

A commanded removal

Alabama courthouse statue violates separation of church and state



JOHN DAVID BLAKLEY

Early Wednesday morning, Alabama Supreme Court Chief Justice Roy Moore stood powerless as a 5,300 pound statue of the Ten Commandments was removed from the rotunda of the Alabama State Judicial Building. The decision to move the statue was appropriately made by the 11th U.S. Circuit Court of Appeals this month on the basis of separation of church and state. Moore had secretly installed the monument in the late evening of July 31, 2001, and continues to vow to appeal the circuit court's decision to the Supreme Court.

U.S. District Judge Myron Thompson ruled that the monument's placement violated the Establishment Clause of the First Amendment, which states "Congress shall make no law respecting an establishment of religion." Moore's defense of the statue relies on the claim that the Establishment Clause does not apply to Moore because he is a government official of Alabama, not the federal government.

Being the Chief Justice of the Alabama Supreme Court, one would think Moore would not overlook the 14th Amendment. Surely he is aware that this amendment states, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The 1940 *Cantwell v. Connecticut* decision states, "the 14th Amendment was interpreted to make the prohibitions of the First Amendment to state action abridging religious freedom." This means that the First Amendment becomes applicable to all state officials, from Chief Justice Moore down to every kindergarten teacher.

Moore's defense also relies on his belief that the statute is not equivalent to a law respecting an establishment of religion. However, the statute's placement does not pass the Endorsement Test set up by Supreme Court Justice Sandra Day O'Connor in *Lynch v. Donnelly* in 1987. O'Connor wrote, "a government action is invalid if it creates a perception in the mind of a reasonable observer that the government is either endorsing or disapproving of religion."

Any reasonable observer who walks by a statue of the Ten Commandments surely recognizes it as a promotion of Judeo-Christian religion.

People who are not subscribers of this religion may have felt intimidated if they passed the monument in a state building. They were judged not only for crimes against the state and nation, but also crimes against a god foreign to their beliefs. If religiously-based judgments were the judgments that courts were to make, America would no longer be a land of, by and for the people, but merely a land of, by and for the people of certain religious beliefs.

It is Moore's responsibility to interpret the Constitution and law of the United States, not the law of God.

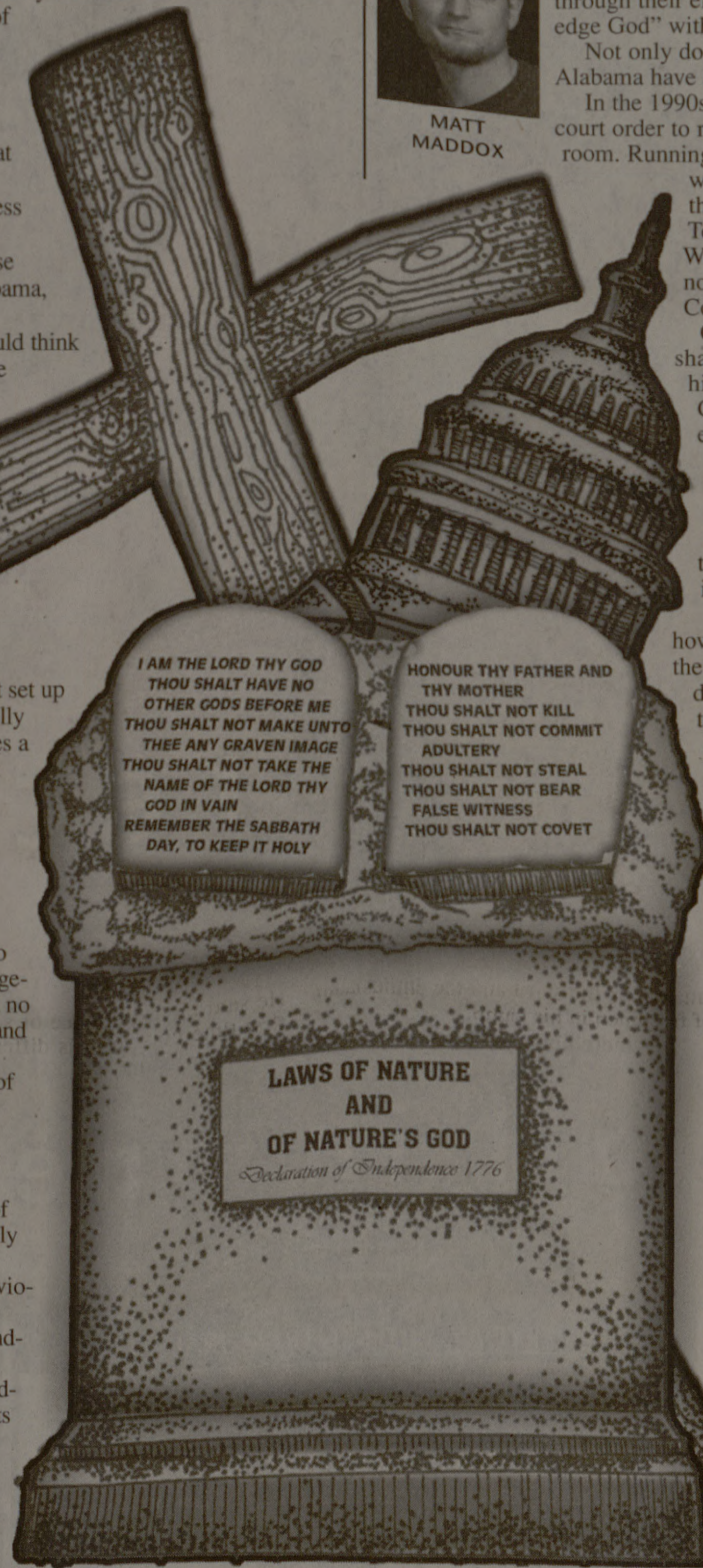
Moore also claims that U.S. law is based on the Ten Commandments, which simply is not true. There is no sentence for worshipping more than one god, committing adultery or taking the Lord's name in vain. Our Constitution and law are based on rules of civilization which date back to ancient Greece and Rome, not merely the Ten Commandments.

A statue of the creed of any specific religion in a state building violates the spirit of separation of church and state. One cannot stress enough the importance of this separation to a free society. The founding fathers, observing that societies of the past lacking a barrier between religion and government experienced oppression and bloodshed, placed the Establishment Clause foremost in the Bill of Rights for a purpose.

The framers of the Constitution separated church and state so freedom could thrive in America, and Americans today must look past passion and religious fervor to respect this decision. No president, legislator, judge or school board member has any right to enforce his religious beliefs on another person.

The removal of the statue from the Alabama State Judicial Building leaves Moore with only a dimming hope that the Supreme Court will overrule the circuit court. Moore was suspended last week by a state judicial commission, which will hold a hearing on whether to discipline him or remove him from the bench. But for now, all who are left around the building are crowds of Christian fanatics, cursing the removal of the monument and praising Moore for his obstinacy. They have most likely learned nothing of the importance of the Constitution's text on the separation of church and state.

This episode should make Americans grateful for the First Amendment and for the ensured freedoms and safety of the nation's people. Instead, the only change seen after this incident is that an Alabama Supreme Court Justice has become a little more popular with his constituents.



GRACE ARENAS • THE BATTALION

State judges are not bound by First Amendment religious clause



MATT MADDOX

There is no "separation of church and state" in the fundamental law of the United States. It was never there to begin with. Ignoring this, federal Judge Myron Thompson ruled in August that the people of Alabama, through their elected state Chief Justice Roy Moore, are not allowed to "acknowledge God" with a monument to the Ten Commandments.

Not only does Thompson have no legal basis for his ruling, but the people of Alabama have an obligation to refuse it.

In the 1990s, Alabama county judge Roy Moore gained publicity for defying a court order to remove a plaque of the Ten Commandments he had in his courtroom. Running on a platform to keep the Ten Commandments on display, Moore won the position of Chief Justice of the Alabama Supreme Court. He then honored his campaign promise and installed a monument to the Ten Commandments at the state courthouse using private funds. While there is nothing unconstitutional about this action, that fact has not kept anti-religion zealots from using their interpretation of the Constitution to have the statue removed.

On the topic of religion, the U.S. Constitution is clear. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Obviously, Judge Moore is not Congress, and the existence of the Ten Commandments does not establish a religion.

What the founding fathers feared was the establishment of a federal religion such as was present in England during their time. At the same time, they respected the right of the people of each state to have religion in their own governments. Proof of this is that at the time of the passage of the Bill of Rights, some of the states, including Massachusetts, had taxpayer-funded churches.

Since some people will claim that the 14th Amendment somehow makes Moore the equivalent of Congress, how is a granite stone the establishment of a national or even state religion? The monument did not declare an official religion, compel the citizens of Alabama to support a religion or harm them in any way. The real motivation of activists supporting the removal of the monument is simply to spit in the eye of people of faith. Thompson hints at this in his ruling when he calls the monument "nothing less than an obtrusive year-round religious display." But the monument does not belong to any one religion. Christianity, Judaism and Islam all use the tenets found in the Ten Commandments.

Even if they are religious, obtrusive year-round religious displays are not prohibited in the Constitution. They are protected by it.

Moore was right to assert that without the acknowledgement of God, America's laws mean nothing. "They have used words never mentioned in the U.S. Constitution, like 'separation of church and state,' to advocate not the legitimate jurisdictional separation between the church and state, but the illegitimate separation of God and state."

The founding fathers built American democracy on the basis of natural rights, or in other words, that people's rights come from God and not the government. This is what justified the founding of the United States against the wishes of the King of England and why the U.S. Constitution, the Declaration of Independence, the Alabama Constitution and the Oath of Office all invoke the name of God. That is also why the Supreme Court has its own monument to the Ten Commandments and why the Supreme Court and Congress both open in prayer.

For those who will say Moore "violated the rule of law" by disobeying the federal court order, remember Thompson broke the rule of law first. Former presidential candidate Alan Keyes described it this way: "The whole train of legal precedent that has been fabricated fraudulently from the bench has no basis in our Constitution, and to say we must simply submit to baseless dictation from the bench is, as Jefferson himself pointed out, to surrender to judicial despotism."

This federal ruling, not based on the higher law of the Alabama or U.S. Constitutions, is illegitimate. Moore is sworn to uphold the constitutions, and he would be remiss not to do so.

To enforce his ruling, Thompson levied a fine of \$5,000 a day on Alabama so long as the monument was on display. The fine is in U.S. dollars, a currency that is stamped with "In God We Trust" and the same "unconstitutional" currency that Thompson takes his paycheck in. God and the Ten Commandments, the basis for both our freedom and our law, trump the decrees of an appointed judge. The people will not have justice until both the monument and their rights are restored.

John David Blakley is a sophomore political science major.

Matt Maddox is a senior management major.

MAIL CALL

Free speech zones protect students

In response to Matt Maddox's Aug. 27 column:

Restriction of free speech is not the intent of the policies put in place by the administration. The policies are there to protect the students' right to learn in an environment conducive to study. By putting the free speech zones in place it removes the disruption from classes and the normal student schedule. The U.S. Department of Education Office of Civil Rights does not denounce this behavior. In fact it supports such restrictions on free speech to ensure the rights of all students. The right for one person's free speech ends quickly at the next person's right to a learning environment. The Office of Civil Rights has stated the policies are put in place to "ensure a safe and nondiscriminatory environment for students that is conducive to learning and protects both the constitutional and civil rights of all students." The requirements to use a free speech zone are not complicated and only require basic information about what will happen during the time requested. Nothing in this policy is a violation of students' rights but rather protects the students.

Preston Babb
Class of 2006

Speech column facts not accurate

I salute Mr. Maddox for alerting us to the potential violation of free speech rights of all members of the Texas A&M community posed by the limiting of peaceful assemblies to so-called "free

speech zones" on our campus. However, some of the information in the piece was inaccurate.

Mr. Maddox repeats misinformation previously published in numerous Mail Call letters during the spring semester when he writes that "Christian faculty members were threatened with dismissal for speaking out against a departmental policy that would have required them to 'celebrate' homosexuality." There is no such departmental policy; the faculty members in question were responding to a request for opinions on a proposed statement on diversity written by a faculty advisory body within the College of Education and Human Development. No one was threatened with dismissal, although many students and faculty who strongly disagreed with these faculty members' opinions called for our Dean to dismiss one faculty member from his Associate Dean position. The Dean refused to dismiss this individual. Ultimately, many of the faculty members bringing the original objections supported the final revised version of our diversity statement.

Dr. Susan A. Bloomfield
Department of Health and Kinesiology

Offensive cartoon perpetuates negative stereotypes of Muslims

In response to Mike Luckovich's Aug. 27 political cartoon:

Once again, The Battalion has managed to publish an offensive cartoon without thought of the possible effects on the students of

this campus. I find your disregard and disrespect towards our Muslim community deplorable. The illustration of terrorist praising Allah is inappropriate and associates the Muslim's God with acts of terrorism, bombings and destruction. While the reality is that most terrorist groups profess that their actions are a calling from Allah, there is a much larger portion of the Islamic world that finds the terrorist's actions evil and unjustifiable and in no way associates the actions with a religious mandate from God. Tensions and prejudices against Muslims living in America have been prevalent since the tragic 9-11 attacks, and images such as this only perpetuate the ideas that Muslims are terrorists. Could The Battalion have gotten away with a cartoon associating Christ with a "terrorist" attack by a white supremacist group claiming they represent Christianity? Would it even be considered for publication? Of course it would not, because it would offend most of the Christians on this campus, myself included. Respect should be shown to all religious and ethnic groups on campus. I hope in the future The Battalion will sponsor diversity, respect, tolerance and peace.

Suveen N. Mathaudhu
Graduate Student

The Battalion encourages letters to the editor. Letters must be 200 words or less and include the author's name, class and phone number. The opinion editor reserves the right to edit letters for length, style and accuracy. Letters may be submitted in person at 014 Reed McDonald with a valid student ID. Letters also may be mailed to: 014 Reed McDonald, MS 1111, Texas A&M University, College Station, TX 77843-1111. Fax: (979) 845-2647 Email: mailcall@thebattalion.net