

The Republican Club of Sun City NEWSLETTER

May 2014

Everett Schmidt, Editor

Sun City Texas

GEORGETOWN ISD SUPERINTENDENT TO ADDRESS CLUB

Joe Dan Lee, Superintendent of the Georgetown ISD, will address the club during its dinner meeting scheduled for Thursday, May 8 in the ballroom of the Social Center in Sun City.

Having been in public education for more than 30 years – with 24 of those years as superintendent of various school districts – Mr. Lee has seen and been a part of dramatic changes in public education, not only with respect to school administration, but also with respect to the effects of the breakdown of families on the children schools must now teach. He is expected to share his insights on a number of topics now in the news, including standardized testing, Common Core, school financing and school discipline.

Mr. Lee has recently announced his impending retirement.

The Social Period, Dinner and Program. A social period will begin at 6:00 PM. The dinner will begin at 6:30 PM and will be followed by the program. The dinner will consist of beef and chicken fajitas, Spanish rice, charro beans, fiesta salad, guacamole, shredded cheese and diced potatoes.

Cost. Cost is \$16 per person. Checks made out to **The Republican Club of Sun City** should be mailed to: **The Republican Club of Sun City, 1530 Sun City Blvd., Suite 120, Box 227, Georgetown, TX 78633.** The deadline for payment or reservations is Friday, May 2.

Club treasurer John Congdon has set up a special collection box on his front porch at 610 Farm Hill Drive for individuals wishing to hand-deliver payments, this being said with the proviso that the Friday deadline has been met. For information about reservations, contact John at 512-686-1676 or johnsctx@gmail.com

VISITORS ARE WELCOME!

CLUB WILL NOT MEET IN JUNE

Because the ballroom was not available, the club will not meet during the month of June. The next meeting (after the May 8 meeting) is scheduled for Thursday, July 10.

OTHER CLUB NEWS

Club vice president (for membership) Bill Chiles reports that currently the club has 241 members.

Club treasurer John Congdon reports that the number of attendees at the club's April 10 meeting was 110, with an additional 10 individuals attending as observers.

SUPREME COURT TO REPORT HOBBY LOBBY DECISION IN JUNE Decision Could Impact Religious Liberty for Good or Ill

In June, the Supreme Court is expected to announce its decision in regard to the widely-publicized Hobby Lobby case, a case involving the resistance (actually a refusal) of the owners of Hobby Lobby stores to provide under their insurance plan (mandated by ObamaCare) certain treatments it regards as a form of abortion in conflict with the religious beliefs of the owners.

The issues are complicated in several respects, one being that the case at hand involves a for-profit organization in contrast with other cases which involve churches or church-related organizations and other non-profit organizations. The administration is more inclined to grant exemptions to the latter group.

Another complicating factor is the Religious Freedom Restoration Act (RFRA) passed by Congress in 1993 “expressly to shield believers, such as the Green family (the Hobby Lobby owners) from any government requirements that would impinge on their ability to practice their faith.”

McCaughy also reports on the attitude of one of the liberal Justices, Elena Kagan, to the RFRA when she (Kagan) said: “So one religious group could opt out of this, and another group could opt out of that, and everything would be piecemeal, and nothing would be uniform.” Is this not the reasoning of an authoritarian, if not a totalitarian?

McCaughy makes a potentially significant point when she points out that, “Not one word in the Affordable Care

Act guarantees health plans will cover birth control products. There is no right. President Obama and his secretary of Health and Human Services added that requirement by regulation." The requirement is not law.

McCaughy then makes the point that "The next occupant of the White House could do the opposite," thus bringing into question the motives of the Obama administration in pursuing this issue which seems to have an inordinate amount of media coverage. She contends the reason for the administration's behavior "is part of a political strategy to convince the public that the Democratic Party is the champion of the victimized woman."

Author Phyllis Schfley contends there may be much larger objectives at play. She has published in her December 2013 *Report* a sampling of a "well-orchestrated" campaign to completely secularize the nation and provides illustrations of efforts to that end. Some examples of those efforts follow:

- **A Young Marines program in Louisiana, which has been helping at-risk youth for 25 years, lost its federal funding because its graduation ceremony mentions God. The oath says simply, "I shall never do anything that would bring disgrace or dishonor upon my God, my country and its flag, my parents, myself or the Young Marines."**
- **The U. S. Air Force Academy has ordered the removal of the phrase "So help me God" from the Cadet Oath, the Officer Oath, and the Enlisted Oath in the Academy Cadet Handbook.**
- **Sports are a favorite target of the anti-religious crowd. A high school football coach was forbidden even to bow his head or "take a knee" during voluntary student-led prayers before games. In Texas, a boy's track relay team ran its fastest race of the year and defeated its closest rival by seven yards, which should have enabled it to advance toward the state championship. The team's anchor runner pointed to the sky to give glory to God as he crossed the finish line, but someone didn't like the gesture so the authorities disqualified this winning team because of it.**
- **Barack Obama has repeatedly shown his disdain for any public acknowledgment of God, Christianity or religion. This year when he recorded his reading of the Gettysburg Address on the 150th anniversary of that famous speech, he purposely omitted Abraham Lincoln's famous words "under God" after "one nation."**

And the hostility toward religion as illustrated above is now extended to political parties. The reader may recall the following two instances, reported by Erick Erickson of the Red State:

- **As Texas gears up to push legislation that would prohibit late term abortions . . . Christian activists in the Texas State Capital sang "Amazing Grace." Abortion rights activists . . . tried to shout down the Christians by chanting "Hail Satan."**
- **Democrats, at their national convention, "bood the inclusion of God in the DNC platform."**

Schlafley asserts the following about the pervasive hostility toward religion: "Americans who believe in God had better wake up and realize that a well-orchestrated campaign is moving to fundamentally transform the United States into a scrupulously secular nation. If this succeeds, we will no longer enjoy our First Amendment right of "free exercise" or religion but will be forbidden to speak or display any prayers, Bible quotations, or other evidences of religion in any public place or event."

RELIGIOUS LIBERTY AND THE FRAMER'S INTENT

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," and the framers wanted to be sure that those establishments would not be subject to modification or abolishment by the new Congress. (But it should be noted that within a few decades all state constitutions had non-establishment and free exercise provisions in them.)

Lowenthal contends that an "establishment of religion" never meant, or could mean, an establishment of religion *generally*. His 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 the *Everson* case"

The reader who wishes more background about the "establishment of religion" clause and the Supreme Court jurisprudence on that matter is urged to read Justice Rehnquist's dissent in the *Wallace v. Jaffree* case, available on the Internet.

THE “WALL OF SEPARATION” DOCTRINE

It was the *Everson v. Board of Education* Supreme Court decision of 1947 which established the “separation of church and state” doctrine. The decision, written by Justice Hugo Black, was and is controversial in several respects as will be explained below.

Let us first consider how a provision expressly forbidding Congress from establishing a religion or prohibiting the free exercise thereof, can, for example, come to be thought to prohibit a 3rd grader from sending to his class mates at school Christmas candy and wishes.

The answer is that the author of that opinion suddenly ruled that the Fourteenth Amendment makes the “establishment” clause also applicable to the states, and hence to the third grader. The ruling was made without rationale or explanation; it was simply decreed.

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.

In writing his opinion for the majority, Justice Black attempted to make his case by incorrectly using Thomas Jefferson's letter to the Danbury Baptists in which he (Jefferson) made reference to a wall of separation.

In his opinion, Black stated in the *Everson* case, “That wall must be kept high and impregnable. We could not approve the slightest breach.”

Contrary to what may be the only possible conclusion, the court majority – in a 5-4 vote – did not find any breach or the Establishment Clause in that case. Unbelievably, Black concluded: “New Jersey has not breached [the wall] here!”

Noting the inconsistency of that conclusion with the text of the written opinion, Justice Jackson, one of the 4 dissenting Justices, 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 “wall” metaphor than for the fact that state funds were used to reimburse parents of Catholic students.” But at the time the court's opinion was published, the main concern was about the precedent established when Catholic parents were reimbursed with state funds; however, somehow the main concern “morphed” into a concern about the “wall” metaphor as it is understood today.

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?

Author Mark Levin 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,” and he may have wished to lessen its influence.

And there are several other theories as to the motives behind the conclusions of the *Everson* case. Several Supreme Court Justices have indicated a willingness to review that case.

WHAT IF THE SECULARISTS SUCCEED IN DRIVING OUT RELIGION?

While it is possible to frame a debate of “exercise of religion” in purely legalistic terms, the result can be legal gobbledygook with a sterility and abstractness lacking in humanity. However, columnist Ben Shapiro has some thoughts on what the world would be like if religious influence were to be completely removed from society – which is a goal of many leftists and atheists. He contends:

For in a world without God, there is no obvious difference between good and evil. There is no way to prove that murder is wrong if there is no Creator who decrees “Thou shalt not murder.” It certainly cannot be proved wrong by reason alone. One might reason instead – as Lenin and Stalin and Mao reasoned - that there is nothing wrong with murdering human beings by the millions if doing so advances the Marxist cause.

It seemed obvious in classical antiquity that sickly babies should be killed. “We drown even children who at birth are weakly and abnormal,” wrote Roman philosopher Seneca the Younger 2,000 years ago, stressing that “it is not anger but reason” that justifies the murder of handicapped children.

Reason is not enough. Only if there is a God who forbids murder is murder definitively evil. Otherwise its wrongfulness is a matter of opinion.

Columnist Pat Buchanan contends that Putin (who actively resists of homosexuals to gain acceptance of their lifestyle in Russia), is, in the culture war for the future of mankind, “planting Russia's flag firmly on the side of traditional Christianity.”

Concludes Buchanan: “In the new war of beliefs, Putin is saying, it is Russia that is on God's side. The West is Gomorrah.”

SOME HISTORICAL EVENTS THAT CAN PROVIDE PERSPECTIVE

Following are a series of 3 related and 2 separate historical events which can provide some perspectives on the operations of government and on the historic development of Texas:

- Presented first are three related incidents involving bureaus and citizens. These three events come in the wake of the recent confrontation the Bureau of Land Management had with a rancher in Nevada. Included in this section are "The Incident at Ruby Ridge" which primarily involved the Federal Bureau of Investigation (FBI) and to a lesser extent the Bureau of Alcohol, Tobacco and Firearms (ATF); the next report is on the ATF raid on the Branch Davidian compound in Waco; the third incident reported on is the "Fast and Furious" operation which also involved the ATF and resulted in Congress holding Attorney General Eric Holder in "contempt of Congress" for a lack of cooperation. Each of these events involved the taking of human lives.
- The reader, although aware of the voter fraud which accompanied Lyndon Johnson's 1948 primary election, will find in this report information not previously known about the role of a Texas Ranger, and the involvement of a then-serving Supreme Court member, and the involvement of an individual who was, thanks to LBJ, to become a member of that court – only later to be forced out of that position because of his affiliation with criminal elements in Las Vegas.
- Then, on a more positive note, the Battle of San Jacinto – which celebrated its 178th anniversary on April 21 – is discussed. This battle, because of its significance (as will be discussed) should be celebrated far more than it currently is celebrated.

THE INCIDENT AT RUBY RIDGE

(As reported by History.com)

In the second day of a standoff at Randy Weaver's remote Idaho cabin, FBI sharpshooter Lon Horiuchi wounds Randy Weaver, Kevin Harrison and kills Weaver's wife, Vicki.

Randy Weaver, a white separatist, had been targeted by the federal government after failing to appear in court to face charges related to his selling of two illegal sawed-off shotguns to an ATF informant. On August 21, 1992, after a period of surveillance, U. S. marshals came upon Harrison, Weaver, Weaver's 14-year-old son, Sammy, and the family dog, Striker, on a road near the Weaver property. A marshal shot and killed the dog, prompting Sammy to fire at the marshal. In the ensuing gun battle, Sammy and U. S. Marshal Michael Degan were shot and killed. A tense standoff ensued, and on August 22 the FBI joined the marshals besieging Ruby Ridge.

Later that day, Harris, Weaver and his daughter, Sarah, left the cabin, allegedly for the purpose of preparing Sammy's body for burial. FBI sharpshooter Lon Horiuchi, waiting 200 yards away, opened fire, allegedly because he thought Harris was armed and intending to fire on a helicopter in the vicinity. Horiuchi wounded Weaver, and the group ran to the shed where Sammy's body was lying. When they attempted to escape back into the cabin, Horiuchi fired again, wounding Harrison as he dove through the door and killing Vicki Weaver, who was holding the door open with one hand and cradling her infant daughter with the other. Horiuchi claimed he didn't know that Vicki Weaver was standing behind the door. Harris, Weaver, and Weaver's three daughters surrendered nine days later.

In 1993, Weaver and Harris were acquitted by a federal court on murder, conspiracy, and other charges related to Degan's death, but Weaver was convicted of failing to appear for trial on the firearms charge. In 1994, the two men filed federal civil rights cases against the FBI and U. S. marshals stemming from the siege, and in 1995 the government settled Weaver's case for \$3.1 million.

The controversial standoff spawned a nationwide debate on the use of force by federal law enforcement agencies, and a U. S. Senate panel accused the federal agencies involved of "substantial failures" in their handling of the Ruby Ridge operation. Of particular controversy was an FBI "rule of engagement" implemented at the beginning of the Ruby Ridge siege that stated "any armed adult male observed in the vicinity of the Weaver cabin could and should be killed." Many condemned this policy as unconstitutional. Rumors that the FBI had engaged in a cover-up regarding the Ruby Ridge operation were verified when E. Michael Kahoe, former chief of the FBI's violent crimes section, pleaded guilty to obstruction of justice in 1996. Kahoe, who had destroyed an official bureau critique of the standoff, was sentenced to 18 months in prison.

In 1997, FBI agent Lon Horiuchi was charged by an Idaho county prosecutor with involuntary manslaughter in the death of Vicki Weaver, but a federal judge dismissed the charge in 1998, citing the alleged immunity of federal officers from state prosecution. In 2001, a federal court of appeals overruled the ruling, stating that federal officers who violate the U. S. Constitution can be charged with state criminal offenses. However, a new Idaho prosecutor declined to pursue the manslaughter charge.

THE INCIDENT AT THE BRANCH DAVIDIAN COMPOUND

(As reported by Robert McCurry)

David Koresh and the Branch Davidian religious sect in Waco, Texas held center stage in America for 51 days, beginning February 27, 1993 when agents of the Bureau of Alcohol, Tobacco and Firearms stormed the Davidian compound to serve a search warrant issued on the suspicion that the group was stockpiling weapons.

Within minutes it was evident that the raid was an utter failure, possibly due to bureaucratic fumbling. In any case, four agents were shot to death; 15 were wounded with an undetermined number in the compound being killed or wounded. And the carnage was far from being over.

After the 51 day siege, on April 19, 1993, the government, under the leadership and guidance of the FBI, the president, and the U. S. Attorney General, launched a second assault on the compound with tanks, armored vehicles and chemical weapons.

The assault was viewed on TV where it could be seen that an American tank was ramming and battering the house, knocking huge holes in the walls and ripping the roof off the building that those men, women and children called home. There were also reports that tear gas was inserted in the building.

After the assault was concluded, nearly 100 men, women and children had lost their lives.

Then there were efforts on the part of the government to cover up the incident. The AFT immediately resorted to insisting that the real motivation for the raid was to rescue the children inside the home for alleged neglect and abuse by David Koresh. But child abuse cases are under the jurisdiction of the State – not the federal government. Texas State officials responded that they had indeed done their job and that their recent investigations had produced no evidence that the children within the home were being neglected or abused in any way.

Who was responsible for the loss of life? Attorney General Janet Reno said she accepts “full responsibility” (like Hillary Clinton did in regard to the Benghazi incident) for what happened in Waco. Bill Clinton, after some waffling, finally said he accepted “full responsibility.” But both of them, in effect, disavowed any responsibility by blaming the deaths of the nearly 100 men, women and children all on David Koresh.

THE “FAST AND FURIOUS” OPERATION

Hundreds of firearms were lost in the “Fast and Furious” operation in which the Bureau of Alcohol, Tobacco, Firearms and Explosives allowed illegal purchasers to buy firearms in the U. S. in hope of tracing them to Mexican cartel leaders. The operation was seriously flawed in several respects, one being that it resulted in the illegal purchase of guns which were used to murder at least one U. S. Border Patrol agent in 2010, and over 100 Mexicans in their own country. And more recently, a semi-automatic rifle from that sale was used to kill the police chief and one of his body guards in a Mexican town.

Because the operation had resulted in a loss of lives and may have been an illegal operation, a U. S. House committee conducted hearings on that matter. One of the primary witnesses was Attorney General Eric Holder; however, he was not cooperative and consequently was held in Contempt of Congress in 2012. Thus far he has escaped punishment.

THE 1948 ELECTION OF LYNDON JOHNSON

Many, if not all, of the club's more senior members will recall having heard, first hand, about the close, now more that 66 years old, Democratic primary election of 1948 when Lyndon Johnson beat his opponent, Governor Coke Stevenson, by only 87 votes.

There is almost a complete agreement that the 1948 election was fraudulent so no space will be taken here on the commonly known details of that election. But what is reported are some lesser known matters. One involves the role of a Texas Ranger. The other involves two now-widely-known individuals who helped Johnson win that election.

The sudden appearance of votes on the 6th day and the sudden reversal in the lead from Stevenson to Johnson caused Stevenson to react. Suggestive of Texas folklore of another era, the *Washington Times* reports what happened next:

Stevenson immediately sent several lawyers to the town of Alice to investigate, but they were told the ballots were locked up tight in a local bank and nobody knew where the key was. One suggested a young man named Luis Salas, an election judge in Precinct 13, probably had the key.

But Mr. Salas, it seemed, had suddenly taken a vacation – to Mexico. But no one knew where.

Chagrined, Stevenson called a Texas Ranger, Frank Hammer, to accompany him to examine the voting lists. Hammer, 14 years earlier, had set up the fatal ambush of Bonnie and Clyde. He was considered a legend in law enforcement circles.

As several described the scene, San Antonio lawyer T. Kellis Dibrell equated it to a scene straight out of “High Noon,” with the governor and the ranger strolling toward the bank as 10 to 12 men sidled together in a menacing manner – intent on not allowing Stevenson and Hammer to go inside the bank.

Nago Alaniz described the scene to a reporter in 1977: “Hammer had his hand resting on his gun as he approached. He stared at me like a snake ready to spring. We all had guns, but we weren't about to kill somebody over an election.

According to the *New York Times*, Johnson's victory was upheld by a 29 to 28 vote of the Texas Democratic Party's executive committee, and he went on to defeat Jack Porter, the Republican candidate in the general election. And although a federal district court had ordered his name off the ballot pending an investigation, the order was voided by Associate Supreme Court Justice Hugo Black on a petition from Abe Fortas, who was Johnson's chief lawyer. Black was the author of the controversial *Everson* case discussed earlier in this newsletter. Fortas was later appointed to the Supreme Court (probably by Johnson); however, because of his associations with underworld figures in Las Vegas, was forced to resign. While on the court, he authored the opinion in the *Tinker v. Des Moines School District* which gave school-age children First Amendment rights coterminous with those of adults, thereby probably being a major contributor to the present breakdown of school discipline.

THE BATTLE OF SAN JACINTO

On April 21, 1836 – some 178 years ago – one of the decisive battles in Texas and American history was fought on the fields near what is now referred to as the Houston Ship Channel. Following is a brief sketch of that battle.

General Houston, commander, ordered his troops to advance toward the Mexican camp at about 4:00 PM. They were hidden by the crest of a hill between the two camps. It took the Texians (as they were called then) about thirty minutes to cover the distance to within 100 yards of the Mexican breastworks when the shooting began. The actual battle at San Jacinto

lasted less than 18 minutes although the slaughter continued until dark.

The Texians lost nine men and the Mexican Army about 600, most after the Mexican position was overrun and the Mexicans were in retreat. Cries of "Remember the Alamo" and "Remember Goliad" indicated the revenge the unbridled Texians felt against the Mexicans.

Inasmuch as the Battle of the Alamo in San Antonio inspired the Texians to victory, some mention should be made of that battle which resulted in the slaughter of many Texans. On February 23, 1836 a 13-day siege began in which around 200 Texans were pitted against a force of Mexicans estimated to number between 1,800 and 6,000 men.

During that siege, William Travis wrote an impassioned plea for help: "I am besieged, by a thousand or more of the Mexicans under Santa Anna – I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man – The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword, if the fort is taken – I have answered the demand with a cannon shot, and our flag still waves proudly from the walls – I shall never surrender or retreat. Then, I call on you in the name of Liberty, or patriotism and everything dear to the American character, to come to our aid with all dispatch."

One of the individuals responding to Travis' appeal for help was Juan Seguin, a Mexican who, after finding his liberties trampled on by Santa, joined the Texians in the Battle of San Jacinto. Later he accepted the surrender of Santa Anna's garrison in the ruins of the Alamo. The close connection between the defeat at the Alamo and the victory at San Jacinto is clear.

The importance of the Battle of San Jacinto is recorded on the San Jacinto monument as follows:

MEASURED BY ITS RESULTS, SAN JACINTO WAS ONE OF THE DECISIVE BATTLES OF THE WORLD. THE FREEDOM OF TEXAS FROM MEXICO WON HERE LED TO THE ANNEXATION AND TO THE MEXICAN-AMERICAN WAR, RESULTING IN THE ACQUISITION BY THE UNITED STATES OF THE STATES OF TEXAS, NEW MEXICO, ARIZONA, NEVADA, CALIFORNIA, UTAH AND PARTS OF COLORADO, WYOMING, KANSAS AND OKLAHOMA. ALMOST ONE-THIRD OF THE PRESENT AREA OF THE AMERICAN NATION, NEARLY A MILLION SQUARE MILES OF TERRITORY, CHANGED SOVEREIGNTY.