

March, 2001

Dear SLI Supporter:

I have just returned from the 28th Annual Conservative Political Action Conference (CPAC), the first since George W. Bush was elected President. This is an annual meeting of conservatives who are interested in a broad range of issues. To a person, there was much optimism in spite of the close election. Why? It is because we have a return to morality in government.

Under Bill Clinton we have lost almost a decade. He has left a legacy of great problems, *viz.*, a weakened national defense, increased homosexual and abortion rights, poor fiscal policies, and not to mention a diminution of the office of the presidency with sexual perversion, larceny, and unbridled political opportunism.

Already, President Bush has reinstated the “Mexico City Policy” (to prohibit use of U. S. funds for foreign abortions), begun faith-based initiatives with religious institutions, and recognized other American historic traditional values. There is much reason for hope. Take a moment to reflect on just what a wasteland we have just traveled through. Think about where we have a chance to go. Pray for possibilities.

Our educational memo this week describes proposed legislation which is meant to remind school children of our heritage expressed in historic documents. Inscribed next to the steps leading to where our historic documents are kept in the National Archives Building in Washington, D.C. is this statement: “Eternal vigilance is the price of freedom.” SLI is gratified to once again be vigilant in the quest for protecting proper values.

Consider how you might be involved. Please continue support of our efforts. There is nothing to be taken for granted.

For Freedom and Liberty,

A. Eric Johnston

AEJ/dcw

**AN EDUCATIONAL MEMO FROM
THE SOUTHEAST LAW INSTITUTE**

To: Southeast Law Institute Supporters
From: A. Eric Johnston
Date: March, 2001
**Re: “The Historic Documents Act”, or The Ten Commandments:
To Post or Not To Post**

In years past it was common to find the Ten Commandments posted in America’s public schools. However, in the 1980 case of *Stone v. Graham*, the U. S. Supreme Court held this violated the establishment clause of the First Amendment to the U. S. Constitution. Consequently, many schools removed the Ten Commandments and there were a number of lower court cases which followed requiring their removal.

While the Ten Commandments is a religious document, it also provides a strong historical moral statement. Along with other historic documents, it is a statement of the moral foundation upon which our republic stands. Nevertheless, it is unlikely the U. S. Supreme Court would reverse *Stone v. Graham* and permit posting of the Ten Commandments, even with favorable appointees to the court by President George W. Bush.

Politically, the posting of the Ten Commandments can be stimulating and fruitful., *viz.*, Chief Justice Roy Moore’s campaign. However, we should not confuse the issue of whether the Ten Commandments should be posted on public school property as opposed to other public property, such as courtrooms and legislative chambers. Constitutional law is replete with complex nuances.

When the Ten Commandments, as a document, was posted in public schools around the country, Christian dogma was the norm. Decades later, we see some change. In and of themselves, the Ten Commandments are symbolic and edifying, but without more they do not save souls or change lives. Religion is best left to the home and the church. Complex arguments about what type religious documents might be posted are raised in the public context. There are some religions we may not want the school teacher to teach our children. Consider whether in the state of Utah quotes from the *Book of Mormon* should be posted if the Utah legislature were to so direct. How would Christians, Jews, Muslims or others respond to that?

In all events, public schools must have a moral component. Students must have an understanding of the basis of their form of government. Inscribed on the top of the National Archives Building in Washington, D.C. is the following:

“This building holds in trust the records of our national life and

symbolizes our faith in the permanency of our national institutions.”

While there are many documents which do this, there are four (4) which are particularly instructive and would be helpful to students: *the Ten Commandments* (a basis for our criminal and civil law), the *Magna Carta* (the first recognition of individual rights for an English speaking people), the *Declaration of Independence* (our statement as a nation giving the basis for our freedom and liberty), and the *Bill of Rights* (a specific statement of our individual constitutional rights).

Last year, Senator George Callahan proposed a bill that would require posting of these historic documents in Alabama’s public schools. SLI prepared the bill for him, but he decided to wait until the 2001 Regular Session of the Alabama Legislature in order to avoid confusion concerning the Ten Commandments issue inherent to the Alabama Supreme Court Chief Justice race. It has been introduced this year as a good faith effort to educate students and not as a law to challenge established precedent. SLI believes the Historic Documents Act would establish a separate constitutional precedent which may be a model for other states. Recent court action in other states on bills permitting only the posting of the Ten Commandments have been found unconstitutional. SLI believes that any attempts at such a singular law are ill-advised.

For Christians and Jews, the Ten Commandments are the divine word of God and the other documents are inspired by holy principles. These are the documents which symbolize our faith in the permanency of the institution of America, including the inalienable right to freely exercise religion. They are important to all of us.