

A “TYRANNICAL MINORITY”

In the U.S. we are witnessing the onslaught of a “tyrannical minority” intent upon imposing their views on the rest of us. This minority is comprised of several special-interest groups, as well as a small handful of individuals with chips on their shoulders. Their self-righteous goal is to sanitize our public space of any mention of God or faith. However, their crusade is more akin to a Shermanesque march across the face of the U.S. Constitution, an act with far-reaching implications if allowed to prevail. This minority is seeking to undermine the straightforward meaning of the First Amendment.

The “tyrannical minority” has focused their attacks on the supposed widespread violations of the principle of “separation of church and state” found in the Constitution. However, it would seem that very few people actually read our Constitution before speaking on this issue, for if they had, they would see that the phrase “separation of church and state” is not in the Constitution. The term itself was coined by Thomas Jefferson in his 1802 letter to the Danbury Baptist Association, wherein he refers to “a wall of separation between Church and State.” The letter certainly affirms the First Amendment tenet that government has no business interfering with an individual’s faith and practice thereof, but the “tyrannical minority” has twisted this phrase into a campaign slogan to serve their purposes.

The First Amendment of the U.S. Constitution states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .” The primary concern of late-18th-century America was its experience with Europe, specifically the

Church of England that dominated Great Britain, and the Catholic Church that dominated much of continental Europe. The colonists immigrated to America (Pilgrims, et al.) in large part to escape these institutions. As such, the First Amendment protects the free exercise of religion, and blocks any attempts at establishing a state-dominated national religion.

Are any of the following examples attempting to enact a *law* that will establish a national religion, or prohibit anyone from the free exercise of his religious beliefs?

- The cross on top of San Diego’s Mount Soledad
- The tiny historical cross on the Los Angeles County Seal
- The Preamble to the California Constitution that says, “We, the People of the State of California, grateful to Almighty God for our freedom. . . .”
- The Ten Commandments courthouse displays
- The words “Under God” in the Pledge of Allegiance
- The words “In God We Trust” on our currency
- The crosses and Stars of David in Arlington National Cemetery
- The Supreme Court building that features a frieze of Moses carrying the Ten Commandments

Clearly they are not. What then are they? Simply put, they are expressions of faith by the majority. If you doubt this, take a look at the use of the word “Creator” in the 1776 Declaration of Independence, and the Christian prayers at the Constitutional Convention of 1787. These expressions, and the countless others like

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them, have not even remotely led to an attempt to enact a *law* to establish a national religion or prohibit anyone from the free exercise of his faith. As such, they are *not* constitutional issues. (A genuine example of a constitutional infringement of the First Amendment would be if a city council suddenly passed an ordinance declaring that henceforth only people of the Christian faith could vote in municipal elections.)

Expressions of faith such as those cited above are issues for the majority, or more specifically the elected leaders of the majority. If the majority wants a Christian cross, a Jewish Star of David, an Islamic crescent moon, or anything else on public lands, they must work with their elected leaders to get it done, and if their leaders refuse, the majority can vote them out of office. (Noting that 77 percent of Americans consider themselves Christian, and 92 percent profess a belief in God, the direction of the majority is easily surmised.)

This “tyrannical minority” is aware that they cannot overcome the majority on this issue, so they instead have pursued a two-pronged approach to eliminate the jurisdiction of the majority. Their plan is to: (1) re-cast the meaning of “separation of church and state” as a constitutional prohibition against any and all religious expressions on public lands, and (2) then take their newly invented constitutional prohibition to the lower courts where judges with like-minded agendas are easily found. Though we would expect the Supreme Court to easily see through this approach and reject such non-constitutional cases out of hand, we must remember

that this is the same institution that brought us the grave injustices of *Dred Scott* (1857), *Roe v. Wade* (1973), and *Kelo v. City of New London* (2005).

Our weak-kneed elected public officials are not helping the situation. Under threat of financial duress via legal action, Los Angeles County and the City of Redlands recently surrendered the historic crosses on their seals without even a fight. These successes, and others like them, have served to embolden the “tyrannical minority” to wage war across the board. If our elected officials and misguided judges continue on their current path, where will it end? Will public servants be prohibited from having a Bible in their office? Will public officials be prohibited from wearing a crucifix or Star of David when at work in a government building?

In most instances our Constitution is designed to defend minority interests from that of an encroaching majority, but in this instance the situation is reversed. The time has come for this “tyrannical minority” to meet its Waterloo. This is *not* about defending faith or organized religion — they can take care of themselves. This is about defending the U.S. Constitution.

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