

ADVOCATING FOR JESUS: THE LEGAL, POLITICAL AND ETHICAL MAZE

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## Advocating for Jesus: The Legal, Political and Ethical Maze

- I. The three words that describe our present age
  - A. Global
  - B. Pluralistic
  - C. Secular
- II. America's march toward secularism
  - A. Pre-18<sup>th</sup> century
  - B. 18<sup>th</sup> century—the Bible attacked
  - C. 19<sup>th</sup> century---God attacked
  - D. 20<sup>th</sup> century---mankind attacked
  - E. 21<sup>st</sup> century---the brave, new secular world
- III. The Effects of Secularism
  - A. God removed from public square
    1. America's heritage (God was in the public square)
      - a. Declaration of Independence, 1776
      - b. First Amendment--freedom of religion, 1789<sup>1</sup>
        - (1) meaning of "establishment clause"<sup>2</sup>
      - c. America a Christian nation
        - (1) President George Washington<sup>3</sup>
        - (2) United States Supreme Court and State Supreme Courts<sup>4</sup>
        - (3) United States Congress<sup>5</sup>
    2. The secularization of the law
      - a. *Everson vs. Board of Education* (1947) 330 US 1<sup>6</sup>

- b. *Engle v. Vitale* (1962) 370 US 421<sup>7</sup>
- c. *Abington Township v Schempp* (1963) 374 U.S. 203<sup>8</sup>
- d. *Lemon v. Kurtzman* (1971) 403 US 602<sup>9</sup>
- e. *Wallace v Jaffree* (1985) 472 US 38<sup>10</sup>  
(see Justice William Rehnquist’s dissent (at 107-108))<sup>11</sup>

B. Media portrayal of Christianity

C. Marriage and Family under attack

- 1. redefining “family”<sup>12</sup>
- 2. redefining “marriage”<sup>13</sup>

D. Sanctity of Life rejected

IV. The Response of the Church to the Growing Tide of Secularism

A. Liberals (“progressives”)

B. Conservatives

V. Regaining Lost Ground

A. Understanding the Battle (Eph. 6:12)

- 1. Beware of political or legal “solutions” (battle is for hearts and minds)
- 2. Work for a level playing field (Acts 22:25-29, 25:10, Rom. 13:1)
- 3. Don’t lose sight of the goal (Mt. 29:19—evangelism and discipleship)
  - a. Gospel first, cultural crusade second
  - b. Don’t sell evangelical birthright for political stew (Gen 25:27-34)

B. Beware of hindrances and distractions

- 1. Avoiding legal battles is better than winning legal battles
- 2. Be aware of the “red flag” issues
  - a. employment and hiring

- b. issues advocacy
    - c. standards of conduct
  - 3. Update your bylaws and procedures for maximum protection
    - a. Clearly spell out your values
    - b. Make sure procedures are consistent with stated values
- C. Make use of resources that can keep you out of trouble (e.g., Alliance Defense Fund<sup>14</sup>)

VI. Polishing the Crystal Ball—What to Expect in the Future

- A. We've been warned (Mt. 5:11, I Tim 4:1-3, II Tim 3:1-5)
- B. Count the costs (Acts 5:28-29)
- B. Be prepared (Jude 3, I Pet 3:15, Mt. 5:13-16)<sup>15</sup>
- C. Be confident (*hakuna matata*, Prov. 31:25; Rom 8:37)

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<sup>1</sup> U.S. CONTS. amend. 1. “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

<sup>2</sup> Justice Rehnquist, in *Wallace v. Jaffree* (1985) 472 US 38, 105 wrote the following:

“Joseph Story, a Member of the United States Supreme Court from 1811 to 1845, and ... a professor at the Harvard Law School . . . [in] Volume 2 of [his] Commentaries on the Constitution of the United States 630-632 (5th ed. 1891) discussed the meaning of the Establishment Clause of the First Amendment this way:”

...

“The real object of the [First] [A]mendment was not to countenance, much less to advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the national government. It thus cut off the means of religious persecution (the vice and pest of former ages), and of the subversion of the rights of conscience in matters of religion, which had been trampled upon almost from the days of the Apostles to the present age. . . .” (Footnotes omitted.)

<sup>3</sup> George Washington’s Farewell Address, September 17, 1796: “Let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle. It is substantially true that virtue or morality is a necessary spring of popular government.”

<sup>4</sup> *Runkel v. Winemiller* (1799) 4 Harris & McHenry 276 (Sup Ct. Md 1799): “By our form of government, the Christian religion is the established religion; and all sects and denominations of Christians are placed upon the same equal footing, and are equally entitled to protection in their religious liberty.”

*People v. Ruggles* (1811) 8 Johns 545 (Supreme Court of New York) “The people of this state, in common with the people of this country, profess the general doctrines of Christianity, as the rule of their faith and practice.”

*Vidal v. Girard’s Executors* (1844) 43 US 127, 153 “The purest principles of morality are to be taught. Where are they to be found? Whoever searches for them must go to the source from which a Christian man derives his faith--the Bible.”

*Reynolds v US* (1878) 98 US 145 (Utah statute prohibiting polygamy is not a violation of the Free Exercise clause of the First Amendment—government may regulate religious conduct that is harmful to society, but not regulate religious beliefs) (first case where Jefferson’s “separation” letter is cited)

*Church of the Holy Trinity* (1892)143 US 457, 465 “We are a Christian people, and the morality of the country is deeply engrafted upon Christianity, and not upon the doctrines or worship of those impostors.”

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<sup>5</sup> First Congress, 1789, established Office of Congressional Chaplain; each legislative day typically began with the Chaplain delivering a formal prayer to God, and often to Jesus Christ. The U.S. Supreme Court has held this to be constitutional. *Marsh v. Chambers* (1983) 463 U.S. 783.

<sup>6</sup> *Everson vs. Board of Education* (1947) 330 US 1--Jefferson's "separation of church and state" quoted; its misapplication gave birth to the "separation movement" that wants Congress to be prohibited from providing any aid to religion. Before 1947 the "wall of separation" reference had never appeared in an establishment clause decisions of the US Supreme Court. *Everson* was used as a building block for later cases which resulted in the preference of non-religion over religion.

Justice Rehnquist in *Wallace v. Jaffree* (1985) 472 US 39, 107, slammed the *Everson* decision, boldly declaring "The *Everson* 'wall' has proved all but useless as a guide to sound constitutional adjudication. But the greatest injury of the 'wall' notion is its mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights...The 'wall of separation between church and State' is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned."

<sup>7</sup> *Engle v. Vitale* (1962) 370 US 421 State-sponsored school prayer violated the 1st Amendment (even though prayer was non-denominational).

<sup>8</sup> *Abington Township v Schempp* (1963) 374 U.S. 203 --Reading the Bible and Lord's prayer in public school violated the 1st Amendment ("state was showing preference for Christianity by requiring religious exercises in public school").

<sup>9</sup> *Lemon v. Kurtzman* (1971) 403 US 602--three-prong test: (to see if law violates 1<sup>st</sup> Amendment) 1. does state action have a secular purpose? 2. primary effect neither advances nor inhibits religion;? 3. does law foster excessive government entanglement with religion?

<sup>10</sup> *Wallace v Jaffree* (1985) 472 US 38 (a 1981 Alabama Statute authorizing a 1-minute period of silence in all public schools "for meditation or voluntary prayer" struck down).

<sup>11</sup> *Wallace v Jaffree* (1985) 472 US 38, 108-109: "But the greatest injury of the 'wall' notion is its mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. . . . No amount of repetition of historical errors in judicial opinions can make the errors true. The 'wall of separation between church and State' is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned."

<sup>12</sup> *Braschi v. Stahl Associates* (1989) 74 N.Y. 201. The New York Court of Appeals (the state's highest court) ruled the term "family" was not necessarily limited to relationships based on blood, marriage, or adoption. The court concluded that unmarried partners who live together on a long-term basis may be considered a family in some legal contexts.

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<sup>13</sup> “It is not difficult to anticipate a time in the near future when cohabitation by persons of the same sex will be afforded the same legal status and recognition as traditional, heterosexual marriage.” John Stewart, *God in the Chaos*, (Harvest House, 1991) p. 36.

<sup>14</sup> Alliance Defense Fund (480) 444-0020, [www.alliancedefensefund.org](http://www.alliancedefensefund.org)  
Home School Legal Defense Association, <http://www.hslda.org>

<sup>15</sup> The Bible Explorer Project, [www.TheBibleExplorer.com](http://www.TheBibleExplorer.com)

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John Stewart is a Christian apologist, attorney, author, award-winning radio personality, and former professor of law and apologetics. He and his wife Laurie are founders of Rolling Stone Ministries, an organization dedicated to proclaiming and defending the Christian faith. They are also partners with John’s brother Don Stewart in The Bible Explorer project. John and Laurie are partners in Stewart & Stewart, a law firm located in Orange, California, and are allied attorneys with the Alliance Defense Fund. John serves on the board of Camp Berachah in Auburn, Washington.

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## John Stewart – Bio

John Stewart is a lawyer, theologian, author and award-winning radio personality. He hold earned degrees from Biola University (B.A., 1975), Talbot School of Theology (M.A., 1976), and Western State University (J.D., 1984).

John co-hosted with Walter Martin the nationally-syndicated radio program “The Bible Answerman,” hosted his own nationally syndicated radio show, “John Stewart Live,” and was the afternoon-drive radio host of “John Stewart Live” and “Live from L.A.” on KKLA-fm, and KBRT-am in Southern California.

John served as Professor of Law and Apologetics at the Simon Greenleaf School of Law in Anaheim, California, where he was also Assistant Dean. He was the Assistant Director of the Christian Research Institute, as was invited to be listed in “Who’s Who in Biblical Studies and Archaeology in the World.”

He is the author of two books, the best-seller *Holy War*, published by Fireside, and *God in the Chaos*, published by Harvest House.

John was the Protestant Theologian invited to address the Presidential Commission on the Assignment of Women in the Military commissioned by President George H. W. Bush. Additionally, he has engaged in many debates, including debating law professor Erwin Chemerinsky at University of Southern California Law School on the topic “Should Roe vs. Wade Be Reversed?” and television personality Bill Press at Concordia University, Irvine, California on the topic “Is God a Liberal?”

John has made numerous national and local media appearances, including MacNeil-Lehrer News Hour, E! Channel, CNN, Good Morning America, and American Journal. He has been featured and mentioned in several news publications, including Time Magazine, Washington Post, Los Angeles Times and the Orange County Register.

John and his wife, Laurie, are the founders of Rolling Stone Ministries, an organization dedicated to proclaiming and defending the Christian Faith. John and Laurie, together with John’s brother Don Stewart, are partners in The Bible Explorer Project ([www.TheBibleExplorer.com](http://www.TheBibleExplorer.com)).

John has twice served as senior pastor of a local church. Currently, he sits on the board of Camp Berachah in Auburn, Washington and teaches adult Sunday School at Covenant Presbyterian Church in Orange, California.

John, and Laurie have their own law practice in Southern California and are allied attorneys with the Alliance Defense Fund. They live with their daughters, Jamie and Megan, in Orange County, California.