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1-5-2009

### January 5, 2009: Kentucky Legislator Tom Riner and the Wall of Separation

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#### Repository Citation

Ledewitz, B. (2009). January 5, 2009: Kentucky Legislator Tom Riner and the Wall of Separation. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/234>

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Title: Kentucky Legislator Tom Riner and the Wall of Separation

Date: 2009-01-05T08:31:00.002-05:00

1/5/2009--The New York Times story yesterday about Tom Riner and his constant quest for more public expression of God is a story about an opportunity to finally lay to rest some of the culture wars. Riner wants more expressions of gratitude to "Almighty God", including a legislated reference to God's providence by the State Office of Homeland Security.

Some or all of this may be unconstitutional under the courts' current interpretation of the Establishment Clause, but it will be helpful to ask just why that might be. My manuscript, *For the Establishment of Religion*, argues that these religious expressions are constitutional only if interpreted differently from the way that Riner understands them. Riner undoubtedly is endorsing the God of the Bible, maybe even Jesus Christ. My book argues that references to God are constitutional because they are not unequivocally sectarian endorsements of this kind, but might mean something different, such as the meaningfulness of history and the objectivity of values.

Those who favor a strict separation of church and state seriously misunderstand the kind of polity we have always been. For example, the Constitution omits the word God. So, the separationist concludes, America cannot formally endorse God. But the word God appears everywhere else, such as in the Declaration of Independence and on our money. So, a prohibition on the endorsement of God cannot possibly be the only or best constitutional interpretation of the Establishment Clause, even aside from the political fact that the people insist on such endorsements.

The point should not be that God is not named, but that God is not defined in our tradition. Riner is wrong to insist that the God that may be acknowledged must be his version of God. His actions may be constitutional in promoting the public use of the word God, but his intentions are not.

What if this were actually said to Riner? What if Riner came to see that it is unfair and unconstitutional to tell people with public money just what God means, but that it is okay to acknowledge God as long as there is absolutely no official definition. He might come to see this as a legitimate bow to pluralism.

My aim is to keep America pious in the sense of committed to something beyond materialism and relativism. God as part of the public square is crucial to this effort. But I mean to include many people who think of themselves as atheists and many more who do not endorse Riner's version of God, including myself. I have a feeling that a grand and important compromise along these lines is possible.