

LIBERTY
TO PREACH

All colporteurs and class workers should read this carefully and follow advice.

LIBERTY TO PREACH

Because of the repeated attempts made by clergymen, and by police officers acting under instruction, to prevent the preaching of the Gospel of God's kingdom under Christ as earth's rightful Ruler, it is deemed advisable to set out the following:

Every consecrated and anointed Christian is divinely authorized and empowered to preach the Gospel. By that is meant he has the right to exercise his religious liberty because God has so ordained such a one to preach. In His law it is written: "The Spirit of the Lord God is upon me; because the Lord hath anointed me to preach good tidings unto the meek: he hath sent me to bind up the brokenhearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound; to proclaim the acceptable year of the Lord, and the day of vengeance of our God; to comfort all that mourn."—Isa. 61: 1, 2.

The work of a Christian acting under this divine authority is charitable, benevolent, beneficial and of necessity because its purpose and effect is to teach, aid and comfort humanity. It is not carried on for a selfish purpose or a pecuniary profit.

In the United States every Christian has full liberty to preach the Gospel in any manner he may choose, because the fundamental law of the land guarantees that right. The first amendment to the Constitution of the United States reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging

the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

No one has the right or legal authority to interrupt or interfere with the exercise of one's religion or the worship of God according to the dictates of his own conscience. No state, city, town, village or other municipality or body corporate has any legal power or authority to enact and enforce a law or an ordinance that is contrary to the provision of the Constitution of the United States as above set forth.

FACTS

The International Bible Students Association is an organization of Christian people, who have consecrated and devoted themselves to the service of God. They exercise and practice pure and undefiled religion as set forth in the Bible, which is the Word of God. The exercise by them of that religious faith as set forth in the Bible is not for selfish purposes. It is to glorify God and to do good to humanity. They do not seek to make money out of the practice of religion. They follow some honorable employment or avocation to provide the things decent and honest for themselves and families in the sight of God and man. The exercise of their religion in serving God is a divinely-given privilege and duty as each one so believes. Each one who is devoted to God and to His cause of righteousness takes advantage of such opportunities as he may have to tell others about the gracious purposes of God for the blessing of the people. The organization known as the International Bible Students Association is charitable, benevolent and beneficial because seeking only the good of others in the name of the Lord.

In America and in many other countries of the world, Sunday is the day set aside and intended to be devoted to the service of God. The method of exercising their religious belief and freedom on Sunday and other days as adopted and used by the Bible Students is in the following manner, to wit: When possible on week days, and on Sunday mornings as a rule, these Christian Bible Students carry with them books and booklets containing printed sermons or discourses which explain and give instruction on the Bible. With these they go from house to house and respectfully call upon the persons residing in the houses and politely speak to them something in this manner:

Many people are now studying their Bibles in their homes. The radio has helped them greatly in this. To further aid the people to understand the Bible, I am calling on you to show you a splendid method to obtain a knowledge of the Bible. This is our method of preaching the Gospel. You have a Bible, of course. I have here a number of sermons or discourses explaining the Bible, and with these you can sit in your home and get a knowledge of God's Word without the necessity of going to some public gathering. Instead of taking up a collection, as the churches do, we bring you these discourses in book form and we take only a nominal sum for the same to cover the cost of production and delivery in order that we may print more and take them to the people. If you would like some of these I shall be pleased to leave them with you. You will derive much comfort and benefit from them as you see how God will soon relieve the people from oppression and bless them with liberty and happiness.

If there are several persons in the same neighborhood who are interested in the study of the Bible, the one calling with the books will arrange a meeting in some home and show those who attend how to adopt a systematic study of the Bible. The entire work is

for the benefit of the people. There is no attempt to induce any one to join any organization. Whether the persons called upon are Catholic or Protestant, Jew or Gentile, it is the pleasure of the Bible Students to aid them all to understand the Bible.

No one of the Bible Students is engaged in the selling of books as a business and for the purpose of making a livelihood out of the same. Were it not for the opportunity of thus exercising the religious freedom in teaching the people concerning God's purposes, they would not engage in it for one moment.

ORDINANCES

Many towns and cities have enacted ordinances to regulate the selling of goods, wares and merchandise from door to door, defining and regulating soliciting, peddling, etc. Some of these ordinances are made specifically applicable to Sunday. Samples of such ordinances are set out, to wit:

No person shall on Sunday labor at any trade or calling, or employ others in labor or other business except it be in the ordinary household offices of daily necessity or any other work of necessity or charity.

It shall be unlawful to sell on the streets or from house to house by canvassing, selling and delivering any other articles, goods or merchandise of any kind, including novelties of every kind and description.

That from and after the passage of this act, no person or persons shall sell or expose for sale within the county as a hawker, peddler or travelling merchant, any foreign or domestic goods, wares or merchandise, etc.

Every person who shall do or require any employee to do any secular business or labor except works of necessity or mercy; or unless required by necessity or mercy to keep open any shop, warehouse or manufacturing or mechanical establishment, or sell or expose for sale any goods, wares or merchandise.

All manner of public selling or offering for sale of any property on Sunday is prohibited, except as follows: [The exceptions refer to selling of food and other things of necessity.]

SUNDAY

By common consent of the people the first day of the week, called Sunday, is set aside for rest and the practice of religion. The law of the United States and of every state recognizes this. No law can be passed, of course, compelling the practice of religion on Sunday; but the laws protect any one exercising his religion on Sunday in the manner chosen by the one so exercising, provided the exercising thereof does not disturb the public peace. The work of religious organizations is deemed charitable and benevolent and of necessity within the meaning of the law. In prohibiting labor on Sunday and the sale of goods, wares and merchandise on Sunday, the law makes exceptions to labor of necessity and charity and the sale of necessities and the practice of religion. In consideration of what is embraced within the term charity, the Supreme Court of Massachusetts said:

In considering what is lawful or fit to be done on the Lord's Day, "charity" must include everything which proceeds from a sense of moral duty or a feeling of kindness and humanity and is intended wholly for the purpose of relief or comfort of another and not for one's own benefit or pleasure. (13 Mass. 32 - 350, 351; 117 Mass. 65; 8 Am. Rep. 366)

In *Allen vs. Duffie*, Supreme Court of Michigan (38 Am. Rep. 139), it is said:

We shall waste no time upon the question whether the business done in taking the subscriptions was a work of necessity. No doubt the time chosen was the most convenient time for taking up the subscriptions, because the persons con-

cerned would be likely to be generally present. *It was never doubted, so far as we know, that all the necessary or usual work connected with religious work was work of charity.* If it were not so, the minister who preaches, the organist and preacher who furnish the music, and the sexton who cares for the building on Sunday, would be violating the law every day they performed service for their religious society, and not only would be precluded from recovering compensation, but might be punished for services which are proper in themselves, and for which the day is specially set apart. *But this work is not illegal, because it is in a true sense, and indeed in the very highest sense, charitable. Religious societies are founded to do good to mankind.*

Religious societies solicit moneys for their needs, and take subscriptions at their regular meetings on the first day of the week. . . . These regular Sabbath offerings, as they are called, are limited sometimes to gifts for the poor, etc., but quite often they embrace gifts for the general needs of the society, including repairs of the church, payment of taxes, and numerous other needs which do not differ at all from the needs of ordinary business associations.

Contracts for services on Sunday of the preacher, the sexton, the organist, and the singers are not illegal, although these persons may engage in such employment as a means of livelihood.

In *M.E. Church vs. Donnell*, the Supreme Court of Michigan held (43 Michigan 4 N. W. 427) :

Taking collections and subscriptions on Sunday to carry on the work of a religious organization may not, strictly speaking, be deemed a part of religious worship, but these are means for its support and come within the exception of the statute prohibiting any labor except that of necessity and charity.

It could readily be determined that a minister of the Gospel who serves his congregation on Sunday, though engaged in his usual calling, is not violating the statute, as such work clearly comes within the exception as to works of charity; *and even without the exception a construction holding such a person guilty would be manifestly repugnant to the spirit of the law.* (*Ross vs. State (Ind.)*, 36 N. E. Rep. 167-169)

If mere convenience is to be the test of necessity, any work

on Sunday may be shown to be necessary under some circumstances. (Jones vs. Andover, 10 Allen 18)

Convenience means that which is for the good of another.

The Bible Students go privately to the home and talk to one or two individuals at a time and never disturb any one's peace. In Melvin vs. Easley, 52 N.C. 356, the Court said:

The statute in its operation is confined to manual, visible or noisy labor, such as is calculated to disturb other people, for example, keeping open shop or working at a blacksmith's anvil. The Legislature has power to prohibit labor of this kind on Sunday on the ground of public decency. But when it goes further and . . . prohibits labor which is done *in private the power is exceeded* and the statute is void. (Rodman vs. Robinson, 134 N.C. 507; State vs. Medlin, 170 N.C. 684)

A clergyman occupies his pulpit on Sunday, talks to the people and solicits money and receives it. Often this is for his salary, or it may be for missionary work; but whatever it is for, the Courts held that such is not a violation of the law. In discussing the matter of Sunday laws the Supreme Court of Idaho, in re Hull 18 Idaho 175, said:

This class of legislation is upheld solely as an exercise of the police power of the state. The prohibition of public amusements on Sunday must therefore rest on the theory that it is necessary either for the protection of the public morals, the public health, or the public peace and safety.

Calling at a person's home on Sunday and quietly talking to the resident about the Word of God surely could not be held as interfering with public morals, public health or public peace and safety. The real purpose of laws regulating what shall be done on Sunday is to restrain business and commercial trans-

actions that are carried on ordinarily on other days of the week. The work of the Bible Students is neither business nor commercial transactions. (37 Cyc. 545, 546; Bennet vs. Brooks, 91 Mass. 118)

Sunday laws are directed against manual labor or conduct of business of like nature. (Perkey vs. Commonwealth 134 Va. 713)

Works of necessity and charity are generally excepted by laws of the states. (37 Cyc. 552)

In the case of Rodman vs. Robinson 134 N. C. 506 to 513, Chief Justice said:

A contract entered into on Sunday is not invalid at common law. Clark on Cont., p. 393; Drury v. De Fontaine; 1 Taunton, 131 (in which it was held that a vendor could recover the price of a horse sold on Sunday); Benjamin on Sales, section 522. Our statute, The Code, section 3782, is copied almost verbatim from the first part of the statute, 29 Car. 11, chapter 17 (1678). The other part forbidding service of process on Sunday is omitted from our statute, which merely provides that "on the Lord's Day, commonly called Sunday, no tradesman, artificer, planter, laborer or other person shall do or exercise any labor, business or work of his ordinary calling, upon pain that every person so offending shall forfeit and pay one dollar". This part was construed by Larn Mansfield in Drury v. De Fontaine, supra, not to invalidate a sale of a horse on Sunday when the sale was not a part of the vendor's ordinary calling. This statute is the foundation of nearly all the Sunday legislation in this country.

In the case of Melvin v. Easley, 52 N.C. 356, the Court said:

The statute in its operation is confined to manual, visible or noisy labor, such as is calculated to disturb other people, for example, keeping open shop or working at a blacksmith's anvil. The Legislature has power to prohibit labor of this kind on Sunday on the ground of public decency. But when it goes further and . . . prohibits labor which is done in private the power is exceeded and the statute is void.

In that case it was held that selling a horse on Sunday was not forbidden by the statute, as dealing in horses was not Melvin's "ordinary calling".

Again, it is said in *State v. Ricketts*, 74 N. C. 192: "In this State every act may lawfully be done on Sunday which may lawfully be done on any other day, unless there is some statute forbidding it to be done on that day." This has been cited and approved. *White v. Morris*, 107 N.C. at p. 99 (in which Davis, J., calls attention to the fact that prior to the Code civil process could not legally be served on Sunday, but now the restriction applies only to forbid arrests in civil actions on that day); approved also in *State v. Penley*, 107 N. C., 808; *Ashe, J.*, in *State v. McGimsey*, 80 N. C., 377; 30 Am. Rep. 90; and *State v. Howard*, 82 N.C., at p. 626; *Merrimon, C. J.*, in *State v. Moore*, 104 N.C., 749; *Taylor v. Ervin*, 119 N.C., 276; all these last holding that it was not illegal to hold court on Sunday if the Judge deemed it necessary, though out of considerations of propriety it ought not to be done unless necessary.

If the observance of Sunday were commanded by statute as an act of religion or worship, such statute would be absolutely forbidden. The Founder of the Christian religion said that his 'kingdom was not of this world', and under our Constitutions, both State and Federal, no act can be required or forbidden by statute because such act may be in accordance with or against the religious views of any one. The first amendment to the Federal Constitution provides: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," and the Constitution of this State, Article 1, section 26, reads: "All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should in any case whatever control or interfere with the right of conscience." If therefore the cessation of labor or the prohibition or performance of any act were provided by statute for religious reasons the statute could not be maintained. The Seventh Day Baptists and some others, as well as the Hebrews, keep Saturday, and the Mohammedans observe Friday. To compel them or any one else to observe Sunday for religious reasons would be contrary to our fundamental law. The only ground upon which "Sunday laws" can be sustained is that in pursuance of the police power the state can and ought to require a cessation of labor upon specified

days to protect the masses from being worn-out by incessant and unremitting toil. If such days happen to be those upon which the larger part of the people observe a cessation of toil for religious reasons, it is not an objection but a convenience. Yet such statute can not be construed beyond its terms so as to make the signing of a contract on Sunday invalid when the words prohibit only "labor, business or work of one's ordinary calling".

It is incorrect to say that Christianity is a part of the common law of the land, however it may be in England where there is union of church and state, which is forbidden here. The beautiful and divine precepts of the Nazarene do influence the conduct of our people and individuals, and are felt in legislation and in every department of activity. They profoundly impress and shape our civilization. But it is by this influence that it acts, and not because it is a part of the organic law which expressly denies religion any place in the supervision or control of secular affairs. As a contemporary construction of the Federal Constitution, it may be well to recall that one of the first treaties of peace made by the United States—that with Tripoli—which was sent to the Senate with the signature of George Washington, who had been president of the convention which adopted the United States Constitution, began with these words: "As the government of the United States is not in any sense founded on the Christian religion." This treaty was ratified by the Senate. If it was presumption in Uzza to put forth his hand to stay the tottering Ark of God at the threshing-floor of Chidon, it is equally forbidden under our severance of church and state for the civil power to enforce cessation of work upon the Lord's Day in maintenance of any religious views in regard to its proper observance. That must be left to the conscience of men, as they are severally influenced by their religious instruction. Churches differ widely, as it is well known, on this subject, the views of Roman Catholics and Presbyterians, for instance, being divergent, and the views of other churches differing from both.

Even if Christianity could be deemed the basis of our government, its own organic law must be found in the New Testament, and there we shall look in vain for any requirement to observe Sunday, or indeed any day. The Master's references to the Sabbath were not in support but in derogation of the

extreme observance of the Mosaic day of rest indulged in by the Pharisees. The Old Testament commanded the observance of the Sabbath, but that was an injunction laid upon the Hebrews, and it designated Saturday, not Sunday, as the day of rest, prescribing a thoroughness of abstention from labor which few observe, even of the people to whom the command was given.

RELIGIOUS LIBERTY

Whether the exercise of his religion or of serving God be by a person going from house to house on Sunday or any other day, to prohibit him from so doing would be a violation of the Constitution of the United States, because it would be a denial of religious liberty.

In this country one has the full and free right to entertain any religious belief, to practise any religious principles, and teach any religious doctrine which does not violate the laws of morality and which does not infringe personal rights. (12 Corpus Juris, 942 N 50; *Watson vs. Jones*, 13 Wall U.S. 679; (728) Op. Justices, 214 Mass. 509, 102 NE 464)

The crowning glory of American freedom is absolute religious liberty and the unquestioned and untrammelled right of each person to worship God according to the dictates of his own conscience without let or hindrance from any person or any source whatever. (*Cline vs. State (Okla.)* (1913), 9 Okla. 40, 130, p. 510)

All denominational worshippers of Almighty God, whose doctrine and mode of worship are not subversive of morality, are to be protected in this country. (*Comwlth. vs. Arndt.* (Pa. 1902), 2 Wheeler Cr. Cas 236)

Each individual within the jurisdiction of the United States has the right to determine for himself his religious belief, etc. (*Swafford vs. Keaton* (1919), 23 Ga. App. 238, 98 SE 122) (Statement of general law and references to Federal and State constitutions regarding religious liberty)

Most of the state constitutions guarantee to the individual, irrespective of sect or denomination, protection of the rights of conscience and liberty to worship God according to the dictates of his own conscience. (Story on Constitutional

Limitations 960 Eighth Edition) (Cyc. 8 pg. 884 (D). Corpus Juris 14 pg. 942 Notes 50 and cases)

The Supreme Court of Idaho has held that the use of moving pictures to illustrate a sermon or religious lecture on Sunday is not a violation of the law. (State vs. Morris, 28 Ida. 598, also 155 Pac. 296)

In his work on Constitutional Limitations (page 571 Sixth edition) Justice Cooley says:

A careful examination of the American Constitutions will disclose the fact that nothing is more fully set forth or more plainly expressed than the determination of their authors to preserve and perpetuate religious liberty, and to guard against the slightest approach towards the establishment of an inequality in the civil and political rights of citizens, which shall have for its basis only their differences of religious belief. These constitutions, therefore, have not established religious toleration merely, but religious equality.

Further discussing as to what ordinances and statutes are void and not enforceable, the same authority among other things states the following:

Any law respecting an establishment of religion.

Restraints upon the free exercise of religion according to the dictates of the conscience.

Restraints upon the expression of religious belief.

Then adds Justice Cooley:

An earnest believer usually regards it as his duty to propagate his opinions and to bring others to his views. To deprive him of this right is to take from him the power to perform what he considers a most sacred obligation.

All true followers of Christ Jesus are commanded to preach the Gospel, which means to teach their fellow man concerning the Word of God. (Matt. 28:19; Isa. 12:4; Isa. 61:1, 2) The Bible Students deem it their sacred and bounden duty to preach the Gospel and teach the truth of God's Word. Having made

a covenant to do God's will, they understand His commandment is to be His faithful and true witnesses. (Isa. 43:10, 12) They sincerely believe that an obligation has been laid upon them by the Lord to be His witnesses and preach the Gospel, as it is written, "For necessity is laid upon me; yea, woe is unto me, if I preach not the gospel!" (1 Cor. 9:16) Jesus, the Head of the true Christian church, declared it to be His mission on earth to be a witness to God's Word of Truth. (John 18:37) All His followers are commanded to follow in His steps.—1 Pet. 2:21.

Furthermore, the Apostle Paul went about from house to house preaching, both to the Jews and to the Greeks, repentance toward God and faith toward our Lord Jesus Christ. (Acts 20:20, 21) He was a true follower of Christ Jesus. The Bible Students, in going from house to house and preaching the Gospel, are, like Paul, endeavoring to be true followers of Christ Jesus.

If the laws of man prohibited them from preaching the Gospel, they would still understand it to be their duty to obey God rather than to obey man. (Acts 4:19) But the laws of man, particularly in America, and in many other countries, specifically provide not only that the Christian shall be permitted to preach the Gospel but that he shall be protected from any interference in so doing.

The Bible Students who go from door to door preaching the Gospel on Sunday or week days, and who preach it by the method above set forth, are clearly within their rights under the law of man and under the law of God. Any interference therewith by police officers or any one else is entirely unlawful.

It follows that no town, city or other municipality

has any power or authority to require a Christian to first obtain a license before he can go from house to house and preach the Gospel, as herein set forth. Any attempt to compel a Christian to first obtain a license is in violation of the fundamental law of the land. It is the duty and privilege of any Christian who is arrested for exercising his religious belief to appear in court, employ counsel, demand a fair trial and the full protection of the law.

All Bible Students, including colporteurs, Sunday workers or those who occasionally call at the homes of the people, are advised as follows:

If while canvassing you are accosted by police officers, state to them that you are clearly within your legal rights and insist on protection. If clergymen or any one else objects and you are taken before the police officers, insist that under the law it is the duty of the police officers to afford you protection from interference with the exercise of your legal rights.

In the event that you are arrested and charged with a violation of some ordinance or law 'by going from house to house and selling books', employ a lawyer, exhibit to him this memorandum of authorities, have the case set down for trial, have the record preserved in proper form for an appeal, and in the event of a conviction appeal the case to the higher court. In so doing you will be acting strictly according to the law of the land and in harmony with the Word of God. Please advise this office.

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