***“If There Is Any Fixed Star”***

*a sermon delivered on May 7, 2023 by The Rev. Scott Dalgarno*

*based on Acts 7:55-60*

Stephen, the martyr.

The word martyr has fallen on hard times. We say, “Don’t be a martyr,” and our loved ones wince, right? Who likes to be accused of being overly dramatic? No one. But Stephen, in the book of *The Acts of the Apostles* was the real thing.

And look, the Stephen story has a familiar ring to it. *While they were stoning Stephen, he prayed, “Lord Jesus, receive my spirit.” Then he knelt down and cried out in a loud voice, “Lord, do not hold this sin against them.” When he had said this, he died.*

The story is a retelling of Jesus’s crucifixion and Stephen is absolutely Christlike in his death.

Dietrich Bonhoeffer, another genuine martyr, is remembered to have said, “When Christ calls someone, he bids him [or her] come and die.” It is an awesome thing, is it not, when someone gives up his or her life for what they believe?

My late friend, Leonard Zawacki, was a prisoner at Auschwitz. He told me of a day in July of 1941 when the deputy commander of the camp ordered all the male prisoners brought out into the yard. He said they were going to pick ten men to execute because the day before someone had escaped. Ten were chosen randomly. When one of the ten cried out in despair, “My wife, my children!”

Fr. Maxim Kolbe, also a prisoner, offered to die in the man’s place, which he did, but not before offering all the comfort he could to the other nine..

The martyr, Stephen, died alone at the hands of an angry mob. Think of the racist mob in Charlottesville a few years back and the death at their hands of the resister, Heather Heyer.

Steven’s stone throwers were religious. They were believers, like most of the mob on January 6th. Many of them interrupted their appalling mayhem long enough to pray together in the House of Representatives.

The first century mob had a theological problem with Stephen. In Acts chapter 6 it seems Stephen’s only crime is performing “great wonders and signs among the people.” The religious leaders begin to argue with him, and then they decide to persuade some folks to lie about him. That’s how he ends up in such trouble.

But there is more than Stephen and the mob in this martyrdom, right? There is also Saul who will later convert and become the apostle, Paul.

He doesn’t throw any stones, but he watches the coats of the stone throwers. He doesn’t get his hands dirty, but he sees what is going on. He doesn’t yell and scream, but he hears all the noise. He doesn’t do the deed, but he approves of it.

By standing by and doing nothing, Saul validates what the mob is doing. The picture is artfully drawn by Luke who tells the story. We can see ourselves in Saul; those times when have we stood by, acquiescing to something, large or small. When have we “held the coats” of others?

Life is full of decisions big and small, and we can’t avoid responsibility. The decision to stand and do nothing but watch from a distance is itself a decision. When we sit on the fence, walk the tightrope, try to play the middle, or hide behind **not** making a decision, we make a decision.

It also demonstrates something else we don’t often talk about: sometimes the mob wins, at least for the moment.

Let me tell you a story about such a time, nearly 83 years ago.

I don’t know if there is a darker or more joyless branch of Christianity in the world than that of Jehovah’s Witnesses. They go door to door in neighborhoods and get spit upon, get yelled at, screamed at, have doors slammed in their faces. Well, in 1940, they curried the hatred of the vast majority of Americans when they refused to salute the flag, and that’s the story I want us to look at closely today.

It involves a Jehovah’s Witness named Walter Gobitis who had two children. Lillian, 11, and Billy, 9. The two were expelled from school in Minersville, Pa. because they refused to recite the mandatory Pledge of Allegiance. Older sister, Lillian was so proud of her little brother, William who, like her, remained silent during the pledge, but still stood ramrod straight in respect for the flag and his classmates. He stood there, she said, holding on to his pockets so he wouldn’t fall over. The two were expelled for following the teachings of their parents and their church.

Well, a long court battle ensued. The case of *Gobitis v. Minersville School District* reached the Supreme Court five years later in the spring of 1940. The Witnesses’ attorneys framed their argument in religious terms, claiming that any statute contrary to God’s law (as they understood it) must be void. The Court rejected the Witnesses’ claim, holding that the secular interests of the school district in fostering patriotism were paramount.

In the majority opinion, written during the same month that France fell to the Nazis, Felix Frankfurter wrote: “National unity is the basis of national security.” The Jehovah’s Witnesses, said Frankfurter, were free to “fight out the wise use of legislative authority in the forum of public opinion and before legislative assemblies.” And in siding with Felix Frankfurter, the majority of the highest court in our land refused to stand on the side of religious liberty.

In a strongly worded dissent, Justice Harlan Stone argued that “constitutional guarantees of personal liberty are not always absolutes … but,” he said, “it is a long step, and one which I am unwilling to take, that government may … compel public affirmations which violate … public conscience.”

Well, the reaction in favor of this decision bordered on mass hysteria. Remember, it was 1940. American patriotism was at a fever pitch with war in Europe looming.

Some conspiracy theorists at the time said that Jehovah’s Witnesses were traitors who were probably linked to a network of Nazi spies and saboteurs. Now, look, they said that at the same time Nazis were putting Jehovah’s Witnesses in concentration camps all over Europe. More evidence that conspiracy theorists are usually misguided, if not idiots.

In Imperial, Pennsylvania, a town outside Pittsburgh, a mob descended on a small group of Witnesses and pummeled them mercilessly. One Witness was beaten unconscious, and those who fled were cornered by ax- and knife-wielding men riding the town’s fire truck. Someone was heard to yell, “Get the ropes!

In Kennebunk, Maine, the Witnesses’ church, Kingdom Hall, was ransacked and torched, and days of rioting ensued.

In Litchfield, Ill., an angry crowd spread an American flag on the hood of a car and watched while a man repeatedly smashed the head of a Witness upon it.

In Rockville, Md., Witnesses were assaulted across the street from the police station, while officers stood and watched.

By the end of the year, the American Civil Liberties Union estimated that 1,500 Jehovah’s Witnesses had been assaulted in 335 separate attacks. The Supreme Court had, in fact, turned much of the nation into an ugly and hateful mob.

Many in this country saw this happening and felt a little like Saul. They hadn’t participated in the violence, but they hadn’t done anything to oppose it, either. The conscience of the nation was being tested.

Well, it only took 3 years for the court to take another look at this question of the pledge of allegiance as it related to religious conscience. That is quick in legal time.

As World War II raged, a new case involving Jehovah’s Witnesses came to the Supreme Court and instead of citing the *Gobitis* case as precedent and refusing to look at the question again, as one might imagine, the court decided, courageously, to see if they might have made a mistake 3 years before.

Now, this was 1943. To most Americans, the pledge was a solemn affirmation of national unity, especially at a time when war wasn’t just looming.

No, millions of U.S. troops were fighting and dying overseas. But the Jehovah’s Witnesses insisted that pledging allegiance to the flag was still a form of idolatry akin to the worship of graven images prohibited by the Bible.

The case this time was *West Virginia State Board of Education v. Barnette*. Walter Barnett ~~(whose surname was misspelled by a court clerk~~) argued that the constitutional rights of his daughters Marie, 8, and Gathie, 9, were violated when they were expelled from Slip Hill Grade School near Charleston, W.Va., for refusing to recite the pledge.

The landmark decision was written by Justice Robert L. Jackson who was new to the court. And I love this, it was announced on Flag Day, June 14. This time the Supreme Court sided with the Witnesses. Here is what the majority ruling said.

“To believe that patriotism will not flourish if patriotic ceremonies [like the pledge) are voluntary and spontaneous, instead of a compulsory and routine, is to make an unflattering estimate of the appeal of our institutions to free minds,” Justice Jackson said. “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.”

Wow! And think about it; Jehovah’s Witnesses were *the least* likely champions of religious freedom.

In their Kingdom Halls they do **not** say, as we do when we open our services each Sunday – “Wherever you are on your journey of faith, you are welcome here.” No. Not by a long shot.

Jehovah’s Witnesses denounce all other religions and all secular governments as tools of the devil. They preach the imminent and violent return of Jesus Christ, during which no one except Jehovah’s Witnesses will be spared.

But their persistence in fighting in the courts for their beliefs has had a dramatic impact on constitutional law.  They have tested our nation’s tolerance of controversial beliefs over and over, and that testing in 1940 and 1943 woke the nation up to the fact that being willing to embrace religious diversity is what distinguishes America from all tyrannical regimes.

The earlier ruling in 1940 was 7-2 against the rights of the Jehovah’s Witnesses. The 1943 ruling in favor of Jehovah’s Witnesses was by a vote of 8-1. One justice still held out. Yep, and the only judge who got it right both times was Justice Harlan Stone, who by 1943 had become Chief Justice of the court.

Now, hear it again. Robert Jackson’s language in the 1943 decision was for the ages. It is as good as anything Abraham Lincoln said, and with such exactness and brevity. Speaking for the majority he wrote, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, shall 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.”

Just think of it … Eight old white men in black robes looked over that mahogany bench down at those two small children and they said, “You won. You go home now and you listen to your parents.” It just gives me chills.

We, Americans, cannot be forced to believe anything, We cannot be forced to repeat the pledge of allegiance. We cannot be forced to support the Constitution, or even the United States itself.

Do you know what makes this a great country? It’s is exactly this. That’s’ how secure we are. That’s how strong our national back bone is. That’s what we are fighting for when we stand up against insurrectionists and horrible public officials who say they want to discard the constitution. Throw it away.

I mean, we are so secure, we can take a group like the Jehovah’s Witnesses who believe America is of satanic origin, and make defending them the cornerstone of our democracy. They are proof that we really believe in the freedom of religion.

 It’s like Stephen the martyr using his last breath to defend those who stoned him when he said, *“Lord, do not hold their sin against them.”* That’s how strong his faith was. That is proof of how much he was like the man who died on the cross.

There’s a lot of glib talk these days about freedom. “It’s my choice,” people say “whether I wear a mask or not. It’s my choice where I go with my assault rifle.”

People are not thinking. They’re just acting narcissistically, on impulse.

We live in a time when there is a national epidemic of shallowness. I mean, there are people running for dog catcher and for Congress in nearly every state in this country who profess false piety and think they have to hold a Bible in their hands and wrap themselves in the flag to get elected. Well, most of us see through them. Right? Not all, but most.

But, you know, there was a time in this country only 80 years ago, when we were bigger than that. When we knew what our country was really about and our leaders stood up for that.

Today we hear many religious people running down the first amendment; people who wish the Bill of Rights began with the second amendment. Well, if they knew any history at all they’d know that the first amendment *promotes* religion; it doesn’t endanger it.

Because, you know, no state official can tell me what to say from this pulpit. Not even when I preached back in Utah. Yes, and the same first amendment guarantees that no public school teacher can fool with your child’s mind and get away with it.

I say, God bless America for that.

Amen