P.S. to the NEWS
by PHYLLIS SCHLAFLY

Box 618, Alton, Illinois 62002
Phone: 618-462-5415

RELEASE: JANUARY 27, 1981

THE ACLU VERSUS OUR RELIGIOUS HERITAGE

Seals are very controversial. While the environmentalists campaign to save living seals from being used for furs, the American Civil Liberties Union litigates to wipe out the use of inanimate seals that might possibly, in any remote way, recognize our religious heritage.

The seal of Bernalillo County, New Mexico (which includes Albuquerque), so mightily offends the ACLU that it has rushed into court with its high-powered legal talents. The official county seal, which has been used on all county documents since long before New Mexico became a state in 1912, portrays eight sheep standing before the mountains, a cross, and the county motto, "Con esta vencemos," meaning "With this we conquer."

The eight sheep represent the eight land grants of the King of Spain to the early settlers. The mountains represent the Sandia and Manzano mountain ranges, and the cross symbolizes the Christian heritage which dominates much of New Mexico's history.

The ACLU demanded that the county commission stop using the seal and, when it refused, the ACLU filed suit. The county commission contends that the seal is a cultural and historical emblem. Its use may even be guaranteed by the 1848 treaty of Guadaloupe-Hidalgo which permits the continued use of seals and place names adopted by Spanish settlers early in the 18th century.

The public policy presented by this case involves the right of local government officials to continue to use an official seal which reflects the cultural and historical heritage unique to their locality. Unlike most states, much of New Mexico's history is rooted in the Spanish monarchy and the Roman Catholic Church, and the Bernalillo County seal symbolizes those indisputable historic facts.

If the county seal is held to be a violation of the First Amendment, this would encourage the ACLU to accelerate its "search and destroy" mission. Many cities, such as Los Angeles and Corpus Christi, St. Augustine, St. Louis and St. Paul, might be found to be constitutionally defective and have to be renamed.

(more)

The Albuquerque area must be a special target for the ACLU because it filed suit 35 miles south to try to force the Los Lunas Board of Education to remove plaques displaying the Ten Commandments. This poses another issue of local control.

The Ten Commandment plaques were placed in the Los Lunas public schools only after a public meeting was held and an overwhelming majority of the residents attending the meeting expressed themselves in favor of accepting the donation of the plaques. No religious symbols were used on the plaques and they carry the following inscription: "The secular application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of Western civilization and the common law of the United States."

In 1973 in a case called Anderson v. Salt Lake City, the Tenth Circuit Court of Appeals recognized that the Ten Commandments are the historical precedent for our legal code and, as such, have "substantial secular attributes." The decision in that case permitted the Fraternal Order of Eagles to erect on the courthouse grounds a permanent 3 x 5 foot granite monolith inscribed with the Ten Commandments and various religious symbols.

No doubt the ACLU was greatly cheered when last November, in an unsigned 5-to-4 decision, the U.S. Supreme Court ruled unconstitutional a Kentucky law requring the posting in all public classrooms of the Ten Commandments in framed posters. The Court said it made no difference that they were financed entirely by private funds, or that they carried a notice of their secular purpose.

The Supreme Court devised a so-called test for deciding First Amendment religion cases in Lemon v. Kurtzman in 1971, but later cases show that the test is difficult to apply and that the Court wants to make its own new evaluation of every case. It is far better to leave the resolution of close-to-call cases up to local school officials.

However, the Supreme Court wants to run our schools. The result is that the iron hand of the law makes certain that children's eyes never rest on a poster or plaque which says "thou shalt not kill, steal, commit adultery, or bear false witness." But the law does not shield them from drugs, crime, vandalism, illegitimate pregnancies, or VD.

The quality of life would be a great deal better for all if the ACLU and the Supreme Court would devote their energies to solving real problems instead of those of their own making.

(end)