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American Friends Service Committee  
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QUAKER BELIEFS AND FIRST AMENDMENT RIGHTS

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Executive Secretary

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on Government Surveillance and Citizens' Rights, October 24, 1977)*

George Bancroft, the historian, has written that the rise of the people called Quakers is one of the memorable events in the history of man. It marks the moment when intellectual freedom was claimed unconditionally by the people as an inalienable birthright.

Early Quakers struggled for religious and political freedom by their non-violent refusal to obey unjust laws. Here in the United States four Quakers, including a woman, Mary Dyer were hanged in Boston for such refusal. In Great Britain as many as 21,000 suffered fines and imprisonment, and some 450 died in prison, mainly in protest of the Quaker Act of 1662. When whole congregations were imprisoned for refusing to obey the law, their children took their place and met instead.

In 1670, William Penn was tried for refusal to obey the law. When the jury brought in a verdict in his favor, the judge ordered the jury imprisoned. Penn's plea to the jury to "Mind your rights" strengthened their resolve to act independently. Ultimately the case became a landmark in the establishment of an individual's right to a fair trial.

For Penn, as for the other children of the Light, the cause of victory was a holy cause and any victory in its behalf was a victory for the human spirit, which is the candle of the Lord. In keeping with that tradition the American Friends Service Committee has continued to work for religious and political freedom in several important areas.

At the time of World War I, when American men were drafted to serve in the armed forces, no provision was made for conscientious objectors. In response the AFSC was founded by a group of Quakers here in Philadelphia. After persistent effort this group arranged that the CO's be furloughed under its care for humanitarian service, doing relief and reconstruction in Europe during and immediately after the war. By World War II it was a legal provision in the Selective Service and Training Act that CO's who claimed a belief in a Supreme Being and were

affiliated with a supportive church organization were entitled to alternative service. In due course the provision was broadened to include those who did not subscribe to such a belief.

During the McCarthy period there were many infringements on the freedom of American citizens. Under the Internal Security Act of 1950 citizens who were affiliated with the Communist Party or "subversive" organizations were prohibited from obtaining a passport. The 1956 passport application included an oath of allegiance. When Jim and Dee Bristol were appointed to represent the AFSC in Delhi, India they felt they could not sign such an oath. The AFSC supported them, and wrote the following letter to the Assistant Secretary of State.

*"The attached application for a passport is made by a staff member of the American Friends Service Committee who has recently been assigned to a program in India in order to carry on the religious, charitable, social and relief work of the Committee. You will see that he has on grounds of personal conviction and principle declined to consider those portions of the application which inquire into his membership in Communist organizations. He has attached to the application a personal statement setting forth his position.*

*As long as the passport application form has the present wording, such individual stands among Friends volunteering for overseas service may be expected. The Board of Directors of the American Friends Service Committee believes that we should try to set down at this time the grounds for our deep concern on this matter.*

*The 300 year Quaker witness against test oaths is a matter of general knowledge. It is our clear conviction that the forced disclosure of a political affiliation is in effect an inquiry into belief. This disclosure which a test oath exacts is a first step in the process of thought control.*

*Quakers believe that American democracy was founded upon a deep religious faith in the dignity and worth of the individual. They reject, as did the founders of the Constitution, any philosophy which sets the State above the moral law, and they hold that a man serves his country best who follows the leading of his conscience. We are convinced that the Founding Fathers sought to preserve freedoms of belief and association in the United States Constitution and in the First Amendment.*

*As responsible citizens, Quakers recognize that their religious interest in a broad freedom of expression must at some points take into consideration the interest of the State in protecting itself from the threat of internal subversion. We believe, however, that these passport application measures impair those freedoms which they are intended to protect. Further, we hold that such measures do not in practice substantially safeguard the well being and inner security which we all wish for our nation.*

*We earnestly hope that the foregoing will receive your consideration in the processing of the attached passport application and others reflecting a conscientious position."*

In due course the waiver of this requirement was negotiated and in 1964 the Supreme Court ruled that the provision requiring such an oath was unconstitutional.

Another program which the AFSC mounted in the 1950s and continued into the 1960s was the Rights of Conscience Program. Individuals who found themselves in confrontation with the government over political affiliation, military service, and civil rights were aided with their legal costs in fighting their suits. Since many of them lost their jobs they were also provided with subsistence to relieve them of suffering until the problem could be solved.

In the early 1950s, the AFSC was approached by the U.S. government to use Point 4 Funds in support of our rural development program in Barpali, India, which was attracting considerable interest at the time. We agreed to receive 75,000 a year for five years; the contract to be renegotiated after three. The first contract was negotiated smoothly, but by the time of the second contract the government, under the McCarthy era pressures, was asking to review and approve all appointment of personnel sent abroad by the private agency. AFSC decided it could no longer accept funds with such strings attached. In the course of stating our position to the government, Harold Evans, then chairman of the Board said in ringing tones "I will tell you now, the AFSC will never relinquish its responsibility for the appointment of personnel to the United States government".

During the Vietnam war there was a rising concern among Friends and people associated with the AFSC over the payment of federal income taxes, a large portion of which is devoted to expenditures for war and preparation for war by our government. Two of our colleagues requested the AFSC not to forward to the government that portion of their taxes withheld, approximately 53%, which would be used in support of the war and war efforts. We agreed to their request. Instead of not forwarding those funds, the AFSC forwarded an equivalent amount from its own general fund, and then requested the government to reimburse us for that amount since we were in complete sympathy with our employees in their concern based on First Amendment principles. When the Internal Revenue Service refused to reimburse us we took the matter to court. The Federal District Court in Philadelphia decided in our favor, saying that we not only should be reimbursed but that the government had a variety of alternative methods of collecting taxes other than relying on an employer who was

completely identified with its employees in their conscientious conviction. The IRS appealed the case to the United States Supreme Court which ruled against us, Justice William O. Douglas dissenting.

Finally, the AFSC decided that it was ready to send humanitarian aid to North Vietnam and the Provisional Revolutionary Government in Vietnam even though we might have been refused permission to do so by the United States Government. We not only mounted a protest in Washington but we informed the government and the American public that if we were denied permission we would do it anyway on grounds of religious belief and conviction.

An important aspect of Friends' contribution to religious and political freedom has been a commitment to complete openness in regard to the issues they were addressing, their thinking about it, and their way of proceeding either in public demonstrations or in actions through the courts. This tradition has continued from generation to generation. All efforts are carried forward with an air of dignity, dignity that comes from ones sense of acting in the Light and of being a citizen entitled to enjoy all these rights. When these rights are threatened by a government the individual is surrounded by a sense of greater dignity than the government itself. This can be a compelling dynamic in any confrontation that may take place between citizens and government.

There is a story about Thomas Garrett, a Delaware Quaker and abolitionist involved in the Underground Railroad. He was brought to court by a slaveowner, heavily fined, and financially ruined. After the sentence had been read he is supposed to have risen and said "Judge, thou hast left me not a dollar; but I wish to say to thee and to all in this courtroom that if anyone knows a fugitive who wants a shelter and a friend send him to Thomas Garrett and he will befriend him."

To a large extent the progress that has been made and the efforts that still continue on matters of personal affirmation on the part of individuals, reflect faith in an ideal. They are politically relevant acts and as one can see, as one takes a long view of history, they open up new power, sometimes beyond our capacity to predict.

Finally I'd be inclined to say that it's not that the citizen should be under surveillance by the government, but that the government should be under the surveillance of its citizens.