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### December 11, 2010: Hallowed Secularism and the Tea Party

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Title: Hallowed Secularism and the Tea Party

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12/11/2010--On November 28, Jeffrey Rosen, a Professor at George Washington Law School, wrote a piece in the New York Times about the "Radical Constitutionalism" of the Tea Party movement, exemplified by newly-elected Utah Senator Mike Lee. Some Senator Lee's understanding of the Constitution involves limiting the power of the federal government in favor of the States, which is a constitutional position with a long history in America. Some of it is new, as in Senator Lee's criticism of the popular election of Senators. But the aspect of Lee's constitutional vision that most caught Rosen's eye is his debt to W. Cleon Skousen's 1981 book, *The 5,000-Year Leap*, which "argued that the founding fathers rejected collectivist 'European' philosophies and instead derived their divinely inspired principles of limited government from fifth-century Anglo-Saxon chieftains, who in turn modeled themselves on the Biblical tribes of ancient Israel." Skousen is not an admirable figure by any means. As portrayed by Rosen, he is virtually an anti-Semite. But what is of interest to me is Skousen's mix of individualism and religion. Skousen viewed his Mormon Church as the country's salvation and the Constitution as divinely inspired. But at least as currently interpreted by his followers, including Glenn Beck, he is no Christian Nationalist. Yes, the States are not limited by the Establishment Clause, which was aimed only at the federal government (historically true, by the way), but the States should not use this freedom to pick a winner in the religion wars. Again, according to Rosen, "Skousen would encourage the states today to require 'universally accepted' religious teachings in public schools, as long as they don't favor one denomination over another." The problem is that there are no "universally accepted" religious teachings, not even among those who call themselves Christians. Skousen's core commitment here is to "unalienable rights and duties that derive from God" and he insisted that this religious commitment gave the founders their political philosophy. This is precisely the theory of objective values and unless the Declaration of Independence is unconstitutional, it cannot be a violation of the Establishment Clause to teach it in public schools. Skousen's mistake was thinking that this is a "religious" view. It was only that in part even for the framers. For some of them, the political truly came first: rights were more real than God. And millions of secularists like me believe fully in the reality of objective values without believing that God exists. There is much more room here for common ground than Professor Rosen and even Senator Lee may think. Of course, this is all the core message of my forthcoming book, *Church, State and the Crisis in American Secularism*.