

The Gavel and Sickle

The Supreme Court, Cultural Marxism, and the Assault on
Christianity

Anthony Walsh

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Critical Perspectives on Social Science



VERNON PRESS

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www.vernonpress.com

In the Americas:
Vernon Press
1000 N West Street,
Suite 1200, Wilmington,
Delaware 19801
United States

In the rest of the world:
Vernon Press
C/Sancti Espiritu 17,
Malaga, 29006
Spain

Critical Perspectives on Social Science

Library of Congress Control Number: 2017957521

ISBN: 978-1-62273-300-2

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Acknowledgments

I would like to thank commissioning editor, Carolina Sanchez, PhD for her faith in this project. Thanks also to the remarkably able and efficient Argiris Legatos, editorial manager, for his guidance, and to Rosario Batana, director, and Javier Rodriguez, marketing coordinator.

I want to acknowledge also the input of Michael Johnston for his helpful comments. Thanks also to my co-authors on books and articles, Ginny Hatch and Craig Hemmens, for reading parts of the manuscript, and to my very special indexer, Hailey Johnson, who spots a number of mistakes while going through the indexing process—Cheers, girl! Whatever errors or omissions remain is entirely my fault.

Most of all, I would like to acknowledge the love and support of my drop-dead gorgeous wife, Grace (AKA, the Face). She is the center of my universe and the one who keeps me going year after year—what a treasure!

Foreword

Dr. Anthony (Tony) Walsh has a long history of scholarly inquiry, and much of this inquiry has not only produced a massive amount of published scholarships – over 35 published books and approximately 150 journal articles. Dr. Walsh is a leading scholar in the area of biosocial criminology and was recognized for a lifetime achievement award by its association. Biosocial criminology is at the forefront of the study of criminology today in marrying the offender's biology/genetics with his/her social environment. Dr. Walsh is a leading author in this field.

Dr. Walsh is also interested in the study of law and justice, having written one of the leading law and justice books in the field entitled *Law, Justice, and Society: A Sociolegal Introduction*. He has written several projects about the law and how it operates within the social world and provides justice.

This work, in particular, displays the context of law and justice as it relates to the First Amendment's Free Expression of Religion. In this book, Dr. Walsh describes how this component of the First Amendment may not be as free as it once was. This book argues how the First Amendment Freedom of Religion (and closely regarded Freedom of Political Expression) has been eroded over time by the political intrusion. The book discusses *private* business owners in doing *private* business yet retaining their public right to one of their inalienable rights – right to free exercise of one's faith. The book digs into difficult balances in our American jurisprudence in such dialogues as the establishment clause and the notion of separation of church and state. The book establishes clear lines in the sand when it comes to hot-button items such as gay rights and conservative, faith issues.

Readers should know what they are getting themselves into. This book is more of a position piece than it is a balanced treatise, but then, one can't say that it's alright to attack Christianity just a little bit to balance some scale or another. It relies on clear links to the socio/political/legal vantages points. Dr. Walsh is not shy in hitting issues that are not politically correct. In fact, in some respects, he addresses issues that are politically NOT correct. It's a smash-mouth workup of the crux between politics, law and civil liberties. The main issue with this piece is where does political correctness go too far?

Whether one believes in the author's stance that the government should not regulate behavior that encumbers on the free exercise of religious expression, or that should do so to protect sexual liberty, this piece can evoke good conversation. Readers should "give it a chance" and use it as a talking piece in the

discussion of these and other politically-charged topics. Readers should use this as a beginning point for good, academic discussion. Dr. Walsh is not shy in addressing politically charged topics but also isn't shy in basic the argument on solid case law and relevant historical documents.

Dr. Walsh and I have had several conversations over the years ranging from the leftist sociologist “clever-sillies” of the postmodern era to the biological underpinnings of biosocial criminology. Many of our conversations are lively with significant disagreements with different approaches to the concepts discussed. This topic was not absent its own lively discussion between two scholars with different viewpoints. Even in that lively debate, Dr. Walsh is to be commended for providing a clear foundation and perspective on the unmistakable fact that Christianity is under assault in the United States.

Jeremy Ball, JD, PhD.

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Preface

After the thirteen colonies declared their independence from Great Britain in 1776, the Continental Congress adopted the Articles of Confederation in 1777. Under this document, the states retained full sovereignty, and the national government, such as it was, was weak. Although it was strong enough to bring the Revolution to a successful conclusion, it lacked many vital powers, such as issuing a national currency, raising taxes and troops, and forging a viable union between the states. Thus in 1787 delegates from all the states except Rhode Island met in Philadelphia and proposed a stronger central government under a new constitution that would assume many of the powers formerly exercised by the independent states. This effort produced a constitution, but also fierce opposition from some who feared that the rights they had fought for were insufficiently provided for by the new constitution. Those who opposed ratification of the constitution were called Anti-Federalists, and they demanded another convention to draft a Bill of Rights before they would ratify the constitution. Although the Federalists prevailed and the constitution was ratified without a Bill of Rights, the demand for one was so strong that after reviewing the rights guaranteed in state constitutions, the Ten Amendments to the Constitution comprising the Bill of Rights were added to it and ratified in 1791.

These rights were to protect individuals from violations by the federal government and were laid out in order of how the Framers viewed their importance. The most fundamental of these rights were expressed in the First Amendment: freedom of religion, speech, and press, the right peaceful assembly, and the right to petition the government for the redress of grievances. As to the nature of these fundamental rights, Alexander Hamilton wrote in 1775: "The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power."¹ In other words, the rights laid out in the First Amendment were not dreamt up in the human mind, rather they are rights demanded by our human DNA, planted therein by the Creator.

As with everything that is natural and good, these sacred rights have to be guarded and cultivated. Christianity was to be the kindly guardian and cultivator of our rights against the many vices of the world that would destroy them. To this end, the Founders believed that non-denominational Christianity was to be respected, promoted, and extensively accommodated, for they knew that if Christianity withers, so will our precious rights. This is precisely

why the Founders placed liberty in the exalted position of America's "first liberty." As President Calvin Coolidge remarked in his address celebrating the 150 anniversary of the Declaration of Independence; our rights "have their source and their roots in the religious convictions." and he warned that "Unless the faith of the American people in these religious convictions is to endure, the principles of our Declaration will perish."²

This book looks at how the very first right enumerated in the First Amendment—religious liberty—has been systematically eviscerated from the 1940s to the present. I initially thought of titling this book "The War on Christianity," taking my cue from President Obama's former Health and Human Services Secretary, Kathleen Sebelius, who told a cheering crowd at a Pro-Choice America fundraiser in 2011 "we are in a war" with religious dissenters.³ Hillary Clinton also influenced my initial choice of title when she said in her 2015 *Women in the World* speech: "Laws have to be backed up with resources and political will, and deep-seated cultural codes, *religious beliefs*, and structural biases have to be changed."⁴ Add to this the 2016 Commission on Civil Rights report in which Commissioner Martin Castro maintained that religious liberty is nothing but "code words" for a string of nasty things such as discrimination and intolerance.⁵ In other words, Sebelius' war must be waged on religious dissenters until they change their religious beliefs to conform to Clinton's notion of what they should be because, after all, Castro says they are nothing but shields hiding nefarious practices. This is how far our debased culture has departed from the very principles on which it was founded.

Who would have thought a couple of generations ago that a day would come in the United States when high-ranking government figures would declare "war" on citizens of faith who disagree with government policy? However, the "war" metaphor has been so abused by both the left (the "war on women") and the right (the "war on guns") that I chose the gentler term "assault" to describe government policies that attempt to strip institutions and individuals of their Christian identity if they actively dissent from those policies. These institutions and individuals believe that to assent to the dictates of a certain state, and federal policies would be a violation of their religious consciences.

As an ex-military man (marines) whose sons (army) and grandsons (air force) have served proudly, I am particularly outraged about the attacks on our Christian heritage that have been taken place in the military. An anti-Christian activist named Michael Weinstein has been doing everything in his power to purge Christianity from the military, and he has found powerful allies within the military itself, including Air Force Chief of Staff Norton A. Schwartz. Weinstein said in an interview with the *New York Times* that Schwartz "acknowledged that there [was] a problem" regarding religious freedom in the military.⁶ For Schwartz and Weinstein, the problem was not

that the military was allowing too little religious freedom, but that it was allowing too much!

A publication of the Family Research Council lists 39 egregious assaults on religious liberty from 2005 to 2013, and there are many, many, more.⁷ Because attacks on religious freedom substantially increased during the Obama administration, I will address just one that lays bare Obama's attitude toward America's heritage which he infamously promised his liberal supporters that he would "fundamentally transform." In an effort to protect the religious liberty of members of the armed forces, especially military chaplains who are facing increasingly hostile environments, the United States Congress included a section (section 530) in its *National Defense Authorization Act for Fiscal Year 2014*. Section 503 would have required the Armed Forces to "accommodate actions and speech reflecting the conscience, moral, principles or religious beliefs of the member." Naturally, the Obama administration strongly objected to anything protective of Christianity or moral principles, as evidenced in its response to this proposal:

The Administration strongly objects to section 530, which would require the Armed Forces to accommodate, except in cases of military necessity, "actions and speech" reflecting the "conscience, moral principles, or religious beliefs of the member." By limiting the discretion of commanders to address potentially problematic speech and actions within their units, this provision would have a significant adverse effect on good order, discipline, morale, and mission accomplishment.⁸

Christian principles are having "a significant *adverse* effect on good order, discipline, morale, and mission accomplishment"! Contrast this statement with that of George Washington, a man who sits head and shoulders, and even ankles above Obama, and in every way Obama's intellectual, moral, and spiritual antithesis: "Purity of Morals being the only sure foundation of public happiness in any Country and highly conducive to order, subordination and success in an Army, it will be well worth the Emulation of Officers of every rank and Class to encourage it both by the Influence of Example and the penalties of Authority."⁹ Washington not only accommodated the "conscience, moral principles, or religious beliefs" of his troops, he strongly promoted them.

However, the war on Christianity began before Obama was born with the dim beginnings in the 1940s. I began with the United States Supreme Court's use of the Establishment Clause of the First Amendment to effectively silence the Free Exercise Clause as if the two clauses were in opposition. Far from treating religious freedom as something that cannot be "erased or obscured

by mortal power" as Alexander Hamilton said, on many occasions the Supreme Court has treated it as though it was of no greater consequence than the right to wear pajamas to the prom. The Court has used the tactic of opposing the two religious clauses to purge the schools and the public square of anything remotely connected to the religious foundations of America. The Supreme Court's relentless assaults have allowed Barack Obama's executive branch, state courts, and administrative courts, to attack religious conscience on every front from the mighty Catholic Church on down to small family owned businesses. Small businesses have been decimated by ruinous fines for refusing to abide by government policies they oppose on religious grounds, and the Catholic Church has had to withdraw from offering some of its charitable services for the same reason.

The Court's slow and steady removal the Christian guardian of our rights and our morality from the public square has had the result of the debasement of American culture. While this debasement is certainly not the result of a conscious Supreme Court effort to do so, it is just as certainly a key part of the clearly stated cultural Marxist agenda. Cultural Marxism is a toxic anti-Christian, anti-capitalist, and anti-morality philosophy that has infected major portions of our most important social institutions, particularly the universities. Its ultimate goal is plainly stated in its own literature, particularly by its most famous apostle, Antonio Gramsci: "Marxists must change the residually Christian mind." [We need] "to alter the mind—to turn it to its opposite—so that it would become not merely a non-Christian mind but an anti-Christian mind."¹⁰ It is the twin assaults by the courts and the warriors of cultural Marxism that led to the title of this book—The Gavel and Sickle.

During his presidential campaign, Donald Trump promised to defend religious freedom against the growing number attacks actively. His appointments to important government posts during his first 150 days as president have so far revealed that he was serious, but he still has a long way to go to fulfill his promise to protect Americans' most fundamental right. He has signed the *First Amendment Defense Act* barring the federal government from discriminating against individuals and organizations based upon their religious beliefs or moral convictions, but an executive act is only good as long as the president who signs it remains in office. It is not at all surprising that Democratic congresspersons and various anti-Christian groups have mounted a campaign against the Act; what is surprising is that an act to protect the First Amendment would be necessary in the 21st-century America. When a Constitution right needs an executive order to back it up, you know American freedom is on the line.

This book is an effort to explain the legal and cultural circumstances that have transpired over the last 80-odd years that have made the unthinkable

necessary. The first chapter examines the slow decline of Christian morality in the United States and how the poisonous philosophy of cultural Marxism has played its part in bringing it about through what it terms the "long march through the institutions." The second chapter explores the many benefits that Christianity has delivered to the institutions and people of United States and to the Western world in general. The third chapter explores the liberal insistence that the United States is a not and has never been a Christian nation, and the fourth examines the awesome power of the United States Supreme Court. The fifth and sixth chapters examine the Establishment and Free Exercise clauses of the First Amendment, and subsequent chapters examine the sad results of the anti-Christian agenda in the United States.

Endnotes

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2. Coolidge, C., Speech on the 150th Anniversary of the Declaration of Independence.
3. Cited in Olson, Cardinal George criticizes Sebelius' declaration of "war on citizens."
4. Brennan, Hillary's infamous women in the world talk.
5. U.S. Civil Rights Commission. *Peaceful Coexistence*, p. 29.
6. Lichtblau, E., Questions raised anew about religion in military, p. 14.
7. Perkins, & Boykin, *Clear and present danger*.
8. Executive Office of the President (2013). Statement of Administration Policy.
9. Dean et al., *The Historical Magazine*, p. 57.
10. Quoted in Malachi, *Keys of this blood*, p. 250.

This book is dedicated to the First Liberty Institute and its President, CEO and Chief Counsel, Kelly J. Shackelford. First Liberty Institute is the largest legal organization in the United States dedicated exclusively to protecting religious freedom for all. It has fought lawsuits in every court system from the local level to the United States Supreme Court in defense of our precious "first liberty."

Chapter 1

Christianity under Fire: Capture the Culture; Capture the Soul

“The only assurance of our nation's safety is to lay our foundation in morality and religion.”

Abraham Lincoln, 16th President of the United States

American Culture in the Mid-Twentieth Century

At the end of WWII, former British Prime Minister Winston Churchill remarked to Parliament that “America at this moment stands at the summit of the world,” and few doubted his words. The United States emerged from the war as the wealthiest, freest, and most powerful nation on the planet, and the late 1940s through to the 1960s was America's “golden age.” It was a time of unprecedented prosperity and social conservatism defined the cultural ethos. Families were intact and attended places of worship in their Sunday best, Billy Graham crusades drew millions, and a single mother was assumed to be a widow. Drugs were something you got from the pharmacy when you were sick, and sexually transmitted diseases were something sailors brought home from the fleshpots of the Far East. Elvis Presley's gyrating hips shocked older generations, and “darn” was just about the only expletive heard on the big screen. Self-reliance was a cardinal virtue, and reliance on welfare was a cardinal vice. In shows like *Leave it to Beaver* and *Father Knows Best*, the family was depicted as wholesome and churchgoing with children who respected their elders and said “sir” and “ma'am.” Crime rates were low and punishment swift. Education was the serious business of mastering the three R's. Children were disciplined, and teachers emphasized patriotism, character, and Christian morality.

But a liberal worldview was gestating in the cracks of culture that eventually spouted up to undermine traditional values and morality. Hard leftists preach that America will progress more and more as it discards the “superstitions” of religion and the constrictions of the traditional family. They are doing their best to make this happen as the rest of us watch in silence as our culture careens over the cliff into moral anarchy. The post-war culture that emphasized self-control, discipline, and God and country, has slowly been replaced by a

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