

FREEDOM
OF WORSHIP



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JEHOVAH GOD'S main reason for permitting His witnesses, Christian ministers of His gospel, to remain in this present evil world is, as stated by the Lord Jesus, that 'this gospel of God's kingdom must be preached in all this world for a witness unto all nations, and then shall the end come'. — Matt. 24: 14.

2 Every person who has consecrated his life to the service of Jehovah God in His New World must preach the kingdom that will vindicate the name and word of JEHOVAH. Every such person is ordained to seek and find the Lord's "other sheep" and feed and comfort those that mourn. — Isa. 61:1,2; Luke 4:18-21; John 10:15,16; 15:14-16; 21:15-17; 1 Pet. 5:1-3.

3 There is no love between "Christianity" and *religion*, between the New World and the old world, between Jehovah God and Satan. All servants of Jehovah from Abel to John the Baptist were the targets of the Devil and of his demon-agents. Christ Jesus was persecuted and nailed on a tree because the Devil hated His preaching that the New World is the only hope of man. Jesus' faithful apostles and disciples were stoned, mobbed and torn asunder for advocating God's side of the issue of WORLD DOMINATION and for refusing to yield to demonic pressure to stop their preaching.

NOTE: Due to lack of space, the suggested questions on paragraphs are limited. The chairman of meeting is authorized to ask such additional ones as are needed to bring out the essential points of each paragraph. He should also have all scriptures cited to be read aloud.

1. For what reason does Jehovah permit His witnesses to remain on earth?
2. (a) Consecration to Jehovah means what? (b) For what purpose is a consecrated person ordained?
3. (a) During all ages, what have faithful servants of Jehovah endured, and why? (b) What do modern-day followers of Christ Jesus expect as to stopping of persecution?

2

Like persecution has been the portion of all loyal and faithful footstep followers of Jesus from the days of His apostles to the present. He said: "If they have persecuted me, they will also persecute you." (John 15: 20) The very fact that "this gospel of the kingdom" is preached in every nation of earth means world-wide "persecution". (Matt. 24:9,14) Persecution in all nations proves that Jehovah's witnesses are the only ordained ministers on earth of Jehovah God and Christ Jesus. — 2 Tim. 3:12.

4 Satan's postwar "new order" means ever-increasing persecution and opposition to publishing the message of God's kingdom. Oppression of God's faithful servants will expand on a much wider scale than ever before. (Jer. 1:19; Matt. 24:9; 2 Tim. 3:13; Ps. 92:7) The increased privileges of service in the preaching of the gospel will come "with persecutions". (Mark 10:28-30) Because servants of the Most High God firmly take their stand for his NEW WORLD and reject a "new order" put forth by totalitarian-minded agents of the Devil, persecutions and afflictions are heaped upon them. Maintaining integrity in spite of all opposition makes for them

many true friends, people of good-will, upon whom they can rely to back them up in the righteous course of action that they take. — Esther 9: 3.

5 The action of the prophets and apostles recorded in the Bible, in resisting and fighting the scourgings and persecutions inflicted at the hands of the enemy in centuries past, furnishes positive proof that it is Jehovah's will that his Christian ministers vigorously withstand every demonistic interference with the preaching of the gospel. In his due time Jehovah will remove for ever all opposition to the faithfulness of his servants.

6 It is the individual duty of each person in agreement with the Almighty to throw back vigorously all opposition. (Rom. 12:21) This he does by preaching the gospel unceasingly, not because his brethren do so, not because there is no opposition in his community, but because it is right and in harmony with God's commandments and makes glad

4. (a) What does the "new order" bring to faithful ministers of the New World, and why? (b) What class of people will support God's servants?

5. What does the defense of the gospel made by the prophets and apostles prove to the modern-day Christian minister?

6. Does the covenant obligation of the individual depend upon the covenant or course of action of other persons?

3

the heart of the Most High. (Psalm 149; Prov. 27:11; Mal. 3: 4,17) He will perform his preaching obligation regardless of whether or not any other creatures do so. He must please Jehovah God. He, like the King, *delights* to do so. — Ps. 40: 8.

7 Paul, a valiant minister and fighter for the New World, said that "our citizenship is in heaven". (Phil. 3:20, Am. Rev. Ver.) He did not mean that the Christian is not a citizen of some nation of the present evil world. He recognized that the Christian, although *in* the world, is not *of* it. To his Father the Lord Jesus said: "I pray not that thou shouldest take them out of the world, but that thou shouldest keep them from the evil. They are not of the world, even as I am not of the world." (John 17:14-16) At Philippi, Paul claimed his Roman citizenship through birth as a refuge against mobsters. (Acts 16: 37) At Jerusalem, when in custody of officers, he asked, "Is it lawful for you to scourge a man that is a Roman, and uncondemned?" (Acts 22: 25) Paul's immediate claim of protection for his legal rights as a citizen hastened the centurion to the chief captain with this warning: "Take heed what thou doest: for this man is a Roman." (Verse 26) Before this he claimed his right to speak to the people, thus: "I am verily a man which am a Jew, born in Tarsus, a city in Cilicia, yet brought up in this city at the feet of Gamaliel, and taught according to the perfect manner of the law of the fathers, and was zealous toward God, as ye all are this day." (Acts 22:3) Paul's fighting thus faithfully shows clearly that the Christian should never hesitate to claim each and every right that belongs to citizenship, to aid him in preaching the gospel. (1 Tim. 6:12) *Before* leaving Egypt the Israelites borrowed from the Egyptians. Today Jehovah's witnesses should not be reluctant to carry with them the rights of citizenship to aid them in preaching the gospel in all the world as a witness unto all nations. — Matt. 24:14.

PURPOSE OF THESE SUGGESTIONS

8 The purpose of these suggestions on freedom of worship

7. (a) Does the heavenly citizenship of the Christian minister deprive him of claiming citizenship rights of the nation wherein he dwells, and if not, why? (b) In defending his ministry how did Paul use his citizenship?

8. What is the purpose of the suggestions in this booklet?

4

is to provide Jehovah's witnesses with a simple outline of proper conduct to help each to bear his own burden. (Gal. 6:5) This does not mean that brethren should not assist one another when difficulty is encountered. Indeed such is their Scriptural duty toward each other. — Neh. 4:14; Rom. 15:2; Gal. 6:2; John 13:35.

9 Conforming to these suggestions as nearly as possible will avoid needless hardship and difficulty. Each will be helped to do his part in giving a true witness to Jehovah's name and in defense of The Theocracy. These suggestions do not cover every conceivable kind of opposition. They are designed to give "first aid" to Jehovah's witnesses in emergencies. When opposition appears, immediately make a short, accurate report thereof to the Society's Legal Desk. Then some other counsel not herein covered can be furnished to you when necessary and appropriate. Much needless correspondence and harmful delay will be eliminated by immediate reference to and following these suggestions when interference occurs.

STUDY NECESSARY

10 Each witness, minister of the gospel, should regularly and repeatedly study these suggestions to become familiar with proper Christian conduct under difficulty. Do not put them away until trouble comes; for that will be too late. (Matt. 24:20; 1 Pet. 3:15) "Study to shew thyself approved unto God." (2 Tim. 2:15) Each should carefully and diligently strive to learn the reasons for every suggestion herein given. He will absorb the substance thereof. Merely memorizing words and having no *understanding* as to when and how to use knowledge stored up through reading and study does one little good, if any, and will result in confusion when before the enemy. Each one will make these suggestions a part of his equipment for use in Kingdom activity. When in doubt, refer to these suggestions and consult the "elder" (experienced or mature) brethren. Also communicate *promptly* with the Lord's 'faithful servant', the Society.

9. (a) Is every kind of opposition covered in this booklet? (b) What two things should be done when opposition is encountered?

10. What should each minister do with these suggestions, and when, and why?

5

BASIC STUDY AND TRAINING

11 The primary and fundamental strength against the assault of the enemy is a *knowledge* of God's Word and *ability* in using such knowledge. Every good soldier of Jesus Christ wields readily and skillfully the "sword of the spirit", which is the Word of God. To be able to use effectively the Watchtower Bible one must be a regular and active participant in *Watchtower* studies and service meetings, as well as the *Course in Theocratic Ministry*, and should himself be skilled in conducting studies in the homes of the people so that he may be adept at answering questions, "apt to teach." The more study for the purpose of using it, the clearer will be the servant's appreciation of the issue, the stronger his faith, the better his witness, and the greater his joy. Studying thus, each shall be approved unto God. The obligation of preaching from house to house, conducting studies, and public street witnessing cannot be overlooked. Christ Jesus said, "But take heed to yourselves [prepare yourselves]: for they shall deliver you up to councils; and in the synagogues ye shall be beaten: and ye shall be brought before rulers and kings for my sake, for a testimony against them." — Mark 13: 9,13.

12 One cannot give effective testimony in behalf of the Lord Jesus Christ and The Theocracy before those in control or in the field from house to house and on the streets unless he has diligently studied, prepared and armed himself for "battle" as above indicated. (2 Tim. 2: 3-5; 1 Pet. 4:1; Isa. 28:5,6) One cannot deliver an effective testimony before police officials and in courts unless he has studied diligently and has given an effective testimony previously in the "field" service. The Lord through His apostle Peter says, "But sanctify the Lord God [Isa. 8:13, Am. Rev. Ver., "Jehovah of hosts, him shall ye sanctify"] in your hearts: and be ready always to give an answer to every man that asketh you a reason of the hope that is in you with meekness and fear: having a good conscience; that, whereas they speak evil of you, as of evildoers, they may be ashamed that *falsely accuse* your good conversation [behaviour, Roth.] in Christ." — 1 Pet. 3:15,16.

11. (a) What is the source of the minister's strength? (b) What is necessary to use effectively the "sword of the spirit"? (c) Why should one study?

12. (a) What must be done before effective testimony can be given to officials? (b) What are Peter's suggestions?

6

13 Through misunderstanding of Mark 13:11* many of the brethren have erroneously concluded that the Lord will miraculously place words in their mouth and make their defense Himself. This is not using the spirit of a sound mind and is manifestly slothfulness and neglect of duty. The Lord does not put words into the mouths of those who have not diligently studied and prepared their defense and made use of instruments He has provided through His "faithful and wise servant". Jesus himself gives the meaning of Mark 13:11 in his promise to his disciples that the comforter, the holy spirit, would 'bring all things to their *remembrance*'. How can one *remember* without first having had knowledge? How can one have knowledge without study? (John 14:26; 16:12-15) Furthermore, the Lord's servant states, "The heart of the righteous studieth to answer." (Prov. 15: 28) It is of utmost importance that constant study and thorough preparation be made in order to properly defend the gospel when the occasion demands.

ORDAINED

14 Each one of Jehovah's witnesses is an ordained minister of Jehovah God and of the gospel. One becomes ordained -when he consecrates himself to do the will of Almighty God and is accepted of the Most High God through the Lord Christ Jesus. Such a one then publicly confesses or announces that consecration of himself by being baptized, immersed in water, thus giving outward evidence before witnesses that he has entered into an unbreakable contract or agreement to preach and fully put himself in the hands of the Lord for His use. Consecration and the subsequent immersion in water is no idle, *religious* ceremony. It is the most serious and important event in one's life. To be ordained, "anointed," means to be commissioned or authorized by Jehovah God as His minister who thereafter serves

* Mark 13:11, "But when they shall lead you, and deliver you up, *take no thought beforehand what ye shall speak, neither do ye premeditate*: but whatsoever shall be given you in that hour, that speak ye: for it is not ye that speak, but the holy [spirit]."

13. (a) What misunderstanding as to Mark 13:11 do some have? (b) What is the true meaning of this scripture?

14. (a) When and how does one become ordained? (b) What public confession does the ordained minister make before witnesses, and why? (c) What is the meaning of ordination?

7

Jehovah in accordance with such contract, regardless of opposition.

15 The fact that one has not yet been baptized in water does not prevent him from engaging in the work of preaching the gospel or attending Bible-study meetings. One who engages in preaching the gospel of God's kingdom will be baptized. Such will be diligent to be baptized at the first opportunity after making his consecration. Submitting to immersion in water is an act of obedience, and is necessary and right for all who have agreed to do the will of God. — Matt. 3:14,15.

16 The primary ordination (authorization) of Jehovah's witnesses comes from Almighty God, Each of such witnesses relies on the identical Bible authority that Jesus Christ cited, After Jesus' baptism in the river Jordan and his forty-day study in the wilderness, he began his preaching activity, and in the synagogue at Nazareth, his home town, he quoted from Isaiah 61: 1, 2, as follows: "The spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord." — Luke 4:17-19.

17 Jehovah's witnesses have earthly evidence of their Scriptural ordination. They possess credentials of ordination issued by God's organization in the earth, the Society. That is the *identification card*. Jehovah's witnesses speak of their ordination as did His apostles in Jesus' day. (Mark 3:14) Paul said, "I am ordained a preacher, and an apostle." (1 Tim. 2:7) Ordination to preach does not depend upon the age of the individual, except that the individual must have reached the age of discretion. One must be able to understand, to know intelligently, and make an agreement to do the will of Almighty God. Timothy was quite young and not yet of "full age" or mature years when he was ordained to preach and teach. (See 1 Timothy 4: 11-13.)

15. Does lack of water baptism prevent one from beginning to preach the gospel?
16. From whom do Jehovah's witnesses receive ordination, and what is the Scriptural authority therefor?
17. (a) What earthly evidence of their ordination do Jehovah's witnesses have, and from whom is it received? (b) Is there a set age limit for those ordained, and if not, why?

8

He accompanied Paul and preached from house to house and publicly. The fact that a young child is not an ordained minister does not prevent him from accompanying his elders in preaching.

18 To be ordained does not require one to attend a seminary or parochial or divinity school. Jesus did not attend such a school. He was taught by his parents at home and afterward studied for forty days in the wilderness. Attending the *Watchtower* and other Bible-study meetings and home studies in the publications of the Society, with the Bible, is sufficient training to enable one to do the will of God as His minister, but it requires preparation.

19 Although Jehovah's witnesses do not attend such ecclesiastical schools set up by religious organizations, prior to their ordination to preach, they are ready to testify before any court or ruler that they have received a much higher training and schooling in the Word of God by attending Watchtower Bible schools or places of study, to qualify for their ordination. Jesus' apostles were "unlearned and ignorant men" without training in a parochial or ecclesiastical school of their day. They were well educated in the popular language of the day, the laws of the land, and especially in the Word of God. The words "unlearned and ignorant men" in reference to Peter and John at Acts 4:13 mean that they were not learned in the original Hebrew language of the Scriptures; but they were well versed in the Word of God itself. The Aramaic was the common language and the spoken language of the Jews in the apostles' day. They studied the Scriptures in that language and were familiar with the prophecies and teachings of Christ Jesus. Just so today, Jehovah's witnesses are very familiar with the word of Almighty God as it appears in the Bible, although insofar as Latin, Greek and Hebrew are concerned they, too, are generally 'ignorant and unlearned'; but in order properly to instruct persons of good-will there is no requirement to be versed in a dead tongue.

18. Is attendance at an ecclesiastical school necessary; and if not, where does the minister receive his training before ordination?

19. (a) What will Jehovah's witnesses testify as to their training and schooling in preparation for ordination? (b) As to higher learning, in what respect do Jehovah's witnesses of today compare with the apostles?

9

EQUIPMENT

20 One who is wholly consecrated to do the will of God will not hesitate to take advantage of every opportunity to preach the gospel of God's kingdom in the manner suggested by the

Society. Before starting on such service mission one should first fix his mind on the Lord and go forward with fear and trembling lest he displease the great Jehovah God, but without any semblance of fear of man, which brings one into a snare. One who is a witness of Jehovah cannot be a man-pleaser, but must serve God from the heart. As to *equipment*, Paul's exhortation to all true preachers, Jehovah's witnesses, is in point: "Finally, my brethren, be strong in the Lord, and in the power of his might. Put on the *whole armour of God*, that ye may be able to stand against the wiles of the devil. For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places." — Eph. 6:10-12; see also verses 13-17.

21 On each occasion when starting in any part of the witness work the servant of God will pray to Him to direct the service so that God's will shall be accomplished. As he continues in such work he will silently pray from time to time. "Praying always with all prayer and supplication in the spirit, and watching thereunto with all perseverance and supplication for all saints." (Eph. 6:18) Each servant will always be properly equipped to carry on each assigned duty in harmony with the Society's latest organization instructions, possessing his ordination credentials (neatly filled in and signed) as well as all other proper equipment. He will carefully follow all instructions in the Society's publications as to the proper and current manner of preaching the gospel. An obedient servant will never substitute his own methods above or different from that recommended by the Society. These suggestions on proper behavior of a Christian minister are given in order that proper work may not be done in an improper manner. Acting on one's own understanding often causes more harm than good. "Trust in JEHOVAH with all thy heart, and lean not upon thine own

20. Each day, before starting to preach, what should the faithful minister do?

21. (a) When and how should the minister pray? (b) What is the source of instruction for equipment to preach, and what will the faithful servant do in regard thereto?

10

understanding: in all thy ways acknowledge him, and he will direct thy paths. Be not wise in thine own eyes; fear JEHOVAH, and depart from evil." — Prov. 3: 5-7, Am. Rev. Ver.

22 Each ordained minister of Jehovah God will at all times and places behave himself in a manner befitting an ambassador. Love for the Lord, love for one's brethren, and love for God's kingdom, therefore, should induce each one to be clean in body, clean in apparel, clean in mind and clean in doctrine, so as to represent properly The Theocracy. He will transform from old world conduct to New World standards of behavior. Let all representatives of God's Government, therefore, conduct themselves in this respect as is becoming to "able ministers", ambassadors of Christ the King. Kindness, neatness and cleanness in conduct and appearance, with sincerity, are primary requisites of the Theocratic minister. The apostle says, "Now then we are ambassadors for Christ." (2 Cor. 5:20) Also, "Praying . . . that utterance may be given unto me, that I may open my mouth boldly, to make known the mystery of the gospel, for which I am an ambassador in bonds: that therein I may speak boldly, as I ought to speak." (Eph. 6:18-20) To be bold does not mean to be rude. An attitude of *courtesy to all*, police and religionists included, with fear of God and not of man, should be maintained at all times. "The fear of man bringeth a snare; but whoso putteth his trust in JEHOVAH shall be safe." — Prov. 29: 25, Am. Rev. Ver.

THEOCRATIC TACTFULNESS

23 In approaching the people of good-will the Kingdom publisher should not start off "on the wrong foot". He will use his knowledge of the Bible to comfort those that mourn. He avoids arguments with "goats". He should never be rude or abrupt to anyone. Rather, when before the enemy he is tactful. "I said, I will take heed to my ways, that I sin not with my tongue: I will keep my mouth with a bridle, while the wicked is before me." — Ps. 39:1; Jas. 3: 2-4.

24 Tactfulness is best understood by studying illustrations taken from God's Word, showing tact used by His ministers

22. (a) What is the minister's attitude toward cleanness and neatness, and why? (b) How does the apostle describe the minister's position?

23. How does the publisher avoid a wrong start?

24. What is tactfulness, and what does the tactful minister avoid?

11

in times past. An instance is the conduct of Jesus when before the spies sent to entrap him. (Luke 20:19-26) To those men he did not say much. One should be careful in what is said and how it is said. He will be 'wise as a serpent and harmless as a dove' and not "blurt out" everything he knows. Jesus said what was necessary and saved the rest for later, when before Pilate in court. He set an example for his faithful followers today. "A fool uttereth all his mind: but a wise man keepeth it in till afterwards." (Prov. 29:11) "Quick trigger" action, "smart aleck" remarks, being "sassy", going around with "a chip on one's shoulder" in dealing with officers, has caused much trouble and difficulty. Let such be avoided at all times. "A soft answer turneth away wrath: but grievous words stir up anger." — Prov. 15:1.

PRESENTING THE MESSAGE

25 In the presentation of the Kingdom message the publisher does well to advise the people that he is a *minister* of the gospel, preaching the message of God's kingdom by distributing the news in printed form, publicly and from house to house; that he is leaving with them Bible helps to encourage home Bible study. When presenting literature, the publisher should always make known to the inquisitive one or the police officer that he is not selling anything and is not a canvasser or peddler or solicitor; that he is a *minister*. State to one who desires literature that it is his privilege to contribute (or donate) a reasonable amount; that if one is unable to contribute the sum set by the Society, any sum he is able and willing to contribute toward the Kingdom work will be accepted, provided he promises to study the literature.

26 Each publisher should introduce the literature with the phonograph (if he has one), employing the doorstep method described in the Informant. Each one should present the identification-testimony card to persons at the door if the phonograph is not used.

27 When one being witnessed to advises plainly and definitely that he is not interested or asks

the publisher to leave the premises, or orders the publisher off the place, he should promptly and courteously leave. Do not remain or argue

25. On approaching the people what does the minister make known?
26. What means are used in preaching?
27. What is the minister's attitude toward the uninterested and opponents?

12

or make any sarcastic reply. Avoid persistence in dealing with goatlike individuals.

APARTMENT BUILDINGS

28 Persons living in apartment houses, boarding houses, company-owned towns, trailer courts, and similar places, have the same right as those in private homes to hear the Kingdom message. No owner, manager or custodian has authority to order the publisher to leave the premises, as long as the publisher is conducting himself in an orderly and proper manner while witnessing to tenants. In every instance all individual tenants have the privilege of accepting or rejecting the message of truth thus brought to *them*, but neither a tenant nor the manager, nor any other person, has authority to prevent the publisher from calling on the other tenants. (See paragraph 30 below.)

29 If the publisher is ordered to leave the premises, the publisher should kindly and calmly advise the objector that he is a minister of the gospel and is calling on the people of good-will residing in the building (or the camp or court). The publisher should courteously explain that the tenants have the constitutional right to hear the TRUTH and to entertain visitors, and that the purpose in calling on such tenants is to bring to them this life-giving message. It will be proper to agree to reduce the sound-volume of the phonograph so that it will not be too loud and disturb any. Often much tact will be required to avoid a controversy with a manager or other objector; but the publishers will be diligent to see that a minimum of their time is taken in controversy, so that the maximum of time can be devoted to publishing the gospel.

30 As to whether it is prudent to leave (so as to return later) or to remain on the premises, each publisher will decide for himself, using the spirit of a sound mind in the particular circumstances. It may be advisable to withdraw and then come back later. Unless there is likelihood of avoiding the difficulty by returning later, it may be advisable to continue. See the law defining right to work apartment houses, page 51, this booklet.

28. Are occupants of apartment houses entitled to receive uninvited ministers?
- 29,30. (a) Who determines when an order to leave apartment-house premises should be followed? (b) What is required in order to avoid controversy?

13

"OBEY GOD RATHER THAN MEN"

31 The Theocratic minister's purpose is to comfort those that mourn, not to cause arrests. When a course of action can be taken that will avoid an arrest, it is proper to take such step unless it means to discontinue preaching the gospel as commanded by Jehovah or otherwise violate the covenant to serve Him. When man commands the discontinuance of the preaching of the gospel in a community, the course of action taken by Jesus' faithful apostles serves as wise counsel. "Then Peter and the other apostles answered and said, We ought to obey God rather than men." (Acts 5: 29) This bold stand taken in harmony with God's law is the only course for Jehovah's witnesses, regardless of consequences. When a conflict arises, the Christian fears only God and places his entire case in the hands of the Wonderful Counsellor. — Isa. 9:6; John 4: 23, 24.

32 When trouble occurs, the first point the publisher should make known is that he is *an ordained minister* preaching the gospel in obedience to the commandments of Jehovah God. (Isa. 61: 6) Then explain how and why he is a minister and why he goes from house to house or upon the streets with the message concerning The Theocracy. "God hath not given us the spirit of fear; but of power, and of love, and of a sound mind." (2 Tim. 1:7) Exercising such spirit of a sound mind, and of *love* (1 John 5:3; 4:17,18), the Theocratic minister will have the Lord's assistance. At times the publisher might feel that he is justified in giving a sharp retort, making a slighting remark or a blunt statement; but such practice should be avoided in favor of a kind attitude of friendship. (Prov. 16: 32) In many instances a lack of tact causes unnecessary trouble and otherwise spoils a good defense.

33 When accosted by an officer and asked what he is doing, the publisher should immediately show his identification card, *briefly* explain that he is *an ordained minister* of Jehovah God preaching the gospel under direction of the Watchtower Bible and Tract Society and in harmony with God's commandments, which are supreme; that such commandments must be obeyed in preference to the commands

31. When ordered to stop preaching in a community, what is the Scriptural answer of the Christian minister?

32. When interrupted, what is to be emphasized, and what avoided?

33. What steps are proper when accosted by a police officer?

of man; and that he is not selling anything. To *sell* means to make a profit, for *private* gain. Preaching the gospel is a charitable and benevolent work, done unselfishly, *in the interest of others*. The officer should be advised by the publisher that the highest courts of the land have held that no law or ordinance can be applied to stop the exercise of the God-given and constitutionally secured right of Jehovah's witnesses to preach the gospel, and the acceptance by Jehovah's witnesses of a money contribution to further their benevolent work is the same *legally* as the accepting by the churches of free-will offerings in exchange for the clergyman's sermon from the pulpit. The publisher should advise the officer that he is not violating any constitutional local law. If thereafter the officer demands that the publisher cease the work or orders him to leave town, he should courteously say that such order cannot be complied with. If threatened with arrest, the officer should be informed by the publisher that he does not desire to be arrested, but that he cannot stop preaching, because to do that would result in his everlasting destruction at the hand of Almighty God. If the officer arrests him because of his refusal to discontinue his

lawful activity, such arrest will be in violation of the Constitution and of the law of Almighty God.

34 If the officer is honestly seeking information and suggests that the publisher accompany him to the police station to discuss the matter with his superiors, without putting the publisher under arrest, it is proper to comply with such request. At the station explain the work and give further testimony to the officials. If the publisher discerns, however, that the officer is not sincere, or that his request is aimed to entrap the publisher or to interfere with the work, then he should be kindly told that unless an arrest is made the publisher will not accompany him to the police station. Then, if arrested, ask with what offense the publisher is charged. The officer should not be resisted, nor any argument be made by the publisher, who should voluntarily go along when arrest is made. It is not necessary to tell about the activity of any other witness for Jehovah in the community. Do not aid the police to wrongly arrest your other brethren by giving information concerning them; speak for yourself only.

34. (a) Under what circumstances should the minister go with the police officer? (b) Concerning whom should information be given?

15

AT POLICE HEADQUARTERS

35 On arrival at police headquarters and when before the superior officer there, the publisher should again give a courteous explanation of his preaching activity, show his identification card, and explain the method of carrying on the Kingdom work, just as he did to the policeman who arrested him. Such may result in a discharge then. If any legal decisions are at hand, use them to show that the activity of Jehovah's witnesses has been approved by the courts. Invite the police official to have the city's attorney examine the copy of the legal decision, if you have such to leave with him. Request that the householder making the complaint be required to *sign* the charges. Refusal to sign may cause police to discharge the publisher.

36 If the publisher is booked and charged with an offense, immediately request (1) a copy of the complaint, and (2) a copy of the ordinance or law.

37 If the police do not have such copies, then find out who can provide copies, and obtain them. Usually the city clerk can provide copy of the ordinance. If such copies are refused, the publisher should ask permission to make copies himself. They need not be certified, but should be *accurate* and complete copies. When such have been obtained, immediately send them to the Society's Legal Desk, together with a complete report of the arrest. Do not neglect to do this as soon as possible after your release, and keep for your own file a copy of each paper. If not released, then make report from jail. Merely advising the Society about an 'arrest for selling books without a permit', or similar incomplete information, is entirely insufficient.

REPORT PROMPTLY

38 Prompt report is necessary, so that specific advice can be given by the Society when needed, to aid in the defense of the case. Give all facts: (1) what the publisher was doing when arrested, and everything that happened; (2) what action was taken by the police; (3) what action can be expected in the future; (4) name of the court where the trial

35. (a) What explanation should be made at police headquarters? (b) What request should be made as to signing the complaint?

38, 37. What two documents should be obtained, and what should be done with them?

38. What should the report to the Society contain, and when should it be made?

16

will be held and, if possible, name of court to which appeal can be taken in event of conviction; (5) any newspaper clippings on the arrest; and (6) any other pertinent information. The Society cannot give proper advice without a complete report. In case of an arrest of a company publisher the company servant or his assistant will supervise the report to the Society, see that it is timely made, and sign the same, with or for the publisher.

PROVIDING BOND

39 As soon as the publisher is booked at police headquarters he should ask to be released without bond or on his promise to return for trial. When so allowed to go he is said to be 'released on his own recognizance'. If that request is refused, he should communicate at once with some capable brother or person of good-will, by telephone or messenger, to obtain aid in securing bond. Any such person owning property will gladly sign an appearance bond for trial, as it is his privilege to aid thus in resisting encroachments of the enemy. When bond cannot be obtained locally after diligent effort, advise the Society by telegraph, giving clear report of charges made and amount of bond demanded. Cash bond should not be posted if other bonds are available, because usually the fine will be taken out of *cash* bond.

40 Persons who expect to sign a bond should come prepared to present their latest paid bill for taxes on and the deeds to their property, to show that they can qualify as bondsmen. The one arrested should carefully read the bond posted for his release and determine when he will be required to appear for trial. Be certain to appear at the time and place fixed for trial, to avoid forfeiture of the bond.

CONFISCATION OF PROPERTY

41 The police, for protection of the one placed in jail, keep all valuables and papers, to be returned on release from jail. Police have a right to take portions of the literature being distributed, to be used as evidence. It might be suggested to them that two copies of each publication be kept by them. Other personal belongings, such as magazine bag,

39. What should be done in regard to bond?

40. What should the bondsman have with him to qualify?

41. (a) Do police have the right to take property? (b) What do they have the right to keep, and what must be returned?

17

phonograph, and other things that are not directly related to the charges made, should be relinquished by the police when the publisher is released for trial. In event the police wrongly keep such, a vigorous protest should be lodged against such action of the police, promptly. Such instruments are needed by the publisher to carry on his preaching activity. Obtain a receipt for any property left with the police.

SUFFERING FOR RIGHTEOUSNESS' SAKE

42 When incarcerated, the true worshiper will not show the spirit of retaliation, but joyfully suffer as did Christ Jesus, for righteousness' sake. (Jas. 1: 2-4; 1 Pet. 3:14,15; Matt. 5:10-16) He will not indulge in berating other prisoners or the jailer, but will remain calm and diligently, thoughtfully use every opportunity to explain to everyone with whom he associates while within prison walls as to why he was arrested, and otherwise give a bold witness to Jehovah's name, "with meekness" and fearing only God. If possible, let the one arrested take literature with him into the jail. Thus the comforting printed message of the Kingdom can be given to others to whom the minister also is *sent* to preach. (Isa. 61:1; Acts 16:25-34) The faithful minister will not miss any opportunity to give a witness, and to do good. — Gal. 6: 9,10.

"UNTIL THE CITIES BE WASTED"

43 The work of Jehovah's faithful ministers is a continuous one. Threats of man do not move them to discontinue their preaching activity. (Acts 5:42) God's command to Isaiah (6:8-12) applies to Jehovah's witnesses continuously until His "strange work" is declared by Jehovah to be finished. (Consider Isaiah 28:5,6,21.) No faithful follower of the Lord Christ Jesus will agree to discontinue any part of the preaching activity pending the settlement of a case against him or any of his brethren in the courts. When released on bond the witnessing activity should continue as usual. Threats by officials to continue arrests will not deter the faithful minister in gathering and feeding "other sheep" of the King. If actual arrests are repeated many times so

42. What is the attitude of the Christian minister toward fellow prisoners?

43. Pending an appeal, what should the faithful Christian do concerning his preaching?

18

as to frustrate and make impossible the preaching work, let complete report go to the Society for consideration as to what course should be advised for that community as to more witness work.

DEFENSE IN LOWER COURTS

44 Ordinarily it is inadvisable for brethren to engage an attorney to represent them in the police, municipal, justice, magistrate, or corporation court, unless there is a local lawyer who is one of Jehovah's witnesses. Usually, if one represents himself he will be better enabled to give a witness and testimony to the court. By thoroughly studying and following suggestions contained herein and any special instructions from the Legal Desk, little if any difficulty will be experienced in making a good presentation to the court, and attorney fees can be avoided. When the case is put into an appellate court, then an attorney may be employed.

45 After obtaining release on bond or when making first appearance before the court the publisher should be sure to ask for and obtain a postponement (continuance or adjournment) of the case for three weeks. This is to allow for full preparation for trial and communication with the Society's Legal Desk. The publisher can explain to the judge that he must communicate with his headquarters to obtain counsel and to prepare complete defense, which will require that the trial be delayed for approximately three weeks. If postponement is refused, let the publisher proceed to prepare his own case for trial by following closely the suggestions outlined herein.

46 Before the case is tried the publisher should prepare to have with him at the trial his phonograph (if used at time of arrest) and all literature he was using, together with his identification card and any other material he used while preaching the gospel. Other brethren and people of goodwill should be advised as to time and place of trial, so that those desiring can attend. Brethren who own property and are willing to provide an appeal bond should attend the trial and bring with them their latest paid tax bills and deeds, so as to qualify to make bond for appeal if necessary.

44. When and under what circumstances should an attorney be employed?

45. When and why should a postponement be requested?

46. (a) What equipment should the publisher take with him to trial? (b) What arrangement should be made for bond on appeal?

19

47 In California, Georgia, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, the District of Columbia, and some other states, appeals from the police, magistrate, municipal and other lower courts are determined upon a review of the record made in the trial before such lower courts. At the trial in such states' courts it is necessary to have present a stenographer to take down all testimony given. If the case is in any of these states, determine whether an official court stenographer is available; and if not, arrange for a competent stenographer to attend the trial and take down all the testimony given. In most of the other states the trial of the case on appeal is *de novo* (entirely anew), as though there had been no trial. In such states it is not necessary to have a court stenographer present at the first trial; it is permissible, if desired, but not necessary.

PREPARATION FOR TRIAL

48 It is necessary that certain papers and documents be prepared in advance of trial. These are the *motions to dismiss*, hereinafter designated as the FIRST MOTION (page 22, this booklet) and

the SECOND MOTION (page 30; this booklet), together with a MEMORANDUM OF LAW in support of the defense, appearing at pages 32-57 of this booklet. If possible, these two motions should be neatly typed on good paper, double-spaced, using only one side of the sheets. If no typewriter is available, the papers may be handwritten or printed. Prepare an original and three copies. Let the original be filed with the court at the proper time; give one copy to the prosecuting attorney, and send one copy to the Society's Legal Desk with the report of the trial, keeping the remaining copy for the publisher's own file. No copy of the typewritten MEMORANDUM OF LAW need be sent to the Society.

49 Any special material or copies of court decisions which the Legal Desk provides should also be taken to court.

JURY TRIAL UNNECESSARY

50 In the ordinary case involving the right to preach the

47. When and under what circumstances should a court stenographer be employed?

48, 49. What papers for use at the trial should be prepared in advance?

50. Under what circumstances should a jury be requested?

20

gospel by distribution of literature it is not necessary to request that a jury be empaneled to hear the case. Such cases usually involve matters of law which are for determination by a judge, whether a jury is or is not requested. Unless the Society advises in any particular case to obtain a jury, brethren will proceed with their trials before the judge without a jury. In event a jury trial is advised the demand for the jury must be made to the judge before the case is called for trial.

PROPER CONDUCT ON THE STAND

51 The attitude of the faithful minister who is on trial for preaching the gospel should always be one of courtesy and respect to the presiding judge and to the prosecuting attorney. There is nothing wrong in this. One should be bold in giving testimony concerning God's kingdom, keeping in mind always that he is an ambassador for Christ and The Theocratic Government, and that the judge, prosecuting attorney and others connected with the court are merely human. "Thou therefore gird up thy loins, and arise, and speak unto them all that I command thee: be not dismayed at their faces, lest I confound thee before them." (Jer. 1:17) An attitude of sincere kindness should be maintained by the Theocratic minister throughout the trial, remembering that "ye shall be brought before rulers and kings for my sake, *for a testimony* against them". (Mark 13: 9) The primary purpose of being in court, therefore, is to give a witness and testimony to the honor of Jehovah's name, with the courtesy and boldness of an ambassador for Christ.

52 The appearance in court by the Christian minister he should regard as a friendly visit to some honest men to tell them about God's kingdom and the reasons and methods for carrying on his ministerial work in their community. He testifies not for *his own* sake, not to escape punishment, but to inform and help every willing listener present. He speaks calmly, clearly, so that *every one*

can hear, and without fear of man, which brings a snare. The witness will be given. Leave the punishment by the court or deliverance therefrom entirely in the hand of Jehovah God. "The angel of JEHOVAH encampeth round about them that fear him, and delivereth them." (Ps. 34:7, Am. Rev. Ver.; Acts

51-53. What is the attitude of the faithful Christian at the trial and on the witness stand, and why?

21

5:19-21; 12:5-17; 16:23-34) "Rest in Jehovah, and wait patiently for him: fret not thyself because of him who prospereth in his way, because of the man who bringeth wicked devices to pass. . . . For evil-doers shall be cut off; but those that wait for Jehovah, they shall inherit the earth." (Ps. 37: 7-9, Am. Rev. Ver., margin) "For the Lord JEHOVAH will help me; therefore have I not been confounded: therefore have I set my face like a flint, and I know that I shall not be put to shame." — Isa. 50: 7, Am. Rev. Ver.; see also Ezekiel 3: 8, 9.

53 If the living God does not deliver one from punishment, the Christian can confidently conclude that it is God's will to have the case go to a higher court for a further witness. — Dan. 3:16-18, 23-30; 6:10-28; Esther 9:1-4.

54 In some courts it is customary to require all to rise when the judge enters. This does not appear to be within the prohibition mentioned at Exodus 20:1-6. Here rising and standing at attention may be regarded merely as an act of recognition shown under rules of the court by everyone in the room at the moment the judge enters. Paul, when being heard before the visiting king, Agrippa, was interrupted by Festus. Paul tactfully said "most noble Festus". (Acts 26:1-3,7,13,19,24-26) This seems to indicate that it is not objectionable to use similar expressions of address, such as the, individual speaking may choose, namely, "Sir," "May it please the court," "Your honor," and similar ordinary and usual words of address to the judge presiding.

55 Likewise there is no objection to the Christian's taking the customary oath and being "sworn in" as a witness. It is nothing more than an agreement to tell the truth on matters that the court is entitled to know. Provision is made in the law for those with objections to an oath to affirm.

ORDER OF TRIAL

PROSECUTION'S EVIDENCE

56 At the trial, the proceedings begin with the judge, prosecuting attorney or other person reading the complaint, affidavit, or information filed against the defendant. If a plea of "not guilty" has not been entered at some day be-

54, 55. What court customs may be recognized and complied with?

56. (a) What plea should be made, and when? (b) What follows making of the plea?

fore the beginning of the trial, the defendant will be required to enter his plea of "not guilty" immediately after the reading of the complaint. Then the prosecution will offer testimony. The evidence introduced will usually be that the defendant was either going from house to house with a , phonograph and books or distributing literature upon the streets, in violation of some ordinance or law. The arresting officer will testify as to what the defendant was doing at the time of arrest. It may be that the householder who made the complaint resulting in arrest will appear as a witness for the prosecution. In order to sustain a conviction, the prosecution must establish that the ordinance in question applies and was violated.

57 The right to cross-examine, ask questions of each witness who takes the stand for the prosecution, is guaranteed the defendant. There are no hard and fast rules about cross examination. If any witness testifies to a glaring untruth, he might be asked a few pointed questions to establish the lying, if any, of the witness. Cross examination of the prosecuting witnesses will depend entirely on the circumstances, but as a rule it should be sparingly and cautiously used.

FIRST MOTION

58 When the last witness for the prosecution has finished, the defendant should stand up and advise the court as follows: "Your honor, I desire to present a motion to the court." Then present *the first motion*. It should be in the following form:

State of [fill in name of state]	
County of [fill in]	
[Fill in name of] Court	
[Fill in name of] Complainant	}
versus	
[Fill in your name] Defendant	
	} MOTION TO DISMISS

- 57. When and under what circumstances should witnesses be cross-examined?
- 58-60. When should the first motion be filed, and how should it be presented?

Now comes the defendant and moves to dismiss this case and for discharge upon the following grounds:

- (1) The complaint is invalid and does not state facts sufficient to constitute an offense under the law.

(2) The law in question is invalid and void on its face because it abridges the right of freedom of speech, press and worship of Almighty God, contrary to the First and Fourteenth Amendments to the United States Constitution, as well as the similar provisions in the Constitution of this State.

(3) The law in question, as construed and applied to the particular facts and circumstances shown in the evidence in this case, is invalid and void, because it abridges the right of freedom of speech, press and worship of Almighty God, contrary to the First and Fourteenth Amendments to the United States Constitution, as well as the similar provisions in the Constitution of this State.

(4) The prosecution has wholly failed to make out a case against the defendant and the evidence shows that the defendant is not guilty of the offense charged.

WHEREFORE the defendant prays that this court dismiss this case and that the defendant be discharged.

_____ Defendant.

59 This motion should be read orally to the judge, after which it should be filed with the court by handing the same to the judge and saying: "I ask that this motion be filed."

60 If the court denies the motion, the defendant will proceed to present his evidence.

DEFENDANT'S EVIDENCE

61 The Theocratic publisher should always take the witness stand and testify in his own behalf. This is necessary in order that a witness and testimony be given to the court, and that the defense of freedom to worship Almighty God as a minister be established. It should be definitely understood by any lawyer representing the publisher, if one is

61. Should the Christian refuse to take the witness stand, and if not, why?

24

employed, that the defendant will take the witness stand to testify in his own behalf in the event the case is not dismissed at close of the testimony by the prosecution.

62 When the publisher takes the stand, he should have in his hand a copy of the BIBLE, "the sword of the spirit." He should have on hand all the "equipment" he was using at time of arrest. It will enable one to give a prompt and proper witness to the honor of Jehovah's name.

DEFENDANT'S STATEMENT

63 After giving his name and address, the publisher can testify as follows:

64 "I am an ordained minister of Jehovah God, an authorized representative of the Watchtower Bible and Tract Society, a charitable corporation organized under the New York and Pennsylvania corporation laws, with headquarters in Brooklyn, New York. The sole purpose and business of such society, and my primary occupation, is to preach the gospel of God's kingdom by distributing literature containing printed sermons on Bible subjects relating to present-day world events. I am one of its ministers who carry on such work. The society makes and distributes to me, and also to other ordained ministers throughout the earth, books, pamphlets and literature. The society is used by Jehovah's witnesses to carry on their preaching work in an organized and orderly manner. The society directs my work and the work of other ordained ministers sent by it to preach throughout the earth.

65 "I am ordained or authorized as a minister primarily by Jehovah God according to the scriptures recorded at Isaiah 61:1,2 (Am. Rev. Ver.), which read:

'The spirit of the Lord Jehovah is upon me; because Jehovah hath anointed me to preach good tidings unto the meek; he hath sent me to bind up the broken-hearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound; to proclaim the year of Jehovah's favor, and the day of vengeance of our God; to comfort all that mourn.'

62. What equipment should the Christian have with him on the witness stand?

63, 64. (a) What is your occupation and whom do you represent? (b) Who directs your preaching work?

65. What Scriptural authority do you have for your ordination?

25

66 "I have publicly symbolized my consecration by water immersion, which is evidence of my ordination. The Watchtower Society issues to me and all its ministers a certificate of identification and ordination proving that it is the Scriptural duty of each to preach in the manner Christ Jesus and His apostles did. I offer the identification card in evidence.

67 "As the apostles were sent forth by the Lord Jesus Christ to preach the gospel, so I am sent forth. They went from house to house, and publicly upon the streets, preaching the gospel orally. I am doing so by going from house to house (or upon the streets) and presenting the gospel of the Kingdom in printed form and by the use of the phonograph and conducting Bible studies. I am called to follow in the footsteps of Jesus:

'For even hereunto were ye called: because Christ also suffered for us, leaving us an example, that ye should follow his steps.' — 1 Pet. 2: 21.

It is written in the Scriptures concerning Jesus:

'He went round about the villages, teaching.' — Mark 6:6.

'He went throughout every city and village, preaching and shewing the glad tidings of the kingdom of God: and the twelve were with him.' — Luke 8:1; Rev. 3: 20.

Then Jesus gave commandment as follows:

'And as ye go, preach, saying, The kingdom of heaven is at hand. And when ye come into an house, salute it. And if the house be worthy, let your peace come upon it: but if it be not worthy, let your peace return to you. And whosoever shall not receive you, nor hear your words, when ye depart out of that house or city, shake off the dust of your feet.' — Matt. 10: 7, 12-14.

'Go ye into all the world, and preach the gospel to every creature.' — Mark 16:15.

66. (a) When and where were you baptized, and why? (b) What other earthly evidence of your ordination do you have?

67, 68. (a) Why do you preach from house to house and on the public streets? (b) What Scriptural authority do you have for so preaching?

26

68 "Paul the apostle said:

'I ... have taught you publicly, and from house to house.' — Acts 20: 20.

The apostles were arrested for preaching the gospel, as I am, and they answered in harmony with God's Word, 'We ought to obey God rather than men.' — Acts 5: 29.

69 "Jehovah's witnesses get their name from Jehovah God, as given them through the Scriptures. 'Ye are my witnesses, saith Jehovah.' (Isa. 43:10-12, Am. Rev. Ver.; 44: 8) Jesus said: 'For this cause came I into the world, that I should bear witness unto the truth. Every one that is of the truth heareth my voice.' (John 18: 37) Jehovah's witnesses and all true Christians must do likewise and go from house to house and teach publicly as commanded at 1 Peter 2: 9, 21.

70 My desire and principal reason in carrying on this work is because I want to be

of service to humanity by bringing to them the Word of God by distributing literature, which is my way of worship and preaching the gospel. I have done this without any motive for selfish pecuniary return. When I went to a house, if anyone came to the door, I told the person that I was a minister of the Watchtower Bible and Tract Society and one of Jehovah's witnesses; that I desired to present a very important message concerning God's kingdom by means of a recorded phonograph talk. If the person permitted, I played the phonograph record. I would like to put this record on now and have it played to the court and offer it in evidence to show that I did not violate the law. [Do so, if allowed.]

71 "When I finished playing the record at the home, I presented literature for examination and offered it to the people. If a person desired to have the literature, opportunity was given to contribute toward the benevolent work done by me. Sometimes if the people did not have any money to contribute but expressed a desire to have the literature, it was left free of charge, upon promise that it be studied.

72 "I did not force myself upon the people, nor did I play the phonograph record at homes where the people objected,

69. What is the origin of the name "Jehovah's witnesses"?

70. What did you say to the people when presenting the message?

71. After you presented the phonograph or testimony card, what did you say?

72. Why do you use the testimony card, and why is it always placed in evidence?

27

or did not consent to listen. If the person called on did not want to hear the record but was interested, I always presented the *testimony card*, which took the place of the introduction by phonograph, and explained my work and the purpose of the visit. If the person was not interested I passed on quietly to the next house. I never provoked an argument or controversy with another because of his religious views. I offer the *testimony card* in evidence.

73 "The books and pamphlets are used by me as a substitute for oral sermons. When left they can be studied by the people in the quiet of their homes along with their Bible. Thus the time of the householder as well as my time is saved, and the one receiving the literature is enabled to study it carefully with the Bible.

74 "The books distributed by me show how the prophetic dramas recorded in the Bible are now being fulfilled and how they relate to current events and present-day conditions. The names of some plainly show that they relate to an analysis or discussion of such present events under the critical and searching light of the recorded Word of God. The literature shows that the present-day 'order' between the nations is foretold in the Bible, together with the result thereof. Present-day events are cited as circumstantial evidence of the establishment of God's kingdom, and the early setting-up of the "new earth", the only hope for mankind's

relief from the suffering that is sure to come with the devastating scourge of totalitarian aggression that is now overrunning the earth. The literature points out clearly that before that New World is completely established Jehovah, the Almighty God, will destroy Satan and his organization and present-day governments consisting of political, commercial and ecclesiastical elements that oppressively rule over the people in all nations. 'And in the days of these kings shall the God of heaven set up a kingdom, which shall never be destroyed: and the kingdom shall not be left to other people, but it shall break in pieces and consume all these kingdoms, and it shall stand for ever.' — Dan. 2: 44; Matt. 24:14.

75 "I now offer in evidence and present to the court the books and other literature that I was carrying, all of which show that they are devoted exclusively to an explanation

- 73. Why do you use literature to preach the gospel?
- 74. To what does the literature relate?
- 75. Do you offer in evidence the literature you were using?

28

of the Scriptures as written in the Bible and that my work is in no wise selfish or commercial.

76 "My work is entirely charitable, prompted by an unselfish desire to do the people good in obedience to the command of Almighty God. The literature is not sold, but is distributed on the terms of the one receiving it. The contributions received are used to print and distribute more like literature. No one makes any commercial profit. In fact, the contributions do not nearly cover the cost of publication. The cost of publication is borne chiefly by general voluntary contributions made by persons interested in getting the good news to the people. I engage in this work solely because I have given my life as a minister to God's service, and it is my duty to tell the people of God's gracious provision for man's protection and salvation and that His kingdom is the only hope for suffering humanity. My work is worshiping Almighty God in spirit and in truth as He commands and as the Constitution of this State and of the United States guarantees me the right to do.

77 "I believe and practice what I preach, and consider that my life must be devoted to this charitable work that I carry on. In Ezekiel 3:17-19 it is stated, 'Son of man, I have made thee a watchman unto the house of Israel: therefore hear the word at my mouth, and give them warning from me. When I say unto the wicked, Thou shalt surely die; and thou givest him not warning, nor speakest to warn the wicked from his wicked way, to save his life; the same wicked man shall die in his iniquity; but his blood will I require at thine hand.' If an ordinance requires me to ask for a permit to do this work, my defense is that no state or municipality has any authority to enact or enforce an ordinance that is contrary to the Constitution or what God commands in His law, and the enactment and attempt to enforce

such ordinance comes clearly within God's declaration at Psalm 94: 20 with reference to 'framing mischief by law'. I was carrying this literature explaining the Bible, and by this means obeying God's commandment to be His witness and to preach this gospel of the Kingdom; and this right of press or publication, as well as the right to worship, is

76. What is the nature of your work, and why do you do it?

77. (a) What Scriptural authority do you have for refusing to stop preaching? (b) Why do you not comply with the statute or ordinance?

29

guaranteed to me by the Constitution of this State and the Constitution of the United States." [*End of defendant's statement.*]

OTHER POINTS

78 If the defendant is a company publisher and has some secular work he can explain that his primary occupation is that of a minister and that he engages in secular work during the week to maintain his family and discharge his obligations and "provide things honest in the sight of all men" (Rom. 12:17; 1 Tim. 5:8) so as to avoid being a public charge upon the people of goodwill; that he does not make his living from the carrying on of such preaching. It can also be pointed out that the apostle Paul and other apostles at times engaged in secular work to maintain themselves. John 21: 2-7 shows Peter, Thomas, James and John engaged in fishing, and this *after* they had been called to be apostles. Paul worked with his hands so as to be self-supporting and not dependent upon others for sustenance. (Acts 18:3,4; 20:33,34; 1 Cor. 4:12; 2 Cor. 12:14; 1 Thess. 2: 9; 2 Thess. 3: 8-10) By religionists even Jesus was recognized not as a minister, but as a carpenter. (Mark 6:2,3) If a pioneer receives aid from sources other than contributions he can so state if asked.

RIGHT TO MAKE UP A RECORD

79 If, while giving a witness, the court insists that the publisher not preach, the answer can be firmly and boldly made that 'I am not preaching, but am making up the record in my defense. If this court denies me my right to make my defense, the court must bear the responsibility before Almighty God. Furthermore it is necessary to show the Scriptures to the court in order to prove my constitutional defense of freedom of worship, and that the law does not apply to me because I was arrested for acting as an ordained minister.'

CROSS EXAMINATION OF DEFENDANT

80 The publisher on trial is subject to cross examination and must answer all questions propounded to him by the

78. Does the secular occupation of the company publisher prevent his being regarded as a minister?
79. If accused of preaching on the witness stand, what should be your reply?
80. 81. Should the Christian minister refuse to answer questions asked by the court, and if not, why?

30

prosecuting attorney and permitted by the judge of the court. Do not hesitate to answer fully and quickly any question that will be an avenue for giving a witness of and concerning the Kingdom, or that will aid in showing the difference between religion and Christianity. An opportunity may be afforded during this cross examination to point out that Jehovah's witnesses are not subversive, are not against the government, are not against the flag, respect the flag and the things for which it stands, render unto Caesar the things that are Caesar's, but unto God the things that are God's, and *do not render unto Caesar those things which are exclusively God's*, are not carrying on a campaign of hate, do not oppose people because of their religious belief, believe in freedom of speech for their enemies, and are fighting for liberty throughout the whole world to uphold the fundamental freedoms of speech, press and worship and freedom from want and fear. They are not engaged in a commercial work, or political or religious propaganda work.

81 The Theocratic ambassador should not be reluctant to answer any question that might provide an opportunity to explain about the New World. — 1 Pet. 3:15; Mark 13: 9.

OFFER OF OTHERS AS WITNESSES

82 In event the occupation of the publisher as an ordained minister is questioned or challenged, bring other of Jehovah's witnesses to testify to the effect that he is looked upon and regarded as an ordained minister of the gospel. His congregation is the people of good-will whom he serves. That the work being carried on is not peddling, soliciting, canvassing, or any other commercial venture, but is exclusively that of preaching the gospel of God's kingdom.

SECOND MOTION

83 At conclusion of the defendant's testimony, the defendant should stand up and advise the court: "May it please the court, I have prepared another motion to dismiss which reads as follows:" [here read aloud the second motion], Such motion should be in the following form:

82. Under what circumstances should other witnesses be offered in your behalf?
83, 84. (a) When and how should the second motion be presented? (b) If accused under a license-tax ordinance, what ground should be added to the motion?

31

State of [fill in name of state]
County of [fill in]

[Fill in name of] Court

[Fill in name of] Complainant

versus

[Fill in your name] Defendant

}
**MOTION
TO DISMISS**

Now comes the defendant at the close of all the evidence and moves to dismiss the complaint and for a finding of "not guilty" upon the following grounds:

(1) The undisputed evidence shows that the defendant is not guilty as charged in the complaint.

(2) The defendant is an ordained minister, preaching the gospel of God's kingdom by distributing literature containing Bible sermons, and therefore the ordinance as properly construed does not apply to the activity of defendant.

(3) The undisputed evidence shows that the articles delivered by the defendant, to wit, the literature in question, was published by the Watchtower Bible and Tract Society in Brooklyn, New York, and shipped to defendant to be delivered by defendant to persons of good-will toward such Society, and to apply the ordinance in question directly burdens and abridges the defendant's rights under Article 1, Section 8, Clause 3, of the United States Constitution.

(4) If the ordinance is construed and applied to cover the defendant's activity, then it unlawfully abridges and denies defendant's right of freedom of conscience, freedom to worship ALMIGHTY GOD, freedom of speech and freedom of press, contrary to the United States Constitution, First and Fourteenth Amendments.

(5) If the ordinance is construed and applied to cover the defendant's activity, then it unlawfully abridges and denies defendant's right of freedom of conscience, freedom to worship ALMIGHTY GOD,

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freedom of speech and freedom of press, contrary to the Constitution of this State. WHEREFORE the defendant prays that this court enter a judgment discharging the defendant upon a finding of "not guilty".

_____ Defendant

[NOTE: If it is a license tax ordinance, add Ground (6), to wit:]

(6) The license tax fee provided in the ordinance is excessive, exorbitant and greatly burdens the activity of all persons who desire to engage in "press activity" and distribution of literature and simultaneously receiving money contributions to carry on charitable work.

84 If the judge will permit defendant to read *the second motion*, do so; if not, hand it to him and ask him to file it with the papers and consider it. When defendant finishes reading the motion, or hands it to the judge, he should state to the court: "I have a written *memorandum of law* which I desire to submit to the court in support of this motion before judgment is passed on this case."

MEMORANDUM OF LAW

85 While it is not necessary to make a legal argument in support of *the second motion* to dismiss, it will be helpful to prepare in advance of trial a written *Memorandum of Law* to be filed with the judge when *the second motion* is presented. Such *Memorandum of Law* can be read aloud to the judge; but if this is not permitted, then it can be delivered to him with request that he read and consider it before rendering judgment. The following is a guide for the publisher to use in preparing such memorandum in advance of trial. Every case is different. Therefore those portions of the following suggested *Memorandum of Law* will be omitted which do not apply to the particular case. Facts or circumstances of the case which are not stated in the following Memorandum can be added. When neatly typewriting

85. (a) When should the Memorandum of Law be prepared? (b) What parts of the Memorandum should be copied?

33

the *Memorandum of Law* it is not necessary to copy each subhead under POINT TWO (beginning at page 37), but select and copy only those propositions which relate either directly or indirectly to the case against defendant. When copying omit, of course, all the small paragraph numbers, which are printed in this booklet only to aid in study. In copying you can underscore the *italicized* words appearing in the *Memorandum of Law*.

[*Memorandum of Law*]

State of [fill in name of state]
County of [fill in]

[Fill in name of] Court

[Fill in name of] Complainant

versus

[Fill in your name] Defendant

MEMORANDUM IN SUPPORT
OF DEFENDANT'S
MOTION TO DISMISS

SUMMARY

86 The undisputed evidence shows that defendant at the time of arrest was acting pursuant to duties as an ordained minister of the gospel.

87 Contributions received by Jehovah's witnesses are identical with free-will offerings received by the clergyman when his contribution plate is passed. No reasonable person would contend that in church the hearer "bought" or "purchased" a sermon when thus contributing to the preacher; nor can it be contended that anyone "*bought*" the printed sermons distributed by defendant. The defendant did not "sell" as that term is understood in commercial transactions. A commercial business could not last long if operated on the principles or by the methods employed by Jehovah's witnesses. The reason that Jehovah's witnesses carry on as they do in

86,87. (a) Contributions received for the literature are comparable to what, and why is preaching not commercial? (b) In what way is the deficit in the cost of preaching taken care of?

34

spite of the loss to them financially is that their entire life is devoted to Jehovah God, and the declaration of His kingdom gospel. Each has pledged *his* all to see that the people receive God's Word concerning the complete establishment of God's kingdom in the near future. Each considers it a privilege to devote energy, time and money toward bringing the message to the people, even if it costs him his liberty or life; therefore, financial loss is a small thing compared with other hardships they gladly endure for the name of the Lord Jesus Christ. Jehovah's witnesses themselves keep the deficit suffered in their operations made up by voluntary contributions *themselves* and do not depend upon any on the *outside* to bear their burdens. Therefore their work, is entirely charitable and it cannot be honestly or fairly eon-tended to be commercial. The evidence does not support a conclusion here that the transactions are commercial or money-making.

88 The fact that some of Jehovah's witnesses are unable to work full-time as ministers but must spend part of their time to earn their living through secular trade or calling and not through the work of ministration does not prevent their being properly considered as ministers of the gospel,

duly ordained. If such requirements were insisted upon, the disciples of Christ Jesus were not qualified to be His ministers. All of them had some secular callings; none were graduates of theological seminaries. Paul was educated as a lawyer; other apostles were fishermen and "unlearned". Even Christ Jesus was a carpenter.

89 Secular avocations of some of Jehovah's witnesses do not negative their fitness to preach the gospel of the kingdom of God nor prevent their being considered worthy of legal recognition as ministers. In *re Cain*, 39 Ala. 440, 441, holds that "a minister of religion includes a minister belonging to a sect of religionists who perform ministerial labor gratuitously and rely on secular employment as a means of subsistence". Thousands of urban clergymen enjoy large incomes from their ministry, while many rural preachers of "recognized" religions must engage in farming and other occupations during the week so as to preach in the pulpit of the country church on Sunday.

88, 89. What does *In re Cain* say concerning a minister's doing other work?

35

⁹⁰ ARGUMENT

Point One

The law in question when properly construed does not include defendant's activity of preaching the gospel of God's kingdom by dissemination of Bible literature containing information and opinion.

91 Throughout the entire United States during the past several years this type of ordinance and similar laws have been wrongly applied to the activity of Jehovah's witnesses. Many convictions have been appealed to the higher courts and such courts of various states have held consistently that the duty falls upon such courts to construe those commercial laws so as to exclude the non-commercial preaching activity of Jehovah's witnesses. This the courts have done in spite of the fact that the evidence clearly showed that money contributions were received and that the complaining witnesses in many cases testified that they "bought" literature from Jehovah's witnesses involved and that Jehovah's witnesses were "selling" literature.

92 Most recent is the case of *People v. Barber*, decided by the New York Court of Appeals, reported in 289 N. Y. 378, 46 N. E. 2d 329. See also, *People v. Gage*, 38 N. Y. S. 2d 817; *Cincinnati v. Mosier*, 61 Ohio App. 81, 22 N. E. 2d 418; *Semansky v. Stark*, 196 La. 307, 199 S. 129; *Shreveport v. Teague*, 200 La. 679, 8 S. 2d 640; *State v. Meredith*, 197 S. C. 351, 15 S. E. 2d 678; *Thomas v. Atlanta*, 59 Ga. App. 520, 1 S. E. 2d 598; *State v. Richardson*, N. H....., 27 A. 2d 94; *State v. Mead*, 230 Iowa 1217, 300 N. W. 523; *State ex rel. Wilson v. Russell*, 146 Fla. 539, 1 S. 2d 569; *State ex rel. Hough v. Woodruff*, 147 Ma. 299, 2 S. 2d 577, all of which cases involved the preaching activity of Jehovah's witnesses. See also *People v. Finkelstein*, 170 Misc. 188, 9 N. Y. S. 2d 941.

93 Not every activity which involves a 'monetary incident' is commercial or merchandising. Dissemination of ideas is expensive, if appreciative hearing is secured. No missionary effort, whether religious or political, or the activity of Jehovah's witnesses, can be run without money. It is proper and

90-92. What have many courts held as to the application of commercial laws to the work of Jehovah's witnesses?

93. Is it necessary to have money to defray expense of preaching?

36

necessary to receive contributions to help defray the cost of such dissemination; for if literature were always required to be given away free of charge or a permit fee paid, the "four freedoms" would be only very short-lived.

94 To confuse the commercial business of selling fruit, vegetables, dry goods, etc., with the kind of activity carried on by defendant disregards major emphases which distinguish charitable activity from Woolworth's, the political party from "Wall Street". What Jehovah's witnesses do is the very antithesis of commercialism, retail "business", "retail sales," or peddling goods, wares or merchandise. There was no gainful activity directed toward private profit. As used for purposes of the challenged ordinance, "peddling" and "business" mean to have an "object of gain, or benefit for private advantage". These elements are absent here. The transactions were not for profit or livelihood either to defendant or the benevolent publishing corporation, the Watchtower Bible and Tract Society. The commodity, literature, was not commercial; the way of working was not commercial, and the purpose or objective was not commerce. No "business" could survive under such a plan on such basis as conducted by Jehovah's witnesses. In short, their activity is neither "sales" nor "business". Defendant's work was essentially the distribution of literature containing information and opinion on the terms of the receiver.

95 In the case of Shreveport v. Teague, 200 La. 679, 8 S. 2d 640, concerning one of Jehovah's witnesses, it is said: "It seems quite obvious to us from a mere reading of the above quoted section that the acts done by relator do not constitute a violation of the ordinance. Relator is neither a solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise. He is admittedly an ordained minister of a religious sect, who, instead of voicing his views from a pulpit, travels as an itinerant preacher from house to house. [¶] The fact that relator, as an incident to his preachings, attempts to sell literature which is conformable with his religious beliefs does not alter the nature of his profession or make him a solicitor, hawker or itinerant merchant. . . . [¶] To hold otherwise, we would be com-

94. How is preaching confused with commercial activity?

95, 96. How does Shreveport v. Teague describe the preaching of Jehovah's witnesses?

37

pelled to attribute to the City Council of Shreveport the intention of declaring that the visitation into homes (without previous invitations) by priests and ministers of all religious denominations,

accompanied by the sale of Biblical literature, constitutes a nuisance and a misdemeanor. This we will not do."

96 For the reasons stated above, the law upon which the prosecution is based does not apply. Therefore on the undisputed evidence and facts a finding of "not guilty" should be made and the complaint and prosecution ordered dismissed.

⁹⁷ Point Two

The law is unconstitutional as construed and applied to defendant's activity because it abridges and burdens defendant's exercise of the rights of freedom of speech, press and worship of ALMIGHTY GOD, guaranteed to the people by the First and Fourteenth Amendments to the United States Constitution and the similar provisions in the Constitution of this State.

A

Homes of the people are proper places to preach the gospel and the taking of money contributions does not make such preaching commercial.

98 Preaching from house to house by means of distribution of Bibles and Bible literature and simultaneously receiving money contributions has been approved by the United States Supreme Court many times as a proper method and subject to constitutional protection.

99 In *Schneider v. State*, 308 U. S. 147 (1939), Mr. Justice Roberts, speaking for the court, said: "As said in *Lovell v. City of Griffin*, supra [303 U.S. 444], pamphlets have proved most effective instruments in the dissemination of opinion. And perhaps the most effective way of bringing them to the notice of individuals is their distribution at the homes of the people."

100 In *Martin v. Struthers*, 319 U. S., 63 S. Ct. 862 (decided May 3, 1943), Murphy, J., concurring, said:

97, 98. Has the preaching of Jehovah's witnesses been approved by the United States Supreme Court?

99. What is the most effective way to preach?

100. Is house-to-house preaching a new method?

38

"Preaching from house to house is an age-old method . . . and it must be remembered that 'one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place'. *Schneider v. State*, supra, p. 163."

101 Mr. Justice Black, who delivered the opinion of the court in the same case (*Martin v. Struthers*), said: "For centuries it has been a common practice in this and other countries for persons not specifically invited to go from home to home and knock on doors or ring doorbells to communicate ideas to the occupants or to invite them to political, religious, or other kinds of public meetings. Whether such visiting shall be permitted has in general been deemed to depend upon the will of the individual master of each household, and not upon the determination of the

community. . . . [¶] While door to door distributors of literature may be either a nuisance or a blind for criminal activities, they may also be useful members of society engaged in the dissemination of ideas in accordance with the best tradition of free discussion. The widespread use of this method of communication by many groups espousing various causes attests its major importance. . . . Many of our most widely established religious organizations have used this method of disseminating their doctrines, and laboring groups have used it in recruiting their members. The federal government, in its current war bond selling campaign, encourages groups of citizens to distribute advertisements and circulars from house to house. Of course, as every person acquainted with political life knows, door to door campaigning is one of the most accepted techniques of seeking popular support, while the circulation of nominating papers would be greatly handicapped if they could not be taken to the citizens in their homes. Door to door distribution of circulars is essential to the poorly financed causes of little people. [¶] Freedom to distribute information to every citizen wherever he desires to receive it is so clearly vital to the preservation of a free society, putting aside reasonable police and health regulations of time and manner of distribution, it must be fully preserved."

101. (a) What is said to be a common practice in this and other countries? (b) Have other organizations employed this method?

39

102 In *Murdoch v. Pennsylvania*, 319 U. S....., 63 S. Ct. 870 (decided May 3, 1943), being eight cases of Jehovah's witnesses, Mr. Justice Douglas, speaking for the court, declared unconstitutional an ordinance of Jeannette, Pa., applied against Jehovah's witnesses. He said: "Petitioners spread their interpretations of the Bible and their religious beliefs largely through the hand distribution of literature by full or part time workers. They claim to follow the example of Paul, teaching 'publicly, and from house to house'. Acts 20: 20. They take literally the mandate of the Scriptures, 'Go ye into all the world, and preach the gospel to every creature.' Mark 16: 15. In doing so they believe that they are obeying a commandment of God. [¶] The hand distribution of religious tracts is an age-old form of missionary evangelism — as old as the history of printing presses. It has been a potent force in various religious movements down through the years. This form of evangelism is utilized today on a large scale by various religious sects whose colporteurs carry the Gospel to thousands upon thousands of homes and seek through personal visitations to win adherents to their faith. It is more than preaching; it is more than distribution of religious literature. It is a combination of both. Its purpose is as evangelical as the revival meeting. This form of religious activity occupies the same high estate under the First Amendment as do worship in the churches and preaching from the pulpits. It has the same claim to protection as the more orthodox and conventional exercises of religion. It also has the same claim as the others to the guarantees of freedom of speech and freedom of the press. [¶] . . . We only hold that spreading one's religious beliefs or preaching the Gospel through distribution of religious literature and through personal visitations is an age-old type of evangelism with as high a claim to constitutional protection as the more orthodox types. ... [¶] ... But the mere fact that the religious literature is 'sold' by itinerant preachers rather than 'donated' does not transform evangelism into a commercial enterprise. If it did, then the passing of the collection plate in church would make the church service a commercial project. ... It should be re-

102. (a) Is hand distribution of literature a form of evangelism, and in what way is it higher than pulpit preaching? (b) Does "sale" of Bible literature transform such preaching into a commercial enterprise, and if not, why?

40

membered that the pamphlets of Thomas Paine were not distributed free of charge. It is plain that a religious organization needs funds to remain a going concern. But an itinerant evangelist, however misguided or intolerant he may be, does not become a mere book agent by selling the Bible or religious tracts to help defray his expenses or to sustain him. Freedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way. As we have said, the problem of drawing the line between a purely commercial activity and a religious one will at times be difficult. On this record it plainly cannot be said that petitioners were engaged in a commercial rather than a religious venture. It is a distortion of the facts of record to describe their activities as the occupation of selling books and pamphlets."

103 B

Streets are proper places for preaching the gospel and receiving contributions.

104 In *Hague v. C.I.O.*, 307 U. S. 496, 515 (1939), Mr. Justice Roberts said: "Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens."

105 In *Schneider v. State*, 308 U. S. 147 (1939), Mr. Justice Roberts also said: "But, as we have said, the streets are natural and proper places for the dissemination of information and opinion; and one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place."

106 In *Jamison v. Texas*, 318 U. S., 63 S. Ct. 669 (decided March 8, 1943), Mr. Justice Black said: "... But one who is rightfully on a street which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion. This right extends to the communication of ideas by handbills and literature as well as by the spoken word."

103-106. What is said concerning the propriety of preaching by distributing literature on the streets?

41

107 C

Laws which provide for one to obtain a permit or license from officials of a city, county or state before preaching the gospel by means of distribution of Bibles and Bible literature have been uniformly declared unconstitutional by the United States Supreme Court.

108 In *Largent v. Texas*, 318 U. S....., 63 S. Ct. 667 (decided March 8, 1943), Mr. Justice Reed says: "This appeal brings here for review the conviction of appellant for violation of Ordinance No. 612 of the City of Paris, Texas, which makes it unlawful for any person to solicit orders or to sell books, wares or merchandise within the residence portion of Paris without first filing an application and obtaining a permit. The ordinance goes on to provide that

'if after investigation the Mayor deems it proper or advisable he may issue a written permit to said person for the purpose of soliciting, selling, canvassing or census taking within the residence portion of the city which permit shall state on its face that it has been issued after a thorough investigation.'

. . . [¶] Appellant's evidence shows that she carries a card of ordination from the Watch Tower Bible and Tract Society, an organization incorporated for the purpose of preaching the Gospel of God's Kingdom. The Society is an organization for Jehovah's witnesses, an evangelical group, founded upon and drawing inspiration from the tenets of Christianity. The Witnesses spread their teachings under the direction of the Society by distributing the books and pamphlets obtained from the Society by house to house visits. They believe that they have a covenant with Jehovah to enlighten the people as to the truths accepted by the Witnesses by putting into their hands, for study, various religious publications with titles such as *Children, Hope, Consolation, Kingdom News, Deliverance, Government and Enemies*, [¶] Mrs. Largent offered some of these books to those upon whom she called for a contribution of not to exceed 25 cents for a bound book and several magazines or tracts. If the contribution was not made, the appellant, in accordance with the custom of the Witnesses, would frequently

107,108. Is the law constitutional if it requires a permit or license to distribute literature?

42

leave a book and tracts without receiving any money. Appellant was making such distribution when arrested. She had not filed an application for or received a permit under the ordinance. . . . [¶] Upon the merits, this appeal is governed by recent decision of this Court involving ordinances which leave the granting or withholding of permits for the distribution of religious publications in the discretion of municipal officers. It is unnecessary to determine whether the distributions of the publications in question are sales or contributions. The mayor issues a permit only if after thorough investigation he 'deems it proper or advisable'. Dissemination of ideas depends upon the approval of the distributor by the official. This is administrative censorship in an extreme form. It abridges the freedom of religion, of the press and of speech guaranteed by the Fourteenth Amendment."

109 The Supreme Court of the United States, in an earlier case, *Lovell v. Griffin*, 303 U. S. 444 (1938), declared unconstitutional a similar ordinance of the city of Griffin, Georgia. There Chief Justice Hughes said: "... The ordinance prohibits the distribution of literature of any kind at any time, at any place, and in any manner without a permit from the City Manager. [¶] We think that the ordinance is invalid on its face. Whatever the motive which induced its adoption, its character is such that it strikes at the very foundation of the freedom of the press by subjecting it to license and censorship. . . . Legislation of the type of the ordinance in question would restore the system of license and censorship in its baldest form. [¶] The liberty of the press is not

confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets. These indeed have been historic weapons in the defense of liberty, as the pamphlets of Thomas Paine and others in our own history abundantly attest. The press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion."

110 In *Schneider v. State*, 308 U. S. 147 (1939), in declaring unconstitutional a similar ordinance of the town of Irvington, New Jersey, Mr. Justice Roberts said: "...

109. Is liberty of the press confined to newspapers, and if not, what does it include?

110. What is the effect of censorship by license upon distribution of literature?

43

On this method of communication the ordinance imposes censorship, abuse of which engendered the struggle in England which eventuated in the establishment of the doctrine of the freedom of the press embodied in our Constitution. To require a censorship through license which makes impossible the free and unhampered distribution of pamphlets strikes at the very heart of the constitutional guarantees. [¶] Conceding that fraudulent appeals may be made in the name of charity and religion, we held a municipality cannot, for this reason, require all who wish to disseminate ideas to present them first to police authorities for their consideration and approval, with a discretion in the police to say some ideas may, while others may not, be carried to the homes of citizens; some persons may, while others may not, disseminate information from house to house. Frauds may be denounced as offenses and punished by law. Trespasses may similarly be forbidden. If it is said that these means are less efficient and convenient than bestowal of power on police authorities to decide what information may be disseminated from house to house, and who may impart the information, the answer is that considerations of this sort do not empower a municipality to abridge freedom of speech and press."

111 In *Cantwell v. Connecticut*, 310 U.S. 296 (1940), it was declared by the United States Supreme Court that a law requiring a permit from the welfare secretary as a condition precedent to solicitation of funds for a charitable and religious organization was unconstitutional. In that case, Mr. Justice Roberts, speaking for the court, said: "... The appellants are right in their insistence that the Act in question is not such a regulation. If a certificate is procured, solicitation is permitted without restraint, but, in the absence of a certificate, solicitation is altogether prohibited. [¶] The appellants urge that to require them to obtain a certificate as a condition of soliciting support for their views amounts to a prior restraint on the exercise of their religion within the meaning of the Constitution. . . . [¶] . . . But to condition the solicitation of aid for the perpetuation of religious views or systems upon a license, the grant of which rests in the exercise of a determination

111, 112. As a condition to soliciting funds for a charitable and religious organization, can one be required to obtain a certificate, license or permit, and if not, what courts have so held?

44

by state authority as to what is a religious cause, is to lay a forbidden burden upon the exercise of liberty protected by the Constitution."

112 Similar holdings have been made in other cases involving Jehovah's witnesses: *Emch v. Guymon*, Okla. Cr....., 127 P. 2d 855; *Blue Island v. Kozul*, 379 Ill. 511, 41 N.E. 2d 515; *South Holland v. Stein*, 373 Ill. 472, 26 N. E. 2d 868; *Tucker v. Randall*, 18 N. J. Misc. 675, 15 A. 2d 324; *State ex rel. Wilson v. Russell*, 146 Fla. 539, 1.S. 2d 569; *State ex rel. Hough v. Woodruff*, 147 Fla. 299, 2 S. 2d 577; *Borchert v. Ranger*, 42 F. Supp. 577. Therefore it is well settled that laws requiring the obtaining of a permit or license are unconstitutional, void, and cannot support a conviction when applied to the activity of Jehovah's witnesses in preaching the gospel, as attempted in this case.

113 D

Laws prohibiting absolutely and at all times the distribution of Bibles and Bible literature are unconstitutional and void.

114 This was definitely settled in *Jamison v. Texas*, 318 U. S....., 63 S. Ct. 669 (1943), where it is said: "But one who is rightfully on a street which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion. This right extends to the communication of ideas by handbills and literature as well as by the spoken word. *Hague v. C. I. O.*, supra; *Schneider v. Irvington*, 308 U. S. 147,162. Here, the ordinance as construed and applied prohibits the dissemination of information by handbills. As such, it cannot be sustained. [¶] . . . The right to distribute handbills concerning religious subjects on the streets may not be prohibited at all times, at all places, and under all circumstances. This has been beyond controversy since the decision in *Lovell v. Griffin*, 303 U. S. 444. The city contends, however, that in the instant case the prohibition is permissible because the handbills, although they were distributed for the unquestioned purpose of furthering religious activity, contained an invitation to contribute to the support of that activity by purchasing books related to the work of the

113,114. Are laws valid that absolutely prohibit distribution of Bible literature; if not, why?

45

group. The mere presence of an advertisement of a religious work on a handbill of the sort distributed here may not subject the distribution of the handbill to prohibition."

115 An ordinance which prohibits distribution of literature within a certain section of a city, such as the congested business district, has been declared unconstitutional. *Ex parte Walrod*, 73 Okla. Cr. 299, 120 P. 2d 783; *Ex parte Winnett*, 73 Okla. Cr. 332, 121 P. 2d 312. Laws absolutely prohibiting distribution of literature when applied to the activity of Jehovah's witnesses are unconstitutional and void and of no force and effect. *Commonwealth of Massachusetts v. Anderson*, 308 Mass. 370, 32 N. E. 2d 684.

116 E

Laws requiring the payment of a license fee or tax by peddlers, hawkers and vendors are unconstitutional when applied to the activity of Jehovah's witnesses.

117 In the notorious decision of June 8, 1942, in *Jones v. Opelika*, 316 U. S. 584, the United States Supreme Court declared that license-tax and fee laws for peddlers were not unconstitutional when applied to the activity of Jehovah's witnesses. Chief Justice Stone and Justices Black, Douglas and Murphy dissented. Motion for rehearing was filed and granted, and, upon reargument, that *Jones v. Opelika* decision of June 8, 1942, was vacated and the license-tax laws involved therein were declared to be unconstitutional (as reported at 319 U. S....., 63 S. Ct. 890, decided May 3, 1943), the court in a per curiam opinion stating: "For the reasons stated in the opinion of the Court in Nos. 480-487, decided this day, and in the dissenting opinions filed in the present cases after the argument last term, the Court is of opinion that the judgment in each case should be reversed. The judgments of this Court heretofore entered in these cases are therefore vacated, and the judgments of the state courts are reversed." 118 In *Murdock v. Pennsylvania* (Nos. 480-487, mentioned

115. Are laws valid prohibiting distribution of literature within certain sections of a city?
116,117. What notorious license-tax decision was reversed, and when and by what court?
118. If allowed, what would be the effect of the power to tax distribution of literature?

46

in immediately preceding paragraph), 319 U. S....., 63 S. Ct. 870, the Supreme Court of the United States declared unconstitutional the peddler's law of Jeannette, Pa., which had been wrongly applied to the activity of Jehovah's witnesses. In that case Mr. Justice Douglas, who delivered the opinion of the court, said: "... The tax imposed by the City of Jeannette is a flat license tax, the payment of which is a condition of the exercise of these constitutional privileges. The power to tax the exercise of a privilege is the power to control or suppress its enjoyment. *Magnano Co. v. Hamilton*, 292 U. S. 40, 44-45, and cases cited. Those who can tax the exercise of this religious practice can make its exercise so costly as to deprive it of the resources necessary for its maintenance. Those who can tax the privilege of engaging in this form of missionary evangelism can close its doors to all those who do not have a full purse. Spreading religious beliefs in this ancient and honorable manner would thus be denied the needy. Those who can deprive religious groups of their colporteurs can take from them a part of the vital power of the press which has survived from the Reformation. . . . [¶] The judgment in *Jones v. Opelika* has. this day been vacated. Freed from that controlling precedent, we can restore to their high, constitutional position the liberties of itinerant evangelists who disseminate their religious beliefs and the tenets of their faith through distribution of literature. The judgments are reversed and the causes are remanded to the Pennsylvania Superior Court for proceedings not inconsistent with this opinion."

119 The highest courts of several states have declared the peddler's license-tax laws as unconstitutional and void when applied to the activity of Jehovah's witnesses. *State v. Greaves*, 112 Vt. 222, 22 A. 2d 497; *Blue Island v. Kozul*, 379 Ill. 511, 41 N. E. 2d 515; *Commonwealth v. Reid*, 144 Pa. S. C. 569, 20 A. 2d 841; *McConkey v. Fredericksburg*, 179 Va. 556, 19 S. E. 2d 682; *Ex parte Stevenson*,.....Tex. Cr. R....., 169 S. W. 2d 175 (March 1943). See also *Reid*, v.

Brookville, 39 F. Supp. 30. It is now definitely settled that license-tax or fee laws cannot be constitutionally applied to the preaching activity of Jehovah's witnesses.

119. What courts other than the Supreme Court have held the license-tax law invalid?

47

120 F

Laws prohibiting calling at the homes of the people without previous invitation or ringing doorbells for the purpose of distributing literature are unconstitutional.

121 In *Martin v. Struthers*, 319 U. S....., 63 S. Ct. 862 (decided May 3, 1943), the United States Supreme Court declared unconstitutional the following ordinance, and said: "It is unlawful for any person distributing handbills, circulars or other advertisements to ring the door bell, sound the door knocker, or otherwise summon the inmate or inmates of any residence to the door for the purpose of receiving such handbills, circulars or other advertisements they or any person with them may be distributing.' [¶] . . . We know of no state which, as does the Struthers ordinance in effect, makes a person a criminal trespasser if he enters the property of another for an innocent purpose without an explicit command from the owners to stay away. . . . This or any similar regulation leaves the decision as to whether distributors of literature may lawfully call at a home where it belongs — with the homeowner himself. . . . [¶] The Struthers ordinance does not safeguard these constitutional rights. For this reason, and wholly aside from any other possible defects, on which we do not pass but which are suggested in other opinions filed in this case, we conclude that the ordinance is invalid because in conflict With the freedom of speech and press."

122 In *Donley v. Colorado Springs*, 40 F. Supp. 15 (1941), an ordinance that made it unlawful to enter upon the premises of another without previous invitation of the householder, when applied to the apostolic house-to-house preaching of Jehovah's witnesses, was declared unconstitutional and void. In that case the court relied upon the decision in *Zimmermann v. London*, 38 F. Supp. 582 (1941), which declared unconstitutional an ordinance that made it unlawful to go upon the premises of another uninvited for the purpose of vending and distributing merchandise. In the Colorado Springs case the court said: "Therefore the question was squarely presented, as here, of the validity of an ar-

120,121. Is it for a municipality to determine whether an uninvited person can enter the premises of another; and if not, what part does the homeowner have in deciding the matter?

122,123. Are laws prohibiting entry of property without prior invitation valid, and if not, why?

48

rest for distributing printed material on private property without the invitation of the owner or occupant, and the court was required to determine whether or not a restriction of that character violated the Federal Constitution, [¶] The court [in the *Zimmermann v. London* case], in a memorandum opinion filed April 25,1941, held the ordinance imposed what amounted to a virtual prohibition upon such distribution and interfered with the 'free and unhampered

distribution of pamphlets', which the Supreme Court in *Lovell v. City of Griffin* (supra), and *Schneider v. The State* (supra), held was a violation of freedom of speech and freedom of the press, protected by the First Amendment from infringement by the Congress, and by the Fourteenth Amendment from infringement by state action. . . . [¶] We therefore conclude the plaintiffs are entitled to relief on two grounds. First, that the plaintiff, a minister of the Gospel, is not within the definition of the ordinance. And, secondly, that as applied to him and his calling and the acts complained of, its enforcement deprives him of rights and privileges secured by the Constitution of the United States."

123 The sort of law declaring it a crime to enter upon the premises of another without prior invitation has repeatedly been declared unconstitutional, in scores of other cases, some of which are: *Mount Sterling v. Donaldson Baking Co.*, 287 Ky. 781, 155 S. W. 2d 237 (1941); *Columbia (S. C.) v. Alexander*, 119 S. E. 241 (1923); *Real Silk Hosiery Mills v. City of Richmond* (Calif.), 298 F. 126 (1924); *Ex parte Maynard*, 275 S. W. 1071 (1925); *City of Orangeburg v. Farmer*, 181 S. C. 143, 186 S. E. 783 (1936); *Jewel Tea Co. v. Town of Bel Air*, 172 Md. 536, 192 A. 417 (1937); *Prior v. White*, 132 Fla. 1, 180 S. 347 (1938); *White v. Town of Culpeper*, 172 Va. 630, 1 S. E. 2d 269 (1939); *N. J. Good Humor Inc. v. B'd of Comm'rs*, 11 A. 2d 113 (1940); *McAlester (Okla.) v. Grand Union Tea Co.*, 98 P. 2d 924 (1940); *De Berry v. La Grange*, 62 Ga. App. 74, 8 S. E. 2d 147 (1940); *Jewel Tea Co. v. Geneva* (Nebr.), 291 N. W. 664 (1940); *Hague v. C.I.O.*, 101 F. 2d 774, 307 U. S. 496 (1939); *Shreveport v. Teague*, 200 La. 679, 8 S. 2d 640 (1942); *Ex parte Faulkner*, 143 Tex. Cr. E. 272, 158 S. W. 2d 525 (1942). It is therefore uniformly established that the "Green River" ordinance and laws prohibiting one from entering the premises without invitation and the ringing

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of doorbells to arouse the householder are unconstitutional and void.

124 G

So-called "blue laws" prohibiting work on Sunday are not applicable to distribution of literature from house to house by Jehovah's witnesses on Sunday.

125 In *State v. Mead*, 230 Iowa 1217, 300 N. W. 523 (1941), Jehovah's witnesses were charged with desecrating the sabbath by knocking on doors and ringing doorbells while preaching the gospel from house to house at Clinton, Iowa. Setting aside the convictions and holding the statute inapplicable, the court said: "It is contended by the state that the calling upon householders after 10 a.m. on Sunday for the purpose of propagandizing appellants' religious views by spoken and printed words constituted 'disturbing a private family.' . . . [¶] The state also contends the distribution of the booklets and occasional receipt of the sum of ten cents constituted 'selling property' within the prohibition of the act. However, appellants were not engaged in selling booklets. The alleged sales were merely incidental and collateral to appellants' main object which was to preach and publicize the doctrines of their order. . . . We do not think the statute contemplates that the distribution of booklets of this nature and under these particular circumstances constitutes desecrating the Sabbath."

126 See also Opinion of Attorney General of State of New York, 45 N. Y. State Dept. Reports 286; *People v. Finn*, 57 Misc. 569, 110 N. Y. 8. 22; *Idaho v. Morris*, 28 Idaho 599, 155 P. 296 (1916); *Commonwealth v. Nesbit*, 34 Pa. St. Rep. 398; *Cronan v. Boston*, 136 Mass. 384; *State v. Needham*, 134 Kan. 155, 4 P. 2d 464; *Dale v. Knepp*, 98 Pa. St. Rep. 389, 392; *Bryan v. Watson*, 127 Ind. 42, 62 N. E. 666; *Ft. Mad. 1st M. E. Church v. Donnell*, 110 Iowa 5, 81 N. W. 171; *Allen v. Duffie*, 4 N. W. 427; *In re Hull*, 18 Idaho 175; *Bennett v. Brooks*, 91 Mass. 118; 60 Corpus Juris 1056.

127 *Press activity* such as distributing booklets does not come within prohibition of such "Sunday" laws even though not done as an act of worship, such as by newspapers. See

124-127. Why does not activity of Jehovah's witnesses constitute violation of Sunday laws?

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Pulitzer Pub'g Co. v. McNichols, 181 S. W. 1. However, the distribution of literature by Jehovah's witnesses is *their way* or means of worship or service of Almighty God by preaching or declaring His message concerning The Theocracy.

128 **H**

Child labor laws cannot apply to Jehovah's witnesses and their children because the children assist in preaching the gospel of God's kingdom through distribution of literature.

129 The New Hampshire Supreme Court, in *State v. Richardson*, 27 A. 2d 94 (1942), concerning one of Jehovah's witnesses preaching the gospel and who was assisted by a small child in the distribution of Bible literature, held inapplicable the following statute: "Whoever employs any child, and whoever permits or suffers any child under his control as parent, guardian or otherwise, to be employed or to work in violation of any of the foregoing provisions" of the State labor laws, shall be guilty of a criminal offense. There the court said: "It is thought that the activity in which the boy under the defendant's leadership was engaged is not within the tenor and spirit of the prohibition of sales in public places. His service was not fairly to be classified as a business enterprise or as work, in the ordinary sense of words. To use a common expression, he was not exploited to help as a source of family income and material resources or to promote the defendant's financial welfare. Any exploitation of the boy was for other than pecuniary ends. He was performing a service under his mother's auspices, and the few cents he received were no impaction on the controlling religious character of his service, so as thereby to transform it into one of employment or work. The money-making feature of his service is too insignificant to receive notice as a factor modifying a strictly religious engagement into one with business attributes."

128,129. Does distribution of literature by a child with his parents or guardian constitute violation of the child labor laws, and if not, why?

130 I

Trespass laws cannot be applied to prevent Jehovah's witnesses' calling upon tenants in an apartment house contrary to the wishes of the superintendent or owner, as long as the tenant does not advise the minister to stay away.

131 In *Commonwealth v. Richardson*, Mass....., 48 N. E. 2d 678 (decided April 26, 1943), there was a conviction of Jehovah's witnesses who refused to leave an apartment building when directed to do so by the superintendent. Defendants continued to call from apartment to apartment and were arrested by the officer on complaint of the superintendent. In the Massachusetts Supreme Judicial Court the conviction was set aside and the court declared the rights of the ministers, saying, "Whether the defendants entered the common passageways of the building in question in violation of the statute depends upon the extent of the control of the landlord thereof, and that of the respective tenants. It is settled that, when a landlord lets property to be occupied by several tenants, although he retains for certain purposes control of the common doorways, passageways, stairways and the like, he grants to his tenants a right of way in the nature of an easement, appurtenant to the premises let, through those places that afford access thereto. *Hart v. Cole*, 156 Mass. 475, 476. *Tremont Theatre Amusement Co. v. Bruno*, 225 Mass. 461, 463. *Melville Shoe Corp. v. Kozminsky*, 268 Mass. 172,180. This is necessarily so since . 'the grant of any thing carries an implication, that the grantee shall have all that is necessary to the enjoyment of the grant, so far as the grantor has power to give it'. *Salisbury v. Andrews*, 19 Pick. 250, 255. It is also settled that this easement extends to the members of the tenant's family and to all his guests and invitees. *Bacon v. Jaques*, 312 Mass. 371, 373, and cases cited, [¶] . . . we are of opinion that upon the evidence no other finding properly could be made than that, in gaining admission to the inner corridors or halls where the apartments in question were located, the defendants were at least licensees of the respective tenants who afforded them the opportunity to enter and state their mission. In *Lakin v. Ames*, 10 Cush, 198, 220, the court said:

130, 131. Does the landlord have the right to prevent a minister from calling upon tenants of an apartment house, and what did the Massachusetts Supreme Court have to say about this practice?

'there are cases . . . where the law will imply a license, in the absence of any proof of direct authority, from the necessities of individuals and the usages of the community. Thus it has been held that the entry upon another's close, or into his house, at usual and reasonable hours, and in a customary manner, for any of the common purposes of life, cannot be regarded as a trespass.' 'A license may be implied from the habits of the country.' *McKee v. Gratz*, 260 U. S. 127,136. See also *Plummer v. Dill*, 156 Mass. 426, 428; *Hart v. Cole*, 156 Mass. 475, 479; *Riley v. Harris*, 177 Mass. 163,164; *Norris v. Hugh Nawn Constructing Co.*, 206 Mass. 58; *Larmore v. Crown Point Iron Co.*, 101 N. Y. 301."

132 J

The fact that contents of literature attack doctrines of the "recognized" religions as false and contrary to the Word of God is not ground for prohibiting its distribution.

133 Christ Jesus and His apostles attacked the "recognized" religion of their day as being false. Throughout history there have been dissenters who have protested against the false doctrines of the Roman Catholic Hierarchy and other religions. Since the adoption of the United States Constitution every person within the United States has the right to state publicly his disagreements and attacks upon the doctrines of religious and political programs which he believes to be false.

134 In *Cantwell v. Connecticut*, 310 U. S. 296 (1940), the United States Supreme Court held that one of Jehovah's witnesses could not be convicted for playing a phonograph record which "embodies a general attack upon all organized religious systems as instruments of Satan and injurious to man" and "singles out the Roman Catholic Church for strictures couched in terms which naturally would offend not only persons of that persuasion, but all others who respect the honestly held religious faith of their fellows". The court, through Mr. Justice Roberts, said: "In the realm of religious faith, and in that of political belief, sharp differences arise. In both fields the tenets of one man may seem the rankest error to his neighbor. To persuade others to his

132,133. Does a person have the right publicly to criticize religious beliefs of others?
134. Is it unlawful to play a phonograph record attacking the Roman Catholic Hierarchy, and if not, why?

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own point of view, the pleader, as we know, at times, resorts to exaggeration, to vilification of men who have been, or are, prominent in church or state, and even to false statement."

135 In *Murdoch v. Pennsylvania*, 319 U. S....., 63 S. Ct. 870 (decided May 3,1943), Mr. Justice Douglas said: "Considerable emphasis is placed on the kind of literature which petitioners were distributing — its provocative, abusive, and ill-mannered character and the assault which it makes on our established churches and the cherished faiths of many of us. ... But those considerations are no justification for the license tax which the ordinance imposes. Plainly a community may not suppress, or the state tax, the dissemination of views because they are unpopular, annoying or distasteful. If that device were ever sanctioned, there would have been forged a ready instrument for the suppression of the faith which any minority cherishes but which does not happen to be in favor. That would be a complete repudiation of the philosophy of the Bill of Rights."

136 In *Martin v. Struthers*, 319 U. S....., 63 S. Ct. 862 (decided May 3, 1943), Mr. Justice Murphy, concurring, said: "If a religious belief has substance, it can survive criticism, heated and abusive though it may be, with the aid of truth and reason alone. By the same method those who follow false prophets are exposed. Repression has no place in this country. It is our proud achievement to have demonstrated that unity and strength are best accomplished, not by enforced orthodoxy of views, but by diversity of opinion through the fullest possible measure of freedom of conscience and thought." See, also, in this connection, *Gaffney (S. C.) v. Putnam*, 197 S. C. 237, 15 S. E. 2d 130 (1941); *People v. Kieran*, 26 N. Y. S. 2d 291 (1940).

The activity of and teachings advocated by Jehovah's witnesses are neither seditious nor subversive.

138 The Supreme Court of the United States, in opinion delivered June 14, 1943, in *Taylor v. State*, 319 U. S.....,

135,136. Why may not dissemination of unpopular views be suppressed?

137-139. What has the Supreme Court of the United States declared as to literature of Jehovah's witnesses being not subversive?

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63 S. Ct. 1200, held that the distribution of literature and the speaking of words that explain the reason why Jehovah's witnesses do not participate in worldly controversy and wars between nations, and explaining why they cannot salute the flag of the United States, cannot be made the basis of a conviction under the sedition statute of Mississippi, which prohibits the distribution of literature which tends to create disloyalty and causes an attitude of stubborn refusal to salute the flag. In that case the court said: "... If the state cannot constrain one to violate his conscientious religious conviction by saluting the national emblem, then certainly it cannot punish him for imparting his views on the subject to his fellows and exhorting them to accept those views. [¶] Inasmuch as Betty Benoit was charged only with disseminating literature reasonably tending to create an attitude of stubborn refusal to salute, honor, or respect the national and state flag and government, her conviction denies her the liberty guaranteed by the Fourteenth Amendment. Her conviction and the convictions of Taylor and Cummings, for advocating and teaching refusal to salute the flag, cannot be sustained. [¶] The last mentioned appellants were also charged with oral teachings and the dissemination of literature calculated to encourage disloyalty to the state and national governments. Their convictions on this charge must also be set aside. [¶] The statute as construed in these cases makes it a criminal offense to communicate to others views and opinions respecting governmental policies, and prophecies concerning the future of our own and other nations. As applied to the appellants it punishes them although what they communicated is not claimed or shown to have been done with an evil or sinister purpose, to have advocated or incited subversive action against the nation or state, or to have threatened any clear and present danger to our institutions or our government. What these appellants communicated were their beliefs and opinions concerning domestic measures and trends in national and world affairs. [¶] Under our decisions criminal sanctions cannot be imposed for such communication."

139 See also *McKee v. Indiana*, 219 Ind. 247, 37 N. E. 2d 940 (1941), where the Indiana Supreme Court held that the distribution of literature by Jehovah's witnesses did not violate a sedition statute of that state, designated as the

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Riotous Conspiracy Statute and "Criminal Syndicalism" Act. It was held that the distribution did not advocate or incite the overthrow of the government by force and violence. See also *Beeler v.*

Smith, 40 F. Supp. 139 (1941), where the activity of and literature distributed by Jehovah's witnesses were held not to, be in violation of the Kentucky sedition statute.

140 L

Jehovah's witnesses have a legal right to refuse to salute the flag and neither they nor their children can be deprived of rights because of such refusal.

141 Jehovah's witnesses respect the flag and the things for which it stands. They have valiantly fought on the "home front" for liberty of speech, of press and of conscience, and push these fights through the courts so as to maintain these liberties for all. They refuse to salute the flag because to do so is a violation of their covenant to remain obedient to Jehovah God's commandments, one of which is recorded at Exodus 20: 2-6, which forbids the bowing down to, saluting or otherwise worshiping any symbol of any government or any thing except Jehovah God.

142 On June 14, 1943, the Supreme Court of the United States reversed its notorious Gobitis decision of June 3, 1940 (*Minersville v. Gobitis*, 310 U. S. 586), in the case of *West Virginia State Board of Education v. Barnette*, 319 U. S., 63 S. Ct. 1178, and held that the school board did not have the right to expel from school and deny education to children of Jehovah's witnesses who refuse to salute the flag. In that case decided June 14, 1943, the court said: "... To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind.... [¶] The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property,

140-142. What notorious decision as to flag saluting was reversed by the United States Supreme Court in June 1943, and what are high points of the court's statement?

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to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections. . . . [¶] The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. . . . When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. [¶] If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. . . . [¶] We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official

control. [¶] The decision of this Court in *Minersville School District v. Gobitis* and the holdings of those few per curiam decisions which preceded and foreshadowed it are overruled, and the judgment enjoining enforcement of the West Virginia Regulation is Affirmed."

143 State courts have consistently held that children could not be taken away from their parents because they refused to salute the flag or had been taught by their parents so to do. *Reynolds v. Rayborn*, 116 S. W. 2d 836 (1938); *In re Lefebvre*, 91 N. H. 382, 20 A. 2d 185 (1941); *In re Jones*, 175 Misc. 451, 24 N. Y. S. 2d 10 (1940); *In re Reed*, 262 App. Div. 814, 28 N.Y. S. 2d 92 (1941); *Commonwealth v. Johnson*, 309 Mass. 476, 35 N. E. 2d 801 (1941); *Stone v. Stone*,..... Wash....., 133 P. 2d 526 (1943); *Bolling v. Superior Court for Clallam County*,..... Wash....., 133 P. 2d 803 (1943).

144 State courts have also consistently held that parents of the children could not be prosecuted for contributing to

143,144. What other courts have held that parents and children cannot be punished for refusal to salute the flag?

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the delinquency of their children who had been taught that it was wrong to salute the flag. *In re Latrecchia*, 128 N. J. L. 472, 26 A. 2d 881 (1942); *People of Illinois v. Chiafreddo*, 381 Ill. 214, 44 N. E. 2d 888 (1942); *People v. Sandstrom*, 279 N. Y. 523, 18 N. E. 2d 840 (1939); *State v. Smith*, 155 Kans. 588, 127 P. 2d 518 (1942).

145 **Conclusion**

The defendant submits that the admonition given by the counselor Gamaliel in ancient times should apply here: "Refrain from these men, and let them alone: for if this counsel or this work be of men, it will come to nought: but if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God." — Acts 5: 38, 39.

146 WHEREFORE defendant requests the court to dismiss the prosecution and discharge defendant with costs.

Respectfully and confidently,

_____ Defendant

[End of *Memorandum of Law*]

PRINTED DECISIONS

147 If the Society has sent to the defendant some pertinent printed decisions of courts which apply to the case, these can also be handed to the judge for his consideration.

APPEAL

148 Paul the apostle established the precedent of appeal to higher courts by a Christian when, in order to escape persecution and death at Jerusalem, he said, "I appeal unto Caesar." (Acts 25:11) Paul also said: "I stand at Caesar's judgment seat, where I ought to be judged." — Acts 25:10.

149 If the court should find the defendant "guilty" and assess punishment, say to the court, "I make application to appeal this case to a higher court." The judge should be requested to furnish the necessary appeal blanks and blank

145,146. What counsel did Gamaliel give that is applicable today?

147. If available, should printed decisions be given to the court with the Memorandum of Law?

148. How did Paul establish a precedent for modern-day Christians?

149. In event of conviction, what request should be made? and if refused, what should the minister do?

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appeal bond and to assist in making out the application for appeal and preparing the bond. If the judge will not help, then an attorney should be engaged *immediately* to prepare and file the appeal papers and do what is necessary to complete the appeal. The court should be requested to allow time and opportunity to the defendant to employ an attorney to perfect the appeal. In some states it is a requirement that written notice of appeal be given to the clerk of the court and prosecuting attorney. In some states, also, the time within which to take appeal is very limited. In Missouri the appeal must be taken on the day of conviction, and in other states five days are allowed. The law varies in each state as to the time and manner of appeal. This should be investigated promptly to be sure that the appeal is taken within the time and way required by local law.

150 In preparing appeal papers, *do not overlook* attaching a copy of the ordinance or law under which the arrest and prosecution was had.

ATTORNEY

151 When the trial is completed an immediate report should be made to the Society's Legal Desk as to what occurred and as to whether an attorney has been obtained locally to assist in handling the appeal. Advise such attorney that the Society will furnish briefs and decisions in other similar cases which will reduce the attorney's research work and preparation to a minimum. If, as and when the case reaches the higher appellate court of the state, which court requires printing of the record and briefs, the local attorney handling the same can be advised that the Society's counsel

will prepare and file the printed briefs required and arrange for the printing of the record so as to hold expenses to the minimum and to insure the most effective presentation of the appeal.

152 In arranging with an attorney to handle the case, it is more suitable to agree with him in advance on the fee to be charged on the basis of the work to be done in each particular court. Before any large attorney's fees are agreed upon by brethren, write to the Society for advice. No one has authority to obligate the Society for attorney's fees with-

150. What should be attached to the appeal papers?

151. After appeal from conviction what should be done?

152. What arrangements should be made for an attorney?

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out its prior consent. Only an attorney who is willing to proceed in harmony with the suggestions made herein should be retained. The brethren should advise him that he will be expected to work in harmony with Society's Legal Desk at Brooklyn. If local counsel cannot be obtained, advise the Society. The Legal Desk may be in position to recommend some attorney for handling of the case.

MOBS

153 In ancient times the faithful servants of Jehovah were persecuted. Lot's visitors were mobbed (Gen. 19:4-10); Joshua and Caleb were threatened with stoning by a mob (Num. 14: 6-10); Christ Jesus was mobbed. (Luke 4:14-30; 22: 47-54; 23:1, 2) In Jerusalem and elsewhere the apostles were mobbed, beaten and foully persecuted by the demonized populace of that day who, like their "father the devil", took the law into their own hands. Stephen was mobbed and killed by stoning. (Acts 7:54-60) Many times Paul was mobbed. (Acts 14:19; 17:2-7; 19:28-41; 21:26-36; 2 Cor. 11:24-26) "The whole world lies in the power of the evil one" (1 John 5:19, Weymouth), and human creatures are almost without exception subject to the demons even as in the days of Noah. (Luke 17: 26) Such men submitting themselves to the demons are like beasts. They cowardly gather themselves together in groups to bluff and bully those who do not yield themselves to their demands. Stand up against such a host, trusting entirely in Jehovah God. Headed for Jerusalem, where he knew a mob awaited his arrival, Paul said: "And now, behold, I go bound in the spirit unto Jerusalem, not knowing the things that shall befall me there: . . . but none of these things move me, neither count I my life dear unto myself, so that I might finish my course with joy, and the ministry, which I have received of the Lord Jesus, to testify the gospel of the grace of God . . . for I am ready not to be bound only, but also to die at Jerusalem for the name of the Lord Jesus." — Acts 20: 22-24; 21:13.

154 Threats of mob violence are not grounds for stopping the proclamation of the Kingdom message. Often these

153 Is mob assault a modern thing, and what was the apostle's attitude toward threats of such?
154, 155. What steps should the Christian take in dealing with mobs?

threats are mere bluffs. When surrounded by a mob the servant of God should advise them that he is preaching the gospel of God's kingdom as commanded by God's Word, the Bible, and that if they harm him his blood will be upon their heads (Jer. 26:14,15); that they are the law violators by taking the law into their own hands, thus showing contempt for the flag of the country and that for which it stands. In all this remember the counsel and comfort contained in the Scriptures written aforetime for our use in such a crisis, and trust entirely in the Lord for strength and deliverance. (Josh. 1:9; 2 Chron. 20:15,17; Ps. 29:11; Isa. 26:3,4; 50:7; Ezek. 33:8,9; Phil. 1:27-29) If the mob does not disband after an effort to reason with them, move away from them and try to avoid them. If forced to use self-defense, do so. (The Watchtower, Sept. 15, 1939) There is no need to arm oneself and go about looking for trouble. Avoid such.

155 In a place where mob violence is *repeatedly* stirred up against the Kingdom service it may be advisable to alternate the time for doing street witness work so as to frustrate the plans of the mobsters. If conditions continue so as to warrant a drastic change, communicate with the Society for advice. When a mob gathers one of the brethren should communicate with the local officials and ask that assistance and protection be given. If the officials refuse, then look solely to the Lord for protection. Keep in mind the experiences of Paul and other faithful servants who endured like sufferings as good soldiers of Jesus Christ. — 2 Tim. 2: 3.

ALWAYS REPORT LAW VIOLATIONS

156 When assaulted or mobbed see the local prosecutor. Give him the names of the guilty ones and insist that they be prosecuted for violating the local state laws. When a mob is permitted by the local officials to gather and assault one, he should make a clear, brief, comprehensive report of all the facts, naming as many individuals as possible who participated therein, together with names of local officials who refused to give protection, stating that such conduct requires action by the United States Government under Sections 51 and 52 of Title 18 of the United States Code. Send the report to the Department of Justice, Civil Rights Section,

156. To whom, when and how should violations of the law be reported?

Washington, D. C., with copy to the governor of the State, the local prosecuting attorney, and the Society's Legal Desk. Such reports need not be sworn to before a notary public. In event such assaults and mobbings are repeated, an attempt should be made to have the local magistrate and justice of the peace place the mobsters and assaulters under a *peace bond*.

FINES

157 The apostles did not pay fines; likewise today Jehovah's witnesses should not do so when convicted for preaching the gospel. If the court assesses a fine, an appeal should be taken. If the appeal is lost, then the fine should be discharged by going to jail instead of paying the fine. The

Theocratic New World publisher should remember that he is sent forth by Jehovah God to be a witness, and if it is the Lord's will that he go to prison and there give further testimony, after failing on appeal of his ease, that should be joyfully done, trusting in Jehovah for protection, guidance and deliverance. The prophets and apostles likewise suffered. Christ Jesus endured persecution and left some of it behind to be filled up by His faithful followers in this day, (Phil. 1:29; Col. 1:24; 2 Tim. 1:8) It is a blessed privilege to have a small part in the vindication of Jehovah's name by proving the Devil to be a liar, by maintaining integrity and preaching the gospel of God's kingdom at all times regardless of opposition. — Prov. 27:11.

DAMAGE SUITS

158 Damage suits should not be instituted except in unusual cases, and then not without first submitting the facts to the Society and being advised what course to take. Jehovah's "faithful and wise servant" has a commissioned work to do and cannot take time out to press charges for "filthy lucre" in the courts, except where it is necessary to make our own defense in behalf of the work we are commanded to do: 'Preach this gospel of the Kingdom.'

PIONEERS

159 Before a pioneer gets a change of territory, if there is any legal action pending in the territory in which he is in-

157. Should fines be paid, and if not, why?

158. Under what circumstances should damage suits be pressed?

159. What should a pioneer do before obtaining change of territory?

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involved, he should write to the Society's Legal Desk and obtain consent from the Society before leaving such territory.

GENERALLY

160 This material and decisions have been furnished and further material and decisions are available and will be supplied when needed. Also, the Society will gladly furnish any advice or aid to local attorneys when requested, to the end that a proper defense of the gospel may be made. For this reason the brethren should keep the Society thoroughly advised of the progress of all cases in which the brethren are involved and against whom charges have been made for maintaining their integrity, their "good behavior in Christ".

COSTS

161 No one has authority to bind the Society to pay court costs of proceedings, institute lawsuits in the name of the Society, or to bind the Society to pay attorneys' fees in any case without first receiving confirmation direct from the Society at Brooklyn.

CONCLUSION

162 This booklet is an abbreviated statement of suggestions to enable all publishers of The Theocratic Government to pursue the proper course in the witness work. It is confidential, and should not be carried from house to house or shown to the enemy. In some cases it can be loaned to an attorney for his assistance in defense of the gospel. Previous advice to the contrary should be ignored. Address all communications to

WATCHTOWER BIBLE AND TRACT SOCIETY

Legal Desk, 117 Adams St., Brooklyn 1, New York

160. For what purpose should the publisher keep in communication with the Society?

161. Under what circumstances can the Society be bound for costs?

162. Should this booklet be carried from house to house or shown to the enemy?