

SUPREME HOSTILITY TOWARD FAITH

By Don Feder

In his book, “The Cube and the Cathedral,” Catholic scholar George Weigel explains why the proposed constitution for the European Union, a 70,000-word document, does not contain the word Christianity – in other words, why its framers deliberately ignored 1,000 years of European history.

Weigel writes: “In the minds of many Europeans, Christianity was not simply a non-factor in the development of contemporary European public life; Christianity was (and is) an obstacle to the evolution of a Europe at peace, a Europe that champions human rights, a Europe that governs itself democratically.”

This also explains the Judeo-Christophobia of the U.S. elite, including the elitists on the United States Supreme Court, who view even the most innocuous acknowledgements of our Biblical roots with fear and loathing.

How else to explain the court’s contradictory and seemingly incomprehensible decisions in two Ten Commandments cases announced at the end of its term.

By a 5-4 vote, in *Van Orden v. Perry*, the court upheld the constitutionality of a 6-ft granite monument on the grounds of the Texas State Capitol. But, by the same one-vote margin, the court declared unconstitutional framed copies of the Ten Commandments on display in two Kentucky courthouses, in *ACLU v. McCreary*.

The difference? The Texas statue was among 17 displays spread over 22 acres, paying homage to everything from the Alamo to Hood’s Brigade in the Civil War. The Kentucky postings initially stood alone. Later, other historical documents – including the Magna Carta, Mayflower Compact and Declaration of Independence -- were added, in a vain attempt to make the Decalogue kosher in the eyes of the judiciary.

Under the Supremes’ three-reindeer rule, religious symbols will be tolerated in a public setting, if they’re sanitized by secular kitsch – i.e., mangers will be allowed in a Christmas display if Joseph and Mary are lost among plastic Santas and candy canes.

Thus, the court will countenance religion only in a non-serious context. In terms of Ten Commandments exhibits, it is terrified by the possibility that onlookers will take the Decalogue seriously, and, in so doing, realize that rights come not from the state (including a group of elderly individuals in black robes) but from a higher source.

What killed the Kentucky presentations (besides the fact that secular window dressing wasn’t there at the outset) was a statement of intent. The county commissioners committed the unpardonable sin of saying that the Ten Commandments postings were meant to call attention to “America’s Christian heritage.”

For shame, the court's ACLU majority scolded. Christian heritage, indeed! Why, you'd think the Pilgrims and Puritans were devout Christians – that the Mayflower Compact said the Plymouth Plantation was “undertaken for the glory of God and the advancement of the Christian faith,” that the Declaration of Independence referred to men being “endowed by their Creator” with “unalienable rights,” that the Constitution proclaimed it was signed “in the year of *our Lord* one thousand seven hundred and eighty seven,” that Lincoln expressed the hope that “this nation, under God, shall have a new birth of liberty,” that every president from George Washington to George W. Bush took his oath of office on the Christian Bible, and so on. All true, by the way.

The Supreme Court's Gang of Five would have us believe that America just happened – that it sprang full-grown from the brow of Jefferson, that the Founding Fathers dreamed up the idea of all men being equal, that human rights were created out of thin air or came from Enlightenment philosophers, that the concepts of human dignity and free will (upon which republican government rests) are self-evident – instead of all being the result of an encounter at Sinai and the subsequent history of Israel narrated in the Bible.

In the secularist mindset which dominates the high court, to imply that The Ten Commandments played a special role in our nation's history is to impermissibly favor religion.

Writing for the majority in *McCreary*, David Souter – perhaps the most muddled mind in a body famous for murky thinking – disclosed, “The touchstone of our analysis is the principle that the First Amendment mandates government neutrality between religion and religion, and between religion and non-religion.” Also, “when government acts with the ostensible and predominant purpose of advancing religion, it violates the Establishment Clause value of official religious neutrality.”

To which Justice Scalia shot back, “Nothing stands behind the court's assertion that governmental affirmation of the society's belief in God is unconstitutional except the court's own say-so.”

Just so. Not the intent of the Founding Fathers, the clear meaning of the Constitution, the history of the United States, or even Supreme Court rulings up until about 60 years ago, support the notion that the Establishment Clause mandates a separation of church and state (words which do not appear in the Constitution), or – more to the point – religion and government.

To promote religious-cleansing of the public square, in 1947, the Supreme Court began lying about the meaning of the First Amendment. Now, whenever justices want to justify the latest attempt to crush religious expression, they refer to previous lies (which they call precedents) and speak loftily of their “principles,” which, in reality, have nothing whatsoever to do with the Constitution.

If transgressing the court's assumptions weren't enough, framed copies of the Ten Commandments in a courthouse might be offensive – in violation of the Constitution's Inclusiveness Clause? – Souter cautioned.

“By showing a purpose to favor religion, the government sends the ... message to ... non-adherents that they are outsiders not full members of the political community, and an accompanying message to adherents that they are insiders, favored members,” the justice insisted.

Souter does not try to explain how Kentucky's Ten Commandments displays are qualitatively different from the religious expression the court still permits – “one nation under God” in the Pledge of Allegiance, “In God We Trust” on our currency, a stanza from The National Anthem (“and this be our motto, in God is our trust”), those offering testimony before the courts taking an oath on a Bible – or the doors to the Supreme Court's own chambers engraved with the Roman numerals one through ten.

Imagine the emotional turmoil experienced by the poor non-adherent at a public event who hears people pledging allegiance to the flag and to “one nation under God,” with the clear implication that America is under the authority of the Almighty. What an acute sense of alienation he must feel. And what a tremendous ego-boost to believers, who are thus validated as favored members of the polity.

More bizarre even than Souter's alienation argument was Justice Sandra Day O'Connor's sweeping re-writing of American history in her concurring opinion in *McCreary*. “Those who would renegotiate the boundaries between church and state must therefore answer a difficult question: why would we trade a system that has served us so well for one that has served others so poorly,” O'Connor inquired.

The “system” here referenced (militant secularism) has been in effect for roughly 40 years of our nation's 229-year history. Has it served us well? The system is arbitrary, capricious and inconsistent. (Scalia, “What distinguishes the rule of law from the dictatorship of a shifting Supreme Court majority is the absolutely indispensable requirement that judicial opinions be grounded in consistently applied principles.”)

Said “system” has led to decades of contentious, increasingly bitter, litigation. It was imposed from above, over the strenuous objections of the American people. It's unconstitutional, anti-democratic, a denial of our history and heritage, and is based on a monumental lie – that any commingling of government and religion will result in civil strife.

The position of O'Connor and her First Amendment-bending colleagues is that a framed copy of The Ten Commandments on display in a court house will inexorably lead to religious tests for public office, a Church of America, and a reprise of The Thirty Years War.

But, not so long ago, America had crèches in public parks at Christmas, prayers in public schools, and presidents like Harry Truman, who could proudly proclaim, “The fundamental basis of this nation’s laws was given to Moses on the mount” -- without engendering Inquisitions, pogroms or religious wars. To the contrary, America was the most religiously tolerant nation on earth.

Only an elitist who lives in a cocoon could survey the decline of morality over the past four decades (and the corresponding rise of social angst), and say the Great Divorce that the Supreme Court presided over – the separation of faith from our public life – has served us well. Compare the divorce rate, homicide rate, rates of illegitimacy and mental illness or any other index of societal trauma in 1961 and today, to get some idea of how well O’Connor’s “system” has served the nation.

The week before *McCreary*, a majority of the court decided to expand the definition of eminent domain to allow municipalities to seize property for private use. It validated a plan by the City of New London, Connecticut of confiscate homes and business and turn the land over to a developer to build an office complex. Now, anyone’s home can be taken away, if government deems that someone else can put it to better use (i.e., generate more tax revenue).

If Souter and his accomplices honored the Ten Commandments the way the Founders did – if they understood that the road to Philadelphia in 1787 started at Sinai – perhaps they’d comprehend the meaning of “Thou shalt not steal.”