

**DERR v. DERR was a 1942 Pennsylvania appellate court decision. Floyd Derr and Ruth Derr were married in August 1935, and soon thereafter had two sons. The relationship between the Derrs was good until the spring of 1940. At that time, Ruth Derr joined the Jehovah's Witnesses. That was the principal, if not the only, cause of the Derrs' problems.**

**Keep in mind, while reading about Ruth Derr's WatchTower activities and demands relating to such, that Floyd Derr was employed, at a time of high unemployment in the United States, at the town's "country club", which also furnished the Derr's housing and meals as part of the husband's compensation. The wife's Jehovah's Witnesses activities consisted of going from house to house throughout the town urging the townspeople to listen to a bible lecture played on a victrola and distributing literature. She wanted her husband to agree to permit her to hold WatchTower meetings in their home at the "country club" (which he refused to do). Ruth Derr even asked her husband to furnish her with a maid so that she could devote more time to her religious activities.**

**At the 1941 divorce trial trial, Ruth Derr testified that, "He tried to force me to go to church with him, and I refused to do it." She said, "He talked terribly to me, all because of the fact that I believed the way I did. He said if you give up that rotten, dirty belief, he says, I'll do anything for you, but that, I refused to do."**

**Evidence at trial indicated that in March 1940, Ruth Derr left the home and took the children with her to Scranton to live with her Jehovah's Witnesses mother and stepfather where she could continue her religious activities unmolested. She remained away until July 1940, when, at the request of the husband, who agreed to tolerate her beliefs provided she kept them to herself, she returned. The Derrs lived together until October 1940, when the wife again removed the children to Scranton. She said she intended this separation to be permanent and when asked, "Would you consider going back to your husband in Indiana [, Pennsylvania]?" said, "No, I could never think of that." There is no denial that the husband had been, and was at the hearing, willing to take her back with the children at any time.**

**Further evidence indicated that Ruth Derr's mother's home was but a small two-bedroom house in Scranton. Neither Ruth Derr nor her mother worked, and the sole source of income of the household consisted of the earnings of Derr's stepfather, who was a Works Progress Administration worker (W.P.A. -- We Piddle Around). Although, if custody of the children were awarded to the wife, she would be entitled to receive from the husband some contribution for their support. However, in the Derrs' situation, the difficulty was that a substantial part of the husband's salary consisted of living quarters, meals and other emoluments which it was impossible for him to pass on via support payments.**

**The trial court granted custody of the two sons to Floyd Derr. Thereafter, Ruth Derr and her Jehovah's Witnesses Mother appealed. The appellate court affirmed the lower court's ruling, and in doing so, quoted from the trial court as to the basis:**

**"... we cannot escape the conclusion that [Ruth Derr] regards the observance of her obligations to her denomination and the furthering of its interests as superior to her obligation to care for her children. From her own testimony it is quite apparent that she devotes as much of her time as is possible to the proselytizing work of her religion and leaves the care of her children for many portions of each day to her mother. We also think that the legal fitness of the respondent to care for her children may be seriously questioned when we consider that the children must of necessity be raised in an atmosphere which condones the deliberate break-up of a family because of one spouse's idea of a superior way of life."**