

I B E R T Y

A MAGAZINE *of* RELIGIOUS FREEDOM

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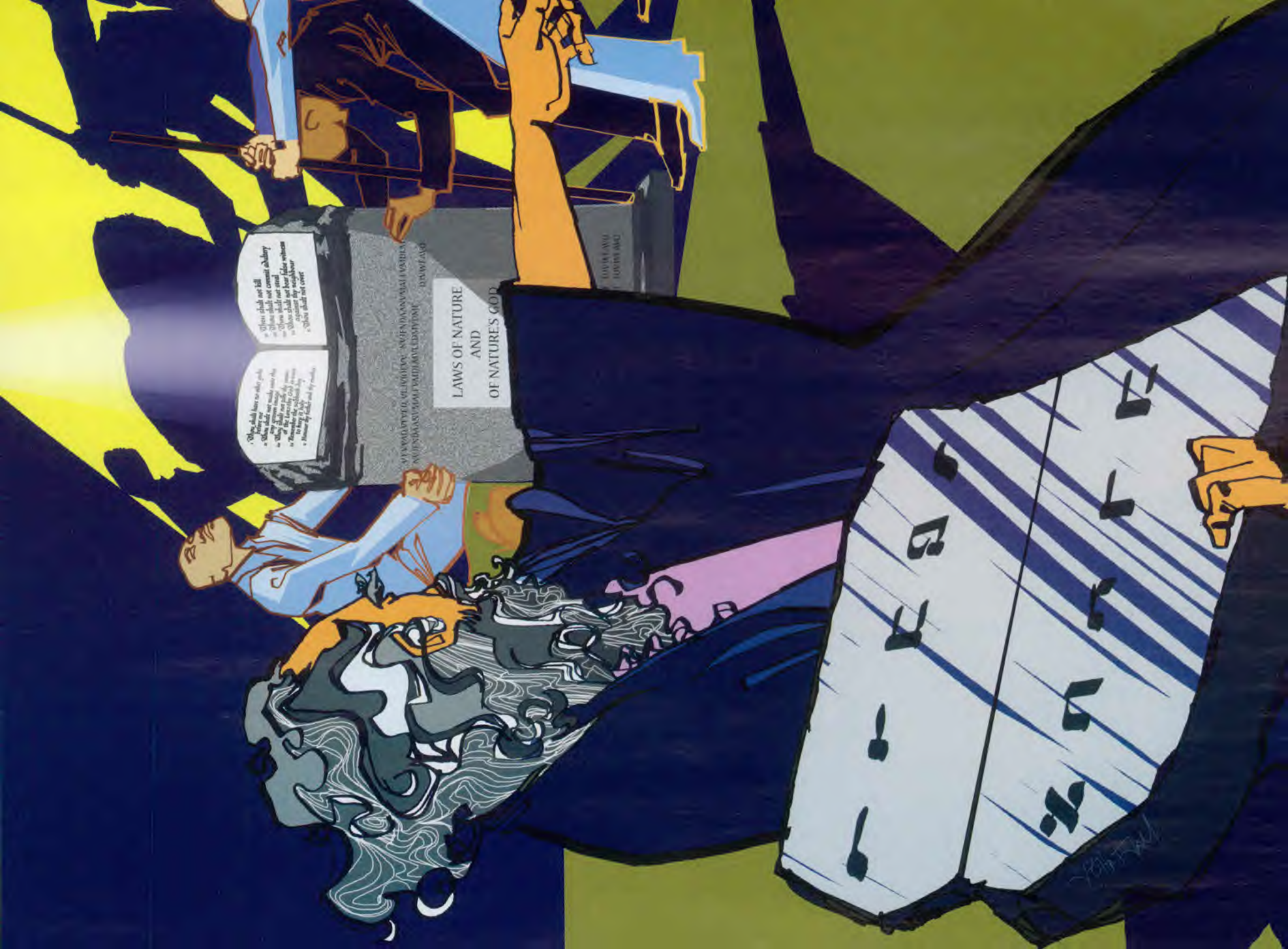
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Vol. 101, No. 4
July/August
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Should the State
Acknowledge
GOD?



“You shall have no other gods
before me:
“You shall not make unto thee
any graven image, or any likeness
of any thing that is in heaven
above, or that is in the earth
under, or that is in the water
under the earth:
“Thou shalt not bow down
thyself to them, nor serve them:
for I the Lord thy God am
jealous: I will punish them
that forsake me, that say they
will serve me, but they are
not true: they are called
falsely named gods.”

“You shall not kill
“You shall not commit adultery
“You shall not steal
“You shall not bear false witness
“You shall not covet
“You shall not desire
the house of your neighbor,
his wife, his manservant,
his maid, his ox, his donkey,
or anything that is his:
for you shall know that
I am the Lord.”

LAWS OF NATURE AND OF NATURE'S GOD

THE FIRST BOOK OF THE LAWS OF NATURE
AND OF NATURE'S GOD
BY THE LORD OF THE LAWS
OF NATURE'S GOD

THE LAWS
OF NATURE
AND
OF NATURE'S GOD

State ACKNOWLEDGMENT of GOD

By ALAN J. REINACH

In his book *So Help Me God* former chief justice of the Alabama Supreme Court Roy Moore, the “Ten Commandments judge,” asks: “Can the State Acknowledge God?” Actually, Moore’s Ten Commandments crusade is premised on a closely related question: whether the state has an obligation under the first of the Ten Commandments to acknowledge God. Whatever opinion one may have formed of justice Moore, he has raised an important question that implicates both theology and politics: do the Ten Commandments provide moral or spiritual obligations for both governments and individuals? If the state is under a religious obligation to acknowledge God, then perhaps Moore is correct in his crusade to use a visible symbol of God’s law to represent a public acknowledgment of God. ■ Whether the state has such a religious obligation cannot be answered without first understanding the first commandment itself. The Jewish and Christian traditions differ in their numbering with respect to this commandment. To the Jews, the first commandment states: “I am the Lord your God who has brought you out of the land of Egypt, out of the house of bondage.” It ends there. The Christian version begins where the Jewish second commandment begins: “Thou shall have no other gods before Me.”

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The Jewish version commands belief in God, first and foremost, and by extension, the acknowledgment of the sovereignty of God. The Christian version emphasizes the requirement that God alone be worshipped. According to one commentary: "Mere belief alone will not do, nor even the acknowledgment that He is the one and only God. We owe wholehearted allegiance and devotion to Him as a personal Being whom it is our privilege to know, to love, and trust, and with whom we may have blessed fellowship."

It appears that the commandment actually requires far more than the sort of public acknowledgment that Roy Moore has been crusading for; it requires things that an impersonal state is not capable of performing. No state can have a personal relationship with a deity. No state can know, love, or trust God. A state cannot experience devotion or worship. However, this does not necessarily make it inappropriate for the state to acknowledge the existence of the Creator, or His sovereignty.

Actually, America has long acknowledged the sovereignty of God. In the Declaration of Independence our Founding Fathers referenced the Creator as the source of our inalienable rights. Later, those rights were given explicit protection in the Bill of Rights, including the right to be free of governmentally established religion. This right was eventually preserved in each state constitution, as well as in the First Amendment.¹

American civil religion has long referenced a generic deity of the lowest common denominator. This is the god who is honored on our coins, and in our Pledge of Allegiance. Although this god is undefined, in a nation dominated by Christian religious traditions, it is clear to all that the god of American civil religion is intended to be the God of the Christian Bible. The god of American civil religion is frequently invoked to endorse the ambitions of a politician, or American foreign policy objectives. The nineteenth-century conception of "Manifest Destiny" was a species of American civil religion, holding that God had ordained the expansion of the nation from sea to shining sea.

American civil religion is predicated upon an ancient vision of America as a shining city upon a hill, a nation specially chosen by God to carry out His will in the earth. This vision dates back to the earliest of Puritan immigrations, and is rooted in Calvinist theology of chosenness.²

The Puritans had scarcely established a foothold in New England when they encountered a heretical rival in Roger

Williams. Williams was himself a Calvinist and a separatist who expressed considerable jealousy for the purity of the church. Williams rejected the prevailing sentiment that the state should use the sword to punish heresy, instead insisting that one's religious opinions were irrelevant to one's standing as a member of the civil society. Williams founded the colony of Rhode Island on the principle of separation of church and state. He would vigorously debate the errors of the Quakers, for example, while granting them full rights as citizens.

By contrast, Quakers were alternately hanged or expelled from Puritan New England.

Historians are uncertain to what extent Williams' views were influenced by the radical reformation in Europe. There is a clear line of logic, however, between the Protest of the Princes at Speyer in 1529, Williams' Rhode Island, and the Bill of Rights. In 1529 the German Princes refused to compromise on the liberty of preaching the gospel, insisting that "in matters of conscience, the majority has no power." This principled defense of individual conscience gave way before the terrifying multiplicity of religious sects, and the continued threat of imperial armies. Protestant Europe quickly conceded that the religion of the people should be that of the ruler, and religious dissent was just as vigorously suppressed by Protestants as by Catholics.

A century after Speyer, Williams built Rhode Island on distinctly Protestant principles of liberty of conscience, recognizing their political implications. Williams' theology is directly relevant to our modern evaluation of Roy Moore's approach to publicly acknowledging God.

Roger Williams understood that the first table of the law—the first four commandments—defines a set of religious obligations that are personal, while the second table of the law—the last six commandments—define our civil obligations. To Williams, the state had lawful jurisdiction over civil obligations reflected in the second table of the law, but lacked any jurisdiction or authority over the religious obligations contained in the first table of the law. Williams' political philosophy was an extension of his Protestant theology regarding the primacy of one's personal relationship with Jesus Christ.

More than a century later, the Puritan vision still competed for dominance in the formation of the Constitution. Religious establishments did not yield without a fight, and without their defenders. The church had always enjoyed official state sponsorship and support, and many were understandably uncertain as to how the church would fare

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without it. Eventually, not only the Federal government, but each of the states disestablished their churches. Colonial religious laws were repealed. These laws compelled church attendance, forbade work on Sunday, and criminalized blasphemy. With the repeal of these laws Roger Williams' conception of the role of civil government prevailed. Government would be restricted to civil matters, and would not criminalize religious beliefs, no matter how unorthodox, or conduct that was purely antireligious.

Williams' views are represented as equally by the free exercise clause as by the nonestablishment clause of the First Amendment. The free exercise clause, almost by definition, requires that there be no religious establishments. If the right of individual conscience is to be respected regarding not only belief—exercise is conduct, not belief—then the state cannot throw its weight behind any particular beliefs or practices.

Roy Moore is at heart a modern Puritan who rejects the American experiment in religious freedom. The logic of requiring the state to observe the obligations of the first commandment is that the state must also, therefore, faithfully uphold the second, third, and fourth commandments, as well. This would mean a revival of laws against heresy, blasphemy, idolatry, and Sabbath-breaking.³ Moore's Puritan vision has found its advocates in virtually every generation in American life, both in the religious and the political world. The notion that America is chosen by God, a special nation, has had great appeal, and provided much comfort. It is also quite dangerous, especially to those on the receiving end of American ambition, whether Native Americans resisting the western expansion, or Islamic fundamentalists confounding American Christian religion with economic and cultural imperialism.

Roger Williams' vision of the civil society protecting all people, regardless of religious belief, is the one that has prevailed in American law and culture. In this vision the government not only has no obligation to publicly acknowledge God; it has no authority to do so. Yet this does not make the nation godless. It requires that godliness be an attribute of the people, rather than being fostered by the state.


"Roy's Rock" was a two-ton slab of granite engraved with an abridged text of the Ten Commandments. The numbering was distinctly Protestant, differing from both Catholic and Jewish renditions. This highlights the difficulty of approving

Moore's agenda, and the inherent problem in American civil religion. Civil religion is of the lowest common denominator variety, so that it will have universal appeal. Yet this also deprives it of any meaningful substance. Moore seeks to acknowledge God in a manner that is distinctly Protestant, displaying a Protestant version of the Ten Commandments. This insinuates the state into a theological competition as to which version of the commandments it will approve, authorize, honor, and display. Clearly, such a debate is foreign to the American legal tradition, where courts scrupulously avoid religious questions. Nor should our political institutions be asked to consider such religious questions.

Roy Moore took it upon himself to answer the question "Whose version of the commandments should be displayed?" He did so as a government official. Although in his book he repeatedly confounds the personal right to acknowledge God with his official duties and authority as a state supreme court justice, at no time was he deprived of his freedom to acknowledge God personally. What the federal courts ruled out-of-bounds was his usurping governmental authority to perform a religious function.

Can the state acknowledge God? The practical answer is that in America, we do so as part of our tradition of civil religion, in the most generic form possible. We also do so in recognizing that our individual rights derive from God, not from the state. Must the state obey the first commandment? To this question, the answer must emphatically be

negative, for if the state is obligated under the first table of the law, then our political institutions will be compelled to debate issues of idolatry, heresy, blasphemy, and religious observances that inhere to a day of worship.

On one point most Americans would agree: subjecting religion to majority vote, and to political debate and compromise is a very bad idea. Yet this is the logic of Roy Moore's brand of Puritanism. 

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¹ Notwithstanding Justice Clarence Thomas' argument that the states should have the right, under the First Amendment, to establish religion, every state constitution already prohibits such state religious establishments, most of them in language more restrictive than that of the First Amendment.

² The Reformed Christian teaching regarding predestination lends itself to the idea of political chosenness, since it espouses a spiritual chosenness. The few are chosen for salvation, while the many are condemned to eternal torture, according to God's will.

³ The Puritan Sabbath, of course, was Sunday, while many others have held to the biblical Sabbath, from sundown Friday to sundown Saturday.

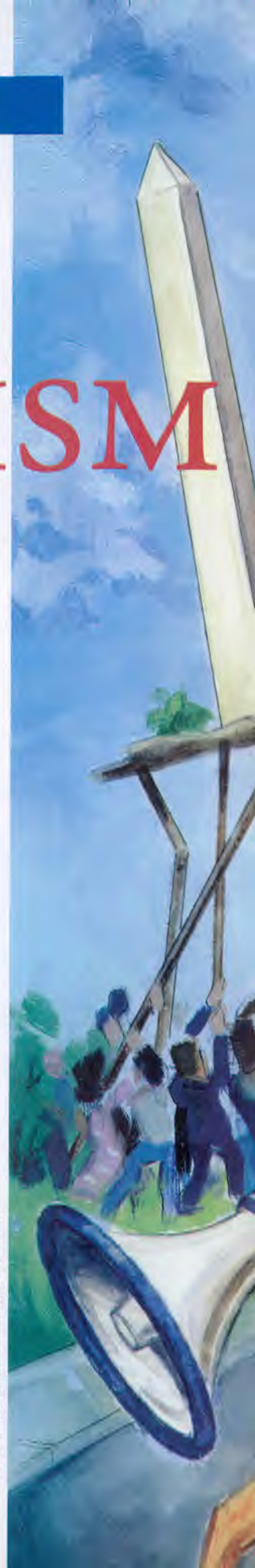
The Rise of DOMINIONISM *and the* Christian Right

BY JOHN W. WHITEHEAD

God's plan is for His people, ladies and gentlemen, to take dominion....What is dominion? Well, dominion is Lordship. He wants His people to reign and rule with Him...but He's waiting for us to...extend His dominion....And the Lord says, "I'm going to let you redeem society. There'll be a reformation....We are not going to stand for those coercive utopians in the Supreme Court and in Washington ruling over us any more. We're not gonna stand for it. We are going to say, 'we want freedom in this country, and we want power....'"—PAT ROBERTSON

John W. Whitehead is president of the Rutherford Institute, based in Charlottesville, Virginia. Whitehead worked closely with Francis Schaeffer prior to his death, helping him research A Christian Manifesto. Whitehead first met R. J. Rushdoony in 1975 and, over a period of years, had many in-depth conversations with him.

ILLUSTRATIONS BY DARREN GYGI





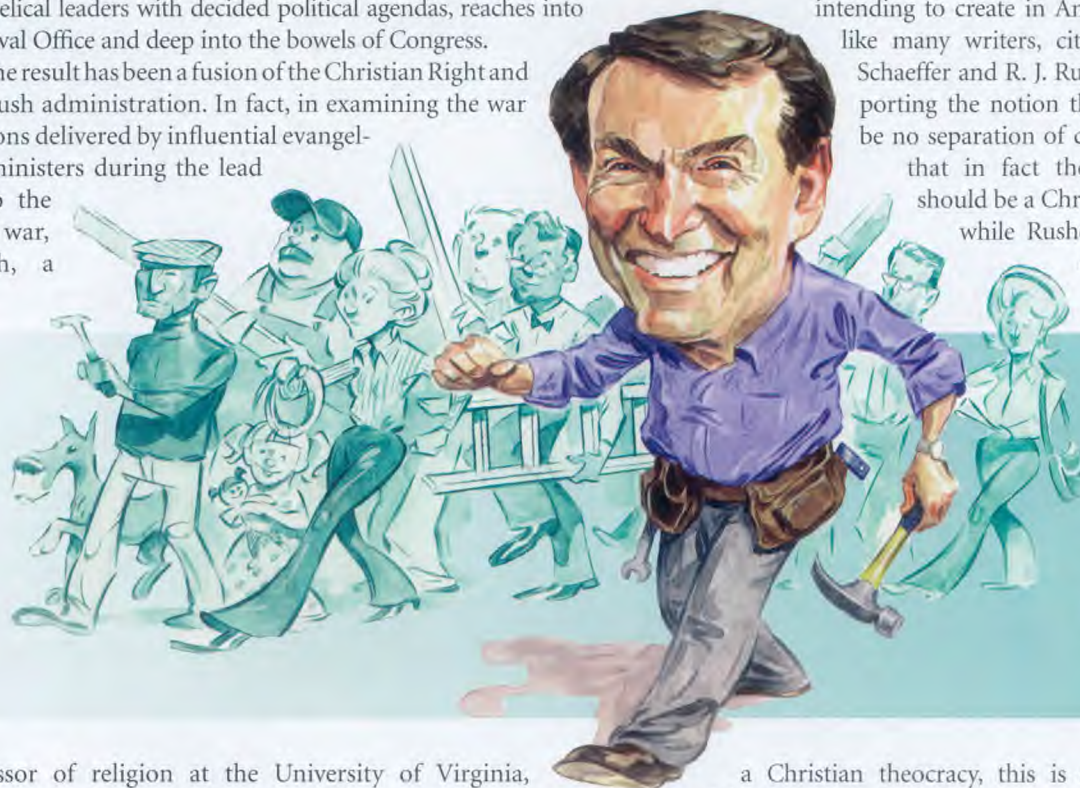
From *Harper's* magazine to *Vanity Fair* and a host of other mainstream publications, the ever-expanding role of the Christian right in shaping the policies and politics of the nation is making headlines. As Charles Marsh notes in a New York *Times* editorial, "Wayward Christian Soldiers," American evangelicals "have amassed greater political power than at any time in our history."¹ This power, which can be traced to a handful of evangelical leaders with decided political agendas, reaches into the Oval Office and deep into the bowels of Congress.

The result has been a fusion of the Christian Right and the Bush administration. In fact, in examining the war sermons delivered by influential evangelical ministers during the lead

up to the Iraq war, Marsh, a

The heart of the debate is over whether or not the United States is a Christian nation. As Sonia DeWitt noted in her article "An American Agenda" (November/December 2005): "Many Christian leaders and organizations have adopted the position that the concept of separation of church and state was never intended by the Founding Fathers and is an impediment to the righteous, godly society they are

intending to create in America."² DeWitt, like many writers, cites both Francis Schaeffer and R. J. Rushdoony as supporting the notion that there should be no separation of church and state, that in fact the United States should be a Christian nation. Yet while Rushdoony unabashedly advocated



Schaeffer
the idea
the origin

professor of religion at the University of Virginia, came to the conclusion that the "single common theme among the war sermons appeared to be this: our president is a real brother in Christ, and because he has discerned that God's will is for our nation to be at war against Iraq, we shall gloriously comply."

Yet this mind set signals more than just widespread evangelical support for a president who has professed to be a Christian. It actually dovetails neatly with the dominionist philosophies seemingly espoused by modern-day evangelicals such as Pat Robertson, that is, the belief that Christians are destined to take over and rule the world by taking "dominion" over the political process and reinstituting biblical law. Many perceive this as a campaign to use the United States to create a global, Christian empire.

The Emergence of a Dominionist Philosophy

Our job is to reclaim America for Christ, whatever the cost. As the vice regents of God, we are to exercise godly dominion and influence over our neighborhoods, our schools, our government, our literature and arts, our sports arenas, our entertainment media, our news media, our scientific endeavors—in short, over every aspect and institution of human society.
—D. JAMES KENNEDY

a Christian theocracy, this is a far cry from Schaeffer's views.

An ordained minister in the Orthodox Presbyterian Church, Rousas John Rushdoony (1916-2001)—often referred to as the father of Christian Reconstructionism (aka "post-millennialism," the idea that Christians will bring in the kingdom of God on earth and Christ will then return to a triumphant church)—dedicated much of his adult life to working to restore the historic Christian doctrines of post-millennialism and Christian dominion in the church. His 1973 book, *The Institutes of Biblical Law*, promoted a social philosophy shaped by biblical law—a philosophy that advocated a return to the Old Testament. It was this book, more than any other, that gave rise to the Christian Reconstruction movement.

In keeping with Christian Reconstructionism, Rushdoony believed that the federal government should concern itself with national defense, while education and social welfare should be handed over to the Christian churches. As Rushdoony stated, "The Christian theonomic society will only come about as each man governs himself under God and governs his particular sphere. And only so will we take back government from the state and put it in the hands of Christians."

Unlike Rushdoony, who exhorted Christians to take over the world for Christ through political means, Francis Schaeffer (1912-1984), a Presbyterian minister and apologist, called for a return to true Christian spirituality through social activism. At no time did Schaeffer advocate a Christian theocracy. In fact, Schaeffer's book *A Christian Manifesto* (1981) embraced the idea of "freedom for all and especially freedom for all religion. That was the original purpose of the First Amendment."

Although Schaeffer rightly pointed out that the separation of church and state in America is often used to silence the Christian church, he disagreed vocally with Rushdoony's dominionist ideas. Schaeffer wrote:

"[A]s we stand for religious freedom today, we need to realize that this must include a general religious freedom from the control of the state for all religion. It will not mean

constitutional authority by filibustering... there will be a battle of enormous proportions from sea to shining sea.

—JAMES DOBSON

While Rushdoony and Schaeffer are virtually unknown outside Christian right-wing circles, their teachings, co-opted by those with political agendas, have taken on lives of their own.

Fueled by the political writings of Rushdoony and the social activism of Schaeffer, and energized by the Supreme Court's 1973 decision in *Roe v. Wade*, Jerry Falwell and Tim LaHaye launched the Moral Majority in 1979. That same year, Beverly LaHaye started Concerned Women for America as a biblical counterpoint to the National Organization for Women. Since then the Christian Right has seldom looked back, even as it has taken on wildly apocalyptic overtones.

ook A Christian Manifesto (1981) embraced freedom for all and especially freedom for all religion. That was purpose of the First Amendment."

just freedom for those who are Christians. It is then up to Christians to show that Christianity is the Truth of total reality in the open marketplace of freedom."

In his article for *Vanity Fair*, Craig Unger described Schaeffer as "the most important religious figure that secular America has never heard of."³ Unger was absolutely correct. Yet while Schaeffer's writings greatly impacted modern Christian thinking—as Jerry Falwell has remarked, Schaeffer "began teaching me that I had a responsibility to confront the culture where it was failing morally and socially"—and spurred many Christians to social activism, especially when it came to taking a stand against abortion, Rushdoony's writings transformed the way Christians thought about political involvement and essentially laid the foundations for the emergence of a powerful political right wing. As Rushdoony's son-in-law Gary North notes, his writings "are the source of many of the core ideas of the New Christian Right, a voting bloc whose unforeseen arrival in American politics in 1980 caught the media by storm."

The Rise of the Christian Right

The enemies of morality will not stop and will not back off. The Left cannot and will not change....If the Democrats in the Senate try again to usurp the President's

By the early 1980s the Christian Right had formed a voting bloc that burgeoned into a powerful movement. It effectively ushered Ronald Reagan, George H. W. Bush, and George W. Bush into the presidency. As Katherine Yurica describes in "The Despoiling of America," "The years 1982-1986 marked the period...that would turn millions of Christians into an army of political operatives. It was the period when the militant church raised itself from centuries of sleep and once again eyed power."⁴

As the media empires of evangelical leaders and televangelists such as Jerry Falwell, Pat Robertson, James Dobson, Tim LaHaye, and Paul Crouch grew to encompass print, radio, and television, so too did the reach and power of the Religious Right. It now boasts of representing some 30 million Christian voters, as its leaders are fond of reminding elected officials. For example, dominionist-influenced leaders often have a direct line into the White House. It has been reported that James Dobson, the head of Focus on the Family, held weekly telephone conversations with Bush adviser Karl Rove during the campaign. As Falwell remarked to *Vanity Fair* about his participation in a group made up of right-wing political and religious leaders, the Council for National Policy, which enjoys regular access to the Oval Office, "Everyone takes our calls."⁵

Questioning Dominionism

Those who have absorbed Rushdoony's teachings may have succeeded in creating a political-religious philosophy. But does this emphasis on religious empire-building under the guise of dominionism coincide with what the Bible has to say about being the earth's caretakers?

According to the Bible in both Genesis 1:26 and 1:28, human beings are given dominion "over all the earth." They are allowed to rule over "the fish of the sea and the birds of the air, over the livestock, over all the earth, and over all the creatures that move along the ground" (NIV)*. Since everything God had made was pronounced "good," the implied meaning of dominion is an ordering of creation in terms of science and the arts. This ordering is affected by a study of the creation (with all of its intricate processes and systems) for the purpose of using this knowledge for the benefit of

angels, there would be no need for government. But men are not angels.

Christianity in America Today

Many Christians have simply lost sight of the truth that they struggle not against "flesh and blood" but against spiritual forces. Determined to achieve political victories, many Christian activists and leaders have shifted their efforts over the past two decades from the Bible Belt to the Beltway. Equipped with their own lobbying entities, those of the Christian Right have made no effort to hide their intentions to shape the political scene in the halls of Congress. As Chris Hedges writes in "The Christian Right and the Rise of American Fascism":

"[T]he powerbrokers in the Christian Right have moved from the fringes of society to the floor of the House of

Christians must rid themselves of the notion that they are destined to assume control of other people's governments, and rule the world.

the earth's inhabitants. Therefore, human beings are not to subdue or rule other human beings, and they are not to destroy the earth, but to replenish it.

And although humans have dominion over the lower orders of creation, they are not sovereign over them. Since God created all things, only He is sovereign, and man must treat the lower orders by this standard. Man is not using his own possessions. Therefore, humans are not entitled to exploit the lower order, since they are things borrowed or held in trust. They are not ours intrinsically. Yet the dominion impulse in a fallen world has been corrupted and interpreted to justify control, exploitation, and manipulation.

The historical record shows that power tends to corrupt and that even the most virtuous Christians can be (and are) corrupted by power. In fact, those who drafted the United States Constitution were well aware of the sinfulness of humanity and the inevitability of corruption, even among the truly religious. They denied the divine right of kings and understood the dangers posed by absolute monarchs who called themselves "defenders of the faith."

More important, those who framed the Constitution knew that no sinful human being should be trusted with absolute power. Thus, they devised a system of checks and balances that would institutionalize restraint. James Madison and other Framers recognized that if men were

Representatives and the Senate. Christian fundamentalists now hold a majority of seats in 36 percent of all Republican Party state committees, or 18 of 50 states, along with large minorities in 81 percent of the rest of the states. Forty-five Senators and 186 members of the House of Representatives earned between an 80 to 100 percent approval rating from the three most influential Christian Right advocacy groups—The Christian Coalition, Eagle Forum, and Family Resource Council."⁶

Yet political action as a cure-all is an illusion. Although it is a valued and necessary part of the process in a democracy, the ballot box is not the answer to all mankind's ills. And, in fact, Christians who place their hope in a political answer to the world's ills often become nothing more than another tool in the politician's toolbox.

This is not to say that Christians should not be involved in the political process. However, they must rid themselves of the notion that they are destined to assume control of other people and governments, and rule the world. The legitimate use of power does not include using it to impose one's will upon others. The believer's claim must not, therefore, be for absolute power but for equality of access to society's marketplace of ideas where true Christianity, and the worldview that springs from it, can more than hold its own.

How Should We Then Live?

For the Christian Right, the answer is often a political one. Yet Jesus Christ did not seek political power. And He did not command Christians to seek it either. Indeed, as Christ proclaims in John 18:36: "My kingdom is not of this world. If it were, my servants would fight to prevent my arrest by the Jews. But now my kingdom is from another place" (NIV). However, Christ did not say that Christians should not be involved in political affairs. If democratic governments are to survive, Christian influence and involvement in government are important.

The primary task of Christians is to teach biblical truth, which includes living a moral life. Other than speak-



ing and acting on biblical truth, the Bible does not command believers to follow any specific "social or political action." By proclaiming such truths in word and deed, Christians can undoubtedly have an influence on the culture—which includes political institutions. Indeed, Christians must be involved in social concerns (and even political matters) to a certain extent in order to be faithful to the general teachings of the Bible.

This will necessarily mean that the Christian will often be forced to stand against the governmental and political establishment in speaking truth to power. To some extent, believers must always, as did John the Baptist, stand outside the political establishment and criticize (when necessary) the political Herods of this world.

This also means, as Francis Schaeffer noted in *A Christian Manifesto*, that Christians must avoid joining forces with the government and arguing a theocratic position. "We must not confuse the Kingdom of God with our country," Schaeffer writes. "To say it another way, 'We should not wrap Christianity in our national flag.'" Indeed, by fusing Christianity with politics, one will only succeed in cheapening religion, robbing it of its spiritual vitality and thus destroying true Christianity. Rather than taking over the country and the world, as Dominionists suggest, Schaeffer advocated

Christian involvement in all areas of life. To quote Schaeffer, "[O]ur culture, society, government and law are in the condition they are in, *not because of a conspiracy, but because the church has forsaken its duty to be the salt of the culture* [italics supplied]. It is the church's duty (as well as its privilege) to do now what it should have been doing all the time—to use the freedom we do have to be that salt of the culture."

Thus, the activism of the true Christian flows from a sense of loving care for what God has created. This means the Christian has a responsibility to assist in preserving both freedom and order—indeed, to work for justice—while keeping in mind one's fallen nature, spiritual priorities, and the limitations of the political process.

However, as we speak of political involvement and activism, we must be mindful that *our problems are not political or cultural, but spiritual*. The present state of Western culture and the declining value of human life generally are mere *symptoms* of a deeper problem. That problem is moral and spiritual decay.

No matter what Dominionists believe, the present spiritual problems we face will not be changed through the political system. Therefore, unless there is a *spiritual reformation*, there will be little alteration in the present course of society. If the hearts of people are not changed, then further moral, and thus cultural and societal, decay is to be expected. ☐

* Texts credited to NIV are from the *Holy Bible, New International Version*. Copyright © 1973, 1978, 1984, International Bible Society. Used by permission of Zondervan Bible Publishers.

¹ Charles Marsh, "Wayward Christian Soldiers," *New York Times*, Jan. 20, 2006.

² Sonia DeWitt, "An American Agenda," *Liberty*, Nov. 1, 2005.

³ Craig Unger, "American 'Rapture,'" *Vanity Fair*, Nov. 28, 2005.

⁴ Katherine Yurica, "The Despoiling of America," www.yuricareport.com/Dominionism/TheDespoilingOfAmerica.htm.

⁵ See Unger.

⁶ Chris Hedges, "The Christian Right and the Rise of American Fascism," www.thirdworldtraveler.com/Fascism/ChristianRight_AmerFascism.html.

In a speech to the Notre Dame student body during the 1984 U.S. presidential campaign, New York governor Mario Cuomo addressed the issue of church-state relations and the growing activism of the so-called Religious Right. The governor said: "Are we asking government

they believe the Christmas story as recorded in the New Testament to be historically accurate.⁷

Little wonder that conservative historian Garry Wills has observed that "the first nation to separate Christianity from government produced perhaps the most religious nation on earth."⁸

COERCION

By
KEVIN D.
PAULSON

to make criminal what we believe to be sinful because we ourselves can't stop committing the sin? The failure here is not Caesar's. This failure is *our* failure—the failure of the entire people of God”¹

As a conservative Christian pastor who seeks to uphold biblical morality before two congregations on a weekly basis, I find the above question both moving and disquieting. Though spoken more than two decades ago, it still strikes at the heart of America's moral dilemma.

Secularism or Hypocrisy?

Perhaps the central rallying cry of the Religious Right concerns America's presumed slide toward secularism. One may perhaps argue about definitions, but if one understands secularism as overt disbelief in the fundamentals of religion, it is difficult to apply this term to the United States of America.

Five years ago in *U.S. News & World Report* it was noted that 96 percent of Americans claim to believe in God.² Recent surveys show that four out of ten Americans attend church or synagogue at least once a week,³ with 66 percent attending at least once a month.⁴ In one of these surveys, 59 percent declare religion to be “very important” in their lives,⁵ and in another, 90 percent claim membership in some religious organization.⁶ Most recently of all, a *Newsweek* poll published in December 2004 showed 84 percent of Americans calling themselves Christians, 82 percent declaring Jesus to be either God or the Son of God, 79 percent professing belief in the virgin birth of Christ, and 67 percent saying



Why, then, is biblical morality collapsing all around us? Cultural conservatives, especially Christians, are fond of blaming the media in general and Hollywood in particular. But too many fail to stop and consider that the entertainment industry, like all industries, operates by the golden rule—“he who has the gold rules.” What customers buy, merchants sell. It is fair to say that if even a majority of professing Christians in America would simply stop buying or viewing the moral trash produced by Hollywood, today's popular movies would likely be very different.

On November 28, 2004, on NBC's *Meet the Press*, moderator Tim Russert pointed out to a panel of mostly conservative Christian pastors that surveys show the television series *Desperate Housewives*, with its flaunting of suburban adultery, to be “especially popular” in the Southern Bible Belt. (In reply, the ministers could offer no explanation as to why this was true.)

I was reminded of the Meese Commission on Pornography back in the 1980s, when a state attorney from North Carolina reported that while at least 80 percent of his state's residents were conservative, churchgoing Christians, North Carolina held "the largest number of pornography outlets" of any state in the Union.* [Editor's note: We were unable to confirm this finding, but even if true, it may well not reflect easy availability of pornography at sources not defined as "pornography outlets" by the A.G.] The attorney then asked, "Is it the churchgoers who are creating the market or is it the other 20 percent?"¹⁰ A prosecutor from the same state answered with a bit of folksiness, "You know, we also have this saying in North Carolina—that we will all vote dry as long as we can stagger to the polls."¹¹

ment of the popular evangelical doctrine of grace and salvation.

Regarding this doctrine, Woodward wrote of how former President Clinton was raised believing that "once he was born again, his salvation was ensured. Sinning—even repeatedly—would not bar his soul from heaven."¹³ Woodward closed his editorial by observing that Clinton "learned his worldview not in the dark of a Saturday night but in the light of a Sunday morning."¹⁴

In a monstrous yet much-unnoticed irony, this theology is one thing the former president shares in common with those evangelicals who thirsted for his political blood. Many of those calling for his removal from office were mainstream, "grace-oriented" evangelicals who hold to the once-saved-always-saved, salvation-

conversion?

Where the Religious Right Gets It Wrong

Some may find this amusing, but in reality it is both sad and frightening. Hypocrisy is frequently the twin sister of intolerance, as the saga of the Pharisees in Christ's day bears witness. Again the words of Governor Cuomo come to mind—Christians asking the government to criminalize sins they can't seem to stop committing. In light of this, we are compelled to ask, Is America's problem truly one of secularism?

Powerless Grace

During the presidential scandal under the previous administration, *Newsweek* religion editor Kenneth Woodward wrote an editorial titled "Sex, Sin, and Salvation," which examined the former president's theological upbringing.¹² Considering its implications for much of mainstream Christian theology, one is amazed that this editorial received so little attention in Christian circles. But it offered a stinging—and I fear much-deserved—indict-

ment of the popular evangelical doctrine of grace and salvation. But if, as their theology teaches, such sins couldn't cost the former president his place in heaven, why should they have cost him the presidency?

The dilemma created by this doctrine of powerless grace is painfully evident in a popular book by one best-selling Christian author. At one point he offers a very appropriate criticism of the methods employed by the Religious Right:

"The state must always water down the absolute quality of Jesus' commands and turn them into a form of external morality—precisely the opposite of the gospel of grace....It [the New Testament] commands conversion and then this: 'Be perfect...as your heavenly Father is perfect.' Read the Sermon on the

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Mount and try to imagine any government enacting that set of laws.”¹⁵

Quite true. The problem is, this same author insists elsewhere that the perfection commanded by Jesus—and made possible, according to Scripture, by the Holy Spirit’s power through conversion (Romans 8:13; 2 Corinthians 7:1; Philippians 4:13; 1 Thessalonians 5:23)—is impossible to attain.¹⁶ Tragically, most Christians who profess to revere the Bible have embraced this clear departure from its teachings. And the end result is that those holding to such a view invariably find a comfort level with their more persistent shortcomings. Multiply this on the wide scale of our contemporary culture, and

moral chaos is the sure result. Meanwhile, technology, communication, and the fast pace of modern life make sin ever more intrusive within the church’s once-safe subculture. Desperate to guard themselves and their families from what they know is wrong, conservative Christians have turned to politics, striking back like a cornered cobra. They mean well. They want the best for those they love. But the “gospel” at the core of their


faith has long since made room for sin, and the society in which they find themselves—much of which professes the same Christian faith—reflects this accommodation.

The best-selling author cited above preaches a gospel that replaces the categories of “righteous” and “guilty” with “sinners who admit” and “sinners who deny.”¹⁷ Sadly, unlike the biblical book of Revelation (2:7, 11, 17, 26; 3:5, 12, 21; 12:11; 21:7), this author lists no category for sinners who overcome. Elsewhere his book laments, correctly, that when Christians in past ages succumbed to the lure of politics, “grace gave way to power.”¹⁸ What he seems not to understand is that when the grace Christians teach is stripped of its power over sin, carnal forms of power become an irresistible substitute.

Coercion or Conversion?

The apostle Paul declares, regarding the Christian’s struggle with evil:

“For the weapons of our warfare are not carnal, but mighty through God to the pulling down of strong holds. Casting down imaginations, and every high thing that exalteth itself against the knowledge of God, and bringing into captivity every thought to the obedience of Christ” (2 Corinthians 10:4, 5, KJV).

Here we see, according to Scripture, what God’s power is capable of doing when received by choice into the life. In the absence of this power, accommodation at some level to one’s favorite (or most persistent) sins is inevitable. And when faced with sin’s destructive consequences in themselves, their families, and society, Christians know their credibility before the world is at stake. So they strike back with carnal weapons rather than spiritual ones. This spiritual bankruptcy is the direct progeny of powerless grace, the end-time condition described in Scripture as “having a form of godliness, but denying the power thereof” (2 Timothy 3:5, KJV). When the church finds itself bereft of this power, another power is brought in. Coercion becomes a substitute for conversion. 

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themselves and their **families**
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conservative Christians
have turned to politics, **striking**
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¹⁵ “Abortion Not a Failure of Government, Cuomo Says,” *Los Angeles Times*, Sept. 13, 1984, p. A1.

¹⁶ “Divining the God Factor,” *U.S. News & World Report*, Oct. 23, 2000, p. 22.

¹⁷ “Hollywood vs. America,” interview with Michael Medved, *Christianity Today*, March 8, 1993, pp. 23–25; survey reported by Bruce Morton on CNN’s *Inside Politics*, Feb. 27, 2000.

¹⁸ Karen S. Petersen, “Poll: 59% Call Religion Important,” *USA Today*, April 1–3, 1994, p. 1A.

¹⁹ *Ibid.*

²⁰ Survey conducted by City University of New York, reported in the *San Bernardino Sun*, April 10, 1991, pp. A1, A14.

²¹ *Newsweek*, Dec. 13, 2004, p. 51.

²² Garry Wills, quoted by Philip Yancey in, *What’s So Amazing About Grace?* (Grand Rapids, Mich.: Zondervan Publishing House, 1997), p. 235.

²³ Philip Mobile and Eric Nadler, *The United States of America vs. Sex: How the Meese Commission Lied About Pornography* (New York: Minotaur Press Ltd., 1986), p. 58.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Kenneth L. Woodward, “Sex, Sin, and Salvation,” *Newsweek*, Nov. 2, 1998, p. 37.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Philip Yancey, *What’s So Amazing About Grace?*, pp. 250, 251.

³⁰ *Ibid.*, pp. 203, 204, 210, 273.

³¹ *Ibid.*, p. 82.

³² *Ibid.*, p. 234.

In 1994 a 10-year-old boy attending Waring Elementary School, Saint Louis, Missouri, bowed his head during lunchtime to say a prayer thanking God for his food. A teacher noticed the boy praying and proceeded to embarrass him in front of the other students by removing him from his seat and taking him to the principal's office for punishment; the boy was warned that it was against the rules to pray in school, and was told he must not pray in school again.

responded that the Bible was available for "adults only."

A first-grade teacher in South Bend, Indiana, asked students to bring their favorite book from home to school to read to the class. One student brought his favorite book—the Bible—and when called upon, started to read from the book of Genesis; thereupon, the teacher immediately stopped him and informed the boy it was "against the rules" for him to read from the Bible.

While some would have us believe

recesses, students may individually and in groups pray if other expression among students also is permitted.

If students are allowed to assemble with their companions during lunch and converse in a nondisruptive manner, then students may gather and pray during lunch.

School athletes and participants in other extracurricular activities may assemble and pray together before the official start of a practice or game; this encompasses prayer circles in the locker

STUDENTS

of Freedom

By HAVEN BRADFORD GOW



A girl in fourth grade in Milcreek, Pennsylvania, brought two lunches to give to needy students; attached to the lunch boxes were notes saying, "God loves you." Unhappily, a teacher witnessed the girl give the lunch boxes to her friends and also read the note. The teacher proceeded to reprimand the girl and told her never to write or speak about religion in the school again.

A public school principal in Nebraska noticed a student reading his Bible during free reading period, and then ordered him never to bring his Bible to school again. The student and his parents pointed out that the Bible was available for student access in the school library, but the principal

religion and prayer have no place in public schools, there are certain fundamental, constitutional rights that religious students in the public schools possess. Indeed, speaking for the majority in the 1981 case of *Widmar v. Vincent*, the late U.S. Supreme Court Justice Lewis Powell pointed out that religious speech in the schools is a form of constitutionally protected free speech. As noted by the Rutherford Institute, a Christian legal organization based in Virginia, these are basic constitutional rights possessed by all public school students.

Students may bring their Bibles to schools.

Students may pray together voluntarily.

Students may pray together anytime they are permitted to talk freely and in an informal manner.

Before actual classes and during

room before athletes are required to report to the field of play.

The Rutherford Institute adds: "Inform your child of his or her right to pray—a powerful tool from God and great witness to friends."

As conservative scholar social critic M. Stanton Evans tells us in *The Theme Is Freedom*, "The Founding Fathers wanted to protect religion from federal government interference, not diminish its influence in our public life."

Indeed, the First Amendment scholar O. Carroll Arnold is right. "One would never dream of asserting that the government is neutral toward freedom of speech or the press, and it is (or at least should be) equally non-neutral toward religion and religious freedom." □

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A CATHOLIC D I S S E N T

By KATHERINE M. KNIGHT

Why can't I be a good Catholic and dissenter? Apparently, being a dissenter and a good Catholic are mutually exclusive. Why can't I be both? There is no "Thou shall not dissent" commandment. Yet today it appears that anyone who does not strictly follow or agree with the rules promulgated by Rome is considered to be a bad Catholic. And this to the point that Pope Benedict XVI is apparently saying good riddance—who needs them anyway—let them fall by the wayside: they are just weeds in the field.

Why is questioning and asking about change deemed equal to heresy? It is akin to being against the war in Iraq and being labeled anti-American. This country was formed by a group of dissenters who believed strongly in freedom of speech and religion. Unquestioned, blind followership has had many a bad result historically—the Crusades and Hitler to name a few examples. Jesus Christ Himself was a

dissenter. He objected to the behavior of those who observed the minutiae of the law, while ignoring its spirit. Saint Paul too was a dissenter amongst the apostles. Saint Paul made a strong distinction between the letter and the spirit of the law. Were Christ and Paul labeled as insurgents? Absolutely—and ultimately they were put to death for their beliefs.

Much has been written about the various crises within the Roman Catholic Church, including declining church attendance in Europe and North America, declining numbers of religious clergy and practices of the so-called "Cafeteria Catholics." Recently, an article by Peter J. Boyer appeared in the *New Yorker* magazine addressing these issues among others. In particular he wrote about the archbishop of Denver, Charles Chaput, who closed one seminary and reopened a more conservative one where no dissension is tolerated. This seminary has 85 students. While this number represents an increase, it is almost inconse-



quential in the glare of church closings (to pay for sexual misconduct) and the rapidly declining number of priests overall. Mathematically the numbers do not add up. There appears to be no solution offered for this crisis, except to "pray for vocations" and institute a national prayer day for vocations. Forced by the paucity of priests, the church has opened its doors to allow and encourage deacons (who may be married), yet they too can only do so much. Much sacramental activity is still the sole purview of the priests.

Requests to allow priests to marry or allow women to become priests have fallen on deaf ears in Rome. Bishop Chaput, as quoted in the *New Yorker*, said:

"The lack of orthodoxy has already proven that it's empty. So I can't understand why people would want to move in that direction. I mean, all the things they're pushing for have already been tried by mainline Protestant churches, which are shrinking in numbers. And these

religious orders, where they've abandoned the tradition, there are no vocations, but they still talk like they're the future. Why would they? You just have to open your eyes and see. If they have ears, they don't hear. If they have eyes, they don't see."* Eighty-five seminarians hardly represent the triumph of orthodoxy. Be leery of the one who spouts contradictory statements in the face of facts.


There are no valid reasons for preventing either marriage in the priesthood or women in the priesthood. An objection to married priesthood is that having a family or spouse would dilute the priest's devotion to serving God and the people, while celibacy allows undivided devotion. How insulting to the apostles and ministers of other religious traditions to make such pious statements.

As for women in the priesthood, an objection is that all the apostles were men. Who was more inclusive than Christ? He spoke with women from other religions, ate with women, and had women in His entourage. After He rose from the dead, He first appeared to Mary of Magdala. Coincidence? I think not. This issue is about power.

As for dissenters, they are not welcome because they threaten the social order. They make those in power pause and reconsider, which is always uncomfortable, as was shown by the firing of the editor of *America* magazine. The church has always had its pendulum swings, like everything else in life. The pendulum now is so far to the right that the church will apparently brook no dissent by anyone and is trying to

exclude anyone who does not keep in lockstep with its teachings. History has taught us what happens when decrees are issued and people blindly follow them.

Despite Rome's expressed support for the separation of church and state, it was a huge contributor to the reelection of President Bush by its decree, issued through bishops such as Chaput and Sheridan of Colorado, whereby they proclaimed those who voted for Senator John Kerry could be denied Communion. Instead of being proud that a Catholic could be elected to the presidency of the United States, whose humanistic values could influence how it treats and perceives humankind, the Catholic Church chose to throw its implicit support to a man whose religion was formed by a dissenter from Rome and who doesn't "know the way." This is the same man John Paul II tried to talk out of going to war with Iraq. Killing is killing whether it is by abortion, war, or the death penalty. Irony is one word that comes to mind; expediency is another.

The Catholic Church today may not want dissenters, but it has them. Being a dissenter should not, *ipso facto*, equal being a bad Catholic. Asking for change when it is necessary, valuable, and appropriate is different, yet Rome does not appear to see the difference. 

Readers will note that we labeled this very forthright piece an "opinion." And of course it is just that. One does not have to be a Roman Catholic to appreciate the points of controversy that Katherine Knight identifies. Many of us Protestants hold to an ideal that we should be allowed to speak our minds and explain errors and differences without penalty. Like her we remain troubled that the Catholic Church so openly tried to force certain politicians to comply with church dogma on public policy issues. And yet we know that it is not unreasonable for a church, or any other membership organization, to expect conformity to its principles. I would expect any church to take steps to sever its connection with a congregant who had either ceased to support its views or openly opposed them.

But there is a bigger issue here. The Roman Catholic Church claims not only a spiritual mission but secular prerogatives. No other Christian church combines spiritual mission with a claim to civil authority. And only Islam holds its adherents with the same dynamic of eternal damnation if they reject the church. The result is a potent blend of political power and personal control which has as its agenda the global interests of this power which sees itself as above all others.

Therefore it is imperative that dissidents like Katherine Knight be heard. It is imperative that in Christian America (cultural, not structural, of course) we keep alive the spirit of "Protestantism." Surely such is in the true spirit of religious liberty. Editor.

Katherine M. Knight is an attorney-at-law and a former assistant chief deputy county attorney for the county of Westchester, New York.

* Peter J. Boyer, "A Hard Faith," *The New Yorker*, May 16, 2005, p. 55.



By J. W. JEPSON

Anatomy of a HATE CRIME

The time: November 29, 2005.

The place: Sweden's Supreme Court.

The person: Pastor Ake Green.

The issue: charges that Pastor Green committed a hate crime under Swedish law by preaching against homosexuality.

The verdict: acquittal. After intense international pressure and the prospect that a conviction would likely be overturned by the European Court for Human Rights, Sweden's High Court chose not to view Pastor Green's statements as "hate speech."

Now the question: how does opposition to a behavior become defined as a criminal act motivated by hate?

The mere expression of opposition to homosexual behavior has become so widely assumed to be motivated by hate that entire nations have criminalized it or are seriously considering doing so.

Such a widespread assumption must be the result of a systematic process. That process must start with a premise and follow that premise to its logical and necessary conclusions.

A false premise consistently followed will lead to a false conclusion. When the conclusion is obviously wrong and irrational to thoughtful people, reason demands a critical examination of its starting premise.

Our case in point is the outrageous prospect of putting pastors and others in prison for reading and expounding on biblical statements. How does this happen? What premise leads intelligent people to criminalize biblically based speech?

The premise behind the effort to gain acceptance of the homosexual lifestyle is that *homosexuality is genetically determined*. Although this is the premise, it is not the driving force. The driving force is homosexual activism. This activ-

How a false premise led to a false conclusion



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Pastor Ake Green, standing for his faith, and before the media.



ism has seized upon this premise as its rationale.

The first assumption that flows necessarily from this premise is that *the person and the behavior are inseparable*.

If the person and the behavior are assumed to be inseparable, the next link in the chain of

assumptions is that *opposition to the behavior is ipso facto opposition to the person as a person*.

The next assumption follows logically: because *opposition to the person as a person is hate, opposition*

to the behavior must also be hate.

Finally, because hate is an offense, *whoever commits the offense is an offender and should be regarded and treated as such*. Thus a new class of "criminals" is created: pastors, priests, Sunday school teachers.

This line of "reasoning" makes such bumper stickers as "hate is not a family value" and "separation of church and hate" so incomprehensible and downright offensive to people who oppose homosexual behavior but who have no enmity toward homosexuals as persons. Little knots of protesters carrying "God hates fags" signs are just as reprehensible to them as they are to anyone else. Their opposition to the homosexual lifestyle is motivated by a genuine concern for the well-being of the person. The outrageous charge of "hate" is totally false and personally insulting.

We in the United States of America have not yet gone so far as to criminalize speech opposing homosexual behavior. Before we do, we need to wake up and look at where we could be headed.

Societies that have already gone down that road need to ask themselves: "How did we come to the place where we put good people on trial for expressing their biblical beliefs? Where did we take the wrong fork in the road?" The answer is: back at the beginning with the false premise that homosexuality is genetically determined and therefore the person and the behavior are inseparable. Wrong premises lead to wrong conclusions, and wrong conclusions lead to unjust laws.

The dogma that homosexuality is genetically determined is based largely on Simon LeVay's 1991 study of the interstitial nuclei of the anterior

hypothalamus—group 3 (INAH3) in 41 cadavers, and Dean Hamer's study of an area of the X chromosome known as Xq28 (published in 1993 and 1995). Both studies were very preliminary; they were not subjected to the rigorous standards of thorough scientific research; and their results have been challenged by researchers who have pointed out serious flaws in their methodology and have rejected their conclusions.


The immediate acceptance of the LeVay and Hamer studies lies in the eagerness of homosexual activism to seize upon anything that gives credence to its ideology, and the readiness of the media to hype the studies as conclusive.

The causes and conditions of homosexuality are too complex for a conclusion based on such a tentative foundation. It certainly does not provide a rationale for the vicious charge of "hate" that is recklessly hurled at good people and the unjust laws that criminalize and oppress them. Also, it provides no valid rationale for the acceptance and legitimizing of homosexual relationships, particularly homosexual ("gay") marriage or "civil unions."

People who oppose homosexual behavior out of a regard for the health and well-being of the person build upon a correct, realistic premise: the causes and conditions of homosexuality are complex; therefore, the person and the behavior are separate considerations.

Respect for the person provides a common ground for us. It means no taunting; no treating people in such a manner as to cause pain, rejection, and alienation. What divides us is linking respect for the person with acceptance of the behavior, because to so many people that is totally unacceptable. It is based on a false premise and is ideologically driven. It does harm by affirming people in a destructive lifestyle and taking away any hope of becoming free from it. It makes masses of innocent people the targets of the familiar self-righteous but abusive code words: "bigotry," "discrimination," "intolerance," "hate."

These epithets are aimed, not only at the few who do hate homosexuals, but also at the many people of goodwill who are unjustly judged and injured by these false charges. Thus "hate" has become a vicious hate word, aimed at punishing those who do not agree with the premise of homosexual activism.

Civilization, particularly western civilization, urgently needs to reflect seriously on the premise that is leading it toward cultural disintegration and secular repression. The time for sound thinking is now. 

E
conclusion



By
JENNIFER J. SCHWIRZER

HOW NOBLE

FAIL



In 1994 the village of Barrow, Alaska, made a desperate decision. It seems that the harshest polar region in the state, 340 miles north of the Arctic Circle, had a citizenry that was especially prone to binge drinking. Results of this “inebriated disorder” appeared like clockwork on a biweekly basis. The relatively peaceful town would erupt with crimes such as “rapes, assaults, weapon-related felonies, domestic violence, and public intoxication.”¹ Clinics, hospitals, police stations, and jails filled to overflowing with the victims and the perpetrators. The reason for the strange timing of the binges was that paychecks were distributed biweekly. As soon as the people of Barrow had money, they spent it on booze.

Over time, lost work productivity brought the bane of poverty. Alcohol abuse was costing consumers \$350,000 every month. The borough spent nearly \$7 million to remedy the situation,

but an analysis of the social programs revealed that “treatment had not worked. Education had not worked. Nor had social or economic sanctions. Nothing had worked, and the community’s culture and quality of life continued to deteriorate.”² In desperation the public safety director and the mayor initiated a campaign. They would work together to bring a total ban of alcohol. Barrow, they hoped, would go “dry.”

A coalition of public service providers was formed. First, a campaign was put into motion in order to gain public support for the ban. A logo featuring a face with a tear under one eye and the slogan “STOP THE ALCOHOL, STOP THE PAIN” was adopted. Handbills and bulk mailers filled with hard-hitting statistics littered the town. Media and educational events, town meetings and radio talk shows were organized. Even the community’s youth were involved with the effort. The ban won by a nar-

EXPERIMENTS



row margin, and the new laws took effect on November 1, 1994. Because of its insularity and remoteness (Barrow is not connected to a road system), such a ban was easy to enforce.

A Native American health-care worker from the local Inupiat tribe called the ban "the beginning of the salvation of our people." Crime dropped 70 percent. Alcohol-related emergency room visits dropped from 118 per month to 23 per month in the first 30 days of prohibition.³ Requests for police services dropped almost 80 percent.⁴

School attendance increased and regulated. Children enthused over better home lives, for parents who once neglected them for the bottle now invested in providing and in family togetherness. Doctors and nurses began to treat real illnesses and not merely alcohol-related conditions. Public arenas, once cluttered with inebriates, regained their tranquillity. Traditional

values and cultural activism resurged. The collective IQ and self-respect of the town was reestablished. We might say that Barrow got its groove back.

A Sobering Question and a Little History

This story poses a sobering question: Why was prohibition, which is generally understood to have failed in the U.S., a success in this community of 4,500 people? In attempting to flesh out an answer, let's consider a little history.

Prohibition was considered a failure because illegal alcohol and related crimes flourished during its 13 years. Speakeasies—private saloons—proliferated, and bootleg booze abounded, leading Will Rogers to comment, "Prohibition is better than no liquor at all."⁵ (Ironically, Will Rogers died in a plane crash in Barrow, Alaska!) Backwoods stills cranked out moon-

shine, and little old ladies brewed homemade hooch. The mixed drink is thought to have originated during the Prohibition era, when the foul taste of homemade liquor was only tolerable when masked over with fruit juices. One corrosive concoction mixed raw alcohol, glycerin, and oil of juniper together in the bathtub. This was served with large quantities of ginger ale to hide the flavor. But nothing could be done to hide the brew's damaging effect on the stomach lining.

Efforts to sidestep the law were flagrantly hilarious. The Volstead Act—which was passed by Congress to enforce the Eighteenth Amendment and so begin Prohibition—did not actually condemn the consumption of alcohol, but its sale. It also didn't prohibit the selling of prod-

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ucts that would eventually ferment into alcohol. And so the wine brick made its debut. Roughly the size of a pound of butter, these bricks were grapes in solid form. Dissolved in a gallon of water and mingled with sugar, they would eventually become homemade wine. Since putting the directions on the package was illegal, the manufacturers of the wine brick printed: "DO NOT dissolve this brick in a gallon of water, add sugar and shake daily for three weeks. To do this would give you wine with 15 percent alcohol content."⁶

Apparently the law looked the other way for major infractions as well. During the era, a very profitable relationship developed between Berry Brothers &

the first president during the Prohibition years, had liquor and vintage wines brought to the White House by customs officials who wanted to ingratiate themselves to him. Perhaps he served some of these gifts in his little house on K Street, where he threw private drinking parties. The Senate Library was known to be the most exclusive speakeasy bar in Washington. In the words of British journalist Edward Behr, "Everybody broke the law."⁸ Even Franklin Delano Roosevelt enjoyed his martinis during Prohibition. It was under his watch that the Eighteenth Amendment finally became the only amendment ever repealed. And so in 1933, 13 years after it began, Prohibition ended.

While it is well established that crime increased to illegal trafficking, which was enabled and government. How can we know if Prohibition seriously, when it really wasn't

Rudd, a Scottish whiskey company, and the mobster Al Capone.

Anxious to capture the growing market for their product, but circumvented by Prohibition, the Brothers would legally ship their Cutty Sark into the British colonial government's warehouses in the Bahamas. Once there, it would be sold to American gangsters who used high-speed motorboats to smuggle it onto the mainland, where Al and other gangsters would receive and distribute it. Exports of whiskey from Scotland rose from 944 gallons in 1918 to 386,000 gallons in 1922—two years after Prohibition began. George Rosie, author of *Curious Scotland: Tales From a Hidden History*, said that the co-conspirators "regarded Prohibition as an inconvenient legality."⁷

A smug noncompliance with Prohibition law seemed to permeate the halls of governance. Warren Harding,

To Tame the Beast

Or did it? America's love/hate relationship with the criminalization of alcohol still wallows in the muddle of inconsistencies that are liquor laws. For instance, while all 50 states now have at least one commercial winery, 24 states forbid direct shipping of wine to consumers' homes. Twenty-three states don't allow the sales of spirits on Sunday; 27 do. In Oklahoma, beer is sold in gas stations, but neither gas stations nor grocery stores may sell wine. Wine lovers are happier in Vermont, where they may buy 3.2 percent beer and wine—which is sometimes more than 14 percent alcohol—in gas stations, but 3.3 percent beer is available only in state-run liquor stores. These hairsplitting attempts to tame the beast alcohol should tell us that we recognize its ferocious nature.

Alcohol is well established as the

culprit in half of all homicides, rapes, and auto accident-related deaths. It also garners the prestige of being associated with 62 percent of assaults and 30 percent of suicides.⁹ In addition, medical research uncovers links between even moderate alcohol consumption and a myriad of health problems, including fetal alcohol syndrome, cerebral atrophy, chronic fatigue, gout, gastritis, hypertension, hypertriglyceridemia, cancers, osteoporosis, and obesity.¹⁰ The World Health Organization's advice on alcohol rings in stark contrast to the current hum of acceptance. Their catchphrase is, "the less you drink, the better."¹¹ And that includes red wine, which is currently being touted as a wonderful

most of it was related
sometimes facilitated by the
could work if taken

health benefit, when in reality red grape juice does as much to prevent heart disease with none of the risk.

Self-Harm a Personal Moral Right?

But for most of us, desire determines belief. And this desire to have alcohol at our fingertips may determine the belief that Prohibition was a complete failure. While it is well established that crime increased, most of it was related to illegal trafficking, which was enabled and sometimes facilitated by the government. How can we know if Prohibition would work if taken seriously, when it really wasn't?

We can't realistically expect a repeal of the repeal. The Prohibition party has been reduced from a thriving influence on public policy to a meager group whose candidate appears on the ballot solely in Colorado, which

allows any political party to nominate a presidential candidate. But looming on the horizon is yet another prohibition issue—that of drug legalization—which has significant support.

The proponents reason correctly that criminalizing drugs while legalizing alcohol is inconsistent. One such proponent points out that alcohol abuse results in the deaths of more than 100,000 Americans each year, while illegal drug use causes only about 3,500.¹² This is a fact worth pondering, but the drug decriminalizers go on to imply that drugs would do less harm if they were legal and therefore controlled by the government. Don't such drug-legalization proponents consider the fact that the greater damage resulting from alcohol is simply because it is legal and therefore more rampant?


The same sources point out that drugs were considered a minor medical problem prior to criminalization in 1914. Now, under drug laws, the problem has burgeoned. What are these well-meaning souls implying? That the drug problem would have gone away? Just like the alcohol problem has gone away? The "forbidden fruit" factor is often urged as the driving force behind the black market. While a certain adolescent fascination with the taboo may initially fuel some illegal experiments, the allure of alcohol and drugs goes far beyond mere psychological intrigue. They are powerfully addictive substances that surge with pleasure all their own.

Social historian Tim Kelly says, "Prohibition by constitutional amendment was one of those rare attempts to control personal moral rights and it didn't work."¹³ Many would agree with him that drinking alcohol is a "personal moral right." But in the granting of liberties, the long-term, widespread effect of a practice must be the ultimate determinant. It is in keeping with the principles of religious liberty to criminalize harmful substances, if those harmful substances would wreak havoc on a society. To entertain the notion that self-harm should be granted as a right of conscience is to deny a basic

law of human psychology stated succinctly in the song lyric "no man is an island." Our actions do not only affect us; they affect those who imitate and are influenced by us. Because of this interconnectedness, self-harm is never *only* that, and so self-harm should be legally prohibited. The result of granting individuals the "right" to buy, sell, and imbibe alcohol has brought incalculable damage to our world. All those who lament the damages sustained under Prohibition need to answer one simple question: Are things better now?

Back to Barrow

During the campaign to make Barrow dry, naysayers prophesied that the ban would lead to the deaths of alcoholics who would drink bootlegged poison. They swore that illegal drug use would escalate, that bootleggers would get rich and hospitals be overcrowded. "Prohibition has not worked before," they said, "and it will not work now!"

Another noble experiment would fail, they thought. But they didn't account for the possibility that the first wasn't conducted properly. 

¹ "The Barrow Temperance Project: Reducing Alcohol-related Crime and Disorder With Prohibition in an Alaskan Community," Northern Slope Borough Department of Public Safety, Alaska, 1995, p. 1.

² *Ibid.*, p. 2.

³ Neil Nedley, *Proof Positive* (Ardmore, Okla.: Nedley Publishing, 1998), p. 449.

⁴ "The Barrow Temperance Project," NSBDPS, p. 1.

⁵ "Edward Behr on the History of Prohibition." Interview with Terry Gross. National Public Radio, Fresh Air, Dec. 5, 2003.

⁶ George R. Plagenz, "A Thirst for Change," *Stratford Beacon Herald*, Aug. 27, 2005.

⁷ William Lyons, "How Mobster Al Capone Helped Whiskey Barons to Beat Prohibition," *The Scotsman Publications, Ltd.*, June 28, 2004.

⁸ "Edward Behr on the History of Prohibition." Interview with Terry Gross. National Public Radio, Fresh Air, Dec. 5, 2003.

⁹ Robert Hardaway, "U.S. Stuck in the Quagmire," *The Denver Post*, March 14, 2004.

¹⁰ Neil Nedley, *Proof Positive*, p. 441.

¹¹ *Ibid.*, p. 447.

¹² Robert Hardaway, "U.S. Stuck in the Quagmire," *The Denver Post*, March 14, 2004.

¹³ Gerard DeFlitch, "Immigrants, Organized Crime Kept Alcohol Flowing During Prohibition," *Tribune-Review* (Greensburg, Penn.), Nov. 21, 2004.



By BRUCE N. CAMERON, J.D.

Liberty *and* Justice *for*

The Conscience of Glen Greenwood

Glen Greenwood is an environmental specialist in the employ of the Ohio Environmental Protection Agency (OEPA). He is also a member of the Board of Elders of the Presbyterian Church (PCUSA) in Lancaster, Ohio. For approximately 20 years he has been teaching Sunday school at his church.

Glen not only loves God; he cares deeply about the environment. As an OEPA employee, he splits his time between the office and the field working on air pollution permits and enforcement.

When Glen began working for the State of Ohio in 1977 no labor union represented its employees for collective bargaining. Things began to change in

1986 when the State of Ohio recognized the Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, as the bargaining representative for many Ohio state employees. Still, unionization had not yet touched Glen. It happened on April 29, 1996. Glen's job became a part of a bargaining unit represented by Local 11.

Glen's study of the Bible and the union ultimately led him to decide to refrain from joining or financially supporting the union. Chief among his concerns about supporting the union was its support for abortion and homosexual rights. Neither of those activities was consistent with Glen's understanding of the Bible.

When it comes to churches, if you

find your views incompatible with what you see and hear in church, no one forces you to join or support that church. You can go to a more compatible church. Most public employee unions in Ohio take a much different approach. They tell employees that if they do not wish to join or financially support the union, their only recourse is to quit their job. Glen did not want to quit protecting the environment. Glen did not want to be out of step with God's will. He wanted to keep his job and honor his conscience.

Glen wrote a letter to the union explaining the conflict between his religious beliefs and the requirement that he join or financially support the union. Instead of agreeing to work out a solution to the conflict with Glen's conscience, the union sent him to the Ohio State Employee Relations Board (SERB) for a hearing on whether he was entitled to a religious accommodation.

Ohio's Discriminatory Law:

SERB decided that Glen Greenwood was unqualified for a religious accommodation for one reason, and one rea-

All...

son only: he was neither a Seventh-day Adventist nor a Mennonite. Mr. Greenwood's church membership was "deficient" because the Presbyterian Church (PCUSA) is not officially sanctioned by the State of Ohio as doctrinally appropriate.

Sound impossible? It is not. Section 4117.09(c) of the Ohio Code provides in pertinent part:

"Any public employee who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion or religious body which has historically held conscientious objections to joining or financially supporting an employee orga-

nization and which is exempt from taxation under the provisions of the Internal Revenue Code shall not be required to join or financially support any employee organization as a condition of employment."

If God speaks to an employee's heart that supporting a labor union is inconsistent with His will, that is simply not good enough in Ohio. The Catholic Church, like many other churches, has historic teachings against homosexual practice and abortion. Even that is not good enough in Ohio. Only one thing is good enough for the state of Ohio: an employee of faith must prove church membership. And not just membership in any church. It must be membership in a church with "historically held" and "established" teachings that it is a sin to support a labor union.

Who Qualifies?

There are only two major religious denominations that qualify under the Ohio statute: Adventists and Mennonites. The General Conference of the Mennonite Church, in its June 6, 1941, Statement on Industrial Relations, counseled its members to "have no part in labor organizations in so far as their sanctions ultimately rest on force [such as strikes, pickets, boycotts, and compulsory unionism]." On November 8, 1940, a General Conference Committee of the Seventh-day Adventist Church issued a statement on labor unions that Adventists "cannot organically or functionally join any organization [which resorts to force] however worthy the cause may appear to be."¹ Adventist leaders were counseling against modern labor unions almost from the time that they became a national movement in the United States. Ellen White, a prominent church leader, wrote in 1903 that Adventists should "have nothing to do with unions."² A year later she wrote "the controlling power of the labor unions will be very oppressive."³ A modern Adventist policy document refers to the "historical position" of the church that teaches members to "refuse to join or financially support labor unions."⁴

Ohio Is Not Alone:

As strange as it may seem, this type of statute protecting Adventists and Mennonites, while rejecting every other mainstream religion, is not rare. The primary federal labor relations law, the National Labor Relations Act, contains in Section 19 a provision almost identical to the Ohio statute used against Mr. Greenwood.⁵ Currently, 28 states permit employees to be forced to support labor unions against their will. Of those 28 states, 10 have a provision that at least facially favors Seventh-day Adventists and Mennonites.⁶ These state laws were all enacted after Section 19 and generally are patterned after it. The result is that many employees in the United States, when seeking to protect their rights as religious objectors to labor unions, are likely to bump into a state or federal statute that appears to provide protection to only Adventists and Mennonites.

Given the strong church-state separation background of the Seventh-day Adventist Church, the informed reader will be astonished to find that Adventists enjoy special state-conferred privileges among employees of faith. How did that happen?

Section 19 was originally part of the 1974 amendments to the National Labor Relations Act. These amendments brought nonprofit, nonpublic hospitals within its coverage. Part of the debate over the "hospital amendments" arose over the fact that many of these hospitals were run by religious organizations.⁷ One of these organizations, the Seventh-day Adventist Church, had a particular complaint. Since the Adventist Church had historically taught its members to refrain from joining or financially supporting labor unions, how could the church bargain in good faith with a union over an agreement that would compel its

Bruce Cameron writes from Springfield, Virginia. He is a litigator for the National Right to Work Legal Defense Foundation and directs its Freedom of Conscience Project. He is counsel for Glen Greenwood.

employees to support labor unions?⁸

The problem was particularly acute in the eyes of Adventist Church leadership because the church's hospitals employed large numbers of its own church members. How could the church teach that members should not support unions, yet compel that very support through a collective bargaining agreement? It was unthinkable.

An amendment was introduced by Senator Sam Ervin to cure this conflict and exempt Seventh-day Adventist hospitals, among others, from the coverage of the hospital amendments.⁹ Ervin's amendment lost. The debate reveals that one of the chief reasons it lost was that

The solution was not pretty, but it worked. Adventist hospitals would not be firing church members because they were faithful to church teaching on labor unions.

In 1980, Section 19 was amended to broaden its coverage from health-care employees to all employees covered by the National Labor Relations Act.¹⁴

Thus, the genesis of Section 19 was to work out a solution for Seventh-day Adventists whose hospitals and employees were now being drawn within the coverage of the National Labor Relations Act. Section 19 ended up applying to all employees covered by the primary federal labor law.

Title VII. Personal religious beliefs, if sincere, are protected.

Although individual opinions may differ, in general, union officials do not like the idea of any employee being able to divert compulsory union fees out of the pockets of the union and into the hands of a charity. After all, didn't organized labor fight hard in Congress to gain that unique right to compel support from unwilling employees?

As a result, when an employee of faith asks union officials about a religious accommodation, they often respond with a copy of Section 19 or a similar state law. Virtually every collective bargaining agreement that refers

Employees and unions are
beginning to see the wisdom of providing
liberty and justice for all.

the Senate did not want to exempt a large number of employers from the obligation to collectively bargain with unions.¹⁰

Still concerned about the Adventist problem, Congress took another tack to avoid a conflict between the teachings of the Adventist Church and the Congressional interest in extending the National Labor Relations Act over Adventist hospitals. The House approached it from the point of view of the employee (church member) instead of the employer (church hospital). An amendment was proposed by Representative Erlenborn to exempt from compulsory union fees those hospital employees who are members of churches that teach against union membership.¹¹ This amendment passed the House.¹² Later, in a conference committee, the House language adding Section 19 was incorporated into the conference resolution, and language was added requiring an alternative payment to a charity.¹³

Why Unions Love the Adventist Edge:

Labor unions ended up being the unintended beneficiaries of Section 19 and its state counterparts. An employee seeking to protect his religious freedom in the workplace would normally look to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, not the National Labor Relations Act. Title VII is the principal federal statute protecting employees from discrimination.

Extensive litigation against unions under Title VII has resulted in broad rights for employees of faith. Under Title VII, the standard religious accommodation for employees whose sincere religious beliefs bar them from supporting a labor union is to allow them to redirect all of their union fees to a charity.¹⁵ Because the religious freedom protections of Title VII extend even to atheists,¹⁶ no church membership of any type is required to claim a religious accommodation under

to the rights of employees who have religious objections to supporting the union refers only to Section 19 or one of the parallel state laws.¹⁷

This continues today, despite the fact that over a decade ago a United States Court of Appeals declared Section 19 unconstitutional because of the preference it gives to Adventists and Mennonites. The U.S. Supreme Court refused to review that decision.¹⁸

Because most employees are not constitutional lawyers, and employers and unions remain too polite to mention that the church membership requirements in their collective bargaining agreement are invalid, employees believe what they see printed in their contract or copied from a statute. The result is that Baptists, Catholics, Methodists, Episcopalians, and Mormons, to name a few, are misled to believe that their religious beliefs are not protected by the law. If they want to be protected, they

must convert. No doubt Adventists and Mennonites wait with open arms. This is not, however, how the law is supposed to operate in the land of the free.

The United States to the Rescue:

When Glen Greenwood found that his status as a Presbyterian barred him from a religious accommodation, he was unwilling to take "no to Presbyterians" for an answer. He learned of his rights from the National Right to Work Legal Defense Foundation's Web site.¹⁹ He then filed charges against his union and his employer (the State of Ohio and its divisions) with the U.S. Equal Employment Opportunity Commission. After investigating his charges, the Commission found cause to believe that Glen's employer, his union, and even the Ohio State Employment Relations Board (SERB) had violated federal law. After further investigation, the United States sued in federal court in Columbus, Ohio, naming the State of Ohio, two of its subdivisions, and SERB as defendants. The complaint alleged a pattern and practice of discrimination on the basis of religion.²⁰

The power of the federal government was further exerted to correct this injustice against Glen Greenwood when the U.S. Equal Employment Opportunity Commission (EEOC) filed suit in the same federal court against the union that refused to accommodate Glen.²¹ The EEOC alleged that this statewide union (an affiliate of the American Federation of State, County and Municipal Employees union) engaged in a pattern and practice of discrimination on the basis of religion.²² As of this writing, the State of Ohio and the union continue to fight these suits in federal court, despite the fact that almost 15 years ago the U.S. Court of Appeals with jurisdiction over Ohio specifically declared Section 19 unconstitutional.

Far from showing remorse for its discrimination, the union struck back at Mr. Greenwood for bringing the authority of the United States government against it. It asked the federal court to order Mr. Greenwood to pay

the union every penny of what he earned since he began doing his environmental work in Ohio.²³


At present, Ohio and the union are keeping up their fight to discriminate against Mr. Greenwood on the basis of his religion.

Securing Liberty and Justice for All:

What should an employee of faith do when told that his church is not one authorized by law for religious accommodation? The first step, the same one taken by Glen Greenwood, is to refuse to take "no" for an answer. Almost every employee with sincere religious objections to supporting a labor union is protected by federal law.

Employees who have sincere religious objections to joining or supporting a labor union should write a letter to their employer and union explaining the religious reasons that it is inconsistent with their faith to support the union. This letter is very important. Wise employees will consult with a knowledgeable lawyer when drafting this letter.²⁴

If just writing the letter does not cure the problem (it does in most cases), the second step is to file a charge against the employer and union with the EEOC. The EEOC is the federal agency that administers Title VII. Title VII provides protection for nearly all employees. Private employers with 15 or more employees are covered, all state and municipal employers are covered, as are labor unions who have 15 or more members.²⁵

While the United States had to come to the rescue of Glen Greenwood, his current situation is unusual. Although it is extremely common for employees of faith to be misled about their right to request a religious accommodation, once legal help is sought or EEOC charges are filed, employers and unions generally start to see the wisdom of providing liberty and justice for all. 

¹⁹ Ellen G. White letter 5, 1904.

²⁰ North American Division of the General Conference of Seventh-day Adventists, *Working Policy* HC 30 10(a) (1996-1997 ed.).

²¹ 29 U.S.C. § 169.

²² These states are: Alaska, California, Hawaii, Illinois, Montana, Ohio, Oregon, Pennsylvania, Washington, and Wisconsin. In some of these states, the statute has been construed to provide protection regardless of church membership.

²³ 120 Cong. Rec. 12,955-56 (1974) (remarks of Senator Cranston).

²⁴ 120 Cong. Rec. 12,950-55 (1974) (remarks of Senator Ervin, including brief of Seventh-day Adventist Church, and statement of Melvin Adams, a church representative.)

²⁵ *Ibid.*

²⁶ 120 Cong. Rec. 12,968 (1974) (remarks of Senator Cranston).

²⁷ 120 Cong. Rec. 16,914 (1974).

²⁸ 120 Cong. Rec. 12,915-16 (1974).

²⁹ 120 Cong. Rec. 22,575 (remarks of Senator Williams) and 22,577 (1974) (remarks of Senator Cranston).

³⁰ 126 Cong. Rec. 2579-80 (1980) (remarks of Representative Thompson).

³¹ Ninth Circuit: *IAM v. Boeing*, 833 F.2d 165, 168-169 (9th Cir. 1987). Seventh Circuit: *Nottelson v. Smith Steel Workers*, 643 F.2d 445, 451 (7th Cir. 1981). Sixth Circuit: *EEOC v. University of Detroit*, 904 F.2d 331, 335 (6th Cir. 1990) (withhold and redirect fees away from offending union). Fifth Circuit: *Cooper v. General Dynamics*, 533 F.2d 163, 168-170 (5th Cir. 1976) (exemption from payment). Third Circuit: See *Jacobo Marti & Sons v. NLRB*, 676 F.2d 975, 979 (3rd Cir. 1982).

³² *Young v. Southwestern Savings & Loan*, 509 F.2d 140 (5th Cir. 1975).

³³ These statements are based on the author's 30 years of experience counseling and litigating for religious objectors.

³⁴ *Wilson v. NLRB*, 920 F.2d 1282, 1287 (6th Cir. 1990), cert. denied, 505 U.S. 1218 (1992).

³⁵ www.nrtw.org.

³⁶ *United States v. Ohio*, Civ. No. 2:05-cv-00799, Complaint ¶ 22. SERB was named as a Rule 19 defendant.

³⁷ *EEOC v. OCSEA, AFSCME Local 11, AFL-CIO*, Civ. No. 2:05-cv-00881.

³⁸ *Ibid.*, Complaint, ¶ 21.

³⁹ The claim of the union for damages from Mr. Greenwood is not precisely clear from the face of its court filing. When Mr. Greenwood sought to have the Court impose sanctions on the union for this tactic, the union withdrew its claim against him. *United States v. Ohio*, Civ. No. 2:05-cv-000799, docket entries 20, 25, 30, 35, 36, 40 and 59.

⁴⁰ The National Right to Work Legal Defense Foundation, www.nrtw.org, provides free legal assistance to employees who have sincere religious objections to supporting a labor union.

⁴¹ There are some limited exceptions to the list of employers covered by Title VII. These exceptions include Indian tribes, certain employees of the District of Columbia, and tax-exempt private clubs. An employer with less than 15 employees may be covered by a state antidiscrimination law with parallel Title VII-type provisions.

⁴² Wilcox, "Our Relationship to Labor Unions," *Review and Herald*, Feb. 6, 1941.

⁴³ Ellen G. White manuscript 71, 1903.



Teacher Knows Best

As an English teacher, I must say that Senator Tom McClintock ("By What Authority?" *Liberty*, Jan./Feb. 2006) would not get a good grade on his argument paper in my class.

In one sentence alone ("They abhor the words 'under God' because these words stand in the way of an all-powerful state"), he commits at least four logical fallacies: broad generalization, insufficient data, ad hominem (attacking the person instead of the argument), and intimidation. Besides that, he is inaccurate.

He also commits the error of selecting—and sometimes distorting—only the information that supports his argument while ignoring contrary evidence. He offers the antireligious atmosphere of the French Revolution as the reason the revolution failed. He neglects to mention that part of the *cause* of the revolution was the oppressive alliance of church and state.

Perhaps worst of all, he neglects to mention that the words "under God" were not originally part of the Pledge of Allegiance but were added in a panicked reaction to the 1950s Red Scare, when Senator Joseph McCarthy turned Congress into his personal instrument for conviction-by-insinuation.

As a committed Christian and liberal, I love the words "under God," but I do not believe they belong in the Pledge of Allegiance. The wall between church and state is necessary to preserve the liberty of people of all religions—to *prevent* an all-powerful state.

What I do abhor is the effort

by extremists in the Religious Right to hijack the government in order to establish a state church to promote their personal religious views. History has taught us that an established church leads to abuse. This is why the Founding Fathers insisted that the United States government be a secular one.

ELLEN BAILEY
Wichita, Kansas

A Party Line

I just read the Jan./Feb. 2006 issue of *Liberty*. I always enjoy it. I learn much from it, and I remember it coming to our home when I was a kid back in the thirties.

I was taken by the article by California State Senator Tom McClintock, "By Whose Authority?" His premise was beautiful, and if that really had been the original premise, I would have embraced it then.

"Under God" was inserted into the pledge in 1954. The Republicans had just gained control of the White House and the Senate. The first time in 20 years they gained even one branch, now they had two.

But the real premise at the time was to show the nation that it was the Republican Party that was moral and righteous, while the Democratic Party was evil and undemocratic. Much as they were doing in the past election and are doing even now.

In short, "under God" was a purely political ploy, and it was for that reason I was totally against it. Now it seems to belong, but because of the original reason for its insertion, I won't shed too many tears if it is removed.

GEORGE SCHMIDT
Cotati, California

A Question of Intelligence

The first part of the *Liberty* article "Evolution and Intelligent Design" by Haven Bradford Gow, Jan./Feb. 2006, gives a clear and fair, though very brief, description of the evolution vs. intelligent design debate. The conclusions and recommendation, however, are surprising.

The first conclusion Mr. Gow gives, although not actually stated, is that intelligent design (ID) and creationism are one and the same. This is simply not true. Creationism assumes Jehovah God is the Creator, just as evolutionists assume only material processes are involved. Intelligent design advocates do not assume anything about the design process, except that it is not by random chance. It is not difficult to show the evidence of design in the world around us. Even evolutionists will acknowledge as much, although they say it is an illusion. The evolutionists then go on to tell a story sprinkled with scientific data, to try to establish a materialistic origin for the "design." The ID advocate is trying to show that the evolutionists' story is just that, a story. Mr. Gow misses the point that the theory of evolution is actually believed by faith. Gaps in the fossil record are filled in by faith. If the fossil record were to be convincing, it would not be possible to assign most fossils to various species. One would see a continuum, with one species blending into the next. A similar situation could be said of biological systems. Ten percent of an eye does not give 10 percent vision, neither does 50 percent of an eye give 50 percent vision. In fact, 50 percent of an eye would produce total blindness and the organ would be a liability

to the creature. The eye would have to be supplied with nutrients, but it would provide no benefits. It would make the creature less fit to survive. Again we see that evolution is based on faith. The intelligent design movement is attempting to point out these faith-based assumptions used to support evolution.

A second conclusion is that "scientists are concerned solely with descriptive reality and empirically verifiable phenomena." This is certainly not true. Evolution has never been verified. In fact it is unverifiable. Unique events cannot be scientifically verified. Evolution is a philosophical explanation for the biological variety on this planet.

A third conclusion, again not stated, is that there is nothing beyond physical reality, which is nothing but a philosophical belief. Creationism and ID are also philosophical beliefs. To think that one belief should be exempt from challenge by another belief is owing to extreme arrogance and/or fear. Indeed, if everything on this planet were the result of physical matter and materialistic forces, it would make God or some other designer irrelevant, which has profound philosophical consequences. Could this fact be the reason for the extreme animosity with which evolutionists regard opposing views?

This brings us to Mr. Gow's fourth conclusion, which is that evolution is science, whereas creationism and ID are religion or philosophy. It has been shown that evolution is as faith-based as ID and creationism. They are on equal footing. Each appeals to physical data to support conclusions. If evolution is science, so are ID and creationism. If creationism and ID are philosophy,

so is evolution.

Mr. Gow fails to recognize that evolution is not a physical science, but a philosophy.

Therefore, the recommendation to give two weeks of a "physical science" (meaning evolution) class to discuss the philosophy of science and of creationism, "so that creationism may be legitimately discussed" is either meaningless, confused, or deceptive.

The playing field should be level. Both sides should be allowed to make and defend their case. Actually, the discussion of origins, by its very nature, is not devoid of some element of philosophy. The philosophical biases in science must be made known and not promoted as testable truth. Then we will have true science and honest education.

ROBERT ORRICK
Paradise, California

Good points. Intelligent design not only fails to give a definitive scientific answer to evolutionary theory, it is arguably destructive to a full Bible-based view of creation. See Liberty's coverage of the topic in our May/June issue. Editor.

only are totally untrue, but also supportive of an attack on academic freedom by printing such assumptions in a print context that would seem to indicate truth.

The fact is the University of Utah never allowed any of its connected faculty to comment on the matter during the time the legal issue was in the courts. And, the university settled the matter without ever giving us a voice in the matter...other than those one or two faculty that were deposed.

Given what appears to be your overriding agenda for separation of church and state, this approach to journalism would seem counterproductive to your mission and good journalism. XAN S. JOHNSON, PH.D.
Professor (department chair during the time the student was attending the University of Utah).



Freedom to Evangelize Important

Clifford Goldstein deftly slips past a key element of Abraham Foxman's

inveighing against the so-called "Christian: Right" in his March/April 2005 article, "Jews and the Christian Right."

Mr. Foxman—ironically, a Holocaust survivor who was protected by a Gentile family—has much more of a problem with Christians, "evangelical" and otherwise, who dare to suggest that Jesus of Nazareth is a Messiah for the Jewish people as well as for non-Jews. He has campaigned against those who promote the gospel to Jewish people, and has actively sought to disparage such efforts.

While those of a politically liberal—if not socially libertine—bent can be counted on to oppose the support for traditional values maintained by evangelicals, it's a sad day when politics can trump the primary mission of the Christian church, to "go therefore and make disciples of all the nations," as Jesus—Himself a Jew—expressed it in Matthew 28:19.

Siding with the opponents of evangelism is not a "garlicky burp." It is a fatal compromise that betrays the direct command

of the Savior.

MARK A. KELLNER
Rockville, Maryland

Mark Kellner and Clifford Goldstein are more than nodding acquaintances on this and other issues. In the interest of telling the whole story, likely we will have a follow-up article by Mark in our next issue. Let the games begin! Seriously, there is both a danger in the dynamic of Evangelical support for Israel at all costs, and an erection of barriers to evangelism. Editor.

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DECLARATION OF PRINCIPLES

The God-given right of religious liberty is best exercised when church and state are separate.

Government is God's agency to protect individual rights and to conduct civil affairs; in exercising these responsibilities, officials are entitled to respect and cooperation.

Religious liberty entails freedom of conscience: to worship or not to worship; to profess, practice, and promulgate religious beliefs, or to change them. In exercising these rights, however, one must respect the equivalent rights of all others.

Attempts to unite church and state are opposed to the interests of each, subversive of human rights, and potentially persecuting in character; to oppose union, lawfully and honorably, is not only the citizen's duty but the essence of the golden rule—to treat others as one wishes to be treated.

In My Name, Not!

Every so often I browse a search engine to see what appears under my name. In that my first name is Xan, it

is rather easy to do this for obvious reasons. Recently a search of Mamma mined this article from *Liberty* magazine ["Drama Queen," *Liberty*, Jan./Feb. 2003]. My comment and concern is that you published references and assumptions about me, allegedly actions I took that not



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Liberty (ISSN 0024-2055) is published bimonthly by the North American Division of the Seventh-day Adventist Church, 12501 Old Columbia Pike, Silver Spring, MD 20904-6600. Periodicals postage paid at Hagerstown, MD. POSTMASTER send changes of address to Liberty, P.O. Box 1119, Hagerstown, MD 21741-1119. Copyright © 2006 by the North American Division.

Printed by the Review and Herald Publishing Association, 55 West Oak Ridge Drive, Hagerstown, MD 21741-1119. Subscription price: U.S. \$6.95 per year, Single copy: U.S. \$1.50. Price may vary where national currencies differ. For subscription information or changes, please call 1 (800) 456-3991. Vol. 101, No. 4, July/August, 2006.

The TEN COMMANDMENT Code

Well, at least the title caught your attention—a sure thing at a time when everything seems saturated with talk of the Da Vinci Code. Of course Leonardo da Vinci was a known cryptic: his notes *were* written backward in mirror-image fashion. But the veracity of most of the Code novel is less than dubious. It seems the author had little to start with other than an intention to shock the uninformed and thereby stimulate discussion of the absurd. He succeeded, and there, as you might say, goes Hollywood.

In many ways the growing call for a return to the Ten Commandments as a U.S. model of governance plays to the same fabulist dynamic. Was there ever such a Western model in the past? Indeed, what passing knowledge of the ten does our postmodern society really have anymore?

Judge Roy Moore showed himself the attack dog of the Ten Commandment movement when he installed a several-thousand-pound granite monument of the same in the Alabama courthouse. It was a richly modern moment: done in the night hours to avoid those narrow-minded legalists who might have reflexly invoked constitutional prohibitions on establishing a religion—and filmed

in living color by a television ministry mindful of how such images sway the Code-hungry masses.

That was then—a few short years back. Never mind that the Alabama Supreme Court unanimously voted to impeach and remove the said judge. The battle cry of the new faithful/credulous has been that “we need to impeach the activist judges who are removing the Ten Commandments from public places.” Somehow Judge Moore became less an activist judge challenging the law, than a modern-day Luther nailing God’s ten to the Constitution. How dare anyone of faith question this act! And in a neat reversal, some of those curbing such activism have themselves been declared the activists in need of removal.

It so often comes back to a personal vision of the foundation of Western law. It also comes back to a utopian hope that the United States is actually foundationally a Christian nation.

Would that it were so. But it seems to me that, Constitution aside, it would put Christianity in a pretty poor light indeed if it were. It would sanctify capitalism and all its innate inequalities as God’s way. It would forever put the ques-

tion mark on God’s attitude toward Blacks and American Indians.

We would have to, as we now so easily do with current conflicts, deduce God’s will and the acts of the faithful in wars against Mexico and Spain. We would have to see in the exploding atom, not a challenge to our faith, but the very fire of God to be harnessed to the cause of projecting His will.

I for one am content that the United States at its founding made no greater claim to the Divine than a recognition of the innate rights we each have as His creation. I am encouraged that the Founders were so humbled by religious diversity that they enshrined the right of all to disbelieve or believe whatever they were moved to. And as a Christian I am inclined to think that a happy by-product of a free society that included so many God-fearing faithful is its strength and resilience.

Today as I look around and see unmistakable signs of moral decay and national uncertainty, I cannot help yearning for modern America to rediscover the Ten



Commandments. To decode again what they should mean in the personal life, and in our many social interactions.

Way back in the beginning, the more worldly of the religionists imagined that the laws of the land were based on the Ten Commandments. Of course, this was before the current Scalia-like disdain for "other peoples, other laws," and the debate was whether English common law—the unquestioned precursor to American jurisprudence—was formed on the basis of the Ten Commandments. Thomas Jefferson in one of his letters dealt rather summarily with this claim, showing that much of it predated Christianity in England and derived from Saxon and Norse norms. Today most any law student can give a quick answer to the wishful thinking behind any such claim. "No factual basis."

The quick-witted may have noticed that Judge Moore's ten and other public postings usually come in a very truncated précis. Most have not bothered to read them. But apart from this scribal redaction, there is the problem of "whose ten"? Catholics, Lutherans, other Protestants, and Jews all

have their versions, which differ in both numbering and wording.

I could wish that our society comported itself by the universal laws expressed in the Creator's ten, but even a cursory reading tells me we don't and that we shouldn't be required to, since human beings are poorly suited to decide their fellows' compliance to such laws.

The commands in Exodus, chapter 20, tend to focus on attitudes. "No other gods before Me" is hardly a matter of state control unless we want to revisit the Inquisition. Not "bowing down to (false gods/idols)...nor serving them" is a matter of loyalty testing that will rapidly conflict with mammon/capitalism and patriotism. "Not take the name of the Lord in vain" again must elude any government control short of inquisitorial. "Remember the Sabbath day to keep it holy" has long attracted church/state attention. But of course it is both wrong to compel to a Sabbath and erroneous to insist on Sunday when the com-

mandment specifies the "seventh day is the Sabbath" because it memorializes the rest day of God after His six day creation. "Honor your father and your mother" is a goal of societies everywhere—Shinto to animist—but not clearly enforceable. "You shall not murder" sounds good and comports with commonly held global mores, but gets shaky when the state kills judicially and by waging war. "You shall not commit adultery" is certainly within the rights of a state to administer. But is our hedonistic society clearer about sin than those vigilantes Jesus rebuked for taking up stones against adultery? "You shall not steal" is certainly a basic of most societies, but still at root an attitude, and one in need of much legal clarification beyond mere property rights. And where would our political discourse be if the prohibition against "false witness" were universal? In reality secular standards on perjury are nuanced by secularity and quite legalistic—a far different standard than God's intent. The ten words end with a prohibition against coveting! Where would our entire modern order be without this? Any good believer battles this urge, even as consumer societies stoke it. No man-made law against this.

A few weeks ago, on May 7, a coalition of faith leaders held the first ever "Ten Commandments Sunday" event. I wish them well in their high-minded goal of morally reviving our culture. But I think them tilting against the wrong windmill in thinking that government posting of the Ten Commandments—a pretty open challenge to the First Amendment,

which limits the government's power to promote religion—will in itself begin to do the job.

Every good story has its "aha" moment, and the Ten Commandments code has its for me in the stated agenda of the Ten Commandment Coalition. They urged all supporters to work toward passage of the Constitution Restoration Act. In the double-speak typical of our times, this act would essentially muzzle the constitutionally mandated power of the judiciary to find on issues involving the Ten Commandments and prayer in schools—under pain of impeachment for any judge who dared to take such a case.

No, these great Ten Commandments are not the property of the state—which is ill-equipped to understand them and over equipped to enforce them. They were written by God on stone and preserved in His temple, never in the palace, even in the theocracy of ancient Israel.



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MASTER SERVANT CONSCIENCE

The church must be reminded that it is not the master or the servant of the state, but rather the conscience of the state. It must be the guide and the critic of the state, and never its tool.

— MARTIN LUTHER KING JR., "Strength to Love"
(New York: Harper and Row, 1963).