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April 22, 2011: Conservative Christians Discover the Separation of Church and State

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Title: Conservative Christians Discover the Separation of Church and State

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4/22/2011—This is actually a pretty funny story. I heard Karen Lugo being interviewed, I believe on Wednesday on a Christian radio station in southern Florida. Karen Lugo is Orange County California Lawyer Chapter President for the Federalist Society. She also serves as the Assistant Director of the Claremont Institute Center for Constitutional Jurisprudence, and was recently appointed to the California Civil Rights Commission Advisory Committee. So she is both smart and very conservative. Lugo was discussing two matters. The first had something to do with alleged hate speech but I did not get the story straight. Lugo had been involved in peaceful protest against what she has elsewhere referred to as “two radically anti-American Muslim imams are coming to your town”. The Council on Islamic-American Relations then alleged that this constituted hate speech. But the interviewer also wanted to know about what was called the infiltration of Shari’ah into the American legal system, a subject on which Lugo is an expert. Lugo was asked about a Florida case in which the judge supposedly ruled that Shari’ah applies and this was felt by the interviewer to be a threat to our American way of life. Lugo, obviously honest lawyer first, corrected the interviewer by pointing out that in the Florida case, the judge had correctly applied a choice of law clause in an agreement between two parties who had agreed that Shari’ah would govern any disputes over their agreement. She pointed out that the right to so specify was one of the freedoms that Americans enjoy. But Lugo still expressed concern about this and other applications of “foreign” law in the American system. She spoke of the need to maintain a separation between religion and government. Yes I do find this funny. Any and all expressions of Christianity in American public life are accepted by conservatives with no reference or worry about the Establishment Clause. But the possible appearance of Shari’ah suddenly sparks concerns worthy of Americans United for Separation of Church and State. It also occurs to me that bans on the use of foreign law that Lugo said a number of states are considering, would also prevent Orthodox Jews and others from specifying religious law as the legal norm with which to interpret their agreements. Surely this would lessen America’s free exercise of religion.