

from our viewpoint...

Votes are counted; both sides see victory

The people have spoken, and the election is history. The national attention can turn to the other issues facing the country, but the election rhetoric continues with discussions of what is going to happen in the next four years, and who will be the main actors.

Bush won the majority of the electoral college and a narrow majority in the popular vote. It certainly was not a landslide, but it was a little clearer than the 2000 fiasco.

There was no disrespect intended in the colors chosen for the maps used by the media in reporting the national results, but now there is discussion about whether you were in a red or blue state. Red and blue have been the traditional political colors since the American flag was designed red, white and blue.

Looking at the map people have said the Republicans are now in control of the south and the middle section of the country. The Democrats seem to have the north and west coast.

As with anything there is more under the blue and red, and there are shades of those colors spread throughout the nation.

The most important thing is our political system again proved that after more than 200 years the constitutional system continues to work. True, there are things that might be changed to improve the process.

Despite the outcome of the election and the number of states that went for Bush, there were some interesting results showing the depth of voter dissatisfaction.

In neighboring Colorado the state gave the electoral votes to Bush, but below that there was a Democratic surge which elected Ken Salazar, the state attorney general, as the new senator to replace the retiring Sen. Ben Kighthorse Campbell. Campbell was elected in 1992 as a Democrat, but switched to the Republicans during his first term. He was reelected as a Republican in 1998, but because of health reasons decided not to run this time.

Salazar faced Peter Coors, chief executive officer of the large beer brewer, in a hard fought race with millions of dollars being pumped in by both parties. Salazar won with a 60,000 vote margin.

However, it is not unusual for Colorado to switch parties in mid ballot. It is a part of the state's political history that the voters have not been predictable on the state and local levels for decades.

For the first time in 44 years the voters have changed the balance of power in the state legislature giving the Democrats the majority in both the State House and State Senate. In many of the state legislature races Democrats won where there had been a Republican for over 40 years.

This type of result is evidence voters make decisions based on more than party labels or whether they are liberal or conservative.

Politics is one of the most exciting processes to watch. Elections are the signposts to see what the people are thinking. Those elected take their cue from the people who voted for them. The political process is ever changing, and gives pundits an ongoing opportunity to question, analyze and interpret the results.

Bush has a window of time in the beginning of his second term to address some of the major issues brought up during the election. He no longer has to worry about campaigning, and after the dust settles about who will be the cabinet and in charge of the House and Senate he can set the agenda.

Our citizen soldiers continue to fight in Iraq, and as we pause on Thursday for Veterans Day our thought and prayers are with them. — *Tom Betz*

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Ten Commandments:

Religious message or civics lesson?

By Charles C. Haynes

First Amendment Center

Like a secular Moses descending from the mountain top, the U.S. Supreme Court appears finally ready to lay down the law on government displays of the Ten Commandments.

After 24 years of silence, the high court announced on Oct. 12 that it would hear not just one, but two cases dealing with the Ten Commandments: Van Orden v. Perry from Texas and McCreary County v. ACLU from Kentucky.

Since the court last agreed to tackle this emotionally charged issue, an explosion of lawsuits around the nation has led to a bewildering array of lower court decisions. Four federal appeals courts have found displays of the Ten Commandments constitutional – but three appeals courts have ruled the other way.

Now the Supreme Court will attempt to end the confusion, if not the controversy.

The last and only time the court ruled on displays of the Ten Commandments under the First Amendment was in the 1980 case Stone v. Graham. Without hearing oral argument, five justices voted to strike down a Kentucky statute requiring the posting of the Ten Commandments on the wall of every public school classroom.

Rejecting Kentucky's claim that the purpose of posting the commandments was secular, not religious, the 1980 Court decided that the "pre-eminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature."

Twenty-four years later, government officials in Kentucky – or at least in McCreary and Pulaski Counties – are back to try again. This time the Ten Commandments are part of a display in courthouses that include a variety of documents (Declaration of Independence, Magna Carta, national motto, etc.) that Kentucky officials describe as having "played a significant role in the foundation of our system of law and government."

The Kentucky counties lost in the 6th U.S. Circuit Court of Appeals, largely because they failed to convince the judges that there was a secular purpose for displaying the commandments. That court's decision was less about the content of the display (who could deny that biblical law is one source of our legal system?) and more about the history of how and why the display was created in the first place.

The two counties originally posted the Ten Commandments alone, only adding other documents (all of which mentioned God or the Bible) after a lawsuit was filed challenging the display. When the second display was also ruled unconstitutional, county officials tried yet again – this time with an expanded display that they hoped would pass constitutional muster. By a 2-1 vote, a 6th Circuit panel didn't buy it, ruling that the "predominate purpose for the displays was religious."

Meanwhile, another three-judge panel – this one from the 5th Circuit – went the other way, deciding that a Ten Commandments monument on the grounds of the Texas State Capitol was constitutional.

Unlike the recent Kentucky displays, the



from other pens

• commentary

Texas monument has been in place for more than 40 years. Donated by the Fraternal Order of Eagles of Texas in 1961, the monument was accepted by the state Legislature with the "secular purpose" of honoring the Eagles' work with youth – or so Texas argues. Opponents contend that by erecting the monument, the state endorsed the religious message of the Decalogue.

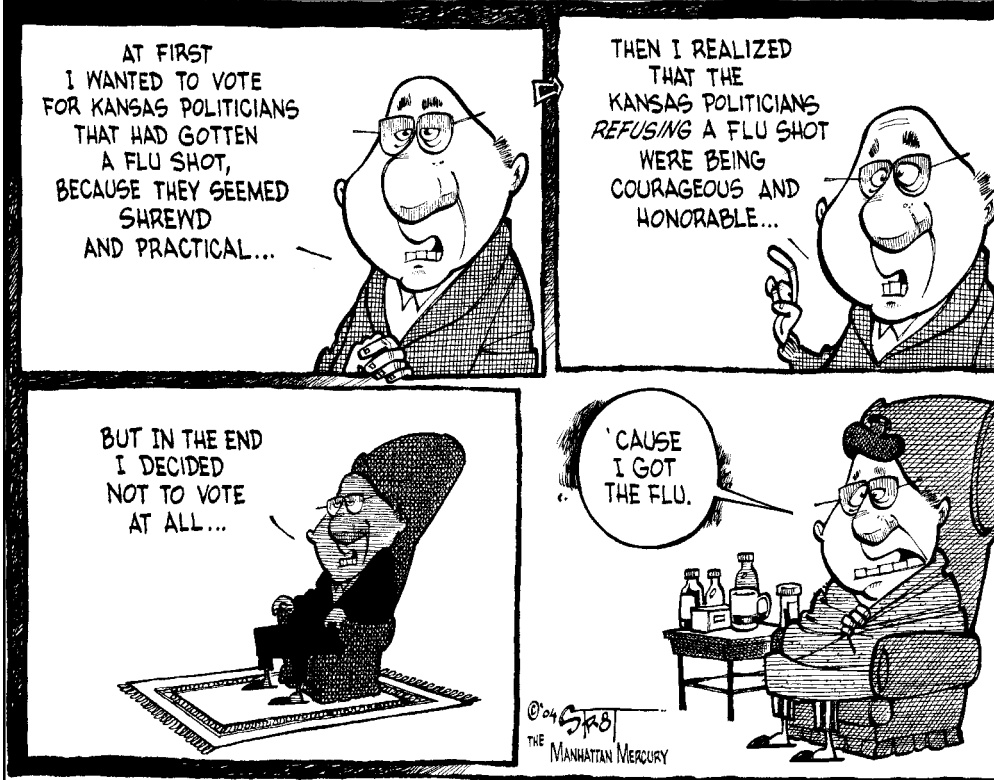
By a 3-0 vote, the 5th Circuit panel sided with the state, finding nothing in the legislative record to suggest that Texas intended to promote religion by installing the monument. Moreover, the judges pointed out that the Ten Commandments is one of 17 monuments on the Capitol grounds – part of a designated National Historic Landmark that is dedicated to the display of "statues, memorials, and commemorations of people, ideals and events that compose Texan identity."

What will the Supreme Court decide?

Although difficult to predict, a majority of the court may well uphold both lower court decisions, agreeing that Kentucky was promoting religion while Texas was not. The core principle might be this: The government has no business endorsing a religious message – even when the endorsement is surrounded by other historical documents and messages.

On that principle, the court could rule that the actions of Kentucky officials revealed an agenda to promote the Ten Commandments, but the actions of Texas officials (in 1961) showed no such aim.

It's also possible that the Court will allow both displays, ruling that Kentucky officials cured the constitutional problem by surrounding the Ten Commandments with other histori-



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