Court . . .

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In a column on the decision, George Will questioned whether the Establishment Clause of the First Amendment was designed to apply to the use of legislative chaplains.

"That clause was designed to insure only that government would be neutral between religions, not between religion and irreligion," Will wrote.

How does he make this distinction so easily? The least common denominator between all the religions amounts to virtually nothing — or it amounts, as some politicians have thought it does, to cloudy assertions that God is on our side and heartily approves of America.

An idea which Burger and his supporters seemed to find particularly powerful was that the founding fathers allowed legislative prayer. The argument runs that if the people who wrote the Constitution approved of a particular practice, then it must be constitutional; you will hear it often in the conservative opposition to a wide interpretation of civil liberties. But it simply means nothing.

The various opinions, letters, sentiments, beliefs, and cosmology of people called the Founding Fathers is not the law of the land. The document under which we order our government is the U.S. Constitution.

The opinions of the founding fathers on what is constitutional — even if we could confidently establish them — have no more relevance than the opinions of any of its late interpreters on the subject of what the Constitution means.

In the Chambers case last July, six justices — Burger, Bryon White, Harry Blackmun, Lewis Powell, William Rehnquist, and Sandra Day O'Connor — sided against William Brennan, Thurgood Marshall, and John Paul Stevens to preserve the nation's public facade of religiosity at the expense of the ideals of some of its members. The decision was relatively predictable, considering the court's composition.

A conservative Supreme Court of the kind we have works to retrench on the progress made by an activist and liberal court like the one presided over by Earl Warren. Fortunately, the retrenchment can be difficult, and complete retrenchment can be impossible.

The Supreme Court would find it very difficult to once again allow racial segregation to exist in our schools; and despite the trend of their decision in the Ernie Chambers suit, the justices probably cannot put rote prayers back in them.

Letter Policy

The Daily Nebraskan encourages brief letters to the editor from all readers and interested others.

Letters will be selected for publication on the basis of clarity, originality, timeliness and space available.

Readers are also welcome to submit material as guest opinions. Whether material should run as a letter or guest opinion, or not run, is left to the editor's discretion.

Letters and guest opinions sent to the newspaper become property of the Daily Nebraskan and cannot be returned.

Anonymous submissions will not be considered for publication. Letters should include the author's name, year in school, major and group affiliation, if any. Requests to withhold names will be granted only in exceptional circumstances.

Submit material to the Daily Nebraskan, Nebraska Union 34, 1400 R St., Lincoln Neb.