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Media Release

From: Scott Lively, attorney and Director of The Pro-Family Law Center
To: Pro-Family Media, Allies
Re: Pledge of Allegiance Decision
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ONE NATION UNDER JUDGMENT

The nation is in an uproar over the decision of a panel of San Francisco-based federal judges to remove the words "under God" from the Pledge of Allegiance. Sadly, despite popular opinion, the judge is technically legally accurate because of some seriously wrongheaded Supreme Court precedents. By far the worst of those precedents is *Everson v. Board of Education of Ewing Township* (1947), the first ruling by the court to equate atheism to belief in God, designating both as "religions" towards which government must be neutral. This ruling did more than give power to anti-religionists, it injected a slow-working poison into American jurisprudence that has been killing us ever since.

The problem, simply stated, is that religious neutrality is a myth. All world-views or philosophies are rooted in some original premise or presupposition about the nature, cause and purpose of the universe, which are unavoidably religious ideas. Belief in God and belief in no God are religious ideas, but more than that they are fundamental and contradictory logical presuppositions. There are, of course, other religious presuppositions in the world, but in our nation the contest is between belief in God and atheism.

Until *Everson*, the government's philosophical premise was that of our founding fathers. They worshiped the God of the Bible, an indisputable fact of history noted in many Supreme Court cases, even after *Everson*. The 1952 case of *Zorach v. Clauson* specifically stated (in language that was unfortunately mere "dicta" and not an overruling of *Everson*), "We are a religious people whose institutions presuppose a Supreme Being." *United States v. Macintosh* in 1931 was even more direct: "We are a Christian people according to one another the equal right of religious freedom, and acknowledging with reverence the duty of

obedience to the will of God." Revealing the consistency of the court through the years, an 1848 opinion, *Vidal v. Girard's Executors*, stated "Christianity [is] a part of the common law of the state...its divine origin and truth are admitted."

After *Everson*, atheism usurped belief in God as the guiding philosophy of government. By the nature of the contest between these contradictory premises, the government's choice is powerfully skewed in favor of atheism. Belief in God is inevitably associated with rules and standards that must be expressed to be followed. Any adoption of such rules and standards by government makes it an easy target for attack for violating its duty of neutrality. (The same would be true of polytheism or any other competing religious presupposition.) Atheism, on the other hand, is defined in the negative and the abstract (i.e. "There is no God") and is thus the passive opponent that always wins by default whenever belief in God is challenged.

This is of course the ultimate checkmate move in the Marxist dialectic (thesis, antithesis, synthesis). Marxists teach their children the dialectic with a little dance of two steps forward and one step back (net gain one step). The "Marxists" in this country subverted the thesis that God is real by asserting the antithesis that God is not real with the goal of forcing the compromise (synthesis) that God "might be real." However, "agnosticism" is not a third premise separate from atheism and belief in God, but is simply a state of indecision about the two. Government decision-making must go on, rooted in some ultimate logical premise, thus atheism wins.

The Monotheists haven't given up, of course. We still see decisions protecting "religious" expression in government, such as the right to post the Ten Commandments in government buildings, but only when such expressions are defined as cultural traditions and not actual acknowledgment of the existence of God. Meanwhile history records the decline of the first truly Christian nation on the face of the earth in court decisions such as *Roe v. Wade*, cultural trends such as the overt promotion of homosexuality to public school children and rampant behavior-based diseases and disorders.

Greater harm is yet to come. When moral relativism replaces objective moral truth as the guide to government, there remains no "higher law" above all the people. Instead, the arbitrary will of the most powerful becomes the law, and ambitious strongmen war amongst themselves to determine whose will shall prevail. The end of such struggles is ever the same: another dictatorship or oligarchy, lasting only so long as the "little" people are willing to endure tyranny.

Belief in God and objective moral truth does not in and of itself guarantee an orderly and just society, but it is a necessary prerequisite to one. America can escape the judgment that will otherwise surely fall by restoring Almighty God to His rightful place as the foundation of our laws and the guide to our personal and corporate behavior. The role of believers in this process is to remember (and act accordingly) that any compromise of truth with error produces error.

I thank the San Francisco judges for making the problem easier to explain.