



Texas Considers Posting Ten Commandments in Public Schools

After the old paradigm of some sort of “wall” that should “separate church and state” was successfully demolished last year, the Texas State Senate Education Committee is considering [a bill](#) this week to put the Ten Commandments back into the state’s public schools.

The bill is brief and to the point:

BE IT ENACTED BY THE
LEGISLATURE OF THE STATE OF
TEXAS:

A public elementary or secondary school shall display in a conspicuous place in each classroom of the school a durable poster or framed copy of the Ten Commandments ... [to] include the text of the Ten Commandments ... that is legible to a person with average vision from anywhere in the classroom....

The text of the poster or framed copy of the Ten Commandments ... must read as follows:

The Ten Commandments

I AM the LORD thy God.

Thou shalt have no other gods before me.

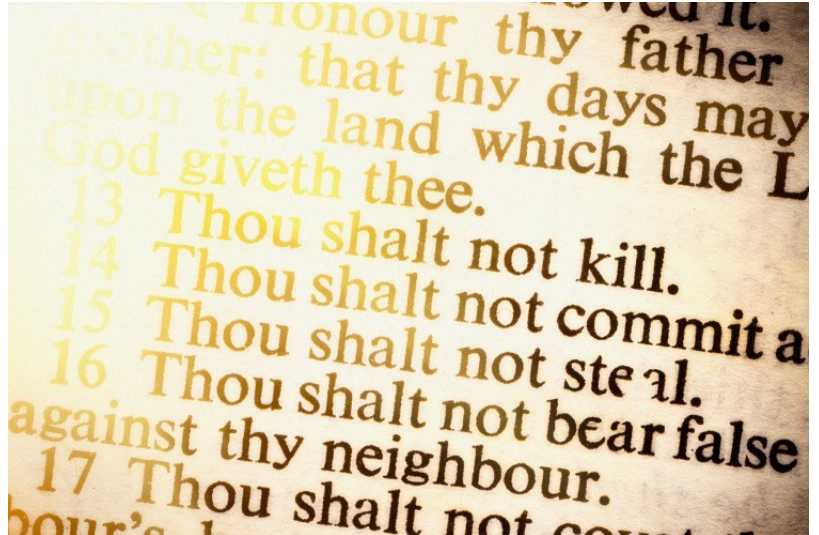
Thou shalt not make to thyself any graven images.

Thou shalt not take the Name of the Lord thy God in vain.

Remember the Sabbath day, to keep it holy.

Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee.

Thou shalt not kill.



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Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness
against thy neighbor.

Thou shalt not covet thy neighbor's
house.

Thou shalt not covet thy neighbor's
wife, nor his manservant, nor his
maidservant, nor his cattle, nor
anything that is thy neighbor's.

Texas public schools that don't have such a poster may accept one from a private donor. And the postings would apply with the start of classes in September.

Andrew Seidel, an attorney at the Freedom From Religion Foundation, weighed in on a similar bill offered in Texas in 2019. Such a display, according to Seidel, would be "illegal."

Fortunately for freedom of religion, the jurisprudence that ruled in 2019 has shifted significantly.

Back in 1980 when the state of Kentucky attempted to pass a similar law, the Supreme Court, in *Stone v. Graham*, tossed it because such posting of the Ten Commandments in public schools "lacks a secular legislative purpose." The court, with Warren Burger as Chief Justice, ruled:

This is not a case in which the Ten Commandments are integrated into the school curriculum, where the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like.

[The] posting of religious texts on the wall serves no such educational function.

If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments.

However desirable this might be as a matter of private devotion, it is not a permissible state objective under the Establishment Clause of the Constitution.

And so the Ten Commandments disappeared from public schools across the land. It followed the banishment of prayer from public schools.

But then a football coach in a small town in the state of Washington upended the fictional "wall" — he prayed publicly on the 50-yard-line after every football game. And the Supreme Court not only ruled in his favor (after eight years), but exposed the canard of that "wall."

Supreme Court Justice Neal Gorsuch wrote in the majority opinion in *Kennedy v. Bremerton School District*:

We are aware of no historically sound understanding of the Establishment Clause that begins to [make] it necessary for [the] government to be hostile to religion....



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Gorsuch went on to clarify the new paradigm:

Both the Free Exercise and Free Speech Clauses of the First Amendment protect expressions like [Coach] Kennedy's....

The Constitution and the best of our traditions counsel mutual respect and tolerance, not censorship and suppression, for religious and nonreligious views alike....

Here, a government entity sought to punish an individual for engaging in a personal religious observance, based on a mistaken view that it has a duty to suppress religious observances even as it allows comparable secular speech.

In that landmark decision, the high court ruled that “the Constitution neither mandates nor permits the government to suppress such religious expression.”

Gorsuch removed all doubt: “In truth, there is no conflict between constitutional commands before us. There is only the “mere shadow” of a conflict, a false choice premised on a misconstruction of the Establishment Clause.”

He added:

The only meaningful justification the government offered for its reprisal rested on a mistaken view that it had a duty to ferret out and suppress religious observances even as it allows comparable secular speech.

If Texas passes the proposed bill, it will no doubt be challenged in court. But under the new paradigm that demolishes the “wall” that supposedly “separates church and state” — thus allowing religious views to flourish with the state now respecting that right — those Ten Commandments will be allowed to influence the culture once again.

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