representatives of the Muslim and the Jewish communities, as well as Christian leaders. The government was represented by the minister for women and social development and the minister of defense. The president of the Supreme Court was invited to speak. The ambassador of Israel and the Palestinian representative were among the special guests. The stadium was full and the three-hour program was very dynamic. Artists and musicians alternated with short speeches and testimonies. When I asked people to say *Gracias por la Libertà Religiosa*, the sound of voices could have reached the presidential palace. It was one of the greatest experiences I have ever had in my life as speaker.

The meeting in the National Stadium of Lima was the climax of a great week of promotion of religious freedom throughout Peru. Three forums on religious freedom were organized: in Cuzco on June 9, in Trujillo on June 10, and then in Lima on June 11. A conference was held on June 10 in the auditorium of the Senate with Pastor Edson Rosa, the IRLA secretary-general for South America, as speaker. The following day, a peaceful walk to the Parliament attracted more than 10,000 people. The walk was organized by a coalition of Evangelicals and religious minorities. They walked for religious equality in Peru. (It is worth remembering that Lima was the longest running and last site of the Inquisition!). The forum in the evening was a kind of follow-up, which was attended by more than 400 people. Two ministers of the government, including the minister of justice who had just been nominated that very day, participated in the program. The president of the Supreme Court congratulated the organizers for such an event. Evangelical leaders, the Anglican bishop, the president of the Interreligious Conference, and Muslim community leaders gave their support to this religious freedom campaign.

The Festivals of Religious Freedom have brought a new dimension to the promotion of religious freedom. They have also revived the traditional meetings of experts and symposiums. During the past three years all festivals have been preceded by a congress or a symposium or a forum.

Nowadays, when the concept of human rights is more and more challenged and when religious fanaticism is spreading around the world, it is time to publicly support and promote religious freedom for all people everywhere. After this first World Festival of Religious Freedom, which attracted more than 40,000 people, we can dream of a bigger gathering. Why not 70,000 or more for the second one? Why not? Billions of people love religious freedom and want to keep it or gain it. The time has come to say publicly thank You to God and thank you to the countries that provide religious freedom for all."

Dr. John Graz is Secretary-general of the International Religious Liberty Association and secretary- general of the Christian World Communion. A Swiss by birth, he writes from Silver Spring, Maryland.

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John Graz is secretary-general of the [International Religious Liberty Association](#).

A Tale of Two Unions

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by [Barry W. Bussey](#)

Sharlene Harwood fell in love with a theology major in college. She married the pastor—and life has not been the same since. A pastor's wife is not an easy status in which to live. Life is carried out as in a fish bowl. People are always watching. Rightly or wrongly, she is seen as a role model as much as her husband in the eyes of the congregation. Church members are notorious for keeping a close eye on the pastor's family to ensure they are following not only what the pastor preaches but what the church teaches.

As members of the Seventh-day Adventist Church both Sharlene and her husband, Rick, advocated the long-standing teaching that followers should not become members of labor unions. Sharlene had no problem with such a

stand. Raised as an Adventist she knew the church's stand and had faithfully followed the teaching. Throughout her career she practiced nursing in a number of different provinces in Canada and different states in the U.S.A. as she moved with her husband's pastoral assignments. At each new abode she managed to obtain exemption from the respective labor unions simply by applying. However the move to Manitoba proved to be an anomaly in her experience. The legislative framework of the Labour Relations Act made it much more difficult for labor exemptions, and the Manitoba Nurses Union (MNU) was not inclined to make it easy.

The Manitoba legislation exempts a religious person from labor union membership only if his or her religious community has an article of faith that precludes such follower from being a member of, and financially supporting, any union or professional association.¹ The follower must also have a personal belief in that article of faith. Thus a two-part requirement: first, the religious organization precludes its followers from joining a labor union; and second, the follower must believe it.

It is ironic that Manitoba is the province selected to house the new Canadian Museum for Human Rights,² when clearly this legislative regime violates the religious freedom of people like Sharlene. The legislation does not protect the individual conscience but rather the beliefs of a religious organization. An individual who for conscientious reasons cannot join a labor union is denied the freedom of conscience solely because they belong to a religious community that either supports labor union membership or has not made any pronouncement against such membership. In essence, it is a denial of freedom based on association! Such legislation has an incredible lack of understanding about religious freedom and the long, bloody history that gave us such freedom in Western liberal democracies.

Left unanswered is the situation of an individual who does not belong to any religious community but has a bona fide religious objection to labor union membership. Presumably even they would be without recourse.

The legislation further inhibits a person, such as Sharlene, because it lumps the requirement that the articles of faith preclude not only membership in a labor union but a "professional association." Thus there is no apparent distinction between labor unions and bodies that govern certain professions such as medicine and law. It seems that this legislation would not give protection to those who are members of a faith community that on the one hand precludes its followers from joining labor unions but does not preclude its followers from joining professional associations such as a law society.



The Manitoba Labour Board had earlier decided the *Lumsden* case, with similar facts to Sharlene's, in 1986.³ Mr. Lumsden, a Seventh-day Adventist, sought exemption from labor union membership under the same legislation. Evidence presented at that hearing included the document "Labor Unions—Seventh-day Adventist Position Statement," which states:

WHEREAS, The Christian dare not violate his conscience by giving support to activities or policies incompatible with the principles and counsel set forth in God's Word; and

WHEREAS, An increasing number of Seventh-day Adventists are finding it necessary to explain the position of the church in relation to joining or financially supporting labor unions and similar organizations, We recommend,

1. That the Seventh-day Adventist Church hereby reaffirm its historical position that its members should not join or financially support labor unions and similar organizations.
2. That the Seventh-day Adventist Church member is following the teaching of the church when because of religious convictions he refuses to join or financially support labor unions and similar organizations or associations, or discontinues membership or financial support of a labor union and similar organization or association.
3. That pastors diligently inform Seventh-day Adventist Church members through sermons, personal counseling, church publications, and other media of the Bible principles and the Spirit of Prophecy counsel on which the church's position is based.⁴

A pastor gave evidence in *Lumsden* that "members are counseled and encouraged not to belong to or participate in trade unions," but he clearly stated that the church does not preclude members from being a member of a union. The church leaves the decision up to the individual church member.

The board in *Lumsden* ruled "that members of the Seventh-day Adventist Church are not prohibited from being members of a union or actively supporting unions financially or otherwise." Therefore, Mr. Lumsden was not exempted.

Given the *Lumsden* decision there was no question that Mrs. Harwood had an uphill fight to battle to be successful —on the legislation. Yet, if there ever was a compelling case to show the egregious nature of discrimination heaped on those conscientious objectors to labor union membership by the Manitoba legislation, Sharlene's case was it. For decades (since 1977) she had gained exemptions to labor union membership throughout Canada and the U.S. as she moved with her husband from one church district to another.

At the Manitoba Labour Board hearing Sharlene gave a very passionate defense of her position. She argued her position from the Bible, from the writings of Ellen G. White, and from the official pronouncements of the Seventh-day Adventist Church— including the statement that was used in the *Lumsden* case 20 years earlier. When asked by her legal counsel what significance it was to her should she disregard those teachings, she replied, "I'd be going against my conscience and the teachings of the church. As a pastor's wife—as a wife of a leader—I want to set the right example to church members. I want to put it into practice myself."



Over the objections of the MNU legal counsel she stated that as far as she was concerned the Seventh-day Adventist Church precludes membership in labor unions. Obviously that was up to the board to decide based on the facts.

In cross-examination Sharlene was grilled on the teachings of the church—as there was one instance in 1977 she did not have labor union exemption for a couple of months but continued to work. The argument was even though she did not have exemption from labor union membership, the church did not expel her because of that fact. The lawyer noted that there are many Seventh-day Adventists who are members of labor unions and are not disciplined by the Adventist Church for being so. The reason, he maintains, is that the church does not preclude membership in labor unions.

From a literal reading of the legislation, as was done in *Lumsden*, which used the *Black's Law Dictionary* definition of "preclude" as: "To prohibit or prevent from doing something; e.g., injunction," there can be no doubting that the Adventist Church did not "preclude" in the sense of "kicking out" of fellowship those who were members of labor unions. It was Sharlene's purpose to challenge such a narrow interpretation of the act.

After her evidence was given and that of expert witness Professor James Beverley of Tyndale Seminary in Toronto, the hearing broke for a couple of weeks at which time alternative constitutional arguments were to be made. It was the intention of the author to make the case that if the board was to carry on with the strict interpretation of the legislation, as in *Lumsden*, then the legislation violated the religious freedom guarantees under the *Canadian Charter of Rights and Freedoms*.⁵

The Labour Relations Act presents a closed door to Sharlene and all other members of the Seventh-day Adventist Church, who come from a long historical religious position against joining or financially supporting labor unions. It denies them the freedoms of conscience, religion, and association and denies the equal protection and equal benefit of the law without discrimination—a denial of the Canadian promise of individuals being able to live their cultural heritage in a multicultural society.

It is clear from Canadian jurisprudence since the *Charter* that Sharlene's religious freedom was denied:

First, Canada has a very broad definition of religious freedom: "In essence, religion is about freely and deeply held personal convictions or beliefs connected to an individual's spiritual faith and integrally linked to his or her self-definition and spiritual fulfilment, the practices of which allow individuals to foster a connection with the divine or with the subject or object of that spiritual faith."⁶

Second, the freedom includes public manifestation of religious belief, including declaration, practice, teaching, and dissemination. It is up to every individual to work out for themselves what his or her religious obligations, if any, should be. It is not for the state to dictate. The effect of the act in not providing an accommodation for Sharlene's religious belief was a denial of her religious freedom as enunciated in the *Big M Drug Mart* case.⁷ She was being coerced to act against her conscience to either join the Manitoba Nurses Union or be denied employment.

Third, the right to hold a religious viewpoint without fear of hindrance or reprisal.

Fourth, the right is not absolute—it is "subject to such limitations as are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."⁸

Fifth, it is the right of the individual. A fairly recent Supreme Court of Canada decision noted: "In my view, the state is in no position to be, nor should it become, the arbiter of religious dogma. Accordingly, courts should avoid judicially interpreting and thus determining, either explicitly or implicitly, the content of a subjective understanding of religious requirement, 'obligation,' 'precept,' 'commandment,' custom, or ritual. Secular judicial determinations of theological or religious disputes, or of contentious matters of religious doctrine, unjustifiably entangle the court in the affairs of religion."⁹

We never got to make the arguments, as the MNU agreed to exempt Sharlene before the arguments could begin. Obviously seeing the writing on the wall, the MNU recognized that it would not be successful in overcoming the *Charter* arguments that the Manitoba legislation violated a person's religious conscience—and they did not want a precedent. Such was a bittersweet victory. On the one hand, Sharlene obtained the exemption she sought—including the ability that should she change employers she would still be exempt. On the other hand, there still exists a discriminatory legislation that makes a mockery of individual religious freedom on the issue of labor union membership. A mockery that is in all likelihood unconstitutional—violating Canada's promise to provide freedom of religion for its individual citizens regardless of association.

The grueling cross-examination that Sharlene was subjected to as to whether her religious community actually "precludes" membership in labor unions was most unfortunate. That is not in any way to denigrate the professionalism of the MNU legal counsel; rather, his rigorous approach is required by the section as it now stands. The question is whether such an inquiry is necessary in a "free and democratic society." Surely it is not. The role of the state in matters of freedom of religion is to be limited to determining whether a belief of an individual is sincerely held, and that it does not offend public safety, order, health, or morals or the rights of others—to go beyond that, "nothing short of a religious inquisition would be required to decipher the innermost beliefs of human beings."¹⁰

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1. 76(3)(a) of *The Labour Relations Act of Manitoba*, C.C.S.M. L10.
2. www.canadianmuseumforhumanrights.com
3. *Lumsden v. United Steelworkers of America, Local 6166*, 86 CLLC 16,053.
4. North American Division Committee on Administration, Mexico City, October 16-20, 1972.
5. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), c. 11. Hereinafter referred to as the “*Charter*.”
6. *Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R. 551, par. 39.
7. *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, at p. 336.
8. *Ibid.*, p. 337.
9. *Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R. 551. par. 46-50.
10. *Ibid.*, par. 52.

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