



Written by [Jack Kenny](#) on June 16, 2011

Texas District Judge Biery: More Dictatorship of the Juristocracy

It is hard these days to keep up with all of the edicts issued by the Dictatorship of the Juristocracy, so please forgive the tardiness of this writer in pointing out the absurdity of a ruling handed down earlier this month, requiring a school district in Texas to bar all prayer and even religious words and phrases at commencement ceremonies. U.S. District Court Judge Fred Biery ordered that words such as "prayer" and "amen" be banned from graduation ceremonies in the Medina Valley Independent School District. One might well wonder why Judge Almighty even allows the district to retain the word "Independent" in its title, though he might value it as a relic of an earlier time when the omnipotence of judges had not yet been discovered and the people had not yet made their proper obeisance.



Now, as it turned out, the U.S. 5th Circuit Court of Appeals overturned the judge's ruling just in time for the commencement ceremonies, which were filled with prayers and much cheering from the audience. And when the word "amen" was uttered, the "wall of separation" between church and state did not come tumbling down like the walls of Jericho, about which one also must make no mention in a public school. Nor, if Judge Biery had had his way, might anyone in such a fine taxpayer-supported academic setting have made mention of the gates of Hell, which no doubt surround and protect Judge Biery's courtroom.

But let's look back at the judge's ruling. It came in response to a petition of Christa and Danny Schultz, whose son was to participate in a graduation ceremony held by the school district. The judge, in his Solomonic wisdom, discovered that the boy and his parents would "suffer irreparable harm" if there were any prayer or mention of prayer at the ceremony. This was another in a long series of efforts to stand the First Amendment on its head and use it to guarantee that any secular, publicly-funded institution must not only be prevented from promoting a religious viewpoint, it must be actively engaged in suppressing religious expression. Fortunately, for those who wish to check the record, the right-side-up version of the First Amendment is still available for any and all, even judges, to read. It says the following:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Clearly the limitation is placed on Congress, not on the Medina Valley or any other school district. The



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Founding Fathers did not intend to dictate to local authorities what they may or may not do regarding public prayer, and would no doubt have been astounded to learn that a federal judge, claiming as his authority the document they produced, had had the temerity to proscribe certain words from the allegedly free speech of the participants in a commencement ceremony. Suppose, for example, the Reverend Jesse Jackson were a guest speaker at such a graduation. Rev. Jackson rarely gets through a speech without an "Amen" or two. If the judge's edict had still been in place, would Jackson have obediently observed the ban on such inappropriate and apparently hurtful language, such language as would cause school children and their parents to "suffer irreparable harm"?

Or imagine this: Suppose the school district had come up with guidelines that forbade the uttering of words like "Emir," "Imam," "Sharia," "Mecca," or "Allah"? Judge Biery would likely have had no problem ruling that speech code unconstitutional. He, apparently, thought himself the sole arbiter of what is or is not acceptable speech at graduation ceremonies for public school students.

Is it too late to ask, to whom do the schools belong? Do they belong to the courts and the judges? Or do the schools, the courts, and (God help us) the judges belong to the people of this blessed republic? (Perhaps "blessed" is another of the forbidden words on Judge Biery's index.) The judge went so far as to say that violations of his order would be subject to punishment as contempt of court.

That Judge Biery runs a contemptible court may no doubt go without saying. Why belabor the obvious? But the right to say so extends everywhere outside his little fiefdom of a courtroom. To hold otherwise is to argue that we may say what we like about President Barack Obama and his minions at the White House or his stooges in the Congress, but not about Judge Fred "Almighty" Biery. There would have been nothing to constitutionally prevent a speaker at a Medina Valley commencement ceremony or a student council, lawfully assembled, from exercising the freedom of speech and of the press by proposing the following resolution:

RESOLVED, THAT THE MIND OF JUDGE FRED BIERY RESEMBLES NOTHING SO MUCH AS A HOWLING WILDERNESS, THE DEFICIENCIES OF WHICH INSTITUTIONS OF LEARNING ARE DESIGNED TO CORRECT. THEREFORE, WE THE PEOPLE OF MEDINA VALLEY, IN THE SOVEREIGN STATE OF TEXAS, DO. PLEASE GOD, HEREBY PRAY AND INSTRUCT SAID HONORABLE JUDGE TO GET A GOOD RUNNING START AND TAKE A LONG FLYING LEAP INTO THE MIDDLE OF LAKE GO-TO-HELL. AMEN! AMEN! AMEN!

And may God save his semi-honorable (but often contemptible) court.



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