Voter ID and the Supreme Court

January 21, 2008

In an earlier commentary I talked about the importance of a voter ID. That case out of Indiana has gone before the Supreme Court, and we will hear their verdict in the next few months.

Although the case shouldn't be that controversial, it centers on the requirement in Indiana that voters show photo identification when they cast their ballot. Given the simple fact that we have to show photo IDs for so many routine actions, you wouldn't think that requirement would be that controversial.

Opponents argue that this imposes an unconstitutional burden on voters. Yet the law allows those few citizens without a driver's license (estimated to be around one percent) to obtain a free, state-sponsored picture ID. And even if someone arrives at the polling place unprepared, they are given a provisional ballot that they can validate later.

Opponents also argue that this law will disenfranchise low-income voters, minorities, or seniors. Yet a statistical analysis by the Heritage Foundation demonstrated that voter ID laws in other states do not depress voter turnout. It does however limit the number of dogs, cats, or deceased people who try to vote in an election.

One critic suggested that this voter ID law would move us closer to a national ID. But if you are concerned about that, you might want to have the government rethink the use of a photo ID in so many other areas of life. After all, most people vote once every two years or once every four years. But they are required to show a photo ID every time they board a plane or every time they cash a check.

How the Supreme Court rules on this case will not only affect Indiana, but may have an impact on 24 other states that have various kinds of laws on the books to prevent voter fraud. Former president Jimmy Carter pointed out that the United States is merely attempting to do what most countries already do. He said: “Voters in nearly 100 democracies use a photo identification card without fear of infringement on their rights.”

Let’s hope the Supreme Court takes that into account.

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God in Our Nation’s Capital

U.S. Capitol Building

In our minds, lets take a walking tour through Americas capital city, Washington, DC. What we will be seeing in our minds eye comes from the book *Rediscovering God in America: Reflections on the Role of Faith in Our Nations History and Future*.{1} As we consider what religious symbols are found in the buildings and monuments, I think we will gain a fresh appreciation for the role of religion in the public square.

We will begin with the U.S. Capitol Building. No other building in Washington defines the skyline like this one does. It has been the place of formal inaugurations as well as informal and spontaneous events, such as when two hundred members of Congress gathered on the steps on September 12, 2001, to sing God Bless America.

President George Washington laid the cornerstone for the Capitol in 1793. When the north wing was finished in 1800,

Congress was able to move in. Construction began again in 1803 under the direction of Benjamin Latrobe. The British invasion of Washington in 1812 resulted in the partial destruction of the Capitol. In 1818, Charles Bulfinch oversaw the completion of the north and south wings (including a chamber for the Supreme Court).{2}

Unfortunately, the original design failed to consider that additional states would enter the union, and these additional representatives were crowding the Capitol. President Millard Fillmore chose Thomas Walter to continue the Capitols construction and rehabilitation. Construction halted during the first part of the Civil War, and it wasnt until 1866 that the canopy fresco in the Rotunda was completed.

The religious imagery in the Rotunda is significant. Eight different historical paintings are on display. The first is the painting *The Landing of Columbus* that depicts the arrival on the shores of America. Second is *The Embarkation of the Pilgrims* that shows the Pilgrims observing a day of prayer and fasting led by William Brewster.

Third is the painting *Discovery of the Mississippi by DeSoto.* Next to DeSoto is a monk who prays as a crucifix is placed in the ground. Finally, there is the painting *Baptism of Pocahontas*.

Throughout the Capitol Building, there are references to God and faith. In the Cox Corridor a line from America the Beautiful is carved in the wall: America! God shed His grace on thee, and crown thy good with brotherhood, from sea to shining sea!{3}

In the House chamber is the inscription, In God We Trust. Also in the House chamber, above the Gallery door, stands a marble relief of Moses, the greatest of the twenty-three law-givers (and the only one full-faced). At the east entrance to the Senate chamber are the words *Annuit Coeptis* which is Latin for

God has favored our undertakings. The words In God We Trust are also written over the southern entrance.

In the Capitols Chapel is a stained glass window depicting George Washington in prayer under the inscription In God We Trust. Also, a prayer is inscribed in the window which says, Preserve me, God, for in Thee do I put my trust.{4}

The Washington Monument

The tallest monument in Washington, DC, is the Washington Monument. From the base of the monument to its aluminum capstone are numerous references to God. This is fitting since George Washington was a religious man. When he took the oath of office on April 30, 1789, he asked that the Bible be opened to Deuteronomy 28. After the oath, Washington added, So help me God and bent forward and kissed the Bible before him.{5}

Construction of the Washington Monument began in 1848, but by 1854 the Washington National Monument Society was out of money and construction stopped for many years. Mark Twain said it had the forlorn appearance of a hollow, oversized chimney. In 1876, Congress appropriated money for the completion of the monument which took place in 1884. In a ceremony on December 6, the aluminum capstone was placed atop the monument. The east side of the capstone has the Latin phrase *Laus Deo*, which means Praise be to God.

The cornerstone of the Washington Monument includes a Holy Bible, which was a gift from the Bible Society. Along with it are copies of the Declaration of Independence and the U.S. Constitution.

If you walk inside the monument you will see a memorial plaque from the Free Press Methodist-Episcopal Church. On the twelfth landing you will see a prayer offered by the city of Baltimore. On the twentieth landing you will see a memorial offered by Chinese Christians. There is also a presentation

made by Sunday school children from New York and Philadelphia on the twenty-fourth landing.

The monument is full of carved tribute blocks that say: Holiness to the Lord; Search the Scriptures; The memory of the just is blessed; May Heaven to this union continue its beneficence; In God We Trust; and Train up a child in the way he should go, and when he is old, he will not depart from it.

So what was George Washingtons faith? Historians have long debated the extent of his faith. But Michael Novak points out that Washingtons own step-granddaughter, Nelly Custis, thought his words and actions were so plain and obvious that she could not understand how anybody failed to see that he had always lived as a serious Christian.{6}

During the first meeting of the Continental Congress in September 1774, George Washington prayed alongside the other delegates. And they recited Psalm 35 together as patriots.

George Washington also proclaimed the first national day of thanksgiving in the United States. In 1795 he said, When we review the calamities which afflict so many other nations, the present condition of the United States affords much matter of consolation and satisfaction. He therefore called for a day of public thanksgiving and prayer. He said, In such a state of things it is in an especial manner our duty as people, with devout reverence and affectionate gratitude, to acknowledge our many and great obligations to Almighty God and implore Him to continue and confirm the blessings we experience.{7}

The Lincoln Memorial

The idea of a memorial to the sixteenth president had been discussed almost within days after his assassination, but lack of finances proved to be a major factor. Finally, Congress allocated funds for it during the Taft administration. Architect Henry Bacon wanted to model it after the Greek

Parthenon, and work on it was completed in 1922.

Bacon chose the Greek Doric columns in part to symbolize Lincolns fight to preserve democracy during the Civil War.{8} The thirty-six columns represented the thirty-six states that made up the Union at the time of Lincolns death.

Daniel Chester French sculpted the statue of Abraham Lincoln to show his compassionate nature and his resolve in preserving the Union. One of Lincolns hands is tightly clenched (to show his determination) while the other hand is open and relaxed (to show his compassion).

Lincolns speeches are displayed within the memorial. On the left side is the Gettysburg Address (only 267 words long). He said, We here highly resolved that these dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom.

On the right side is Lincolns second inaugural address (only 703 words long). It mentions God fourteen times and quotes the Bible twice. He reflected on the fact that the Civil War was not controlled by man, but by God. He noted that each side looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes his aid against the other.

He concludes with a lament over the destruction caused by the Civil War, and appeals to charity in healing the wounds of the war. With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nations wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

It is fitting that one hundred years after Lincolns second inaugural, his memorial was the place where Reverend Martin

Luther King, Jr. delivered his most famous speech, I have a dream. An inscription was added to the memorial in 2003 that was based upon Isaiah 40:4-5: I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight and the glory of the Lord shall be revealed and all flesh shall see it together.

At a White House dinner during the war, a clergyman gave the benediction and closed with the statement that The Lord is on the Unions side. Abraham Lincoln responded: I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I and this nation should be on the Lords side.{9}

The Jefferson Memorial

Thomas Jefferson was Americas third president and the drafter of the Declaration of Independence, so it is surprising that a memorial to him was not built earlier than it was. In 1934, Franklin Delano Roosevelt persuaded Congress to establish a memorial commission to honor Jefferson. After some study the commission decided to honor Pierre LEnfants original plan, which called for the placement of five different memorials that would be aligned in a cross-like manner.{10}

The architect of the memorial proposed a Pantheon-like structure that was modeled after Jeffersons own home which incorporated the Roman architecture that Jefferson admired. The original design was modified, and the memorial was officially dedicated in 1943.

When you enter the Jefferson Memorial you will find many references to God. A quote that runs around the interior dome says, I have sworn upon the altar of God, eternal hostility against every form of tyranny over the minds of man.

On the first panel, you will see the famous passage from the

Declaration of Independence: We hold these truths to be self-evident: That all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

On the second panel is an excerpt from A Bill for Establishing Religious Freedom, 1777. It was passed by the Virginia Assembly in 1786. It reads: Almighty God hath created the mind free. . . . All attempts to influence it by temporal punishments or burdens . . . are a departure from the plan of the Holy Author of our religion. . . . No man shall be compelled to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinions of belief, but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion. I know but one code of morality for men whether acting singly or collectively.

The third panel is taken from Jeffersons 1785 Notes on the State of Virginia. It reads: God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that His justice cannot sleep forever. Commerce between master and slave is despotism. Nothing is more certainly written in the book of fate than that these people are to be free.

The Supreme Court

Of the three branches of government, the Supreme Court was the last to get its own building. In fact, it met in the Capitol building for over a hundred years. During that time, it met in many different rooms of the capitol until it finally settled in the Old Senate Chamber in 1860.

Supreme Court Justice William Howard Taft (who also had served

as president) persuaded Congress to authorize funds for the Supreme Court building. It was modeled after Greek and Roman architecture in the familiar Corinthian style and dedicated in 1935.

It is ironic that the Supreme Court has often issued opinions which have stripped religious displays from the public square when these opinions have been read in a building with many religious displays. And it is ironic that public expressions of faith have been limited when all sessions of the court begin with the Courts Marshal announcing: God save the United States and this honorable court.

In a number of cases, the Supreme Court has declared the posting of the Ten Commandments unconstitutional (in public school classrooms and in a local courthouse in Kentucky). But this same Supreme Court has a number of places in its building where there are images of Moses with the Ten Commandments. These can be found at the center of the sculpture over the east portico of the Supreme Court building, inside the actual courtroom, and finally, engraved over the chair of the Chief Justice, and on the bronze doors of the Supreme Court itself.{11}

Nevertheless, the Supreme Court has often ruled against the very kind of religious expression that can be found in the building that houses the court. Former Speaker of the House Newt Gingrich says in his book *Rediscovering God in America*, that we see a systematic effort . . . to purge all religious expression from American public life. He goes on to say that for the last fifty years the Supreme Court has become a permanent constitutional convention in which the whims of five appointed lawyers have rewritten the meaning of the Constitution. Under this new, all-powerful model of the Court, and by extension the trail-breaking Ninth Circuit Court, the Constitution and the law can be redefined by federal judges unchecked by the other two coequal branches of government.{12}

This is the state of affairs we find in the twenty-first century. If five justices believe that prayer at a public school graduation is unconstitutional, then it is unconstitutional. If five justices believe that posting the Ten Commandments is unconstitutional, it is unconstitutional.

If the trend continues, one wonders if one day they may rule that religious expression on public monuments is unconstitutional. If that takes place, then you might want to invest in sandblasting companies in the Washington, DC, area. There are lots of buildings and monuments with words about God, faith, and religion. It would take a long time to erase all of these words from public view.

The next time you are in our nations capital, make sure you take a walking tour of the buildings and monuments. They testify to a belief in God and a dynamic faith that today is often under attack from the courts and the culture.

Notes

1. Newt Gingrich, *Rediscovering God in America: Reflections on the Role of Faith in Our Nation's History and Future* (Nashville, TN: Integrity House, 2006).
2. Ibid., 77.
3. Ibid., 81.
4. Ibid., 2.
5. Ibid., 35.
6. Ibid., 39.
7. Ibid., 40.
8. Ibid., 50.
9. Ibid., 54.
10. Ibid., 44.
11. Ibid., 87.
12. Ibid., 132.

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Ten Commandments in America (Radio)

The ongoing debate about the posting the Ten Commandments in public places has certainly been controversial for the last few decades. But as we will see this week, there was a time not so long ago when politicians and citizens alike saw the Ten Commandments as the very foundation of our society.

In 1980, the Supreme Court ruled against the posting of the Ten Commandments in the public schools in the case of *Stone v. Graham*. They ruled that the preeminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature.

The justices even worried what would happen if students were to read the Ten Commandments on their classroom wall: If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments. However desirable this might be as a matter of private devotion, it is not a permissible state objective under the Establishment Clause.{1}

In 2005, the Supreme Court revisited this decision because of cases from Kentucky and Texas. A divided court struck down displays in two Kentucky courthouses, but ruled a Ten Commandments monument on state government land in Texas was acceptable. Anyone looking for a clear line of reasoning that provides guidance for future cases will not find them.

In the Kentucky cases, two counties posted copies of the Ten Commandments on the walls of their courthouse. These framed copies of the Ten Commandments hung alongside documents such

as the Bill of Rights, the Star-Spangled Banner, and a version of the Congressional Record declaring 1983 the Year of the Bible. These were considered unconstitutional.

The Texas case involved a six foot granite monument on the grounds of the Texas Capitol. It was deemed acceptable because it is one of seventeen historical displays on the twenty-two-acre lot. Although this was considered constitutional, some justices couldnt even accept that. Justice John Paul Stevens said, The monument is not a work of art and does not refer to any event in the history of the state, he wrote. The message transmitted by Texas chosen display is quite plain: This state endorses the divine code of the Judeo-Christian God.{2}

Other justices noted that one monument among many others is hardly an endorsement of religion. You can stop to read it, you can ignore it, or you can walk around it. Chief Justice William Rehnquist argued that the monuments placement on the grounds among secular monuments was passive, rather than confrontational. Justice Antonin Scalia listed various ways in which higher beings are invoked in public life, from so help me God in inaugural oaths to the prayer that opens the Supreme Courts sessions. He asked, With all of this reality (and much more) staring it in the face, how can the court possibly assert that the First Amendment mandates governmental neutrality?

The framers of the Constitution didnt try to mandate neutrality. They understood that ultimately law must rest upon a moral foundation. One of those foundations was the Ten Commandments.

Ten Commandments in American History

When we look at the Founding Fathers, we see they wereanything but neutral when it came to addressing the influence of the Ten Commandments on our republic. For example, twelve of the

original thirteen colonies incorporated the entire Ten Commandments into their civil and criminal codes. {3}

John Quincy Adams stated, The law given from Sinai was a civil and municipal as well as a moral and religious code. These are laws essential to the existence of men in society and most of which have been enacted by every nation which ever professed any code of laws. He added that: Vain indeed would be the search among the writings of [secular history] . . . to find so broad, so complete and so solid a basis of morality as this Decalogue lays down.{4}

John Witherspoon was the president of what later came to be known as Princeton University and was a signer of the Declaration of Independence. He said that the Ten Commandments are the sum of the moral law.{5}

John Jay was one of the authors of *The Federalist Papers*. He later became the first Chief Justice of the U.S. Supreme Court. He said, The moral or natural law, was given by the sovereign of the universe to all mankind.{6}

On September 19, 1796, in his Farewell Address, President George Washington said, Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports.{7}

William Holmes McGuffey, considered the Schoolmaster of the Nation, once said, The Ten Commandments and the teachings of Jesus are not only basic but plenary.{8}

The founders of this country also wanted to honor Moses as the deliverer of the Ten Commandments. After separating from England, Thomas Jefferson and Benjamin Franklin were responsible for designing a symbol of this newly formed nation. Franklin proposed Moses lifting his wand and dividing the Red Sea.{9}

In the U.S. Capitol, there are displays of the great lawgivers

(Hammurabi, Justinian, John Locke, William Blackstone, etc). All are profiles of the lawgivers except for one. The relief of Moses is full faced rather than in profile and looks directly down onto the House Speakers rostrum.

Anyone who enters the National Archives to view the Declaration of Independence or the Constitution must first pass by the Ten Commandments embedded in the entry way of the Archives. Likewise, there are a number of depictions of the Ten Commandments. One is on the entry to the Supreme Court Chamber, where it is engraved on the lower half of the two large oak doors.

Another is engraved in the stone above the head of the Chief Justice with the great American eagle protecting them. And Moses is included among the great lawgivers in the sculpture relief on the east portico.

Chief Justice Warren Burger noted the irony of this in theU.S. Supreme Court decision of *Lynch v. Donnelly*. The very chamber in which oral arguments on this case were heard is decorated with a notable and permanentnot seasonalsymbol of religion: Moses with the Ten Commandments.{10}

The Commandments in Civil Law

Let’s see how the Ten Commandments were expressed inAmerican civil law. It may surprise you to find out that all of the commandments were written into law in some way.{11}

These illustrations are descriptive, not normative. I am not arguing that we must return to these legal formulations in every case cited. We may certainly disagree to what extent the Ten Commandments should be part of our legal structure. But there should be no disagreement that at one time the Ten Commandments were the very foundation of the civil laws of America.

The Ten Commandments can be summarized in this way: (1) Have no other gods, (2) Have no idols, (3) Honor Gods name, (4) Honor the Sabbath, (5) Honor your parents, (6) Do not murder, (7) Do not commit adultery, (8) Do not steal, (9) Do not commit perjury, (10) Do not covet. The Ten Commandments might be called rules of (1) religion, (2) worship, (3) reverence, (4) time, (5) authority, (6) life, (7) purity, (8) property, (9) tongue, and (10) contentment.

The first commandment is: You shall have no other gods before Me (Ex. 20:3). There were a number of early colonial laws that addressed this command.

A law passed in 1610 in the Virginia colony declared thatsince we owe our highest and supreme duty, our greatest and all our allegiance to Him from whom all power and authority is derived . . . I do strictly command and charge all Captains and Officers . . . to have a care that the Almighty God be duly and daily served.{12}

A 1641 Massachusetts law stated: If any man after legal conviction shall have or worship any other god but the Lord God, he shall be put to death. Deut. 13:6,10; Deut 17:2,6; Ex. 22:20.{13}

The second commandment is: You shall not make for yourself an idol (Ex. 20:4). A 1680 New Hampshire law declared: It is enacted by ye ssembly and ye authority thereof, yet if any person having had the knowledge of the true God openly and manifestly have or worship any other gods but the Lord God, he shall be put to death. Ex. 22:20; Deut. 13:6 and 10.{14}

The third commandment is: You shall not take the name of the Lord your God in vain (Ex. 20:7). Laws to obey this commandment came in two forms. Some were laws prohibiting blasphemy and others were laws against profanity. Noah Webster discussed both of these categories in relation to the third

commandment in one of his letters:

> *When in obedience to the third commandment of the Decalogue you would avoid profane swearing, you are to remember that this alone is not a full compliance with the prohibition which [also] comprehends all irrelevant words or action and whatever tends to cast contempt on the Supreme Being or on His word and ordinances.{15}*

Nearly all of the colonies had anti-blasphemy laws. This includes Connecticut, New Hampshire, Pennsylvania, Virginia, North Carolina, and South Carolina.

As Commander-in-Chief, George Washington issued numerous military orders during the American Revolution that prohibited swearing. This is one of his orders issued on July 4, 1775:

> *The General most earnestly requires and expects a due observance of those articles of war established for the government of the army which forbid profane cursing, swearing, and drunkenness; and in like manner requires and expects of all officers and soldiers not engaged on actual duty, a punctual attendance on Divine Service to implore the blessings of Heaven upon the means used for our safety and defense.{16}*

After the Declaration of Independence, George Washington issued similar orders to his troops during the Revolutionary War. And similar prohibitions against blasphemy and profanity were issued throughout the rest of the Eighteenth century and into the Nineteenth century.

The fourth commandment is: Remember the Sabbath day, to keep it holy (Ex. 20:8). Each of the colonies and states had laws dealing with the Sabbath. Even the U.S. Constitution has a provision stipulating that the president has 10 days to sign a law, Sundays excepted. This clause was found in state

constitutions and thus incorporated into the U.S. Constitution.

An 1830 New York law declared that: Civil process cannot, by statute, be executed on Sunday, and a service of such process on Sunday is utterly void and subjects the officer to damages.{17} Many other states had similar laws.

During the American Revolution, George Washington issued military orders directing that the Sabbath be observed. Here is his order of May 2, 1778 at Valley Forge:

> *The Commander in Chief directs that Divine Service be performed every Sunday at 11 oclock in those brigades to which there are chaplains; those which have none to attend the places of worship nearest to them. It is expected that officers of all ranks will by their attendance set an example to their men.{18}*

The fifth commandment is: Honor your father and your mother (Ex. 20:12). A 1642 Connecticut law dealt with this commandment and cited additional verses:

> *If any child or children above sixteen years old, and of sufficient understanding shall curse or smite their normal father or mother, he or they shall be put to death; unless it can be sufficiently testified that the parents have been very unchristianly negligent in the education of such children or so provoke them by extreme and cruel correction that they have been forced thereunto to preserve themselves from death [or] maiming. Ex. 21:17, Lev. 20, Ex. 20:15.{19}*

The sixth commandment is: You shall not murder (Ex. 20:13). The earliest laws in America illustrate that punishment for murder was rooted in the Ten Commandments. A 1641 Massachusetts law declared:

4. Ex. 21:12, Numb. 35:13-14, 30-31. If any person commit any willful murder, which is manslaughter committed upon premeditated malice, hatred, or cruelty, not in a mans necessary and just defense nor by mere casualty against his will, he shall be put to death.

5. Numb. 25:20-21, Lev. 24:17. If any person slayeth another suddenly in his anger or cruelty of passion, he shall be put to death.

6. Ex. 21:14. If any person shall slay another through guile, either by poisoning or other such devilish practice, he shall be put to death.{20}

The seventh commandment is: You shall not commit adultery (Ex. 20:14). Most colonies and states had laws against adultery. Even in the late Nineteenth century, the highest criminal court in the state of Texas declared that its laws came from the Ten Commandments:

The accused would insist upon the defense that the female consented. The state would reply that she could not consent. Why? Because the law prohibits, with a penalty, the completed act. Thou shalt not commit adultery is our law as well as the law of the Bible.{21}

The eighth commandment is: You shall not steal (Ex. 20:15). All colonies and states had laws against stealing based upon the Ten Commandments. In 1940, the Supreme Court of California acknowledged:

Defendant did not acknowledge the dominance of a fundamental precept of honesty and fair dealing enjoined by the Decalogue and supported by moral concepts. Thou shalt not steal applies with equal force and propriety to the industrialist of a complex civilization as to the simple herdsman of ancient Israel.{22}

The Louisiana Supreme Court in 1951 also acknowledged: In the Ten Commandments, the basic law of all Christian countries, is found the admonition Thou shalt not steal.

The ninth commandment is: You shall not bear false witness against your neighbor (Ex. 20:16). The colonies and states had laws against perjury and bearing false witness. In modern times, the Oregon Supreme Court declared that: No official is above the law. Thou shalt not bear false witness is a command of the Decalogue, and that forbidden act is denounced by statute as a felony.{23}

The tenth commandment is: You shall not covet (Ex. 20:17). Many of the founders and framers saw this commandment as a foundation for others. William Penn of Pennsylvania declared that he that covets can no more be a moral man than he that steals since he does so in his mind.{24} John Adams argued that: If Thou shalt not covet and Thou shalt not steal were not commandments of Heaven, they must be made inviolable precepts in every society before it can be civilized or made free.{25}

Notes

1. *Stone v. Graham*, 449 U.S. 39 (1980).
2. John Paul Stevens, dissenting, Van Orden v. Perry, 545 U.S. __ (2005).
3. Matthew Staver, "The Ten Commandments Battle Continues To Gain Steam," *National Liberty Journal*, December 2001.
4. John Quincy Adams, *Letters of John Quincy Adams, to His Son, on the Bible and Its Teachings* (Auburn: James M. Alden, 1850), 61.
5. John Witherspoon, *The Works of John Witherspoon* (Edinburgh: J. Ogle, 1815), 95.
6. John Jay, *The Correspondence and Public Papers of John Jay* (NY: G. P. Putnam's Sons, 1893), 403.
7. George Washington, Farewell Address (Philadelphia), September 17, 1796.

8. William Holmes McGuffey, *Eclectic Reader* in D. James Kennedy, "What's Happening to American Education" in Robert Flood, *The Rebirth of America* (Philadelphia: Arthur S. DeMoss Foundation, 1986), 122.
9. John Adams, *Letters of John Adams Addressed to His Wife* (Boston: Little and Brown, 1841), 152.
10. *Lynch v. Donnelly*, 465 U.S. 677 (1984).
11. The primary document for the following material can be found at: http://tinyurl.com/lkxnv
12. "Articles, Laws, and Orders, Divine, Politic and Martial for the Colony of Virginia," *Colonial Origins* (1610-1611), 315-316.
13. "Massachusetts Body of Liberties," *Colonial Origins* (1641), 83.
14. "General Laws and Liberties of New Hampshire, *Colonial Origins* (1680), 6.
15. Noah Webster, *Letters to a Young Gentleman*, 8.
16. George Washington, *The Writings of George Washington* (Washington, DC: U.S. Government Printing Office, 1931), Vol. III, 309.
17. George C. Edwards, *Treatise of the Powers and Duties of the Justices of the Peace and the Town Officers in the State of New York* (Nashville: J.C. Mitchell and C.C. Norvell, 1834), 38, "General Rules Applicable to a Summons, Warrants of Attachment," Rev. Stat. 675.
18. George Washington, *The Writings of George Washington, Vol. III*, 342.
19. "Capital Laws of Connecticut," *Colonial Origins* (1642), 230.
20. Ibid.
21. *Hardin v. State*, 46 S.W. 803, 808 (Tex. Crim. App. 1898).
22. *Hollywood Motion Picture Equipment Co. v. Furer*, 105 P.2d. 299, 301 (Cal. 1940).
23. *Watts v. Gerking*, 228 P. 135, 141 (Oregon 1924).
24. William Penn, *Fruits of Solitude, In Reflections and Maxims Relating To The Conduct of Human Life* (London: James Phillips, 1790), 132.

25. *The Works of John Adams, Second President of the United States* (Boston: Charles C. Little and James Brown, 1851), Vol. Vi, 9.

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Ten Commandments in America

June 27, 2005

The Supreme Court has spoken and has essentially stuttered. How any sane person can make any sense of their two rulings on the Ten Commandments is beyond me. A divided court struck down displays in two Kentucky courthouses, but ruled a Ten Commandments monument on state government land in Texas was acceptable.

So why was a six foot granite monument on the grounds of the Texas Capitol constitutional? Perhaps they saw it acceptable because it is one of seventeen historical displays on the twenty-two-acre lot. So five justices determined it to be a constitutional tribute to the nation's legal and religious history.

On the other hand, what is unconstitutional are copies of the Ten Commandments in Kentucky courthouses hanging alongside documents such as the Bill of Rights, the Star-Spangled Banner, and a version of the Congressional Record declaring 1983 the Year of the Bible. Anyone looking for a clear line of constitutionality will not find it in this confused muddle of court cases.

And anyone who doesn't think the members of the court are openly hostile to religion need only read just a few lines of

the opinion rendered by Justice John Paul Stevens. He couldn't even accept the Texas Ten Commandments monument placed there over forty years ago by a secular institution. The monument is not a work of art and does not refer to any event in the history of the state, he wrote. The message transmitted by Texas chosen display is quite plain: This state endorses the divine code of the Judeo-Christian God.

Fortunately, other justices noted that one monument among many others is hardly an endorsement. You can stop to read it, you can ignore it, or you can walk around it. Chief Justice William Rehnquist argued that the monument's placement on the grounds among secular monuments was passive, rather than confrontational. But that logic seemed lost on many of the justices.

The Supreme Court's inconsistency in this case shows that many of the justices have clearly lost their way. Justice Antonin Scalia addressed the lack of any clear principle in this case in his scholarly dissent. He declared, "What distinguishes the rule of law from the dictatorship of a shifting Supreme Court majority is the absolutely indispensable requirement that judicial opinions be grounded in consistently applied principle."

In 1980, the Supreme Court ruled against the posting of the Ten Commandments in the public schools in the case of *Stone v. Graham*. They ruled that the preeminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature. At least in 1980 we knew where the court stood on posting religious symbols in public places. This time they confused an already complex issue. According to Justice David Souter, the liberal justices were trying to establish official religious neutrality.

Justice Scalia listed various ways in which higher beings are invoked in public life, from "so help me God" in inaugural oaths to the prayer that opens the Supreme Court's sessions.

He asked, “With all of this reality (and much more) staring it in the face, how can the court possibly assert that the First Amendment mandates governmental neutrality? Perhaps trying to mandate neutrality is the problem.”

When we look at the Founding Fathers we see they were anything but neutral when it came to addressing the influence of the Ten Commandments on our republic. For example, twelve of the original thirteen colonies incorporated the entire Ten Commandments into their civil and criminal codes.{1}

John Quincy Adams stated, “The law given from Sinai was a civil and municipal [code] as well as a moral and religious code. These are laws essential to the existence of men in society and most of which have been enacted by every nation which ever professed any code of laws.” He added that “Vain indeed would be the search among the writings of [secular history] . . . to find so broad, so complete and so solid a basis of morality as this decalogue lays down.”{2}

Notes

1. Matthew Staver, The Ten Commandments Battle Continues To Gain Steam, *National Liberty Journal*, December 2001.
2. John Quincy Adams, *Letters of John Quincy Adams, to His Son, on the Bible and Its Teachings* (Auburn: James M. Alden, 1850), 61.
3. George Washington, Farewell Address (Philadelphia), September 17, 1796.
4. William Holmes McGuffey, *Eclectic Reader* in D. James Kenney, Whats Happening to American Education in Robert Flood, *The Rebirth of America* (Philadelphia: Arthur S. DeMoss Foundation, 1986), 122.

On September 19, 1796, in his Farewell Address, President George Washington said, “Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports.”{3}

William Holmes McGuffey, considered the Schoolmaster of the Nation, once said, “The Ten Commandments and the teachings of Jesus are not only basic but plenary.”{4}

It is more than just a little ironic that the Supreme Court that ruled against posting the Ten Commandments in public places actually has its own display of the Ten Commandments. Engraved in the stone above the head of the Chief Justice are the Ten Commandments with the great American eagle protecting them. Moses is included among the great lawgivers in the sculpture relief on the east portico. And sessions begin with the invocation, “God save the United States and this honorable court.”

So what can Christians do? First, we should be in prayer about this important issue and pray for future Supreme Court justices who will someday replace those who made these rulings.

Second, we should express our opinions by talking to friends, writing a letter to the editor, and educating people around us about the importance of the Ten Commandments in America.

Third, we should encourage Congress to pass the Constitutional Restoration Act which uses Article III, Section 2 of the Constitution to limit the appellate jurisdiction of the federal courts in areas like the Pledge of Allegiance and the Ten Commandments. Congress has the power to remove power from judges.

Judges who use their power to remove the Ten Commandments should have their power removed from them. Passing this legislation will accomplish that purpose.

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