

Is prayer now illegal on the steps of the U.S. Supreme Court?

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The opening salvo has been fired in an insidious, liberal move to substitute “freedom to worship” for America’s two centuries of “freedom of religion.”

The difference is significant – as a group of junior high students learned when they were barred from praying on the steps of the U.S. Supreme Court. A group from Arizona touring Washington, D.C., this summer was told by police that it is no longer acceptable to pray on the steps of the U.S. Supreme Court. So, have federal officials decided that praying should be done only in churches now? That’s what the Obama administration’s switch in terms would seem to indicate.

“Freedom of worship” allows faith to be freely practiced behind closed doors. “Freedom of religion,” however, extends beyond worship and allows all aspects of one’s faith to be practiced freely in public without government rules or restrictions against evangelism, giving away Bibles, praying in public, displaying manger scenes or otherwise obeying the tenets of one’s faith.

Such freedom is guaranteed to all Christians by the First Amendment’s admonition that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” However a switch to “freedom of worship” implies the government intends to continue to remove all vestiges of faith from public life while pretending that constitutional rights to religious freedom are only extended to private exercises with a church sanctuary.

What this change in definition does is further remove Christianity from America’s public life.

“This change in language cannot go unchallenged,” writes Christian author Jay Tower. “In the past, Christians have failed to respond when the liberals took control of language – for example inventing the term “abortion rights,” which is now used regularly in the media – as if there were actually a Constitutional right to kill the unborn.

Another example would be the hijacking of the word “gay.” For centuries, it meant “happy” as in the Christmas carol lyrics “... don we now our gay apparel” or the novel about two teenage girls touring 1900s Europe, *When We Were Young and Gay*. However, in the 1980s, activists began demanding that it be used to describe male homosexuals and female lesbians. Christians went along with the change in language even though it projected an image of happiness instead of sin and perversion.

Another example would be ongoing attempts to switch from “A.D.” (for *Anno Domini*, Latin for “year of our Lord”) and “B.C.” (Before Christ), substituting the more politically correct “C.E.” (for Current Era or Common Era) and “B.C.E.” (for Before Current – or Common – Era).

Although less than a year old, the switch to “freedom of worship” from “freedom of religion” has been swift.

“Such a purposeful change in language signals clearly that Obama has a much narrower view of our rights to religious freedom,” writes Tower. “The change in language was barely noticeable

to the average citizen, but political observers are raising red flags at the use of the new term by Obama and Secretary of State Hillary Clinton as a replacement for the term ‘freedom of religion.’ This shift happened between the President’s speech in Cairo where he showcased America’s freedom of religion and his appearance in November at a memorial for the victims of Fort Hood. There he specifically used the term ‘freedom of worship.’ From that point on, it has become the term of choice for the president and Clinton.

In an article for *First Things* magazine, Ashley Samelson wrote: “To anyone who closely follows prominent discussion of religious freedom in the diplomatic and political arena, this linguistic shift is troubling. The reason is simple. Any person of faith knows that religious exercise is about a lot more than freedom of worship. It’s about the right to dress according to one’s religious dictates, to preach openly, to evangelize, to engage in the public square. Everyone knows that religious Jews keep kosher, religious Quakers don’t go to war, and religious Muslim women wear headscarves – yet ‘freedom of worship’ would protect none of these.”

Samelson is the international programs director for the Becket Fund for Religious Liberty.

In the administration’s defense, Carl Esbeck, professor of law at the University of Missouri, is quoted by *Christianity Today* as saying that the change in terms “is probably meant for the Muslim world. Obama, seeking to repair relations fractured by 9/11, is telling Islamic countries that America is not interfering with their internal matters.”

No; scoffs Randy Sly, associate editor of Catholic Online website. It goes far beyond Obama’s pandering to the Islamic world.

‘Worship’ was legal under Mao

“Language matters when it comes to defining freedoms and limits,” says Sly. “A shift from ‘freedom of religion’ to ‘freedom of worship’ moves the dialog from the world stage into the physical confines of a church, temple, synagogue or mosque. Such limitations can unleash an unbridled initiative that we have only experienced in a mild way through actions determined to remove roadside crosses, block any wearing of religious t-shirts or pro-life pins as well as ban any public evangelism.

“It also could exclude our right to raise our children in our faith, the right to religious education, literature or media, the right to raise funds or organize charitable activities and the right to express religious beliefs in the normal discourse of life.”

Indeed, in Communist China and the Soviet Union, churches remained open during Stalin’s purges and Mao’s Cultural Revolution. However, it was illegal to take a child under the age of 18 into a church or give them religious instruction.

Today, teaching a youngster to depend on Jesus for their daily needs is considered by the Chinese government to be a form of child abuse.

So, under Obama has it become illegal to pray on the steps of the U.S. Supreme Court?

The Alliance Defense Fund has requested assurances that this is not true. That request came after Arizona Christian school teacher Maureen Rigo was threatened with arrest on the steps of the high court.

She and her students from Wickenburg Christian Academy in Arizona visited the Supreme Court for an educational tour while touring the nation’s capital. While standing on the Oval Plaza of the court steps, the group began to pray quietly. Despite having prayed on Supreme Court grounds without incident during a previous trip, a police officer interrupted the prayer, informed the group they could not pray in that location and guided them toward the street. Rigo says that

the police officer told her the act of bowing her head and praying on the Supreme Court steps was unlawful.

However, a Supreme Court spokeswoman told the Internet news site CNSNews.com that the court does not have any policy prohibiting prayer. Nathan Kellum, an attorney with the Alliance Defense Fund said when Rigo contacted the Supreme Court Police headquarters, a Supreme Court Police sergeant – whose identity he did not disclose – confirmed the policy. The sergeant, Kellum said, asked Rigo if her group contained more than three persons and if they bowed their heads. Rigo answered “Yes” to both questions.

She says the sergeant then told her that her actions were, “definitely contrary to the law” and added: “The police officer acted correctly forcing you to leave under threat of arrest because you violated a federal statute.”

However, an official statement from the Supreme Court, issued by a court spokeswoman, indicated that assemblages engaged in activities which may draw onlookers are illegal, but the Court does not prohibit prayer on Supreme Court grounds.

“The Court does not have a policy prohibiting prayer,” said Patricia McCabe Estrada, deputy public information officer for the U.S. Supreme Court. The Court’s policy regarding the use of most public areas at the Court has been to permit “activity related to the business of the Court, including traditional tourist activity and ingress and egress for visitors, but not to permit demonstrations and other types of activity that may tend to draw a crowd or onlookers,” she said.

“In addition,” she said, “under 40 U.S.C. section 6135, it is unlawful to parade, stand or move in processions or assemblages in the building and grounds, including the plaza and steps, but not including the perimeter sidewalks.”

Indeed, that federal statute states: “It is unlawful to parade, stand, or move in processions or assemblages in the Supreme Court Building or grounds or to display in the Building and grounds a flag, banner or device designed or adapted to bring into public notice a party, organization or movement.”

Attorney Kellum told CNSNews.com that while the statute’s intent seemed to be focused on protests, the application of the law by the Supreme Court police could easily be construed as banning public prayer – and infringing upon First Amendment rights.

“While the statute doesn’t specifically mention prayer, the way they apply it bans prayer,” Kellum said.

The statute bans assemblages that bring public notice to a movement, Kellum noted. “If you consider Christianity a movement, and you bow your head, that’s bringing public notice to it.”

The Alliance Defense Fund has sent a letter to the Supreme Court police Marshall Pamela Talkin, public information officer Kathleen Arberg and Court counsel Scott Harris asking for assurance that Rigo and her students will be allowed to pray on Court grounds without being harassed during their next visit.

Anything except prayer

“The only logical explanation for prohibiting Mrs. Rigo’s activities, while allowing other conversations, pertains to the viewpoint of Mrs. Rigo’s expression,” the letter stated. “Evidently, people may engage in all sorts of conversational expression on Supreme Court grounds unless that expression happens to involve prayer. In doing so, the Supreme Court police have not targeted a subject matter or class of expression, but targeted a particular viewpoint for

ensorship. They have singled out and censored religious prayer as the only form of conversation to be silenced.”

If Rigo does not receive written assurance that her right to pray is protected within three weeks, Kellum said the Alliance Defense Fund will pursue federal court action.

Why make such a fuss? Because we did nothing when prayer and Bible reading were banned from the public schools, says Sly. “As we can see, the free practice of religion permeates the very fabric of all Americans’ lives. It cannot and should not be separated into approved and non-approved expressions – nor segregated to approved locations.

“Unfortunately, such limits are being instituted across the globe, notes Samelson. “The effort to squash religion into the private sphere is on the rise around the world. And it’s not just confined to totalitarian regimes like Saudi Arabia. In France, students at public schools cannot wear headscarves, yarmulkes or large crucifixes. The European Court of Human Rights has banned crucifixes from the walls of Italian schools.”

The list of countries and limits is growing constantly. The Obama administration seems to embrace anything that Europe does, so this new move by Obama and Secretary Clinton should not be a big surprise.

Michelle Boorstein, religion reporter for the *Washington Post*, recently wrote that Knox Thames, director of the U.S. Commission on International Religious Freedom, a Congress-controlled body tasked with monitoring religious freedom abroad, spoke at a recent briefing about the change in lingo and said that it’s no accident.

The change is intentional, says Thames – and he is personally alarmed by it. In presenting a forecast of religious freedom for 2010 to the House Subcommittee on International Religions, Human Rights and Oversight, Georgetown professor Thomas Farr stated, “Those of us in the business of sniffing out rats know that this is a rhetorical shift to watch.”

Farr was the former head of the State Department’s International Religious Freedom Office.

Human rights lawyer Nina Shea, who is a Senior Scholar at the Hudson Institute, is also concerned. “I’m very fearful that we’re actually stepping away from this fundamental principle of religious freedom. It is so critical for Western, especially American, leaders to articulate strong defense for religious freedom and explain what that means and how it undergirds our entire civilization.”

Leonardo Leo, Chairman of the United States Commission on International Religious Freedom, stated in the group’s 2010 Annual Report “in the world of foreign policy and diplomacy, where every word is carefully chosen to convey meaning and interest, there is an even more important situation that could be taken by some in the world community as a signal that freedom of religion or belief is not a priority for the administration.”

Leo went on to write that his group “notes that since the initially strong language on religious freedom used in President Obama’s Cairo speech, presidential references to religious freedom have become rare, often replaced, at most, with references to freedom of worship. The same holds true for many of Secretary of State Hillary Clinton’s speeches.

“This change in phraseology could well be viewed by human rights defenders and by officials in other countries as having concrete policy implications. Freedom of worship is only one aspect of religious freedom and a purposeful change in language could mean a much narrower view of the right, ignoring such components as religiously motivated expression and religious education as well as ignoring incursions such as discrimination in government benefits and privileges or the creation of climates of impunity, where private religiously-motivated violence isn’t prevented and punished.”

So, yes, words matter – as never before in American history. Mark Twain once quipped, “The difference between the almost right word and the right word is really a large matter – it’s the difference between the lightning bug and the lightning.”

“This is an area where we must remain vigilant,” writes Sly. “These small changes can be used to change our perception of rights and freedoms. In retrospect, the past hundred years gives us a number of significant issues in which this has already happened to one degree or another. Abortion, contraception, marriage, the family and gender have all been re-engineered to fashion a new worldview.

“What may seem an innocent shift in language now could possibly end up as a ‘tipping point’ for our religious freedom,” notes Sly. “Make no mistake; this is the goal and desire of the many inside and outside our current administration.

How has Obama switched?

In June 2009, he highlighted religious freedom in his Cairo speech saying, “Moreover, freedom in America is indivisible from the freedom to practice one’s religion. That is why there is a mosque in every state of our union, and over 1,200 mosques within our borders. That is why the U.S. government has gone to court to protect the right of women and girls to wear the hijab, and to punish those who would deny it.”

A few months later, in November, he delivered remarks to the crowd gathered to remember the victims of the Fort Hood shooting when he used the new terminology, saying, “We’re a nation that guarantees the freedom to worship as one chooses.”

On the heels of that speech, he delivered another in Tokyo that same month stating, “The longing for liberty and dignity is a part of the story of all peoples. For there are certain aspirations that human beings hold in common: the freedom to speak your mind, and choose your leaders; the ability to access information and worship how you please.”

Then he traveled on to China, which today still enforces the sharp difference between freedom to worship in private versus any public freedom of religion. There while speaking at a “Town Hall” with future Chinese leaders, Obama stated, “These freedoms of expression and worship – of access to information and political participation – we believe are universal rights.”

A similar abrupt shift was also noticed in public statements by Secretary Clinton. At Georgetown University in December 2009, she used the new phrase three times – but never “freedom of religion.”

“To fulfill their potential,” she declared, “people must be free to choose laws and leaders; to share and access information, to speak, criticize and debate. They must be free to worship, associate, and to love in the way that they choose. In China, we call for protection of rights of minorities in Tibet and Xinxiang; for the rights to express oneself and worship freely. And when a person is too hungry or sick to work or vote or worship, she is denied a life she deserves. Freedom doesn’t come in half measures, and partial remedies cannot redress the whole problem.”

In January 2010, she delivered a speech about Internet freedom at Washington, D.C.’s “Newseum,” dedicated to America’s news gathering history and traditions. In that speech, she used the “freedom of worship” theme several times.

“In 1831, Alexis De Tocqueville travelled throughout America and wrote about how our nation operates and commented that he could go nowhere where Christianity wasn’t in the forefront of the people’s actions, how they lived and governed,” writes religious rights activist

Roger Anghis. He is the Founder of RestoreFreeSpeech.org, an organization designed to draw attention to the need of returning free speech rights to churches.

“De Tocqueville also stated that he believed that Christianity was the reason that America was as prosperous as it was. This accolade was accepted in humility by America believing that if America was blessed, it was because of the hand of God,” notes Anghis.

“President John Adams issued a proclamation stating; ‘As the safety and prosperity of nations ultimately and essentially depend on the protection and blessing of Almighty God; and the national acknowledgment of this truth is not only an indispensable duty which the people owe to Him, but a duty whose natural influence is favorable to the promotion of morality and piety.’

“This is an example of American exceptionalism,” notes Anghis – another principle Obama does not believe in, apparently.

“No other nation has lasted as long as we have on the same founding document,” writes Anghis. “This exceptionalism is not a basis of pride but of humility. We have things in our Constitution that no other nation has in theirs. No other nation calls for inalienable rights. We have drawn a line between government and the people where areas of our life the government cannot touch such as life, liberty and the pursuit of happiness.

“We have the consent of the governed. This was unheard of in their day. The ruler, king, whoever was in power, told the people what to do.

“In our form of government, we tell the government what to do. We have seen a movement away from that concept in the last 50-75 years where the government feels it has the right to tell the people what to do.

“We must act to reverse that.”