

ACTIVIST JUDGES GUN FOR GOD – AGAIN

By Don Feder

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Like the slime-creature from a 50s science-fiction film (“Kill it, before it multiplies!”), federal judges are seemingly unstoppable – a malignant, mutating entity determined to conquer the planet.

Which is another way of saying that another activist judge has decided that God is unconstitutional. U.S. District Court Judge Lawrence K. Karlton (not surprisingly, a Carter-nominee) based his opinion on a fiction -- which, come to think of it, isn't surprising either

Based in Sacramento, Karlton said he was bound by precedent to find that recitation of the Pledge of Allegiance with the words “one nation under God” violated the First Amendment's Establishment Clause. The precedent Karlton cited was the Ninth Circuit Appeals Court's 2002 decision in the Newdow case.

Michael Newdow, the atheist Energizer Bunny (last year, he tried to stop ministers from praying at the Inauguration), claimed his daughter was being subjected to “religious indoctrination.” In American public education, any form of indoctrination – sexual, homosexual, multicultural, revisionist – is acceptable, as long as it doesn't involve God.

The Ninth Circuit – which has the distinction of being the most-reversed appeals court in the land -- ruled in his favor. The court held that a phrase school children have been repeating for half-a-century “impermissibly coerces a religious act” and “places

students in the untenable position of choosing between participating in an exercise with religious content or protesting.”

When students buy lunch in the school cafeteria, and are forced to accept change with the motto “In God We Trust” inscribed thereon, are they not also being coerced into participating in “a religious act?”

When students at a school athletic event are compelled to stand while the National Anthem is sung (with the stanza, “Then conquer we must, when our cause it is just, and this be our motto, in God is our trust”), are they not thus put in “the untenable position of choosing between participating in an exercise with religious content or protesting”?

However, as I said, Karlton’s opinion is based on a lie.

In 2004, the Supreme Court reversed the Ninth Circuit. It determined that since Newdow didn’t have custody of his daughter, he lacked standing to sue in her behalf – a technicality, but one that negated the appeals court ruling.

By citing a non-existent precedent, Judge Karlton was rationalizing imposing his views on the Elk Grove Unified School District, whose students will shortly be enjoined from saying said ominously coercive words.

In similar fashion, a long line of justices, who have redefined the words “an establishment of religion” to mean “religious expression,” are using the First Amendment as an excuse to impose their hostility to public manifestations of faith on the rest of us.

Think about it. The U.S. Constitution was written in an era that was shaped by the thinking of men like Washington, Adams and Madison.

John Adams – “Our Constitution was made for a moral and religious people.” But the same Constitution prohibits their children from hearing the words “under God” in a public school?

George Washington -- “I am sure that never was a people who had more reason to acknowledge a Divine interposition in their affairs, than those of the United States” But acknowledging the same in a public setting is unconstitutional?

James Madison (coincidentally, author of the First Amendment) -- “Before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the Universe.” But recognizing that reality with the words “one nation under God” is tantamount to the establishment of a theocracy?

Thomas Jefferson (speaking of activist judges of his day) – “The Constitution is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please.”

Over the course of 60 years, the federal courts have steadily redefined the words “establishment of religion” (by which the Founding Fathers meant: a national church) to mean: no nondenominational school prayer, no moment of silence in the classroom, no public displays of crèches and menorahs (unless adequately camouflaged by secular symbols), no posting of the Ten Commandments on school bulletin boards, no invocations at graduations and now – no recitation of the Pledge of Allegiance.

If the Ninth Circuit's interpretation is correct, it must also be an impermissibly coercive religious act for students to read the Declaration of Independence ("All men are created equal and endowed by their Creator with certain unalienable rights") or to recite Lincoln's Gettysburg Address ("That this nation, under God, shall have a new birth of freedom").

That's precisely what the principal of the Stevens Creek Elementary School, also in California, decided last year, when she perverted a teacher from distributing supplemental course material including the Declaration and excerpts from the diaries of Washington and Adams, due to their multiple references to God. (Is California still part of the United States?)

Leftist judges and bureaucrats have repeatedly amended the Constitution to suit their secularist worldview – in direct contravention of the words of the Founding Fathers, the intent of the Constitution's framers and the overwhelming desires of the American people.

(An Associated Press poll conducted when the matter was before the Supreme Court last year, found 87% of the public believes God "should remain in the Pledge of Allegiance.")

The Constitution has been (and is being) amended on an ongoing basis, not as provided in Article V – by a two-thirds vote of each house of Congress and a three-fourths vote of the states – but based on the deeply held prejudices of radicals in robes who: A) Are unelected B) Serve for Life, C) Are answerable to no one but themselves and D) Think they're God – which perhaps accounts for their aversion to public acknowledgment of the real Deity.

The above explains the three-ring circus recently concluded in Washington, also known as the Roberts' confirmation hearings. That's why the Enormous Ted and other senatorial inquisitors put

Supreme Court nominee John Roberts on the rack. Speaking of pledges of allegiance, they are determined to destroy him unless he swears an oath of fealty to their egregious distortions of the Constitution – concerning privacy, equal protection and an establishment of religion.

Although I've been skeptical of Roberts in the past, and remain so, I'm encouraged by his response to a question from California Senator Diane Feinstein, asking him if he is committed to "an America where the separation of church and state (*words which appear nowhere in the Constitution*) is absolute."

Roberts' response: "Senator, I think the reason we have the two clauses in the Constitution in the First Amendment (*the Establishment Clause and the Free-Exercise Clause*) reflects the framers' experience. Many of them or their immediate ancestors were fleeing religious persecution. They were fleeing established churches."

Note the way Roberts describes the genesis of the First Amendment: The framers' or their immediate ancestors were fleeing "established churches" (where one religion was favored by the state and subsidized from the treasury), not states in which God was affirmed. How many federal judges share this perspective? How many Democrats understand that there is no Social Security trust fund?

There's a religious war underway (A Thirty Year War – at least). People of faith didn't choose it. It was forced on us by the left. These militant secularists aren't adverse to our principles alone, but to those on which America was founded. If we are to have any hope of surviving this conflict, President Bush must – absolutely must – keep his oft-repeated promise to nominate Supreme Court justices in the Thomas/Scalia mold.

It's said that belief in God requires an enormous leap of faith. Perhaps, but not nearly as much as the belief that the men who wrote the Constitution lived in mortal fear of school children hearing the words "one nation under God" -- thereby "impermissibly coercing a religious act."

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