10. Is the Bible Sectarian?

Following the Schempp family’s testimony, the trial moved on to a battle of the expert witnesses. While most witnesses at trials testify to convey their firsthand knowledge of the facts, experts appear for a much different purpose. As people of special skill or knowledge, expert witnesses draw inferences and opinions from the facts and thus help judges and juries to better understand the issues before them.

In the Schempp case, the judges’ analysis of the constitutional issues rested in large part on their understanding the religious significance, if any, of reading the Bible and reciting the Lord’s Prayer in public schools. Were these devotional activities? Was the Bible a sectarian book? How did different religious faiths view the King James Bible? Would certain passages offend children who were not raised in the religious traditions of the majority? The answers to such questions would help the judges determine whether these activities in the classroom offended the First Amendment’s establishment clause and free exercise clause.

Judge Biggs and his colleagues were not the first jurists to consider whether Bible reading in the classroom constituted a sectarian practice. They could look back to state supreme courts that had faced similar questions beginning about a century earlier. These decisions were not binding on the three judges hearing Schempp. Because these cases were brought many years before the First Amendment was made applicable to the states, they relied on provisions of state constitutions that prohibited sectarian teaching in public schools. So
state supreme courts had to decide whether Bible reading and prayer were sectarian practices within the meaning of their own state constitutional provisions. The courts divided on the question.

A significant early victory for those who wanted to remove the Bible from the public schools came in Ohio. Dissenting from a superior court ruling that permitted religious activities in the Cincinnati public schools, Judge Alphonso Taft concluded that use of the King James Bible “is Protestant worship” and that “its use is a symbol of Protestant supremacy in the schools, and as such offensive to Catholics and to Jews.” On review, the Ohio Supreme Court agreed with Taft and ended Bible reading in the public schools (see discussion in chapter 8).

One of the most distinguished opinions came from the Illinois Supreme Court in 1910. In *People ex rel. Ring v. Board of Education*, brought by Catholic plaintiffs, the judges found that religious practices in the classroom constituted worship. “If these exercises of reading the Bible, joining in prayer and in the singing of hymns were performed in a church there would be no doubt of their religious character, and that character is not changed by the place of their performance,” the court said. The state constitution banned sectarian practices, and the court reasoned that reading of the Bible constituted just such an activity, because different versions of the Bible provided the theological foundation for many different denominations.

Protestants will not accept the Douay Bible as representing the inspired word of God. As to them it is a sectarian book containing errors, and matter which is not entitled to their respect as a part of the Scriptures. It is consistent with the Catholic faith but not the Protestant. Conversely, Catholics will not accept King James’ version. As to them it is a sectarian book inconsistent in many particulars with their faith, teaching what they do not believe. The differences may seem to many so slight as to be immaterial, yet Protestants are not found to be more willing to have the Douay Bible read as a regular exercise in the schools to which they are required to send their children, than are
Catholics to have the King James version read in schools which their children must attend. Differences of religious doctrine may seem immaterial to some while to others they seem vitally important. Sectarian aversions, bitter animosities and religious persecutions have had their origin in apparently slender distinctions.

The judges then decided that the Bible readings each day amounted to instruction, and they listed what religious lessons the students were apt to learn: “They cannot hear the Scriptures read without being instructed as to the divinity of Jesus Christ, the Trinity, the resurrection, baptism, predestination, a future state of punishments and rewards, the authority of the priesthood, the obligation and effect of the sacraments, and many other doctrines about which the various sects do not agree.” Finally, the judges concluded that the state of Illinois had no right to instruct public school students in religious doctrine. Religion, the judges said, should be taught in churches, at religious parochial schools, and at home.

A clear majority of the state courts that considered the issue upheld readings from the Bible, and they offered a variety of reasons for doing so. To reach that result, though, the judges had to find that the Bible was not a sectarian book. Some courts extolled the Bible’s literary quality, or what they called the Scriptures’ “universal moral lessons.” Other courts regarded the Bible as nonsectarian solely within a Christian or Protestant context, conveniently ignoring the beliefs of all non-Christians.

To many of these judges, the Bible was a kind of generic book that enjoyed an enormously wide following. They refused to look further at the doctrinal differences, even among Christians, that caused one denomination to reject the other’s version of the Bible. Though authors of a dissenting opinion in the Ring case, Judges Hand and Cartwright expressed the idea of the Bible’s universal appeal as well as anyone: “Its plan of salvation is broad enough to include all the world, and the fact that those who believe in the Bible do not agree as to the interpretation of its teachings and have divided into sects,
and are therefore sectarian in their beliefs, does not change the Bible or make it a sectarian book.”6

A Kentucky court regarded the Bible as a Christian document acceptable to all, even though a Catholic parent brought the suit in question. The state’s court of appeals, then the highest court in Kentucky, first remarked on the universal respect given to the Bible regardless of edition or version, implying that so revered a book could not be sectarian. “It is not the least of its marvelous attributes that it is so catholic that every seeming phase of belief finds comfort in its comprehensive precepts,” the court said.7 The court wasn’t bothered by the fact that different versions of the Bible had been the source of bitter religious conflict for centuries. The Bible, said the Kentucky judges, had to teach dogma in order to be considered sectarian.

That the Bible, or any particular edition, has been adopted by one or more denominations as authentic, or by them asserted to be inspired, cannot make it a sectarian book. The book itself, to be sectarian, must show that it teaches the peculiar dogmas of a sect as such, and not alone that it is so comprehensive as to include them by the partial interpretation of its adherents. Nor is a book sectarian merely because it was edited or compiled by those of a particular sect. It is not the authorship nor mechanical composition of the book, nor the use of it, but its contents, that give it its character.8

Having tagged content as the critical question, though, the court simply let the matter drop and never examined the Bible’s content. It considered neither the various biblical passages that offended one denomination or the other nor the fact that it was on theological grounds that Protestants, Catholics, and Jews rejected each other’s Bible.

In Pennsylvania, whose law was being challenged in Schempp, no case challenging Bible reading had ever reached the state’s highest court. But two county courts had upheld the practice. In 1885, a court
of common pleas approved use of the King James Version against charges by Roman Catholic parents that Bible reading and the singing of Protestant carols violated their freedom of religion under the state constitution. Noting that the Douay was the only version recognized by the Roman Catholic Church, the plaintiffs argued, “all other English versions of the Sacred Scriptures are incorrect, unauthorized and sectarian in character.” The court, though, rejected their argument that the religious devotionals in school gave a preference to Protestantism. It said that the King James Version was not sectarian and that, in any case, students who objected could excuse themselves from the devotionals.

Thirteen years later, in 1898, another of the state’s lower courts upheld use of the King James Version in the classroom. The court noted that the state had had an antiblasphemy law on the books since 1700, making it a criminal offense to vilify the Christian religion, and that “the laws and institutions of this State are built on the foundation of reverence for Christianity.” It confirmed that a large number of school districts in the state conducted opening exercises with the Bible. “The Bible is not a sectarian book,” the judge stated. “On its broad foundation Christianity rests.” Were there any substantial differences between the Douay and the King James Version? Overlooking the Philadelphia riots between Catholics and Protestants over Bible reading in his own state, the judge concluded, “The Bible in either version is substantially and essentially the same book.”

With state courts split, it was up to the expert witnesses to guide Judge Biggs and his two colleagues in the Schempp case. Each side called only one expert witness. Sawyer’s witness was Solomon Grayzel, editor of the Jewish Publication Society, a publisher of works on Jewish life and religious matters. Born in Minsk in 1896, Grayzel came to the United States with his family in 1908. Ordained a rabbi in 1921 by the Jewish Theological Seminary, he went on to earn a doctorate in history from Dropsie College and became well known as an
expert on Jewish life and religion. He taught at Gratz College and then Dropsie and wrote several books of Jewish history.\textsuperscript{14}

Rhoads, meanwhile, called on Luther Allan Weigle, dean emeritus of the Yale Divinity School.\textsuperscript{15} Weigle, ordained in 1903 as a Lutheran minister, earned both a PhD from Yale University and an LLD from Gettysburg College. He began teaching at the Yale Divinity School in 1916 and then served as its dean from 1928 to 1949. While dean, he chaired a committee of Protestant scholars that undertook a revision of the American Standard Version of the King James Bible. The committee’s revision was published as the Revised Standard Version. His literacy as a scholar extended to both Hebrew and Greek, so he was capable of reading in the original language most of the writings that formed the basis of the Bible.\textsuperscript{16}

Grayzel went to the witness stand first. Sawyer’s goal was to convince the judges that the morning devotionals were a religious ceremony and that the King James Version was a sectarian book. In calling Grayzel as his expert witness, Sawyer chose to focus on the Judeo-Christian tradition. He wanted to show that the King James Version was acceptable to Protestant denominations but was regarded as sectarian—and therefore unacceptable—to Jewish and Catholic students. That was perhaps easiest to accomplish in regard to Jewish students, whose Bible does not include the New Testament and whose theology does not recognize the divinity of Christ. Sawyer could have punctuated that point by also showing how the use of the Bible excluded students of other faiths (e.g., Muslim, Hindu, and Buddhist), but he chose not to, perhaps because there were few if any such students in Abington in the 1950s.

After establishing Grayzel’s credentials, Sawyer focused on Abington’s choice of the King James Version as the only Bible purchased with public funds and placed in all the school district’s classrooms. The King James Bible was not accepted either by the Jewish or the Catholic faiths. Grayzel pointed out that the Jewish Bible contains the Torah, or the five books of Moses, plus the books of the prophets and the sacred writings. The King James Version adds the New Testament, with its acceptance of Jesus as divinity, a concept
that is no part of Jewish theology. Meanwhile, Catholics use their Douay Version and reject the Protestant King James Bible.17

Sawyer asked Grayzel about exposing Jewish children to a reading of the New Testament in school. Grayzel answered that Jews do not believe in the divinity of Christ and that “certain portions of [the New Testament] are distinctly offensive to Jewish tradition.” He added, “I don’t want to step on anybody’s toes but the idea of God having a son is, from the viewpoint of Jewish faith, practically blasphemous.”18

Sawyer probed for specific passages in the King James Version that indicated doctrinal differences between the faiths. Certainly there was no more powerful example than Matthew 27, the trial of Jesus before the Roman governor Pontius Pilate. As the New Testament in the King James Version relates it, a Jewish crowd refused to exchange the prisoner Barabbas for Jesus and instead insisted on Jesus’s crucifixion, despite Pilate’s question, “Why, what evil hath he done?” The King James Bible says of the Jewish crowd, “But they cried out the more, saying, Let him be crucified.” Then Barabbas is released and soldiers lead Jesus away to his crucifixion. “I submit to you,” said Grayzel, “that this verse, this exclamation has been the cause of more anti-Jewish riots throughout the ages than anything else in history. And if you subject a Jewish child to listening to this sort of reading, which is not at all unlikely before Christmas or before Easter—rather, before Easter, I think he is being subjected to little short of torture.”19 Grayzel added, “it is a direct accusation and a threat which is very disturbing.”20

Grayzel discussed a number of instances in which the King James Version and the Jewish Holy Scriptures differed in ways considered significant by the faiths. The differences were evident from the very beginning of the biblical texts, he said, with “the description of the Creation, ‘And the Spirit of God hovered—or floated, whatever the word is—on the face of the waters.’” Grayzel explained:

Now, in every Christian translation the word “spirit” would be capitalized because the assumption there is that it’s a reference to the
Holy Ghost. Now, the Jews understand it, assuming that it does mean “spirit,” it means the actual presence, the essence of God and it would not be capitalized. You will find in our translation that it is with a small “s.”

Now, these physical differences sometimes manifest themselves also in differences of translation. Any number of passages in the King James version will have a superscription . . . in the Christian Bible especially you have the various passages, the various Psalms described, summarized by a brief statement which is not essentially in, of the Bible but is a description of the translator or the editor of what the next passage contains. . . . Now, that superscription very frequently will say that this refers to Jesus; it describes Jesus’ life.21

Grayzel also pointed to another key difference that has been the subject of Christian-Jewish debate for many centuries. In Isaiah 7:14, the dispute concerns the proper translation of the Hebrew word almah—whether it means “virgin” or “young woman.” In the King James Version, the passage reads: “Therefore the Lord himself shall give you a sign; Behold, a virgin shall conceive, and bear a son, and shall call his name Immanuel.” But the Jewish translation says, “Behold, the young woman is with child, and she shall bear a son, and she shall call his name Immanuel.” Christians interpret Isaiah 7:14 as predicting the virgin birth of Jesus. Grayzel testified that “there we come up against a distinct difference in religious faith.” He added: “Now, the Christian church subsequently took this, as it did any number of other passages, as a prophecy, a prediction of things that were to happen many centuries later and took the words ‘young woman,’ which could be from the Hebrew viewpoint, could be either a married young woman or an unmarried young woman, took it to be a virgin. And so you have here an example, one of the basic examples of deviations between the two, the differences between the two faiths.”22

Sawyer moved on to blunt another issue that he felt might become important in the proceedings. Proponents of Bible reading argued, of course, that the Bible was nonsectarian. They also said that the law’s
provision that it must be read each morning without comment fur-
ther ensured that sectarian influence would not enter the classroom.
Reading the Bible without comment had been a brilliant innovation
in the 1840s by Horace Mann, the Massachusetts education commis-
sioner, who pleased various Protestant factions by including the
Bible in the curriculum while avoiding the commentary that had
caused bitter divisions in the past. Sawyer knew, however, that tak-
ing biblical passages at face value without discussion brought its own
problems. Without commentary to help them, students might mis-
understand the meaning of some words and passages and might even
take meaning from them that would be prejudicial to other faiths.
Beyond that, sharp differences existed in how various faiths regarded
the unaided reading of biblical text. Protestants alone placed high
value on reading the biblical text itself, without comment. For
Catholics, textual meaning derived from Church doctrine
expounded in Rome. For Jews, reading the Bible itself had little
significance; it was study and discussion of the Bible that provided
meaning.

Grayzel said that he wanted to “indicate how the Bible is misun-
derstood when it is taken without explanation.” He continued: “I
mean this reference to a passage in the Bible in Leviticus, which cer-
tainly is rarely read, but if an animal is found dead, killed or died nat-
urally, that a Jew may not eat it but a non-Jew may. Now, if you study
the passage it becomes perfectly clear that it was not an act of con-
tempt for the non-Jew but an act of further sanctification for the Jew.
He was to abide by certain rules. But since the non-Jew in those days,
and presumably now, wouldn’t hesitate to eat that kind of animal,
you are not to deprive him of it. But as a Jew you are not supposed to
eat it. Now, that does not come out from a mere reading of the Bible
but it does come out from a study of the Bible, and there are any
number of such instances.” Grayzel also pointed to the Genesis
story of Jacob and Esau, sons of Isaac and Rebekah. Esau, the first
born, returned exhausted from hunting one day and, instead of wait-
ing patiently for his food, he sold his birthright to his brother Jacob
for some pottage. “Now, if you read the passage as it is written,” said
Grayzel, “without paying too much attention to it, it is possible, as happened, for a child, for a non-Jewish child to come to a Jewish friend and say, ‘I see now your ancestor was a cheat. He took advantage of his brother who came in tired and hungry and made him give up something valuable for a mess of pottage.’ But the point of the story, which I had to—I remember having to explain to the complaining child—was the last phrase in it. The point was, ‘Thus, Esau despised his birthright.’ It wasn’t the question of whether Jacob took advantage of him or not; the point of the story is that Esau had so little regard for his birthright that he was ready to sell it or give it away for a petty thing.”

On his cross-examination, Rhoads wanted to counter Grayzel’s portrayal of the King James Version as a sectarian book. To win the case, he had to convince the judges that, far from being a sectarian work, the Bible conveyed universal moral and literary qualities that made it a good pedagogical tool for use with schoolchildren. In other words, he wanted to make the argument that the public schools used the Bible as a source of moral values, not of religious doctrine.

Rhoads probed Grayzel’s opinion of the Bible and got the concession he wanted. Grayzel agreed with him that the King James Version had passages of literary merit and moral value. This was a significant concession, because it reached the heart of Rhoads’s case: that the state of Pennsylvania, having decided to convey moral teachings to its students, had made a reasonable choice in selecting the Bible as the book for doing so.

But then Rhoads, perhaps a bit unfamiliar with biblical scholarship, made the mistake of asking a question to which he did not already know the answer. Apparently only superficially familiar with the Good Samaritan story, Rhoads left Grayzel a huge opening to explain how even passages conveying moral lessons can be sectarian and divisive. Rhoads got Grayzel to concede that the Good Samaritan story had moral values, but Grayzel continued.
You have the story—I think we are all familiar with it—of this very
sick, dead—a dead person or a sick person lying on the road. There
are three people who pass by, a priest, a Levite and a Samaritan. Now,
notice . . . the three divisions were priests, descendants of Aaron who
were priests officiating in the temple who had to be pure in order to
enter the temple—“pure,” I mean ritually pure—the Levites, whose
purity was not expected to be so great but they were also descendants
of Aaron, and Israelites, ordinary Israelites, who were not subject to
the laws of purity quite as much.

Now, think of the story as it must have been told in those days. A
priest passes by. He sees what he think is a dead body. The laws of
purity apply to him. He wouldn't touch it because he would make
himself impure and couldn't officiate in the temple. He passes it by. It
is a cruel act. He should have let, forgotten the laws of impurity and
should have attended to the burial of the person, but he preferred—
being a stickler for the law he preferred to take care of his purity.

Then comes the Levite; the same thing. Then, along comes an
Israelite to whom the laws of impurity do not apply in the same thing
and he attends to the person who is lying on the ground.

Grayzel said that the story told in this way had a good moral effect
but that the story had been changed.

In the story as it came to be told the Israelite was obviously removed
and the Samaritan put in. Why a Samaritan? Well, the Samaritans
and the Israelites in those days, the Samaritans and the Jews were not
on good terms. Very likely the Samaritan was deliberately put in as a
slap at the Jews of that day who refused to join the Christian Church,
because the story on the face of it must have been, must have included
priest, Levite, Israelite. That was the division. There was no such
division as priest, Levite, Samaritan.

Now you tell this story in a school to a Jewish child or in the pres-
ence of a Jewish child and a Christian child and the Christian child
has every right to say, “See, you come of a people that is cruel, that
doesn't understand the decencies of life.” And even if the Jewish child
When Rhoads called Luther Weigle to the witness stand on the afternoon of November 25, he could hardly have hoped for a more respected person to testify on his behalf. The retired dean of the Yale Divinity School had, after all, chaired a committee that had published a new translation of the King James Version. With expectations for Weigle so high, Rhoads looked forward to several hours of testimony that would persuade the three judges that the Bible was a nonsectarian book and the best possible source for the moral lessons that school authorities wanted to convey to the children.

Grayzel had made a strong case that many passages were at odds with the traditions of Judaism and other religions. But it was difficult to gauge how the judges felt at this stage of the proceedings. If Grayzel had pushed them in one direction, Rhoads had the man capable of pulling them back. When Weigle finished his testimony, however, it seemed clear that Rhoads had not gained the traction he needed. In fact, at several junctures, Weigle expressed an opinion that seriously wounded Abington’s case.

After he introduced Weigle, Rhoads led him through a lengthy exposition on the various versions of the Bible and how they came about. His purpose was to trace all versions of the Bible back to common sources—the Masoretic Hebrew text as the basis for the Old Testament and the Greek text for the New Testament—and to make the point that this foundation was by its very nature nonsectarian. Translations of the Bible differed because of incomplete source material and the accumulated errors that came from laboriously copying manuscripts by hand. Dissenters had their own ideas about the Bible and the proliferation of versions caused widespread strife,
especially during the Reformation. Finally, in England, King James attempted to unite the Anglican Church behind one new translation of the Bible. Weigle explained that King James convened a conference in 1604 in an attempt to resolve differences. King James agreed to a suggestion that he commission a new translation of the Bible that would be less sectarian than the Geneva Bible. As a result, a commission of British scholars drafted and published the King James Version in 1611. Questioning Weigle about the King James Version, Rhoads asked, “Was it intended, so far as the translation was concerned, to be an objective approach to a subject of scholarship?” Weigle responded, “It was so intended, and it succeeded.”

After a brief discussion of the Catholic Douay Bible and Jewish Old Testament, Rhoads tried to tie the various strands together. In answer to a question, Weigle said that various versions of the Bible had been based on certain original source material that had been available to scholars for centuries. He said that this source material was not sectarian. A few minutes later, Rhoads asked, “Dean Weigle, from your knowledge of the sources and methods available to early scholars, do you believe that the King James Version, that is the Standard King James Version, is an accurate and scholarly piece of work?” Weigle responded, “It is, yes.” Having carefully laid his foundation, Rhoads went directly now to a key issue before the three judges—whether the Bible is a sectarian book in any of its major versions: “Dean Weigle, coming to the issues in this case, there is a statute in Pennsylvania which provides—and I am merely summarizing it—that there shall be read in the public schools of this Commonwealth ten verses of the Holy Bible without comment at the opening of school. May I ask you whether you have any opinion as to whether the reading of ten verses of the King James Version of the Bible without comment is sectarian in character?” Following an objection by Sawyer, Weigle responded: “In my opinion, because the Bible is not a sectarian book, that practice is not sectarian.” Rhoads then asked, “Would that answer be the same, Dean Weigle, if there were a reading in the same manner as I have described from the Douay Version of the Bible?”
“The same.”

“Would the same apply if the reading were from the Jewish Version of the Bible which you have identified a moment ago?”

“The same.”

Although Weigle testified that none of the major versions of the Bible were sectarian, he clouded the matter a moment later when Judge Kirkpatrick asked him a series of questions. He posed a hypothetical: If a teacher eliminated the King James Version from the school and only permitted readings from the Hebrew Scriptures, would the children be reading from the Holy Bible? Weigle responded, “He would certainly be conducting exercises which would involve the reading of the Holy Scriptures, as he understands the Holy Scriptures.”

“But the trouble is the law says the Holy Bible is what must be read.”

“Yes. His practice would be a sectarian practice.”

Rhoads interrupted, “If he permitted nothing else, you mean.”

“Yes, if he permitted nothing else.”

Judge Kirkpatrick let that line of questioning go without anything more. Weigle’s statement, as far as it went, seemed potentially damaging to Abington’s case. No version of the Bible, according to Weigle, was sectarian, but a school that permitted only readings from the Jewish Holy Scriptures would be engaging in a sectarian practice. What was left hanging was the situation in the Abington schools. The school district theoretically permitted students and teachers to read any version of the Bible. But it purchased and distributed just one particular version of the Bible to its teachers—the King James Version. Nobody probed that point, but it surely was not lost on anyone.

For his part, Sawyer was thinking about another of Weigle’s points. Weigle had testified that, in his opinion, the King James Bible was nonsectarian. But he had also said that the King James Version had been published as a compromise to satisfy various factions within the Protestant Anglican Church at the time. If the King James Version was indeed nonsectarian, for whom was it nonsectarian? Sawyer waited his turn.
Rhoads returned to the other major point in his case, asking Weigle about the value of Bible reading to schoolchildren. Weigle said:

It possesses a moral educational value because, after all, the Bible is the record of the experience of the people that discovered what God really is like, and has given us the Ten Commandments and other moral precepts which are contained in the Holy Bible. It is of very high literary value because the King James Bible is what one authority has called the noblest monument of English prose. It has contributed to the making of the English language as no other English book has done.

It is of great value, it seems to me, to the perpetuation of those institutions and those practices which we ideally think of as the American way of life, because the Bible has entered vitally into the stream of American life. I won’t stop to say anything more than that Lincoln was an assiduous student of the Bible; that much that Lincoln did and much that Lincoln wrote bears the stamp of his understanding of the Bible upon it.33

Now it was Sawyer’s turn to cross-examine Weigle. Sawyer’s strategy aimed at convincing the judges that Bible reading and recitation of the Lord’s Prayer were religious exercises and that the King James Version, whatever its moral and literary value, was above all a sectarian book whose message conveyed the core religious beliefs of Protestants. Sawyer varied his pace, sometimes serving up easy questions and other times vigorously pressing the attack. His preparation for trial was so extensive and his cross-examination so skilled that he managed to extract key concessions from Weigle.

Sawyer first tried to establish that even Protestants argued about parts of the King James Bible. Weigle himself had supervised a new translation of the King James Bible, so Sawyer pressed several issues that Weigle knew well. Sawyer asked, “Dean, the New Revised Standard Version . . . was greeted with some controversy in the Protestant
world, is that correct?” After Sawyer repeated the question, Weigle responded, “No, it wasn’t greeted with any controversy in the Protestant world. It received some controversy from certain fringes, but—”

“What were those fringes?”

“It has been welcomed very heartily in the Protestant world.”

“What were the fringes that you speak of that took exception to the New Revised Version?”

“Well, people who thought that there ought be no revision.”

After a question by Judge Kirkpatrick, Sawyer continued, asking Weigle if he was familiar with the International Council of Christian Churches, of which Carl McIntyre was the founder and president. Weigle said he had heard of him. Sawyer asked, “Did he take up a crusade, so to speak, against the New Revised Standard Version?”

“Yes, but of course he has taken up a great many crusades, including one against the Presbyterian Church.”

“People feel strongly about these matters, don’t they, translations of the Bible? Don’t they, Doctor?”

“Of course people feel strongly. . . .”34

Sawyer then asked Weigle about the controversy surrounding the prophecy of the virgin birth in Isaiah 7:14. As Grayzel had explained earlier in the proceedings, the King James Version had translated the Hebrew word *almah* to mean “virgin” rather than “young woman,” thus giving the Isaiah passage the translation “a virgin shall conceive, and bear a son . . . .” But when Weigle’s committee published the Revised Standard Version, which was intended to update the King James Version, the new version used the translation “young woman” and thus moved away from the more Christological translation that anticipates Christ’s birth. Sawyer asked Weigle, “Now, did there come a time, sir, if you know, when there was a burning of the Revised Standard Version a few weeks after it was published in December of 1952, down in North Carolina? Do you remember that incident?”

“Yes.”

“Do you recall that one of the things that was attacked was the fact that in I believe it is Isaiah 7:14 the new Revised Standard substitutes
the word ‘woman’ for the word ‘virgin’ in speaking of the prophesy of Isaiah which the Christian Church has widely acclaimed and heralded in the coming of Christ? Is that an incident which is familiar to you, sir?"

“Yes.”

Sawyer continued, “Would you say, sir, that in the translation of Isaiah that there is no sectarian aspect as to whether or not one believes that the word of God there set forth is that a young virgin shall conceive or a young woman shall conceive? Is that a sectarian issue?”

“That is not a sectarian issue. . . . The translation of this word by scholars generally is young woman. It has been so accepted by all of the basic Hebrew dictionaries. It has been accepted by fundamentalist scholars who may have objected to other points of the Revised Standard Version but do not object to this. It has been accepted by churches that, well, you wouldn’t expect to accept it.”

“Has it been rejected by others?”

“I don’t know anyone that has rejected it that understands the Hebrew.”

“I am not asking you whether they are wrong or right in their rejections, as your answer was, sir, but do you know that there are bodies of opinion within the Protestant world and outside of it which specifically rejected this translation?”

“Oh, yes.”

Sawyer clearly had scored some valuable points. He had been waiting patiently, though, for the right time to take on Weigle on perhaps the most critical point. Earlier, Weigle had said that he believed the King James Version was a nonsectarian book. Sawyer first asked him to define what he meant by the term sectarian. Weigle explained, “A movement is sectarian when it is meant to establish the distinctive doctrines of some particular sect as opposed to the doctrines of other sects.”

“And when would a Bible be sectarian?”

“When it was so translated as to do just that, that is, . . . to tend to
establish the distinctive doctrine of that particular sect as opposed to other sects.”

Now Sawyer, using Weigle’s definition of sectarian, backed him into a critical concession—that what he really meant was that the Bible is nonsectarian only for Protestants. For Catholics and Jews, the disagreements with the King James Version were profound enough that they had their own versions of the Bible. Sawyer asked, “Doctor, would you say that the Holy Bible—and I am using those particular words—the Holy Bible would be complete without the New Testament?”

“No.”

“You defined, I believe, a sectarian Bible as one in which the message of a particular sect were conveyed by that version of the Bible. On that definition, Doctor, would you say that the New Testament was sectarian in that it conveys the message of a particular sect?”

“It conveys the message of Christians.”

“Yes, as opposed to non-Christian sects?”

“Yes.”

“When you said ‘non-sectarian,’ did you mean as among the various Protestant sects?”

“I meant among the various Christian bodies.”

Next, Sawyer focused on who did and did not participate in the translation that resulted in the King James Version. Weigle conceded that there were no Jews or Roman Catholics on the scholarly committee. Nor were there any Separatists.

Having established the narrow sectarian cast of the group that put together the King James Version, Sawyer moved next to the dedicatory epistle that appeared before the biblical text itself. The epistle expressed a strong anti-Catholic prejudice growing out of the religious upheavals of England in the early seventeenth century. Sawyer clarified his position: “Well, I was referring to a portion, and I will read: ‘. . . so that if, on the one side, we shall be traduced by Popish Persons at home or abroad, who therefore will malign us, because we are poor instrument to make God’s Holy Truth to be yet more and
more known unto the people, whom they desire still to keep in ignorance and darkness; . . .’ Would you think that statement had a sectarian aspect to it, sir?”

“It sounds a little that way, but that is not part of the Bible.”

“Well, we are speaking now of the aegis under which the Bible came into being rather than the text.”

“Well, of course it did not come under the aegis of the Roman Church.”

In preparation for the trial, Sawyer had read some of Weigle’s writings on the Bible, including *The English New Testament from Tyndale to the Revised Standard Version*, published in 1949. Weigle had testified on the witness stand about the outstanding moral and literary qualities of the Bible, which he said made it appropriate for reading to schoolchildren. His writings, however, revealed that Weigle viewed the Bible’s main value as conveying a religious message—“the word of God to man,” as he put it. Sawyer didn’t even have to ask the most obvious question: If religious doctrine was the primary lesson, wouldn’t schoolchildren absorb that meaning above all else? Instead, he said: “I will put the question this way, Doctor: In your opinion as an expert is the King James Version of the Bible to be regarded primarily as an historic record, as a piece of English literature or as the revelatory word of God?”

Weigle responded: “Again, you are asking me, sir, about my belief. I have stated that I think that this is a justified practice of educational value from the standpoint of morals, from the standpoint of literature, from the standpoint of the place that the Bible has occupied and continues to occupy in American life. Now, over and above that what I believe does not seem to me to be relevant to this inquiry.”

Sawyer regrouped: “Doctor, maybe I can approach it this way. I would like to read you a paragraph from your book, sir, entitled *The English New Testament* which was referred to by Mr. Rhoads. The paragraph says: ‘The message of the Bible is the central thing, its style is but an instrument for conveying the message. The Bible is not a mere historical document to be preserved. And it is more than
a classic of English literature to be cherished and admired. The Bible contains the Word of God to man. And men need the Word of God in our time and hereafter as never before.’ Now, would that fairly express your feeling as to the respective proportion and importance of the three factors, historical, literary and religious, shall I say, embodied in the work that we think of as the Bible?”

Weigle answered: “It does. Yes, I stand on what I said there. The point, however, is this. I stressed the moral value and the literary value and the historical value of the Bible as pertinent to the case that is before us. Now, the actual fact is that the Bible has those values because people have believed it, because they believe that there is something revelatory in it of what true morals are. It is not simply a literary exercise but its literature has arisen out of that faith. Now, I am perfectly willing to grant that. I still would say that the reasons why it may have a place in our educational system are these three reasons that I gave.”

Weigle, former dean of the Yale Divinity School and Abington’s primary witness, had all but endorsed the main points of Sawyer’s legal arguments.