

Judge Roy Moore's Odd View of the Constitution

While half the nation has been celebrating and half of the nation has been mourning the re-election of Barack Obama, another election has barely been noticed outside Alabama.

Judge Roy Moore, who planted a 2.5-ton Ten Commandments monument in a courthouse and then refused to obey a federal court order to remove it, [has been elected again](#) to serve as chief justice of the Alabama Supreme Court.

Moore's understanding of the First Amendment of the U.S. Constitution is polar-opposite from my own.

He thinks the Constitution establishes the "Judeo-Christian" religion. I'm convinced that the First Amendment means exactly what it says: "Congress shall pass no law respecting an establishment of religion."

Moore and I do agree on one thing. Both of us see through the smokescreen that the Supreme Court is using to ignore the implications of keeping the phrase "under God" in the Pledge of Allegiance and using "In God We Trust" as our national motto.

For both Moore and myself, the word "God" means something. It refers to a real divinity.

The Supreme Court, however, contends that the word "God" does not mean anything when it is used in our civic life.

According to the Supreme Court, in American civic life the word "God" does not refer to a real divinity because the word has "lost through rote repetition any significant religious content." (See Justice Brennan's concurring opinion in *Lynch v. Donnelly*, 465 U.S. 668 1984.)

Instead, "God" is more like a mascot that we trot out to make us feel good about ourselves and our nation.

For the Supreme Court, civic references to "God" are examples of "ceremonial deism" and, therefore, do not violate the First Amendment's prohibition against

establishing a religion.

Moore contends that the word “God” invokes a real deity that our nation ought to acknowledge constitutionally and establish as our national sovereign.

For Moore and many others on the Religious Right, democracy is, at best, defined theocratically - not pluralistically.

For them, people of no faith and people of other faiths are second-class citizens with fewer rights and privileges than those who acknowledge the “Judeo-Christian” God.

Like Moore, I believe that the word “God” invokes a real deity, but I don’t believe God is interested in being acknowledged by constitutions.

The Father that Jesus revealed is interested in voluntary personal relationships with real persons, not coercive monarchical relations with the constructs of nation-states.

To treat God as a national “mascot” and strip his name of “meaning” is blasphemous. It directly [transgresses the command](#) to “not take the name of the Lord thy God in vain” (Exodus 20:7).

Unlike Moore, I don’t believe American democracy has ever been defined “theocratically.”

James Madison thought that the prohibition against religious tests to hold public office (Article VI of the U.S. Constitution) was enough to guarantee religious liberty for everyone.

Anyone who has read his [Memorial and Remonstrance](#) knows that he never intended for people of no faith and people of other faiths to be second-class citizens of this country.

Anyone who has read the [Act for Establishing Religious Freedom](#) knows that Thomas Jefferson’s mind was of one accord with Madison on this matter.

You don’t even have to be aware of the [Baptist heritage](#) of advocacy for separation of church and state to know that from the beginning the United States was conceived to be a “pluralistic” democracy, not a theocracy.

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