

Theocracy Alert

Onward Christian Soldiers . . . toward a theocratic judiciary

By Mel Seesholtz, Ph.D.

Online Journal Contributing Writer

April 12, 2005—On March 29, the Rev. Louis Sheldon and his Traditional Values Coalition (TVC) launched a \$10 million [campaign](#) against “the anti-God Left” who, they claim, have “been using America’s courts to impose an anti-religion, anti-family agenda on America.” They have the ear, [voice](#) and the support of [George W. Bush](#): “We need common sense judges who understand that our rights are derived from God. Those are the kind of judges I intend to put on the bench.”

TVC’s specific battle plans were outlined in a “personal” message—and rather hysterical plea for donations—from Louis Sheldon to those on TVC’s email list. In the [hysterical mendacious rhetoric](#) the Rev. Sheldon does so well, he proclaimed, “TVC plans to launch a nationwide campaign to educate Americans about how the ACLU (with help from liberal Democrat politicians) have hijacked America’s courts to impose an extremist anti-God agenda on America.”

Many judges are elected; others are appointed by elected political leaders with the approval of elected legislative bodies. That being the case, it’s more than a bit difficult to understand how the Rev. Sheldon came to his conclusion. Once again, Sheldon seems to be damning any [court or judge](#) that bases a decision on principles of law rather than fundamentalist religious principles, as Sheldon and his cronies define them.

The usual screech from Sheldon *et al* is “activist judges!” But [Cynthia Tucker](#), editorial page editor at the *Atlanta Journal-Constitution*, came up with a more accurate definition: “‘activist judge’—a jurist who ignores the law and rules according to the passions of a group of partisans.”

One of Sheldon’s “battle plans” calls for a massive direct mailing campaign: “Direct mail is the single most effective method of reaching voters with the facts on how liberal Democrats over the years have packed America’s courts with radical, anti-God judges.”

If I were a judge or an officer of the court, I’d be deeply insulted by Sheldon’s blanket accusations. As an American who believes in “liberty and justice for all” guaranteed by an independent judiciary, I’m duly concerned by his threats. Sheldon has access to and shares theocratic goals with Richard Viguerie.

In his November 8, 2004, *New York Times* column, Bob Herbert acknowledged Viguerie as “the dean of conservative direct mail” and quoted some of Viguerie’s post-election declarations: “Now comes the revolution. . . . Liberals, many in the media and inside the Republican Party, are urging the president to ‘unite’ the country by discarding the allies that earned him another four years.” Viguerie vehemently opposed the radical, subversive idea of uniting the country. Not surprisingly Richard Viguerie has also been linked to the [Council for National Policy](#), a [star chamber](#) of ultra-conservative politicians and Christian fundamentalists dedicated to dictating national social policy. Never heard of the [CNP](#)? That’s not surprising. Their meetings are clandestine and attendees rarely, if ever, speak publicly about the proceedings.

In 1991 Richard Viguerie founded an organization called “United Seniors Association.” In 2005 that organization is known as “USA Next,” the self-proclaimed “conservative alternative to AARP.” But perhaps

USA Next is best known for its grossly misleading, “love war, hate love” attack [ad](#) against the American Association of Retired Persons. The ad used the homophobia created and enthusiastically propagated by evangelical Christian leaders to suggest AARP supported gay marriage but not Bush’s wars. The ad’s real purpose, however, was to attack AARP for [not supporting](#) Bush’s plan to “reform” Social Security. The evangelical Christian Right says the Devil is a deceiver, yet their own tactics seem to define “deception.”

TVC’s other battle plans include:

Our state-of-the-art phone bank can contact voters at a moment’s notice when a vote comes up in the Senate on one of President Bush’s federal judge nominations. We can phone up to 5,000 voters an hour (or 50,000 voters a day) . . .

We will closely track Congressional votes on key moral values issues and judges. We aim to distribute some 25,000,000 VOTER GUIDES in the months leading up to the 2006 Congressional elections.

TVC’s website is becoming an increasingly important *weapon* for mobilizing traditional values voters to instantly pressure Members of Congress to vote *on the side of traditional moral values and faith* . . . (italics mine)

Sheldon demands legislators vote “on the side of traditional moral values and faith.” In the past the “traditional moral values” advocated by people like Sheldon have included slavery, segregation, and discrimination against minorities and women. Currently those “moral values” are being used to encourage [hatred](#) of and [discrimination](#) against gay Americans. As for legislators voting on the basis of religious “faith,” I learned in school—public school—that the Constitution calls for them to vote on the basis of facts, reason and in the best interest of *all* American citizens. But then gain, the evangelical Christian Right believes public schools are “[godless](#)” and sending children to them is a [sin](#). They also believe there should be a separation of [public schools and state](#), but not of [state and church](#).

“Battle plans” and “weapons”: how odd a clergyman and a supposedly “Christian” organization would use such murderously warlike rhetoric. But “war” does derive from and inspire “hate,” and those *are* perfect descriptors for the Rev. Sheldon and the TVC, as well as for some others in the movement to recreate America in their [own image](#).

Council for National Policy member [James Dobson](#) is founder and chief spokesman of Focus on the Family (FOF), an evangelical, ultra-conservative lobbying group and international media empire. Dr. Dobson’s words are heard by more than 200 million people on more than 3,000 radio stations and 80 television stations in 116 countries. from Japan to Botswana, and in 15 languages, from Spanish to Zulu. In a November 12, 2004, [article](#) Michael Crowley, a senior editor at the *New Republic*, dubbed James Dobson “the religious right’s new kingmaker” and “America’s most influential evangelical leader, with a following reportedly greater than that of either Falwell or Robertson at [their] peak.” Bush and Dobson consult regularly on the “social agenda.”

In his June 2004 book, [Marriage Under Fire: Why We Must Win This Battle](#), Dobson claimed that homosexuals and the so-called “anti-God Left” were, in his own italicized words, trying “*to create an entirely different legal structure.*” Yet Dobson’s own actions and statements confirm that creating “an entirely different legal structure” is precisely the goal of the evangelical Christian Right (and the CNP). While addressing a “Take a Stand for Marriage” rally in Sioux City, Iowa last October 2, [Dobson attacked](#) District Judge Jeffrey Neary whose ruling terminating the civil union of a lesbian Sioux City couple joined in Vermont displeased the evangelical “kingmaker.”

As usual, Dobson and a local faith-based lobbying group, [Judicial Accountability](#), quickly began working to have Judge Neary removed from the bench. That *modus operandi* definitely seems like trying to “create an entirely different legal structure,” especially since the scenario has been and continues to be played out across the country almost daily. And, as [usual](#), the more-than-competent [judge in question](#) was definitely not anti-God, anti-religion, or anti-family. In comments to *The Sioux City Journal*, Judge

Neary said Dobson “is dead wrong if he thinks I favor same-sex marriages or same-sex unions. The truth of the matter is, I don’t. I am just as firm a believer as he is in the sanctity of traditional marriage.” But that doesn’t matter to Dobson or Sheldon. They want no separation of personal religious beliefs and public professional responsibilities. They want a [theocracy](#) in which “diversity” and “tolerance” could be [declared](#) “unconstitutional.” They already have the White House and dominate the House and the Senate. The only branch of government still not under their control is the judiciary. Hence the [assault](#) . . .

Not to be outdone by Sheldon and the TVC, Dobson and Focus on the Family on April 4 launched their own [campaign](#) against the judiciary beginning, of course, with a diatribe against same-sex marriage. Appropriate for someone advocating a theocracy in which laws would be governed by religious dogma, Dobson began his [tirade](#) with a biblical quotation: “I will restore your judges as in days of old, your counselors as at the beginning. Afterwards, you will be called the city of righteousness, the faithful city” (Isaiah 1:26). One has to wonder if Dobson sees himself as that “I.”

In a companion [piece](#) in FOF’s *CitizenLink* newsletter, editor Gary Schneeberger made an interesting statement: “Focus on the Family Action Chairman Dr. James C. Dobson is stepping up efforts to alert his constituents to the dangers of judicial tyranny, devoting his April newsletter to spotlighting how badly unbalanced the Founding Fathers’ system of governmental checks and balances has become.” If the system of checks and balances has become “unbalanced,” could it be the result of the extraordinary control exercised by the evangelical Christian Right over the executive and legislative branches coupled with their attempts to unseat or impeach judges who follow constitutional law rather than the edicts of religious fanatics?

A statement attributed to Dobson in Schneeberger’s article attests to the kingmaker’s intent to change the American judicial structure: “It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all constitutional questions.”

When the Founding Fathers set up the system of checks and balances, they designated the Supreme Court as the “arbiters of all constitutional questions.” The rest of the judicial system was based on that model. Neither the president nor Congress, a state governor or state legislature can declare a law unconstitutional. Only the courts can do that, which seems to be the source of Dobson’s irritation and the reason the evangelical Christian Right is calling for impeachment of judges who are not *their* “activist judges.”

In an April 6 [article](#), “Judicial Impeachment Muled” in Focus on the Family’s *CitizenLink*, Carrie Gordon Earll, senior manager for special legislative projects at Focus on the Family, overtly called for creating an entirely different legal structure. Ms. Earll used the Terri Schiavo case in her argument: “After all, she pointed out, when Congress called on the federal courts last month to take a new look at the Schiavo case, they took a pass.” Ms. Earll believes “Congress has jurisdiction over the judiciary . . . There needs to be some serious contemplation about what the role of the judiciary is, and what Congress’ authority is, to try and bring it back under control, so that we do have a balance of power.” Translation: eliminate the independent judiciary so the evangelical Christian Right controls all the power. Theocracy.

Dobson, Sheldon and the rest of the Christian “leaders” cannot control the courts as easily as they can the other two branches of government unless, of course, they can “pack the courts” with their jurists and/or restrict the power of the federal courts to issue rulings on such issues as God, homosexuality, and religious freedom through [The Federal Consent Decree Fairness Act](#). Similar legislation was introduced in the House of Representatives by the evangelical Majority Leader Tom DeLay, who has been reprimanded several times by the Ethics Committee and who, according to an April 6 *New York Times* [story](#), paid his wife and daughter “more than \$500,000 since 2001 [from his] political action and campaign committees, according to a detailed review of disclosure statements filed with the Federal Election Commission and separate fund-raising records in Mr. DeLay’s home state, Texas.”

So who are some of judges Sheldon and Dobson, Bush and DeLay would like to see approved by the Senate? [William Pryor](#) is one of the most prominent. The senate had previously blocked former Alabama Attorney General Pryor’s appointment to the Atlanta-based 11th U.S. Circuit Court of Appeals, citing his

criticism of the Supreme Court's *Roe v. Wade* decision and other civil rights legislation. While he served as attorney general of Alabama, Pryor had links to anti-gay organizations and other conservative groups placed on the state website. There were no links to groups with neutral or differing views.

Pryor was also the only attorney general from another state to author an amicus brief defending the Texas sodomy statute used solely against homosexuals when the case ([Lawrence v. Texas](#)) was before the U.S. Supreme Court. In the brief he argued that states have an interest in singling out same-sex relationships for punishment and compared them to "prostitution, adultery, necrophilia, bestiality, possession of child pornography . . . incest and pedophilia." The date of a Pryor family vacation at Disney World was changed to avoid being in the park when same-sex families were also there.

Pryor's opinion of "homosexuals" and "judicial activism" seem to match those of Supreme Court Justice Antonin Scalia, whom the evangelical Christian Right would *love* to see appointed Chief Justice.

"Most Americans do not want persons who are openly engaged in homosexual conduct as partners in their businesses, as scoutmasters for their children, as teachers in their children's schools, or as boarders in their home." —Justice Antonin Scalia in dissent of the *Lawrence v. Texas* decision, June 2003

"I cannot do the horrible, conservative things I would like to do to society." —Justice Antonin Scalia, AP, March 2004

In the fall of 2004, Bush [appointed](#) William Pryor to the 11th U.S. Circuit Court of Appeals while Congress was on a one-week break, a move subsequently [questioned](#) by that very same 11th U.S. Circuit Court of Appeals. The Constitution gives the president the right to appoint judges directly when Congress is not in session, but those challenging the appointment argued that right is valid only at the end of a congressional session or during the recess between annual sessions, not during short breaks. However, in mid October 2004, the 11th U.S. Circuit Court of Appeals [ruled](#) that Bush had not overstepped his authority. William Pryor will sit on the 11th U.S. Circuit Court of Appeals until the end of 2005 . . . [at least](#).

Justice Antonin Scalia's [philosophy](#) seems simple enough: if the alleged "right" is not explicitly enumerated in the Constitution, it doesn't exist. That includes the right to privacy. In commenting on *Roe v. Wade*, Scalia said, "The court discovered in 1973 something that was in violation of the Constitution based on an abstract principle, a right of privacy that's not found in the Constitution." What's also not explicit in the Constitution is the phrase "[separation of church and state](#)." The evangelical Christian Right advocate a literal reading of the Bible (at least parts of it). Justice Scalia advocates a literal, "frozen in time" reading of the Constitution (especially parts of it).

Bruce Fein is a constitutional lawyer and consultant with Bruce Fein and Associates and The Lichfield Group. He was associate deputy attorney general under President Reagan and is an outspoken opponent of anything resembling "civil rights" for gay Americans. In a February 2005 [article](#), "Pack the Supreme Court," that appeared in the "Taking the Stand" section of *Washington Lawyer*, Fein argued that "President George W. Bush should pack the United States Supreme Court with philosophical clones of Justices Antonin Scalia and [Clarence Thomas](#) and defeated nominee [Robert H. Bork](#)." None of Fein's judicial heroes believes in a right to privacy, and all have repeatedly demonstrated their opposition to "civil rights" and their beliefs in the principles outlined in the evangelical Christian Right's theocratic "vision" for America.

That vision got even darker in the early days this month. As an April 6 *New York Times* [editorial](#) put it, "It was appalling when the House majority leader [Tom DeLay] threatened political retribution against judges who did not toe his extremist political line. But when a second important Republican stands up and excuses murderous violence against judges as an understandable reaction to their decisions, then it is time to get really scared."

The *Times* editorial was referring to the April 4 [statements](#) of Senator John Cornyn (R-TX) on the floor of the Senate. Cornyn tried to explain the recent violence perpetrated against judges as a *justifiable* reaction to their so-called "gay friendly" rulings: "Senator Cornyn offered a smarmy proclamation of 'great

distress' at courthouse thuggery. Then he rationalized it with broadside accusations that judges 'make raw political or ideological decisions.'" Cornyn also asserted that the Supreme Court should be "an enforcer of political decisions made by elected representatives of the people." So much for the "separation of powers" and an independent judiciary. The Christian Right and their political minions advocate a total theocracy, plain and simple.

Cornyn is a former member of the Texas Supreme Court. He now chairs the [Senate Subcommittee on the Constitution, Civil Rights and Property Rights](#) and is on the [Senate Judiciary Committee](#). He is in a position to decide if the proposed amendment to the U.S. constitution denying equal civil rights to gay Americans moves forward. The ultimate irony is that the Senate Subcommittee on the Constitution is charged with "protecting" the Constitution.

For those who think beyond the Bible and who have not become willing [slaves](#) to the politicized, perverted version of "Christianity" espoused by the likes of Sheldon and Dobson and their political agents, it's clear America is headed in the [wrong direction](#). Centuries of progress are being systematically [dismantled](#) as so-called "religious" leaders and the politicians inhabiting their deep pockets lead America backwards into the new theocracy. In her April 7 [column](#), in *The New York Times*, Maureen Dowd noted that even the Rev. John Danforth—former Republican senator, U.N. ambassador, and the Episcopal minister who prayed with Clarence Thomas during [Anita Hill's testimony](#)—has come to the conclusion that the Republican Party "has gone so far in adopting a sectarian agenda that it has become the political extension of a religious movement."

The tragedy of a Florida woman well illustrated just how much the Republican Party has become "the political extension of a religious movement."

On March 31, Terri Schiavo died. The Christian Right and their political [sycophants](#) shamelessly [exploited](#) the families' personal conflicts and tragedies for their own political purposes and fund-raising efforts. The Rev. Sheldon even bragged about it: "In acknowledging the galvanizing, check-writing effect of her case, the Traditional Values Coalition's founder, Rev. Lou Sheldon, told The [New York] Times, 'That is what I see as the blessing that dear Terri's life is offering to the conservative Christian movement in America.'"

Exploitive, crass fund-raising aside, perhaps [Bishop John Shelby Spong](#) asked the most poignant question: "Why is it, I wonder, that those identified as secular humanists, who express grave doubts about the reality of life after death, seem almost universally to favor allowing Terri Schiavo to die in peace; while those identified as members of religious communities, who claim to believe firmly in life after death, seem so eager to keep bodies alive long after meaningful life has departed?"

Isn't it time to repair and rebuild that "[wall](#)" between church and state [Jefferson](#) knew was essential? He and more than a few of the other Founding Fathers—Benjamin Franklin, George Washington, and Samuel Adams to name but a few—were [Deists](#). Then as now, Deists accept the notion of "a Creator" and respect Jesus as a teacher, but do not believe in the second-hand, politically-motivated "revealed word" attributed to Moses and Old Testament prophets, or the dogma of New Testament authorities such as Peter, Paul and John. In the eighteenth century, Deists were particularly skeptical of the allegedly "God given" dogma created and propagated by politically motivated church leaders. The Founding Fathers were astute students of history and had learned the lesson Europe's seventeenth century religious-civil wars taught. In a very real sense, the American republic was conceived as a prophylactic against the marriage of Church and State. And for good reason . . .

"I don't know that atheists should be considered citizens, nor should they be considered patriots. This is one nation under God." —President George H. W. Bush