The Republican Club of Sun City
N E W S L E T T E R

May 2010 **Everett Schmidt, Editor** **Sun City Texas**

HAL TALTON TO ADDRESS CLUB

Hal Talton, long-time Republican activist and a member of the State Republican Executive Committee, will address the club during its dinner meeting scheduled for **Thursday, May 13** in the ballroom of the Social Center. He will provide an informed analysis of the present state of the Republican Party of Texas, the upcoming legislative session, the upcoming fall elections and other topics of timely interest.

The Social Hour, Dinner and Program. The dinner will begin at 6:30 PM, and is preceded by a Social Hour which begins at 6:00 PM. The dinner will be catered by **Cafe on the Green** which will serve beef tips with mushroom sauce, mashed potatoes and green beans.

Cost. Cost is $16 per person. Payment should be mailed to **The Republican Club of Sun City, Bernie Miller, Treasurer, 1530 Sun City Blvd., Suite 120, Box 227, Georgetown, TX 78633** by no later than Friday, May 7. For information about reservations, contact Bernie at 868-9125 or bimiller1@verizon.net

CLUB WILL NOT MEET DURING THE SUMMER

As was previously reported, club president Julian Bucher has announced that no club meeting can be held this summer because there are no dates available in the ballroom for that purpose. This means the next meeting after the May meeting will be held on Thursday, September 9.

At least one—perhaps two—issues of the club newsletter will be published during the summer.

OTHER CLUB NEWS

The club will vote on proposed changes in club by-laws during the May meeting. Copies of the proposed changes were transmitted to members by membership chairman Brenda Leisey. The proposed by-law revisions were prepared by a committee consisting of Dorothy Carlyle (chairman), Janelle Fears and Sue DeVillez.

Brenda reports that 2010 club membership now stands at 337.

The club president reports that copies of the 2010 club yearbook will be distributed at the May club meeting (one per household). Editor of the Yearbook is Janelle Fears.

Club vice-president Ed Konetchy has arranged for the club newsletter to be displayed on the Sun City web site, www.sctxca.org.

JUDGE WRIGHT TO ADDRESS G. A. R. W.

County Judge Tim Wright will address the G. A. R. W. during its luncheon meeting scheduled for Wednesday, May 12 at the Berry Creek Country Club. The topic of his address is the Williamson County DWI/Drug Court program.

The luncheon begins at 11:30 AM and is preceded by a social hour beginning at 11:00 AM.

Cost of the luncheon is $15. Make checks payable to GARW-PAC and mail to 4500 Williams Dr., Ste. 212 PMB 267, Georgetown, TX 78633. Reservations can be made at 869-5685 or garwpac@yahoo.com. The deadline for payment or reservations is noon, May 7.

EFFORT TO TOTALLY SECULARIZE NATION CONTINUES

Meaning of Religion in Constitution Now Almost Entirely Lost

Foreword. The informed reader is aware that within the past 2 weeks or so, there have been two significant court cases which represent continuing efforts by certain segments of our society to drive any kind of religious expression or influence completely out of the public square.

One involves a federal judge in Wisconsin who ruled that the country's National Day of Prayer is unconstitutional. For those readers who have some knowledge of the development and purpose of the First Amendment will be stunned by the ignorance (or audacity) she displays about that amendment in her ruling when she says: "A determination that the government may not endorse a religious message is not a determination that the message itself is harmful...Rather, *it is part of the effort to carry out the Founders' plan of preserving religious liberty..."*

Her claim about the Founders' plan flies in the face of the report by author Matthew Spalding that, "On the day after Congress approved the Bill of Rights (including the First Amendment's religious-liberty language), it called upon the president to 'recommend to the people of the United States a day of public thanksgiving and prayer to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God.'"

Another case which was heard a few days ago by the Supreme Court illustrates the silliness present in many of the religious disputes which must be adjudicated by the courts. In the case before the Supreme Court the issue was whether the University of California Hastings College of Law could require the Christian Legal Society to admit non-Christians and gays if it wants to be an official student group. The dean of that law school responded as follows to a series of questions:

QUESTION: "Would a student chapter of, say, B'nai B'rith, a Jewish Anti-Defamation League, have to admit Muslims?"

DEAN: "The short answer is 'yes.'"

QUESTION: "A black group would have to admit white supremacists?"

DEAN: "It would."

QUESTION: "Even if it means a black student organization is going to have to admit members of the Ku Klux Klan?"

DEAN: "Yes."

The dispute of these and other similar cases over decades has been over how two seemingly contradictory phrases of the First Amendment—one about an "establishment of religion" and the other about the "free exercise thereof"--should be interpreted.

A major purpose of this report is to provide information which will enable to the reader to judge whether court rulings about such matters are consistent with history, the Constitution and the intent of the founders.

Religion and the Founders. Religion was of vital importantance to the founders. Columnist Jeffrey Kuhner contends they emphasized that a constitutional republic depended upon a vigorous and religious society. "Our Constitution was made only for a moral and religious people," said John Adams. "It is wholly inadequate to the government of any other." Our Founders, asserts Kuhner, would "regard it as bizarre and repulsive were they to witness how the concept of the separation of church and state would be twisted in our time into a form of radical secularism and anti-Christian bias." Similarly, according to a February 4 Fox News poll, "an overwhelming majority, 84%, of American voters agree that the Founding Fathers would be unhappy with the way things are going in Washington these days."

Kuhner also maintains the leftist progressives are determined to destroy the very institutions Judeo-Christian values brought to life—the Constitution, capitalism, national sovereignty and the family. That is why they and their soul-mates-- the communists, socialists and atheists—have declared war on religion.

The Meaning of the First Amendment. In pertinent part, the First Amendment provides: "**Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof..."**

It is the meaning of the phrase "establishment of religion" which has proven to be so controversial. Author David Lowenthal contends that to understand the meaning of that phrase, one should be aware that at the time the Constitution was being drafted, several states actually had "religious establishments," as defined below, and they wanted to be sure that those establishments would not be subject to modification or abolishment by the new Congress on any ground whatsoever. (But, it should be noted, within a few decades all *state* constitutions had non-establishment and free exercise provisions in them.)

Lowenthal explains the meaning of “establishment of religion” as it was understood around the time of the framing of the First Amendment as follows: “From usage outside the Constitution, including the writings of Jefferson, a church or religion was established when the government, through law, gave it special official status...with authority, privileges and support not shared by other churches or religions.” He then contends:

> If this is what “an establishment of religion” meant to the generation of the founders and framers, it follows that this part of the First Amendment does not forbid Congress to assist or encourage *all* religions—that is, to prefer religion over non-religion. An “establishment of religion” *never meant, or could mean, an establishment of religion generally.*

Lowenthal's contention is given support by the fact that Congress, in the very year the First Amendment was adopted, passed the Northwest Ordinance which stipulated that, when a territory applies for admission as a state, certain criteria—one of which was “religion”--must have been met. This meant a prospective state must have in its constitution a provision consistent with Article III of the Ordinance which provided: “*Religion,* morality and knowledge, being necessary to good government and happiness of mankind, schools and the means of education shall forever be encouraged.”

Former Chief Justice Rehnquist, in a 1985 case, provided the meaning of the “establishment” clause based on historical facts:

> It forbade the establishment of a *national* religion, and forbade preference among *religious sects or denominations...*The Establishment Clause did not require government neutrality between religion and irreligion...There is simply no historical foundation for the proposition that the Framers intended to build the “wall of separation” that was constitutionalized in Everson. (emphasis added)

A better understanding of the true meaning of the First Amendment can be obtained by examining the metamorphosis of its language from inception to conclusion.

- Madison's original proposal in the House was to forbid the establishment of “any national religion,” but his proposal was rejected.
- A House committee dropped the word “national” from Madison's proposal, leaving it to read, “No religion shall be established by law.” But once the modifier “national” was removed, a ban could be read to cover what the *states* as well as Congress might do. The result could be to abolish *state establishments* which the anti-federalists wished to retain.
- In response to concerns that the cause of religion in states may be adversely affected by the language, Madison then proposed “No national religion shall be established by law.”
- After more deliberations, the House concluded with “Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience.” This version did not *directly* assault state establishments by making them unconstitutional, but neither did it explicitly exclude Congress from disbanding state establishments.
- The final Senate version contained almost the same language and was similarly flawed.
- It was in the House-Senate conference committee which propounded a version, later accepted by Congress, which satisfied the state-righters. By introducing the word “respecting” (synonymous with “concerning”), they had protected religious establishments against congressional interference. Congress could make no law “respecting an establishment of religion” whether on the national or state level. (The significance of the term “respecting” can be better understood by comparing these two phrases: “Congress shall make no law respecting an establishment of religion” and “Congress shall make no law establishing religion.”)

[Lowenthal points out that, although the Amendment refers to “Congress,” its provisions were extended to the states via the Fourteenth Amendment]

The Founders' Intent. Author Matthew Spalding notes that before the American Revolution, the generally accepted argument was that every territory's ruler determined the religion of its people. But things were different in America. He explains: “The Constitutional language reflects two interconnected ideas, distinguished as the Establishment Clause and the Free Exercise Clause. Often thought to be in tension, *these clauses are actually two sides of the same coin of religious liberty.”*

What did the American founders mean by religious liberty and how did they reconcile religion and politics? Explains Spalding: “In general, the line they drew was between religious doctrine—particularly dogma, forms of worship, church governance—and law making...The separation of church doctrine...was never intended to imply...the separation of religion and politics, or the expunging of religion from public life.”

Spalding concludes: “In a nation of limited government, religion is the greatest source of virtue and moral character required for self-rule.”

The *Everson Case* and the “Separation of Church and State” Doctrine. It was the *Everson v. Board of Education* Supreme Court decision of 1947 which not only established the “separation of church and state” doctrine in jurisprudence, but also, merely by edict, made that doctrine applicable to the states as well as to Congress.

As will explained later in this report, there are certain aspects of that decision which are bizarre, suggesting motives other than legal ones at play. Subsequent to that 1947 decision, a number of authors have provided persuasive evidence that the writer of the *Everson* opinion, Hugo Black, a former member of the KKK and a dedicated opponent of the Catholic Church, used that opinion to maneuver the “separation” doctrine to be the determining precedent in determining the outcome of the various trials which were to follow *Everson.*

The *Everson* case involves a New Jersey statute that permitted local school districts to create their own rules for transporting children to and from school. A local board of education relied on *public* buses for that purpose and reimbursed parents for their children's fares. Some of the money went to parents who enrolled their children in Catholic schools which, as one would expect, instructed these students in Catholic doctrine. The plaintiff, Arch Everson, was a member of the “Junior Order,” which, according to author Philip Hamburger, restricted membership to white native-born Americans who were “in favor of free education, and opposed to any union of Church and State.”

In writing his opinion for the majority, Justice Black attempted to make his case by using “bad history” (Chief Justice Rehnquist's term), incorrectly using Thomas Jefferson's letter to the Danbury Baptists, and then concluding: “That wall must be kept high and impregnable. We could not approve the slightest breach.” That holding may appear to be a final one, but look what happened next.

Contrary to what may be the current public perception, the majority—in a 5-4 vote—did not find any breach of the Establishment Clause. Black's opinion, unbelievably, concluded: “New Jersey has not breached [the wall] here!”

Noting the inconsistency of that conclusion with the text in the written opinion, Justice Jackson, one of the 4 dissenting Justices who objected to Black's conclusion, observed: “...the undertones of the opinion, advocating complete and uncompromising separation of church and state, seem *utterly discordant* with its conclusion.”

The inconsistency produced an opinion of a dual and conflicting nature. Columnist Tony Blankley notes in this regard that, “Today, *Everson* is remembered more for the easily understood “wall” metaphor than for the fact that state funds were used to reimburse the parents of parochial students.” It is important to understand, however, that at the time the Court's opinion was published, the main public concern was over the precedent which allowed public funds to be used to reimburse travel expenses of Catholic parents. Supporters of the separation doctrine felt betrayed. But, as will be shown later, the public concern “morphed” into a concern for the application of the “wall” metaphor.

Justice Jackson's Motives. What motives could Black have had in writing an opinion whose dual nature was so obvious. Or did Black have in mind today's result which is to attempt to purge all religion from the public square and the public schools—and to do so without a constitutional amendment which would have altered or removed the present language of the First Amendment?

One answer may be provided by author Mark Levin who points out there may have been dark motives behind Black's opinion. Levin notes that Black “had been a member of the KKK in the 1920s when the Klan was deeply resentful of the growing influence of Catholicism in the United States.” Levin's suspicion is given credibility by Black's own son, Hugo Black, Jr., who stated that “his father shared the Klan's dislike for the Catholic Church.”

Black's biographer, Roger K. Newman, contends that Black wrote the opinion as he did “for the purpose of undercutting the true meaning of the religion clauses [as defined earlier in this report].” Newman reports that “If Black had not written it, Justice Jackson would have done so,” with the result being a less stringent separation of church and state precedent.

There were intense pressures on Black at the time he wrote his opinion. Reacting to that aspect of the opinion which enabled parents of parochial students to be reimbursed with state funds for travel expenses, one protestant minister, reflecting the views of supporters of separation, complained, “We consider this another encroaching step toward changing the Constitution in a manner to give the Catholic Church a privileged position.”

Black, however, knew what he was doing, claims author PhilipHamburger:

> Only 10 years before, when Black was appointed to the Court, Catholics vociferously condemned him for his Klan membership. Now Black had an opportunity to make separation the unanimous standard of the Court while reaching a judgment that would undercut Catholic criticism. Black expected that his disarming conclusion would lead Catholics to think that they had succeeded in staving off the practical consequences of separation. The Justice, however, knew better, and, in a conversation with a clerk, he alluded to it as a Pyrrhic victory [a victory offset by staggering losses]. Although initially disappointed by the decision, one [prominent protestant leader] soon came to recognize that "we had lost a battle, but won the war."

There were, however, some unintended consequences for those who thought they "had lost a battle, but won a war" because of an unexpected development in 1948. At that time there suddenly appeared a case (McCollum) in which an atheist aimed to prevent mostly Protestant children from receiving released-time instruction in public schools. For supporters of separation, that case—and a plethora of similar cases which could emerge with the passage of time—aroused fear that the nation could eventually become a "godless state," a fear which now seems justified. They then urged caution, but "it was already too late," contends Hamburger.

EPILOG

Author Bruce Short has this sobering assessment of the role of religion in contemporary American life:

> Whatever the reasons given by the Supreme Court for its actions in *Everson,* the truth of the matter is that the Court simply decided that it was time for the federal courts to *force the transformation of American culture and its institutions...*a transformation in which Justice Black's "wall of separation" language was to be interpreted eventually as requiring the elimination of all traces of a Christian worldview from government schools and, more generally, the public policies of the federal government and the states.

It might be easy to become discouraged over the above analysis. But there are reasons to have some hope. One is that the issue which propelled the separation of church and state movement in the 1940s—namely the antagonism toward the Catholic Church—has largely evaporated. Witness the election of Catholic John F. Kennedy as president, and witness the religious denominations of the present members of the U. S. Supreme Court: 6 Catholics, 2 Jews, and 1 Protestant who is about to retire.

A second reason is that there is resistance—even in some court decisions—to the incorrect notion that the founders intended religion to be entirely divorced from public affairs. History is on the side of the resistors.

A third reason is that the nation's citizens are coming to recognize that with the obvious disintegration of society and a dysfunctional government, the nation may be going down the wrong pathway.

Two other related reasons are (1) that the present difficulties noted in the nation may be due to our failure to faithfully adhere to the nation's Constitution, and (2) that the tenets of our founders worked in the past and may work for us again in the future.

TEMPLE SCHOOL BOARD BRINGS BACK THE PADDLE

In an era when students talk back to teachers, use profanity, wear ever-more risque clothing to school and engage in other forms of behavior which were unheard of when club members attended public schools, the Temple ISD school board decided on a deceptively simple solution: Bring back the paddle.

According to the president of the school board, since paddling was brought back to the city's 14 schools by a unanimous vote of the board, behavior at Temple's single high school has changed dramatically even though only one student in the school system had been paddled. School employees confirm the assessment of the board president.

By policy, parents authorize their child's school principal to paddle or spank their children as a form of punishment. Many parents had reportedly pushed for the return of the paddling policy, wanting their kids to know there are consequences for bad behavior.

There have been varied reactions to the recent board action. Following is a sampling of public comment in that regard:

- Heck ya, it works! I was in elementary school in the mid-1970s and the threat of being sent to the principal's office and getting my butt paddled was enough to keep me on the straight and narrow...

- so now government employees can abuse its citizens? When you look at it from that perspective, it sounds kinda fascist.
- Some say paddling is a bad idea. But do they have any better ideas? When I was a teen, if I received a detention or suspension, my parents would have killed me. But many of the other students I was educated with didn't have parents that would keep them in line, so a detention or suspensikon meant little to these kids. Hence, the teachers could do little to control them.
- It's about time! The consequences that schools give out for misbehavior, if they give ANY at all, are laughable. Since the school has your parents' permission, I do not see any problem with this.
- Methods such as these worked for many previous generations. Why were they stopped?

Corporal punishment, when used, is these days highly regulated. There is a limit on the number of swats, a size limitation of the paddle to be used, and there must be a least one witness. A church-related school has this additional stipulation: “After punishment is administered, time is spent with the child in prayer expressing love, forgiveness and encouragement.”

Various surveys through the years have indicated that the main reason for the large turnover of teachers is not low salaries, but poor student discipline.

NOTES ON THE PASSING SCENE
(Some random observations on this crazy world in which we live)

Democrats Goof in Health Care Bill. There were chuckles and huge belly laughs to the news reported in the *New York Times* about members of the Democratically-controlled Congress, when they hastily passed the Health Care bill, had inadvertently kicked themselves out of the Federal Employees Health Program, the special insurance program exclusively for members of Congress and their staffs. Yes, despite their lying, cheating, selling of votes, obfuscation of facts, etc., Congressional Democrats had failed to include themselves in their prized insurance program. Nobody knew it until the bill was passed!

Rush Limbaugh's reaction to that news: “There is a God. There is a God in heaven. He has a fabulous sense of humor!”

Houston Homosexual Mayor Declares “Same-Sex” Bathrooms. The following news item appeared in the newsletter of the Liberty Institute:

Annise Parker, the newly elected mayor of Houston, recently signed two executive orders that expand protection for transgender individuals. The executive orders now allow transgenders, loosely defined as a person who is biologically one gender but identifies as another, to use the city-owned restroom designed for the gender with which they identify. This means that a biological man will now be allowed to use the women's restroom if he identifies himself as a woman. Also, Parker, a lesbian herself, extended employment rights to transgenders by adding “gender identity” to the city's equal employment opportunity statement. While theses policies only apply to city-owned restrooms and city employees, they are another sign of what's being pushed. Similar bills were filled in the 2009 Texas Legislative session, and the federal Employment Non-Discrimination Act (ENDA) bill expected to pass this year would do exactly the same nationwide.

Nebraska Law May Provide New Restrictions on Abortion. A recently passed law in Nebraska bans abortion after the 20th week because of the medical claim that a fetus can feel pain from that point onward. When the Supreme Court ruled in Roe v. Wade it fixated on viability. A state, they said, could have a compelling interest in regulating abortions on a viable fetus. This new law has the potential to move the debate from fetal viability to fetal pain. (Source: Point of View)