Pots of Gold Behind Crosses and Ten Commandments

by Phyllis Schlafly June 23, 2004

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The supervisors of the great Los Angeles County decided to turn tail and run rather than fight a lawsuit threatened by the American Civil Liberties Union (ACLU). Why such weak-kneed response? Lawyers for the county ominously warned that the county might lose the case and have to pay the ACLU's attorney's fees.

The ACLU is demanding that the county remove a tiny cross from its seal, one of nearly a dozen symbols it portrays. One need only look at the seal to see how ridiculous is the ACLU's demand.

A third of the seal and the centerpiece is the Greek goddess Pomona standing on the shore of the Pacific Ocean. The ACLU doesn't object to her; portrayals of pagan goddesses are okay.

Six side sections of the seal depict historical motifs: the Spanish galleon San Salvador, a tuna fish, a cow, the Hollywood Bowl, two stars representing the movie and television industries, oil derricks, and a couple of engineering instruments that signify Los Angeles' industrial construction and space exploration. The cross is so tiny that it doesn't even have its own section and consumes maybe two percent of the seal's space.

Removing the cross is a blatant attempt to erase history, to drop it down the Memory Hole as George Orwell would say. It is just as reasonable to recognize the historical fact that California was settled by Christians who built missions all over the state as it is to honor the Spanish ship, the San Salvador, which sailed into San Pedro (St. Peter) Harbor on October 8, 1542.

The reason the Los Angeles County seal is such a big deal is not because it is a violation of the First Amendment. It is because a pot of gold hiding under it is attracting the ACLU like honey attracts flies.

A little known 1976 federal law called the Civil Rights Attorney's Fees Awards Act enables the ACLU to collect attorney's fees for its suits against crosses, the Pledge of Allegiance, and the Ten Commandments. This law was designed to help plaintiffs in civil rights cases, but the ACLU is using it for First Amendment cases, asserting a civil right NOT to see a cross or the Ten Commandments.

The financial lure created by this law is the engine that is driving dozens of similar cases all over the country. Every state, county, city, public park or school that has a cross, a Ten Commandments plaque or monument, or recites the Pledge of Allegiance, has become a target for ACLU fundraising.

There are thousands of Ten Commandments plaques or monuments all over the country, and lawsuits to remove them have popped up in more than a dozen states. In Utah the ACLU even announced a scavenger hunt with a prize for anyone who could find another Ten Commandments monument that the ACLU could persuade an activist judge to remove.

The most famous Ten Commandments case is the one in the State Judicial Building in Montgomery, Alabama, installed by Chief Justice Roy Moore and ordered removed by a Carter-appointed federal judge. As their reward for winning its removal, the ACLU, Americans United for Separation of Church and State and the Southern Poverty Law Center collected $540,000 in attorney's fees and expenses from the Alabama taxpayers.

Kentucky taxpayers have handed over $121,500 to pay the ACLU for its action against the Ten Commandments display outside its state capitol. Taxpayers in one Tennessee county had to pay the ACLU $50,000 for the same "offense."

The ACLU profited enormously, collecting $790,000 in legal fees plus $160,000 in court costs, as a result of its suit to deny the Boy Scouts of America the use of San Diego's Balboa Park for a summer camp, a city facility the Scouts had used since 1915. The ACLU argued that the Boy Scouts must be designated a "religious organization" because it refuses to accept homosexual scoutmasters, and because the Scouts use an oath "to do my duty to God and my country."

In northern Minnesota, the Duluth city council voted 5 to 4 to acquiesce in the ACLU's demand to remove Ten Commandments monument from public property because the city couldn't afford to pay the legal costs of defending the monument plus the ACLU's legal fees. Redlands, California likewise backed down after the ACLU threatened a lawsuit to force removal of a cross from part of the city logo.

Similar lawsuits could challenge "under God" in the Pledge of Allegiance, since the U.S. Supreme Court ducked deciding the issue this week in the Michael Newdow case. There are 16,000 public school districts that could become targets of lawsuits to ban the Pledge.

Rep. John Hostettler (R-IN) has introduced H.R. 3609 to end this racket by amending the federal law that makes it possible. Most lawsuits do not award attorney's fees to the winner, and the law should not give a financial incentive to those suing to stop our acknowledgment of God, or to continue a practice or a symbol that the American people have approved for decades.