God And The Activist Judges

by Phyllis Schlafly Sept. 29, 2004

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Don't think that the lawsuits about the Ten Commandments and the Pledge of Allegiance are settled because Judge Roy Moore was fired and Michael Newdow lost his appeal to the Supreme Court. Dozens of similar cases are boiling up all over the country.

Since 1999, 24 Ten Commandments cases have been filed, and court confusion is accelerating. Three federal circuits have held Ten Commandments displays unconstitutional, but four federal circuits and one state supreme court have held that the Ten Commandments are constitutional.

In January 2004, the Sixth Circuit upheld a district court decision that banned Ten Commandments displays at four public schools in Adams County, Ohio. The schools had tried to appease the activist judge by expanding the displays with the U.S. Constitution, the Declaration of Independence and the Magna Carta, but the appeals court ruled that nothing can ever undo the unconstitutionality of the original display.

In July, the Sixth Circuit upheld a district court ruling that a state court judge must remove a Ten Commandments poster from his courtroom. He also had a Bill of Rights poster, but that didn't save him.

The Seventh Circuit barred Indiana from having a Ten Commandments monument on the statehouse lawn, even though the display included the Bill of Rights and the Preamble to the 1851 Indiana Constitution. Other counties in Indiana have likewise been ordered to dismantle their Ten Commandments.

Five Georgia counties have placed Ten Commandments displays in their courthouses. A federal judge has ordered one removed; the others are now facing challenges.

To comply with a court ruling against the Ten Commandments, LaCrosse, Wisconsin, sold its Ten Commandments monument and the land under it to the Fraternal Order of Eagles (FOE) which had donated it to the city in the 1950s. In September the judge ruled that the sale violates the Establishment Clause because it demonstrates "a preference for the religious message of the monument" and ordered the city to "undo the sale."

The Seventh Circuit has heard oral argument on whether the FOE must give the Ten Commandments back to the city so the court can order it removed. Duchesne, Utah is also fighting a lawsuit because it sold its Ten Commandments monument and the parcel of land under it.

In Humansville, a Missouri town of 950 people, the school district is paying $45,000 to a woman who sued to get an activist judge to order the removal of an 11" x 14" Ten Commandments plaque that has been hanging on the cafeteria wall for six years. Like Roy Moore, the superintendent stuck to his principles and refused to agree to remove the Ten Commandments.

In Nebraska, an anonymous ACLU atheist sued the city of Plattsmouth to remove a Ten Commandments monument (that he claims "alienates" him) which is situated in an isolated corner of a large city park, and an Eighth Circuit panel narrowly ruled for the ACLU. The Eighth Circuit granted rehearing by the entire circuit, which heard oral argument on September 15.

In Texas, a federal district judge ordered that a Bible displayed in a monument to memorialize philanthropist William Mosher outside the Harris County Civil Courts Building must be removed within

ten days and the county must pay $41,000 in court costs and attorney's fees. In August, the Fifth Circuit stayed the order pending appeal.

The Duluth, Minnesota, city council voted 5-4 to settle the ACLU's case against a Ten Commandments monument that had stood on the lawn of City Hall for 47 years. The Duluth News Tribune urged settlement because of fear that paying the ACLU's attorney's fees could cost the city up to $90,000.

Everett, Washington, is defending a granite Ten Commandments monument that has stood for decades in front of the old City Hall. The city has already spent $70,000 to defend itself and costs are expected to exceed $100,000.

The Third Circuit in August ruled unconstitutional a Pennsylvania law that required teachers to lead schoolchildren in the Pledge of Allegiance or the National Anthem. Chalk up another ACLU victory.

A district court judge in the Tenth Circuit tossed out a suit challenging a Ten Commandments monument in Pleasant Grove Park in Salt Lake City, Utah, which had been donated by the FOE in 1971.

Remember the cross in the Los Angeles County seal that the ACLU intimidated the county into removing because it feared losing an expensive lawsuit and having to pay the ACLU's attorney's fees? The new design shows the San Gabriel Mission at an angle that conceals the cross and makes the church look like an apartment building or a Wal-Mart.

There is a solution for all this judicial impudence. Congress should pass legislation to remove from the federal courts their jurisdiction to hear these outrageous challenges to the Ten Commandments and the Pledge of Allegiance.

Indiana Attorney General Steve Carter said, "There needs to be better guidance provided for state and local governments as to what appropriate displays of the Ten Commandments are acceptable." 'Xcuse me. Our guidance should come from our elected representatives, not from a de facto oligarchy of supremacist judges who overturn centuries-old laws and customs.