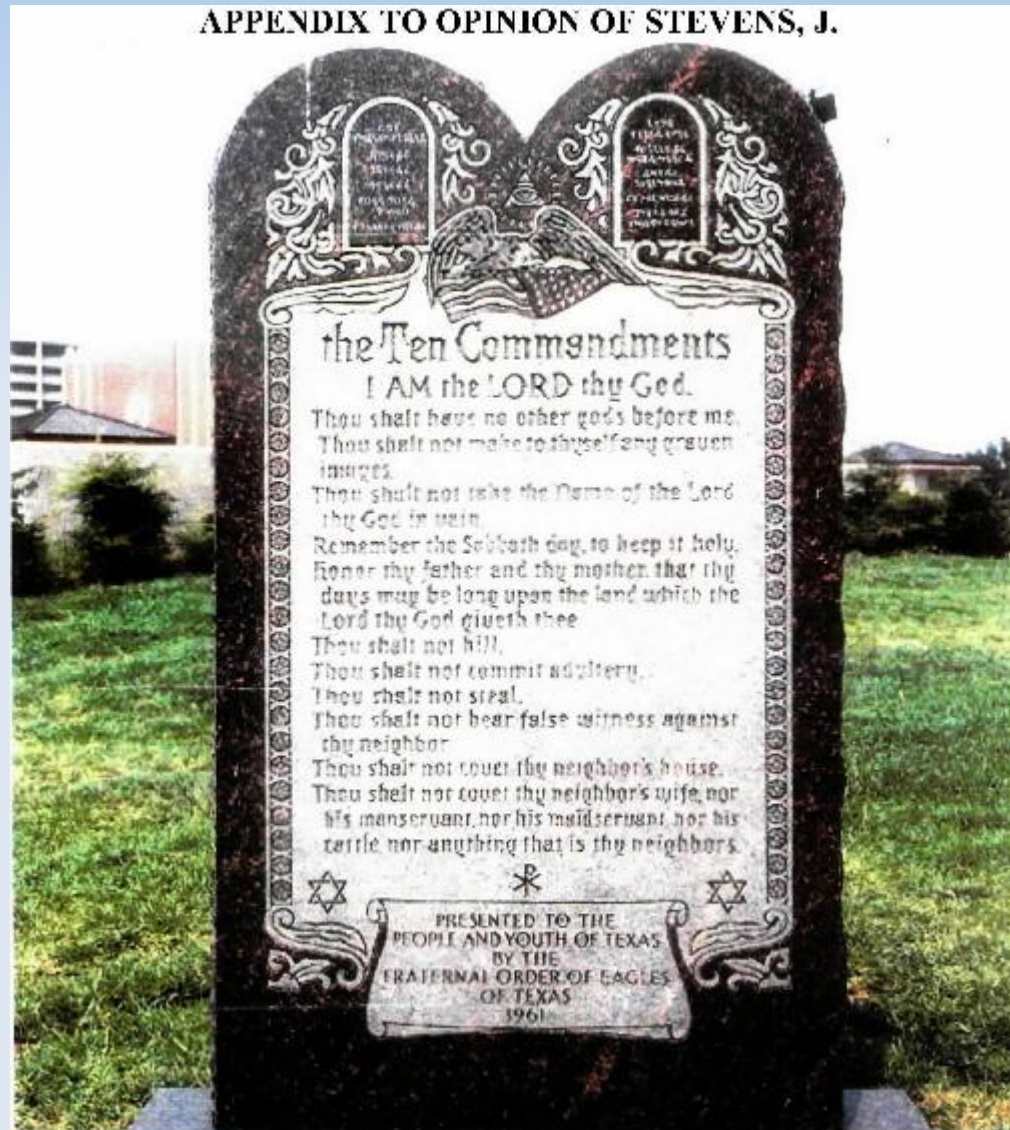


# Texas Ten Commandments



# Religious Symbols

- Question Presented: Does a Ten Commandments monument on the grounds of a state capitol building violate the First Amendment's establishment clause, which bars the government from passing laws "respecting an establishment of religion?"

# Petitioner's Arguments

- First Participant
  - Facts
  - Argument
    - This is a religious symbol (Part I, Sec A)
    - There are different interpretations of this symbol, and by choosing one version the state is taking sides in a religious dispute (Part I, Sec B)
    - By only having this religious monument, the state is treating religions differently (discrimination, Part II, Sec A).
- Second Participant
  - The Lemon Test: Religious Purpose (IIB), Effect (IIC)

# Respondent's Arguments

- First Participant -
  - Facts
  - Perception of the monument
    - ➔ basically the second prong of the Lemon Test
      - ◆ Parts I, Sec A and II of brief deal with this
- Second Participant -
  - No secular purpose (Part I, Sec. B of brief)
    - ➔ this can be argued second because state must succeed on both purpose and effect (Lemon)
  - Survives under any other test (Part III)
- NOTE – Part IV of the brief might be used by both participants.

# Things to Consider

- Do these displays have a secular purpose?
  - If yes, then unconstitutional.
- Do these displays endorse a particular religion?
  - If yes, then unconstitutional
- OR, should we use a test similar to the school prayer cases and be talking about coercion?

# Additional Items of Note

- The courts have dealt with this issue in an inconsistent manner.
- The courts have also acknowledged the historical role that religion has played in the U.S.
  - Look at a dollar
  - Attend a session of Congress
  - Thanksgiving, Christmas, the Pledge of Allegiance, the Picture in the U.S. Supreme Court itself!

# The Precedent

- Lynch v. Donnelly – Court upholds religious display that is part of secular display.
- Stone v. Graham – Court orders removal of Ten Commandments from school, saying the placement of them there has no other purpose than to promote religion.
- County of Allegheny v. ACLU
  - NOTE – read this case closely to see how judges apply different tests.

# What About This?



<http://class.mblemieux.com/files-wp/northsouthwalls.pdf>