

The Ten Controversies

On April 20th, 1999, two teenage gunmen swept through Columbine high school in Littleton, Colorado. Their horrendous act of killing has been seared in America's memory. The pain from this tragedy has prompted an important debate: should the Ten Commandments — the Decalogue — be allowed to be posted in American schools? Currently, ten states [show visual aid] — Colorado, South Dakota, Oklahoma, Missouri, Mississippi, Illinois, Indiana, Kentucky, Georgia, and Florida — are considering laws to allow or even require the posting of the Ten Commandments in public places. [remove visual aid] This issue will likely be affecting you and your state soon. My purpose today is to convince you that we must allow the Decalogue to be displayed in public schools—an idea of which only three out of nine respondents in this class are convinced. First, I will show that displaying the Ten Commandments is definitely Constitutional. Second, I will show you the importance of the Ten Commandments.

First, there is one primary reason against displaying the Ten Commandments: the 1980 *Stone v. Graham* Supreme Court decision. Here, the Court decided that, “A Kentucky statute requiring the posting of a copy of the Ten Commandments, purchased with private contributions, on the wall of each public school classroom in the State has no secular legislative purpose, and therefore is unconstitutional as violating the Establishment Clause of the First Amendment.” Basically, Kentucky couldn't require the posting of the Ten Commandments in schools because of the First Amendment. (Found at findlaw.com.)

But, Congress is certainly allowed to pass new laws. And, as Janet Parshall the of Family Research Council noted in the July 4, 1999 *Las Vegas Review-Journal*, our government is based on “the idea of a balance and separation of powers, not on executive, legislative, or judicial supremacy.” She points out that past practice shows that new laws passed by Congress may be in spite of Supreme Court decisions. For instance, in *Dred Scott v. Sanford*, a 1857 Supreme Court case, Congress's ban on slavery was overturned. But, the “Territorial Freedom Act” was passed by Congress in 1862, overturning *Dred Scott*. Congress is certainly allowed to do the same with the *Stone* case.

Chief Justice William Rehnquist's dissenting opinion in *Stone v. Graham* gives reasons why posting the Decalogue would be completely constitutional. “The Establishment Clause [popularly known as separation of church and state] does not require that the public sector be insulated from all things which may have a religious significance or origin.” He also

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quoted Justice Jackson of 1948 *McCollum v. Board of Education* decision, “The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity—both Catholic and Protestant—and other faiths accepted by a large part of the world’s peoples.”

So, posting of the Ten Commandments would be completely constitutional. That brings me to my second point, the importance of the Ten Commandments.

In the *Church of the Holy Trinity v. United States* case of 1892 the Supreme Court said, “If we examine the constitutions of the various states we find in them a constant recognition of religious obligations. Every constitution of every one of the forty-two states contains language which either directly or by clear implication recognizes a profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the community.” (This information was found in the article “The Ten Commandments Belong in Schools” by Kevin Hoelt of the Family Research Council, on their website at frc.org.) Additionally, in *Lynch v. Donnelly* (1984), the Court said, “There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789.” (From the American Center for Law and Justice’s memo called “Government, Religious Displays and the Establishment Clause.”)

It is this religious heritage that is vitally important to us as a nation, especially in the face of tragedies like Columbine. Deuteronomy 6:6-7 states, “And these words which I command you today shall be in your heart. You shall teach them diligently to your children, and shall talk of them when you sit in your house, when you walk by the way, when you lie down, and when you rise up.” John MacArthur, in his *MacArthur Study Bible*, comments on these verses: “The people were to think about these commandments and meditate on them so that obedience would not be a matter of formal legalism, but a response based upon understanding.” We were horrified by Columbine and gruesome murders. But without continual reminder of God’s commands for us to live by, such as the Ten Commandments, obedience to God’s commands cannot be expected.

I have, first, convinced you that displaying the Decalogue is completely constitutional. *Stone v. Graham* can be reversed. Second, the Ten Commandments are not only constitutional but are necessary in our society today, as part of the religious heritage and principles of this nation. We need to support legislation re-allowing the Ten Commandments in our schools. Perhaps, if our nation acknowledges the faith of Americans, more Columbine’s can be avoided.

The Ten Controversies

Purpose: The Ten Commandments must be allowed to be exhibited in public.

Introduction: On April 20th, 1999, two teenage gunmen swept through Columbine high school in Littleton, Colorado. Their horrendous act of killing has been seared in America's memory. The pain from this tragedy has prompted an important debate: should the Ten Commandments — the "Decalogue" — be allowed to be posted in public buildings? Currently, ten states [show visual aid] — Colorado, South Dakota, Oklahoma, Missouri, Mississippi, Illinois, Indiana, Kentucky, Georgia, and Florida — are considering laws to allow or even require the posting of the Ten Commandments in public places. This issue will likely be affected you and your state soon. My purpose today is to convince you that we must allow the Decalogue to be displayed in public facilities—an idea of which only three out of nine respondents in this class are convinced. First, I will show that displaying the Ten Commandments is definitely Constitutional. Second, I will give you additional reasons to post the Ten Commandments.

Main Points:

- I. Posting the Ten Commandments is Constitutional despite a past Supreme Court decision.
 - A. *Stone v. Graham* (1980)
 1. The Supreme Court decision
 2. "A Kentucky statute requiring the posting of a copy of the Ten Commandments, purchased with private contributions, on the wall of each public school classroom in the State has no secular legislative purpose, and therefore is unconstitutional as violating the Establishment Clause of the First Amendment."
 3. Kentucky couldn't require the posting of the Ten Commandments in schools because of the First Amendment—Supreme Court opinion found on <http://www.findlaw.com>
 - B. *Stone v. Graham* can be overturned
 1. Congress is allowed to pass new laws
 - a) Janet Parshall of Family Research Council in July 4, 1999 *Las Vegas Review-Journal*—government based on "the idea of a balance and separation of powers, not on executive, legislative, or judicial supremacy."
 - b) *Dred Scott v. Sanford*
 - (1) 1857 Supreme Court case—overturned Congress's ban on slavery in U.S. territories
 - (2) "Territorial Freedom Act" was passed by Congress in 1862, overturning *Dred Scott*
 2. Chief Justice William Rehnquist's dissenting opinion gives reasons why overturning this ruling would be completely constitutional.
 - a) "The Establishment Clause [popularly known as separation of church and state] does not require that the public sector be insulated from all things which may have a religious significance or origin."
 - b) quoted Justice Jackson of 1948 *McCullum v. Board of Education*
 - (1) "The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity—both Catholic and Protestant—and other faiths accepted by a large

part of the world's peoples.”

II. The Importance of the Ten Commandments

A. America has a distinct religious heritage.

1. In *Church of the Holy Trinity v. United States* (1892) the Court said that “If we examine the constitutions of the various states we find in them a constant recognition of religious obligations. Every constitution of every one of the forty-two states contains language which either or by clear implication recognized a profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the community.”—in article “The Ten Commandments Belong in Schools” by Kevin Hoelt of the Family Research Council, on their website at <http://www.frc.org>
2. in *Lynch v. Donnelly* (1984), the Court said, “There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789.”—“Government Religious Displays and the Establishment Clause” memo by the American Center for Law and Justice

B. Religious heritage and principles are necessary.

1. “And these words which I command you today shall be in your heart. You shall teach them diligently to your children, and shall talk of them when you sit in your house, when you walk by the way, when you lie down, and when you rise up.” Deuteronomy 6:6,7, NKJV.
2. “The people were to think about these commandments and meditate on them so that obedience would not be a matter of formal legalism, but a response based upon understanding.”—John MacArthur in *The MacArthur Study Bible*
3. We cannot expect true obedience to God's commands without a continual reminder of God's commands.

Conclusion:

I have, first, convinced you that displaying the Decalogue is completely constitutional. *Stone v. Graham* can be reversed. Second, the Ten Commandments are not only constitutional but are necessary in our society today, as part of the religious heritage and principles of this nation. We need to support legislation re-allowing the Ten Commandments in our schools. Perhaps, if our nation acknowledges the faith of Americans, more Columbine's can be avoided.

Sources:

- “Government Religious Displays and the Establishment Clause.” *American Center for Law and Justice*. On-line. April 1, 2000. <http://www.aclj.org/reldis_mem.html>.
- Hoelt, Kevin. “The Ten Commandments Belong in Schools.” *The Family Research Council*. On-line. April 1, 2000. <<http://www.frc.org/perspective/pv99i1ed.html>>.
- MacArthur, John. *The MacArthur Study Bible*. Commentary on Deuteronomy 6:6.
- Parshall, Janet. “Should the Ten Commandments be Displayed in Public Schools?” *Las Vegas Review-Journal* July 4, 1999. On-line. April 1, 2000. <<http://www.frc.org/articles/ar99g6rg.html>>.
- Rosin, Hanna and William Claiborne. “Indiana Takes the Ten Commandments to the Masses.” *The Washington Post* February 8, 2000. On-line. April 1, 2000. <<http://www.washingtonpost.com/wp-dyn/articles/A22685-2000Feb7.html>>.
- Stone v. Graham*. Supreme Court Opinion. On-line. <<http://caselaw.findlaw.com/cgi-bin/getcase.plnavby=volpage%26court=US%26vol=449%26page=41>>.

The Ten Controversies

The Evidence

First Claim: Congress is allowed to pass new laws in spite of Supreme Court decisions.

Evidence:

- Our government is based on “the idea of a balance and separation of powers, not on executive, legislative, or judicial supremacy.”
- Past practice demonstrates this—“Territorial Freedom Act” of Congress overturned the *Dred Scott* Supreme Court decision.

Sources: Parshall, Janet. “Should the Ten Commandments be Displayed in Public Schools?” *Las Vegas Review-Journal* July 4, 1999. On-line. April 1, 2000. <<http://www.frc.org/articles/ar99g6rg.html>>.

Second Claim: *Stone v. Graham* can be overturned.

Evidence:

- Congress is allowed to pass new laws in spite of Supreme Court decisions.

Sources: See the above argument.

Third Claim: The Supreme Court erred.

Evidence:

- Chief Justice William Rehnquist’s dissenting opinion: “The Establishment Clause does not require that the public sector be insulated from all things which may have a religious significance or origin.”
- Justice Jackson in *McCullum v. Board of Education*: “The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity—both Catholic and Protestant—and other faiths accepted by a large part of the world’s peoples.”

Sources: *Stone v. Graham*. Supreme Court Opinion. On-line.
<<http://caselaw.findlaw.com/cgi-bin/getcase.plnavby=volpage%26court=US%26vol=449%26page=41>>

Fourth Claim: Displaying the Ten Commandments is Constitutional.

Evidence:

- *Stone v. Graham* can be overturned.
- The Supreme Court erred in *Stone v. Graham*.

Sources: See previous arguments.

Fifth Claim: America has a distinct religious heritage.

Evidence:

- The Supreme Court in *Church of the Holy Trinity v. United States*: “If we examine the constitutions of the various states we find in them a constant recognition of religious obligations. Every constitution of every one of the forty-two states contains language which either or by clear implication recognized a profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the community.”
- The Supreme Court in *Lynch v. Donnelly*: “There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789.”

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Sources: “Government Religious Displays and the Establishment Clause.” *American Center for Law and Justice*. On-line. April 1, 2000.
<http://www.aclj.org/reldis_mem.html>.
Hoefl, Kevin. “The Ten Commandments Belong in Schools.” *The Family Research Council*. On-line. April 1, 2000.
<<http://www.frc.org/perspective/pv99i1ed.html>>.

Sixth Claim: Religious principles, like the Ten Commandments, are necessary.

Evidence:

- “And these words which I command you today shall be in your heart. You shall teach them diligently to your children, and shall talk of them when you sit in your house, when you walk by the way, when you lie down, and when you rise up.” Deuteronomy 6:6,7, NKJV.
- “The people were to think about these commandments and meditate on them so that obedience would not be a matter of formal legalism, but a response based upon understanding.”—John MacArthur in *The MacArthur Study Bible*
- We cannot expect true obedience to God’s commands without a continual reminder of God’s commands.

Sources: MacArthur, John. *The MacArthur Study Bible*. Commentary on Deuteronomy 6:6.

Argument Diagram

