

Opposition to Jehovah's Witnesses in the United States Through the Twentieth Century

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ABSTRACT: The Jehovah's Witnesses have emerged in the United States as one of the very few denominations that have attracted as many as a million members, a status that came only after battling back from both social discrimination and government persecution over some of its unpopular beliefs. In 1918, the president and several of his fellow leaders of the precursor Watch Tower Bible and Tract Society were convicted under the Espionage Act for ostensibly advising young men to avoid joining the armed services. Then, beginning in the 1930s, members were harassed for refusing to salute the flag and recite the pledge of allegiance. About the same time, they also began to experience pushback from their active evangelistic efforts such as distributing materials on the street and knocking on the front door of private residents. Their ability to practice and spread their faith would lead to multiple cases going to the Supreme Court for final resolution, most culminating in Witnesses prevailing. Their fight to defend their freedoms in the courts through the mid and late twentieth century expanded the understanding of the First Amendment freedoms to all American religions.

KEYWORDS: Jehovah's Witnesses, Religious Freedom, American Flag, Pledge of Allegiance, Religious Freedom in the United States.

Introduction

The Jehovah's Witnesses communion has emerged in the 21st century as one of the more important religious groups globally. It is one of a miniscule number of religious denominations to have a worshipping community in as many as 200 countries (of the 240 recognized by the UN). Meanwhile in the US, the land of its birth, and home to several thousand religious communities, it is one of but 25 denominations to attract as many as a million adherents (Chryssides 2008, 2009, 2016; Holden 2012; Knox 2018; Penton 2015; Bergman 1984). Its numerical

success has not come without controversy, indeed, the JWs have a unique history of overcoming public disparagement of their beliefs and practices.

What we know today as the Jehovah's Witnesses emerged in stages through the 1870s in the United States, beginning with an independent Bible study group in Pittsburgh, Pennsylvania, organized by Charles Taze Russell (1852–1916) in 1870. Russell, who had been influenced by the Adventist tradition and was deeply concerned with eschatological questions, promoted a solution of a critical problem about the return of Jesus Christ based on a redefinition of the Greek word *parousia* (which had several historical antecedents). Rather than “return,” he promoted the theory that *parousia* be translated as “presence.” He followed that theory by suggesting that Jesus’ *parousia* or presence was in 1874. A generation later (in 1914) would see the end of this present age (Horowitz 1986; Zydek 2009).

To further his views, Russell began issuing a periodical, the *Zion's Watch Tower* (1879), incorporated the Zion's Watch Tower Tract Society (1884), and moved his headquarters to Brooklyn in 1909. During this period, he also issued a six-volume *Studies in the Scripture*, that presented his broad perspective and announced the Millennial Dawn, the arrival of a new age of the coming kingdom. As the volumes appeared, he recruited an army of associates to spread out across the country and distribute his writings. Russell died in 1916, by which time he led a movement with centers across North America and was already spreading around the globe.

Russell died shortly after World War I began (but prior to the United States' entrance into the war in 1917) amid speculation that the war was a sign of the end of the present social order. Shortly after America's entrance into the war, the government passed the Espionage Act, which targeted anyone in the US who might interfere with military operations or recruitment, or provide support for the country's enemies. On May 16, 1918, the Sedition Act amended the Espionage Act, adding anti-war speech as a prosecutable offence. This act immediately called into question any religious groups with pacifist tendencies (such as the Mennonites and Quakers), especially those that had formed relatively recently, such as the Church of God in Christ, an African American Pentecostal group, whose founder Charles Harrison Mason (1864–1961) was arrested on two occasions for advising its younger members to refuse the draft (White 2015; Brock 2016; Mollin 2006).

Meanwhile, Russell would be followed by Joseph Franklin Rutherford (1869–1942) as the new head of the Watch Tower organization. The legitimacy of his leadership was challenged by several colleagues and led to the first schisms among the Watch Tower Bible Students, especially after Rutherford backed the publishing of a seventh volume of *Studies in the Scripture*, called *The Finished Mystery* (Woodworth and Fisher 1917). He emerged, however, with the overwhelming support of the followers, and went on to direct the society for the next three decades. He is remembered today for leading the society to adopt its present name, Jehovah's Witnesses, in 1931.

Rutherford died in 1942, and was succeeded by Nathan Homer Knorr (1905–1977), who would remain in charge for the next quarter of a century. Among the more noticeable changes introduced by Knorr was the removal of any author's name(s) from the literature. Rutherford had issued a stream of books, but beginning in the 1940s, Watch Tower books no longer carried the name of any who contributed to their writing. Knorr also instituted a new leadership training program that raised the level of interaction of Watch Tower people with possible recruits, and led to a significant expansion of the size of the Witnesses community both nationally and internationally. In addition, and possibly most significantly, Knorr oversaw the Witnesses' response to the controversies that surrounded them, and led them through its most intense phase.

Accusations of Being a "Cult"

It was during the height of Russell's career at the end of the nineteenth century that leaders within the mainstream Protestant denominations, still in a growth phase, recognized that they had a variety of competitors who denied what was considered the essential core of Christian doctrine. Inside the church were the Modernists, and on the fringe were a growing number of new religions, the "cults." The term "cult" was introduced in the 1890s, and popularized in the 1920s.

Relative to the Bible Students, Christian critics accused them of a variety of doctrinal errors beginning with the Arian theology espoused in the *Studies in the Scriptures*. The 4th century bishop Arius (256–336) essentially denied the divinity of Jesus, suggesting that Jesus was God's firstborn but slightly less than

God himself. That definition of Jesus's status then reverberated through Christian theology relative to, for example, the nature of Jesus' role in human salvation.

The rise of a Christian counter-cult movement paralleled the rise of fundamentalism, and counter-cultists always included the Witnesses among their targets. They received lengthy chapters in Jan Karel Van Baalen's (1890–1968) *The Chaos of the Cults* (1938) and Walter Martin's (1928–1989) *The Kingdom of the Cults* (1965), and were prominent as one of the *Four Major Cults* (1963) cited by Anthony Hoekema (1913–1988). Through the last half of the twentieth century, the Witnesses vied with the Latter-day Saints as the major target of counter-cult attention (Van Baalen 1938; Martin 1965; Hoekema 1963).

Major accusations against the Witnesses included their denial of the full divinity of Jesus, their denial of the traditional doctrine of hell, and the obvious failure of some predictions about the end of the present social order (i.e., the failure of prophecies). Since the Witnesses introduced their own translation of the scripture, the *New World Translation of the Holy Scriptures*, beginning in 1950, it has been given extensive scrutiny and denounced by some as a flawed translation (Guarino 2019; Wright 2019).

The counter-cultists also gave particular attention to apostate stories. The autobiography of William Schnell (1905–1973), *30 Years a Watchtower Slave*, initially released in 1956, becoming an essential item in every counter-cultist's library. It has remained in print into the new century. As apologetics has developed as a significant discipline in Evangelical seminaries, new anti-Jehovah's Witness material is continually being generated, including a whole new generation of apostate material (Schnell 1956; McDaniel 2014; Scolah 2019).

Persecution

This brief overview of JW history defines an environment in which the Witnesses encountered government and legal forces through the twentieth century. Their initial problem emerged just as the leadership was reorganizing in the wake of Charles T. Russell's death in 1916.

The United States formally entered World War I in April 1917. Two months later, the legislature passed the already mentioned Espionage Act, which made it a crime, among other things, to refuse duty in the armed forces and to obstruct the

country's recruiting or enlistment service. Conviction led to fines (up to \$10,000) and/or imprisonment (up to 20 years). It was passed by a narrow margin, the legislators being aware of the unpopularity of the war among the general population, the Woodrow Wilson (1856–1924) administration having been elected on the slogan, "He kept us out of war." As mentioned earlier, it was followed by the Sedition Act.

While initial targets of the acts were those in the socialist wing of the labor movement, the government also moved against the Bible Students. In May 1918, sedition charges were laid under the provisions of the Espionage Act against Rutherford and seven of the Watch Tower directors and officers, prosecutors citing as their rationale some statements made in *The Finished Mystery*, that final volume of the *Studies in the Scripture* series that had been published in 1917 (Woodworth and Fisher 1917).

Particular statements used against the Watch Tower Bible Students grew out of the general separatist position expressed in the Watch Tower's early pacifist stance. Rutherford and his colleagues were subsequently charged on four counts, arrested, and tried. Following their conviction, on June 21, the seven defendants were sentenced to four 20-year terms, the sentences to run concurrently. The war ended in November 1918, and shortly thereafter, the prisoners' cause gained some traction. Nine months into their sentence, Supreme Court Justice Louis Brandeis (1856–1941) ordered their release on bail. They served nine months in the federal penitentiary in Atlanta, Georgia, before finally being released. In April 1919, an appeals court ruled that they had been denied an impartial trial, and reversed their conviction. A year later, the government announced that all charges had been dropped, and there would be no attempt to retry them. The matter seemed closed.

Meanwhile, in the post-war years, the movement to display the flag and to wed that display to a newly written pledge of allegiance gained ground. Churches had become involved, especially in the Midwest where many German and Scandinavian churches, which had previously maintained worship in their home country's language, quickly anglicized during the war years, and placed an American flag in their sanctuaries.



Figure 1. Rutherford's prison picture.

After the war, especially after the adoption of the present text of the allegiance in the 1920s, the placement of a flag, the pledge of allegiance, and a lay form of a salute to the flag all began to make their way into the public schools. In the 1930s, even as the Jehovah's Witnesses gained a new level of visibility by adopting a distinctive name and beginning to build Kingdom Halls, the insertion of the pledge into the public schools morning exercise led to the Witnesses reiterating their belief that some expressions of patriotism were nothing more than idolatry and should be avoided.

As World War II began, and especially in the years prior to the United States officially entering the conflict in the wake of the attack on Pearl Harbor, the case of the children and youth of Witnesses families refusing to salute the flag and recite the pledge of allegiance would become a significant public issue.

The issue was assigned an increased importance after Congress formally adopted the pledge in 1942, and then the following year designated a standard form of the average citizen (not a member of the armed forces in uniform) response/salute (Jones and Meyer 2010; Ellis 2005).

The Jehovah's Witnesses refused to salute the flag, or repeat the pledge of allegiance, practices that had their greatest impact on the children attending

public schools, where they faced both the ire of teachers and the taunts of classmates.

A new phase in the opposition to activities around the flag began in the summer of 1935 when Rutherford told a Jehovah's Witnesses convention that to salute an earthly emblem was unfaithfulness to God and that he would not do it. As school started up, one Carleton Nichols (1927–2007), a third-grade pupil brought up in a Jehovah's Witnesses family, refused to recite the pledge and was duly expelled from his school in Lynn, Massachusetts. As the incident received press coverage, other Jehovah's Witnesses children followed suit, and Rutherford publicly praised them. He wrote a brief booklet, *Loyalty*, discussing the issue, which had the effect of transforming his opinions concerning the flag into the official teachings and accepted doctrine of the organization. Rutherford explained that, while members of the organization respected the flag, going through a ritual before it constituted idolatry. Idolatry was repeatedly forbidden in the Scripture (Rutherford 1935, 16–8). Some Witnesses formed private schools to continue their offspring's education.

Several years later, in Minersville, Pennsylvania, a predominantly Roman Catholic community, the children of a local Witness, Walter Gobitas (1900–1990, whose name was incorrectly spelled “Gobitis” in the court decision), challenged the system by refusing to say the pledge of allegiance. By this time, the Witnesses had informally begun to actively oppose regulations that attempted to squelch their religious behavior. As early as 1933, the organization had quietly passed around instructions on how members should act if arrested and/or faced a court appearance (Bergman 1984).

Walter Gobitas and his family were recent converts to the Jehovah's Witnesses. They were inspired by stories of fellow members who challenged the system and suffered for it. Walter's children did not pledge allegiance when at school. His son William (“Billy,” 1925–1989), in the fifth grade, and his sister Lillian (later Klose, 1923–2014) were expelled. His business was boycotted. The situation led to a trial in February 1938. Gobitas won the first round when in June a judge ruled the Minersville school board's requirement that the children salute the flag violated the children's free exercise of religious beliefs. The school board, however, decided to appeal the decision, and the case wound up in the US Supreme Court in 1940. In the case of the *Minersville School District v. Gobitis*,

the court ruled 8-1 to reverse the lower courts and upheld the mandatory flag salute.

The ruling led to a public backlash against the Witnesses. People were physically assaulted, and kingdom halls were burned. The American Civil Liberties Union reported to the Justice Department that nearly 1,500 Witnesses had been physically attacked in more than 300 communities nationwide. At the time, the US was publicly debating the country's entrance into World War II, and many interpreted the decision as suggesting that the Witnesses were traitors to the country (Peters 2000).

In 1942, the West Virginia's Board of Education ordered the public schools to make the salute to the flag a regular part of the daily program of their schools' activities, and added that any refusal would be regarded as an act of insubordination. It should be noted that the salute at this time was a raised right arm that looked strangely similar to the Adolf Hitler (1889–1945) salute in Nazi Germany. It was also to be done while repeating the pledge of allegiance.



Figure 2. American school children in the early 1940s salute the flag.

At this point, Marie Barnett (later Snodgrass, 1933-) and Gathie Barnett (later Edmonds, 1931–2012: their names were misspelled as “Barnette” in the court decisions), children of a Jehovah's Witness family in Charleston, West Virginia, refused to salute the flag, were duly expelled, and their parents filed suit against

the school board. They actually won the case when first heard locally, but it was appealed upward and landed at the Supreme Court. The Witnesses' lawyer—Hayden Covington (1911–1978)—argued for the court to overturn its previous decision, an argument that had gained broad support including that of the American Bar Association. And the court listened. Reversing the Pennsylvania ruling, it concluded in a 6-3 decision that it was unconstitutional for public schools to compel students to salute the flag. It added that any attempt to establish a “compulsory unification of opinion” was both doomed to failure and antithetical to the values set forth in the First Amendment (Covington 1950; Peters 2000).

Parallel to the flag cases were a set of cases involving the Witnesses active program of evangelization. The Witnesses were active on the streets and in knocking on the doors of private homes to present their case. They passed out literature and solicited donations to cover the printing costs of their publications. They also carried phonograph machines to play records presenting their teachings. Some of this material was blatantly hostile to other religions in general and to the Roman Catholic Church in particular (which in turn published vitriolic criticism of the Witnesses). It should be noted that while the Roman Catholic Church was the largest church in the United States, and had been so for a hundred years, the Protestant churches were collectively much larger and often shared the anti-Catholic views of the Witnesses. While the content of the material distributed by the Jehovah's Witnesses was at issue in some contexts, the manner in which they distributed it was most often the legal concern at issue.

Beginning in the late 1930s, cases on literature distribution (and related issues) began to arise in locations around the country. The most critical one began in a predominantly Roman Catholic neighborhood of New Haven, Connecticut, in which a Witness name Newton Cantwell (1878–1981), along with his two sons, carried out their proselytizing ministry. They were arrested for not having obtained a certificate to solicit funds in public and for breaking the peace. Initially the state supreme court ruled against the Cantwells. But in a unanimous ruling, the US Supreme Court ruled against the state, in that requiring what amounted to a license to exercise religion violated the free exercise of religion. Crucial to the issuing such a document was allowing an individual official the authority to determine which groups should and should not receive such a certificate.

Cantwell v. Connecticut also had the effect of clarifying an understanding in American law—the first amendment guarantees of freedoms applied to the state governments and not just to the federal government. Not only was the federal government forbidden to pass laws abridging the free exercise of religion, but neither could the states (Alley 1999; Peters 2000, Kaplan 1989).

Conscientious Objection

Following Pearl Harbor, an old issue reemerged for the Witnesses, actual participation in the armed services. The Jehovah's Witnesses had from the days of Charles Russell refused to take up arms in any country's war, even as, citing *Roman 13*, Russell had no objections to service in the Armed Forces in noncombatant positions, especially in the supplying of medical services, under the obligation of being subject to the authority of government. However, a quarter of a century after Russell's passing, in 1940, the United States passed the Selective Training and Service Act, which provided for mandatory alternative service for those who refused to take part in combat because of religious belief. Those who objected to the noncombatant alternative service could be arrested and imprisoned. By this time, however, Rutherford had come to feel that even noncombatant service was wrong. In accepting noncombatant duties, one freed up someone else to take up firearms, and hence little was gained by the individual in a partial withdrawal from warfare (DePaul College of Law 1955).

The position articulated in the 1940s would become a source of tension between the Witnesses and the United States government over the next generation. In 1983, the Witnesses leadership, looking back over a generation of struggle on the issue, noted:

An examination of the historical facts shows that not only have Jehovah's Witnesses refused to put on military uniforms and take up arms but, during the past half century and more, they have also declined to do noncombatant service [under the Army] or to accept other work assignments as a substitute for military service. [...] Many of Jehovah's Witnesses have been imprisoned because they would not violate their Christian neutrality (*United in Worship of the Only True God* 1983, 167).

Witnesses developed a rather sophisticated position on war and peace and their place in it, given Israel's many wars described in the Old Testament. The Witnesses also reflected upon a coming war in the future, the war of

Armageddon, in which they might be called upon to fight (although without using “carnal weapons”). One was in the far historical past, the other in a future only vaguely conceivable from the limited texts referring to it. More consequential were the anti-war biblical statements that offer an immediate rationale for refusal to participate in any present-day armed services, on the grounds that Bible believers should be neutral in worldly conflicts and as *Isaiah 2:4* states, “neither shall they learn war anymore.”

Over the years of the war and for decades afterwards, Jehovah's Witnesses faced periodic conflict even as a general acceptance of conscientious objection to war was largely accepted by the public. Among the key cases relative to Witnesses arrested for their conscientious objection was that of Anthony Sicurella (1927–1988), who had refused to enlist in the armed forces because of his religious beliefs.

Sicurella's appeal of his conviction worked its way to the Supreme Court in 1955. In this case, his status as a pacifist was challenged due to his stated willingness to fight, if called upon by God, in the eschatological battle of Armageddon. The Supreme Court overturned his conviction holding that the law on conscientious objection to military service referred to citizen's attitudes to real shooting wars in the present rather the spiritual battles anticipated at the world's end, wars in which the Jehovah's Witnesses were by no means unique in believing to be in their future (Hunt 1969). The Supreme Court also reiterated that in these future “spiritual wars,” “Jehovah's Witnesses, if they participate, [believe they] will do so without carnal weapons” (*Sicurella v. United States* 1955).

The Witnesses would continue to deal with conscientious objection issues in the United States until the end of the draft in the mid-1970s made the issue largely a moot point. The Witnesses' leadership has nevertheless remained alert due to the on-going nature of the issue relative to military service in multiple countries around the world.

Blood Transfusions

A final set of court cases, all more recent, involved a particular belief of the Witnesses relative to drinking blood. Based upon biblical admonitions not to drink blood (cf. *I Samuel 14:33*), the Witnesses refuse blood transfusions. This

belief, while considered by many secular opponents to be ignorant and superstitious, and by most mainline Christians to be based on a very peculiar exposition of scripture, is a strongly held credence of the Jehovah's Witnesses.

In the United States, individuals (adults) can refuse most medical treatments. The issue is medical, not legal. For Witnesses, the primary legal issue involving blood transfusions has concerned minors who might need operations in life or death situations that involve the use of transfusions. This situation has often led to court intervention, and the assumption by the court of the responsibility of the minor's parents until the operation is performed.

These cases, however, assumed a radically new perspective in the 1990s, when America faced a dramatic blood shortage due to contamination of the blood supply by the AIDS virus, and in several countries, patients died because of transfusions with contaminated blood. Through the 1970s and 1980s, due to their belief, the Witnesses had led in the development of various alternative surgical procedures that did not require transfusions. These alternative procedures became quite popular in the 1990s, and have led to more permanent changes in surgical procedures in the post-AIDS era, affecting all patients and not the Jehovah's Witnesses only (Stevenson 2016; Carbonneau 2003; Bergman 1980).

Conclusion

Through the middle and late twentieth century the Witnesses championed a set of unpopular beliefs and practiced several very unpopular behaviors, which led initially to a community reaction, and then caused them to challenge a set of laws that at the state and local level attempted to push back against those beliefs and practices (Côté and Richardson 2001). In order to practice their religion, the Witnesses at first fell victim to the laws, and then mounted a successful legal effort to have the laws changed or removed.

Through the 1940s, their efforts resulted in more than twenty First Amendment cases that went to the Supreme Court, almost all of which they won. That number has more than doubled in the years since. In winning these cases, they ended their major conflicts with the American government, but also have, in the process, rewritten American law relative to the First Amendment to the

Constitution by extending the impact of the Bill of Rights and of its guarantees of the freedoms of the exercise of religion, speech, and assembly. They have done so just as America has experienced a radical growth of religious diversity, with the decisions in their many cases clarifying the covering that the First Amendment offers for all religious communities.

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