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Court calls off sandblasters

"Of course, the Ten Commandments are religious—they were so viewed at their inception and so remain."

--William Rehnquist, Chief Justice, U.S. Supreme Court

Dear Friends:

The Ten Commandments are suitable for display on public property—sometimes. The U.S. Supreme Court says it all depends. In mixed rulings issued June 27, the Court hinted that disputes over public display of the Decalogue will continue to be tried on a case-by-case basis. Good news only for lawyers!

It was thumbs up and thumbs down in separate lawsuits involving the Ten Commandments. In a 5-4 decision affirming a monument on the capitol grounds in Austin, Texas, Chief Justice William Rehnquist wrote, "Simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause." But in a 5-4 ruling against displays in two Kentucky courthouses, Justice David Souter countered, "[W]hen the government acts with the ostensible and predominant purpose of advancing religion, it violates that central Establishment Clause value of official religious neutrality."

Responding to the different rulings, Tony Perkins with the *Family Research Council* said, "The court came down somewhere between Mount Sinai and the golden calf."

Thought by conservatives to be nearer symbolic "Sinai" on this one are Justices Rehnquist, Scalia, Thomas, and Kennedy who find no language in the Constitution, direct or implied, barring public display of the Ten Commandments. Justices Souter, Stevens, Ginsburg, and O'Connor, on the other hand, believe the framers intended to protect citizens from overt religious expression on public property. And, Justice Stephen Breyer isn't sure either way.

Breyer hints that the "determinative" issue that makes the two cases different in his mind is the fact that four decades passed "in which the presence of this monument, legally speaking, went unchallenged." This could mean relief for the City of Everett, defendant in an identical lawsuit. At issue, a granite display of the Ten Commandments outside Old City Hall. The monument was presented as a gift to the City in 1959 by the Fraternal Order of Eagles. The Eagles at that time, were inspired by a certain "judge" that believed it is important to keep before the American people an awareness of God's laws.

In 1946, St. Cloud, Minnesota juvenile-court judge E.J. Ruegemer confronted a defiant 16-year-old boy accused of stealing a car and causing an accident. When the judge asked the boy if he realized he had broken the Ten Commandments, he was shocked that the boy had never heard of them. At that point, Judge Ruegemer handed the young man a Bible and sentenced him to learn the Ten Commandments and obey them. Judge Ruegemer decided to give the boy a chance, noting that "he can't follow laws he doesn't know."¹

One account says, "The incident prompted the judge to mount a campaign to place prints of the Ten Commandments in courthouses across the nation to serve for the guidance of defendants. He approached the Fraternal Order of Eagles for help in getting the message out. The service organization was inundated with orders from cities across the country."²

Sometime later, Cecil B. DeMille, the renowned Hollywood director, heard of Judge Ruegger's campaign and decided to lend a hand. With the release of his classic *Ten Commandments* film in 1956, DeMille promoted it by placing etched granite slabs of the commandments in parks, state-capital lawns, and courthouses around the country. Current estimates place at 4,200 the number of U.S. cities with such displays. Yet, for one vote in the Texas case, monument demolition crews would soon descend on those same communities. In Washington, DC, considerable sandblasting would be necessary to eviscerate Moses and the Ten Commandments from some 27 public buildings, monuments, and statutes—including four separate depictions at the Supreme Court.

In the Kentucky case (thumbs down), Justice Breyer thought that because complaints emerged almost before the Ten Commandments were hung on a wall, there must be some basis for charges that the display served a purely religious purpose. His suspicions were further aroused upon inspection of other historical documents included in the display, i.e.; the *Magna Charta*, *Declaration of Independence*, *Bill of Rights*, *National Motto*, *Pledge of Allegiance* and the *Preamble to the Kentucky State Constitution*. After all, do they not point to one and the same deity?

Clearly, five liberal judges don't get it—but an overwhelming majority of Americans do. According to recent surveys by the *Pew Research Center*,³ seven-in-ten Americans believe that it is appropriate to display the Ten Commandments in a public building. Among evangelical or born-again Christians, that number is nine-in-ten.

Although the Court may have stopped short of its intended goal—due in part to public pressure—it certainly flexed some muscle. Federal judges are well positioned to intermeddle in local and State religious matters—according to their own personal tastes. Not such a good trade, these hunks of granite. Especially when exhibitors insist they are not displayed for the purpose of honoring God.

Michael Craven, a Dallas area ministry leader says, “The removal of the Ten Commandments in those instances where they imply that they serve as the foundation of law and justice is merely the final and symbolic elimination of God in American public life.”⁴

Craven says our judicial system long ago rejected the Seventh Commandment by abolishing Adultery Laws, the Sixth Commandment with abortion, the Fourth Commandment upon repeal of “blue laws,” and the Fifth Commandment with the elevation of “children's rights” over parental rights. He says society rejected the Third Commandment by failing to enforce decency standards on the public airwaves and the Tenth Commandment by watching *The Lifestyles of the Rich and Famous*, and worse. Mr. Craven presents evidence that our culture rejects the First, Second, and Ninth Commandments as well.

“We have neglected God's laws in our own lives; we have become unfaithful in the transmission of God's truth from one generation to the next and we are only offended by this present assault on our ‘traditions’ and not our deeply held convictions,” says Mr. Craven. “It is the neglect of OUR role in culture that has accommodated such a radical shift in public policy.”

The problem is obvious—but is there a solution? Jesus says YES! To another generation of Christians he said, “Remember the height from which you have fallen! Repent and do the things you did at first...” (Rev 2:5). Could that be what Judge Ruegger was doing?

Sincerely,

Rick Forcier
Executive Director

¹ DeMar, Gary, *America's Heritage*, Coral Ridge Ministries & Broadman & Holman Publishers, Fort Lauderdale, FL, 2002, pg.71

² Ibid.

³ The Pew Forum on Religion & Public Life and the Pew Research Center for the People & the Press, Aug 2004

⁴ Craven, S. M., *Nat'l Coalition for Protection of Children & Families*, crosswalk.com/news/weblogs/mCraven/1338581.html, 7/8/2005