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## Focus on Religious Freedom

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### Ten Commandments Once Again Displayed at Kentucky's State Capitol

Kentucky will join other states in adding a public monument of the Ten Commandments on its Capitol grounds. Such monuments are often a gift from an organization within the state. The Fraternal Order of Eagles donated Kentucky's Ten Commandments monument in 1971 but it was removed in 2002 due to legal concerns.

Individuals and organizations such as the Freedom from Religion Foundation, often sue states and cities to force removal of such monuments which they believe conflict with the 1<sup>st</sup> amendment's establishment clause. They assert that displaying the Ten Commandments is an establishment of the Christian faith and should not be allowed on public property.

However, the Supreme Court has upheld displays of the Ten Commandments on state and federal properties. The court's opinion in *Van Orden v. Perry* held that the Constitution does allow the display of the Ten Commandments on the state of Texas' Capitol grounds and cites the findings of a district court: "The District Court also determined that a reasonable observer, mindful of the history, purpose, and context, would not conclude that this passive monument conveyed the message that the State was seeking to endorse religion." This set the precedent for other states like Kentucky.

Regarding the Texas monument, the majority of the justices wrote that: "Such acknowledgments of the role played by the Ten Commandments in our Nation's heritage are common throughout America. We need only look within our own Courtroom. Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets. Similar acknowledgments can be seen throughout a visitor's tour of our Nation's Capital."

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