

ANOTHER VIEW: Proposed amendment would 'trump' federal courts_111703

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By Tom Edwards

The U.S. Constitution says, "All legislative powers herein granted shall be vested in a Congress" (Article 1, Section 1).

But the Constitution has been amended to state, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof" (First Amendment) and, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people" (Tenth Amendment).

The recent Pledge of Allegiance and Ten Commandments rulings present a wonderful opportunity to turn bad into good.

Despite the public outcry, the decisions are ones that lower federal courts, following the Supreme Court-exercising legislative power-could rationally reach. The results are strained and clearly wrong, but the primary fault lies with prior irrational Supreme Court decrees fostering such aberrations.

The decisions have erupted long-simmering rational absurdities. They are logical conclusions of a host of prior illogical decisions by the Supreme Court, beginning with 1940's *Cantwell vs. Connecticut*. It held the First Amendment is binding upon the states, although it says, "Congress shall make no law"

Another was 1947's *Everson vs. Board of Education*. It imposed a national "wall of separation" in place of a jurisdictional federal lawmaking preclusion on matters reserved to the states.

After subjecting the states to its control, the Supreme Court created a new, substantive "wall" and absurdly mandated total state neutrality, resulting in public free-exercise prohibitions and separation of state from God!

The court has unconstitutionally amended the Constitution, usurped legislative power, rewritten history and ignored the framers' original intent and Tenth Amendment-reserved rights. The court now reads the First Amendment to say, "Congress and the states shall make no law ..." and to mean "total government neutrality."

The Alabama federal judge held that a state cannot recognize God. The Ninth Circuit Court said that "one nation under God" is an endorsement of monotheism, one God.

So what? Recognition of God is not and never has been an "establishment" of religion! That court also said that a profession that we are a nation "under God" is identical, for the Supreme Court's purposes, to a profession that we are a nation "under no God," because neither of these professions can be neutral with respect to religion.

The false presumption is that official silence maintains neutrality. In the recent controversy over comments made by Education Secretary Rod Paige, Barry Lynn, executive director of Americans United for Separation of Church and State, said, "There's no hostility toward God in public

schools-there's neutrality." Nuts.

Secularization ignores God and breeds atheistic, anti-God secularism. Ignoring God is not being neutral. Governmental silence marginalizes and creates a bias against God, while favoring atheism by default. Accordingly, Supreme Court-mandated "complete government neutrality" is impossible!

As to God, we can't not have a state preference. We must and will be either "for" or "against." If we are not "for," we are "against." Neutrality is not an available option! It is an illusive and incoherent concept (Psalms 9:17, 33:12; Matthew 12:30).

What better cases to expose 60-plus years of absurd rulings by the Supreme Court? We are facing court-ordered, state-favored theological atheism-an anti-God state.

Establishing no theocracy, the bedrock civil solution is to permanently trump the federal courts by adopting state and federal constitutional amendments that simply say: "This (nation) (state) affirms the existence and sovereignty of God." For the sake of our nation and posterity, let's do it.

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