



Written by [Dave Bohon](#) on February 4, 2011

Ten Commandments Display Unconstitutional, Federal Court Rules

An Ohio judge's attempt to display the Ten Commandments in his courtroom violates the Constitution, a federal appeals court has ruled. On February 2, a three-judge panel of the U.S. Court of Appeals for the Sixth Circuit upheld a lower federal court's ruling that Judge James DeWeese, who presides over the Richland County Common Pleas Court (Motto: "With God, all things are possible.") had violated the First Amendment's supposed church-state separation clause by displaying a poster containing the Ten Commandments in his courtroom. The ruling marks the second time DeWeese has been thwarted in his attempts to display the biblical mandates in his courtroom.



In 2000, after DeWeese put up displays of both the Declaration of Independence and the Ten Commandments in his courtroom, the American Civil Liberties Union (ACLU) successfully sued to have them removed.

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."

DeWeese coupled the "secular" display with quotes he attributed to humanists, 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."

Also included in the display were DeWeese's own personal statements, such as the declaration, "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 statement: "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."

Predictably, in 2008 the ACLU once again targeted DeWeese's efforts, and in the latest ruling the federal appeals court sided with the secular activist group, calling DeWeese's re-characterization of biblical laws in secular terms a "sham." Writing for the three-judge panel, Judge Eric Clay noted that while DeWeese had attempted "to veil his religious purpose by casting his religious advocacy in philosophical terms ... replacing the word religion with the word philosophy does not mask the religious



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nature of the defendant's purpose."

The court ruled 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.

Clay further wrote that "DeWeese's posters are situated in a courtroom, a public space, and were placed on the wall by a sitting judge charged with the decoration of that space while in office and presiding in the same courtroom. As such, we reject DeWeese's contention that the display constitutes private religious expression protected by the Free Speech Clause, falling beyond the bounds of Establishment Clause scrutiny."

The American Center for Law and Justice (ACLJ), which represented DeWeese in the case, argued that neither his "discussion of the contrast between legal philosophies based on moral absolutes as opposed to moral relativism, nor his use of the Decalogue as a means to illustrate that contrast bespeak a constitutionally problematic religious purpose. Moreover, a reasonable observer of the poster would view the poster as a statement about legal philosophy, morality, and ethics, not theology or religion."

But the panel ruled that substituting "the word religion with the word philosophy does not mask the religious nature of Defendant's purpose" in displaying the poster, which was to set forth "overt religious messages and religious endorsements."

In a press release the ACLJ said it would ask the full Sixth Circuit Court of Appeals to take another look at the case.



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