



Written by [Dave Bohon](#) on August 8, 2011

Ohio Ten Commandments Case Goes to Supreme Court

For over 10 years Ohio judge James DeWeese (left) has fought for his constitutionally guaranteed right to display the Ten Commandments in his courtroom. And during that entire time he has been thwarted by a series of federal court rulings fueled by manipulative arguments of the American Civil Liberties Union (ACLU). Now, with the help of the conservative American Center for Law and Justice (ACLJ), Judge DeWeese will try to take his case to the U.S. Supreme Court.



As reported by [The New American](#), it all began back in 2000 when the ACLU successfully sued for the removal of a display DeWeese had placed in his courtroom that included both the Declaration of Independence and the Ten Commandments. Reported *The New American* last February: “DeWeese followed up in 2006 by again posting the Ten Commandments, but re-titling them ‘Philosophies of Law in Conflict’ and referring to them as a set of ‘moral absolutes’ which he compared to a series of ‘moral relatives,’ such as, ‘The universe is self-existent and not created,’ and, ‘Ethics depend on the person and the situation.’”

Included with the display were quotes DeWeese attributed as typical of humanist thought, including, “Personal autonomy is a higher good than responsibility to your neighbor or obedience to fixed moral duties,” and, “Quality-of-life decisions justify assisting the death of a fetus, defective infant, profoundly disabled or terminally ill person.”

DeWeese also included his own personal moral declarations in the display, including: “I join the Founders in personally acknowledging the importance of Almighty God’s fixed moral standards for restoring the moral fabric of this nation.” At the bottom of the display was the grim observation: “The cases passing through this courtroom demonstrate we are paying a high cost in increased crime and other social ills for moving from moral absolutism to moral relativism since the mid 20th century.”

Not surprisingly, in 2008 the ACLU again successfully sued to dismantle DeWeese’s principled display, with a three-judge panel from the U.S. Court of Appeals for the Sixth Circuit ruling that the display violated the First Amendment’s supposed demand of total separation of government and religion. In his opinion for the panel, Judge Eric Clay noted that while DeWeese had attempted “to veil his religious



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purpose by casting his religious advocacy in philosophical terms ... replacing the word religion with the word philosophy does not mask the religious nature of the defendant's purpose."

Clay explained that while DeWeese's display "effectively links the Ten Commandments and secular principles," it nonetheless retained a uniquely religious tone. "By stating that the 'moral absolutes' of 'the God of the Bible' are the 'fixed moral standards for restoring the moral fabric of this nation' that should triumph in the 'conflict of legal and moral philosophies raging in the United States,' the poster 'specifically links religion and civil government,'" the judges ruled, quoting an earlier decision in the case.

The appeals court ruling against DeWeese set up the latest effort by the ACLJ, which has filed a petition asking the Supreme Court to hear the case, along with a brief arguing that the ACLU has no legal standing to challenge the DeWeese's courtroom display. ACLJ chief counsel Jay Sekulow pointed out that Supreme Court precedent demonstrates that "the mere observation of an unwelcome governmental display of religion does not give one legal standing to challenge the display in federal court." Sekulow argued that "the federal appeals court was wrong in holding that the display was unconstitutional," noting that the display "falls in line with those decisions of the Supreme Court recognizing 'the strong role played by religion and religious traditions throughout our Nation's history.'"

Sekulow said that the Supreme Court "has a perfect opportunity to make it clear that a governmental affirmation of moral absolutes, symbolized here by the Ten Commandments, does not violate the Constitution. It's time for the high court to set the record straight: the display by Judge DeWeese is a constitutionally permissible method of explaining his legal and moral philosophy — the same philosophy embraced by our founders."

The High Court is expected to decide whether or not to hear the case when its justices reconvene in September.

Meanwhile, in Dixie County, Florida, another ACLU assault on a Ten Commandments display, brewing since 2007, is reaching a head. In late July the [Liberty Council](#), a conservative legal advocacy group, filed an appeal with the 11th Circuit Court on behalf of the county, which allows private citizens to erect displays of law and history outside the courthouse — including a Ten Commandments monument placed by local resident and businessman Joe Anderson.

In July, the U.S. District Court for Florida's Northern District ruled that the Ten Commandments display, paid for and maintained personally by Anderson, was somehow unconstitutional and must be removed by August 14. "Noteworthy is the fact that the plaintiff the ACLU represents does not live in the county, has never lived in the county, and has no intent to ever return to the county," reported [Charisma News Service](#) of the case.

Matthew Staver, founder of Liberty Counsel and dean of the Liberty University School of Law, noted that "Dixie County is not establishing a religion by allowing a private individual to place a monument in a location where similar monuments may be placed." He added that the county "should be applauded, not sued, for fostering open and robust speech in a public forum. Rather than take advantage of the forum, the ACLU prefers to censor speech with which it disagrees."

Reported Charisma: "Liberty Counsel will argue on appeal that the case should be dismissed because the plaintiff has no standing to sue. Liberty Counsel will also argue that the case presents a free speech, not an Establishment Clause, issue. The Open Forum policy allows private citizens to erect private historical displays at their own expense."



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Noted Staver: “The Ten Commandments are universally recognized as a symbol of the law and are appropriate for display in courthouses and similar settings. Public display of the Commandments is consistent with our nation’s history and with the First Amendment. There are more than 50 depictions of the Ten Commandments at the U.S. Supreme Court, and there have been thousands of displays throughout the country for many years.”



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