

***STONE v. GRAHAM, 449 U.S. 39 (1980)***  
**THE TEN COMMANDMENTS IN SCHOOL**

**The Facts**

The Kentucky legislature passed a law requiring that a copy of the Ten Commandments, purchased with voluntary contributions, be displayed in every public school classroom. The law also required that the following notation appear below each copy: “The secular application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of Western Civilization and the Common Law of the United States.” But a group of citizens challenged the law in a Kentucky court. They argued that it violated the First Amendment which prohibits the government from making a law “respecting an establishment of religion” which does not have a secular purpose. Although divided, the Kentucky Supreme Court upheld the law. The citizens then appealed to the United States Supreme Court.

**Issues for Discussion**

1. Do you think the Kentucky law violated the First Amendment?
2. Did the law have a secular legislative purpose? If the legislature says the purpose of this law is secular, does that make it constitutional?
3. Are the Ten Commandments a secular or religious document? What do the first four commandments command? (See Exodus 20:12-17 and Deuteronomy 5:16-21 in the Bible.)
4. If the Ten Commandments are religious, would this mean they can never be read in school? Or is it sometimes permissible to study excerpts from the Bible and other religious literature?
5. Even if it were unconstitutional for the schools to buy copies of the Ten Commandments, may they be displayed if purchased with private, voluntary contributions?

## **Decision of the United States Supreme Court**

A state law requiring the posting of the Ten Commandments in public schools violates the Establishment Clause of the First Amendment.

### **Reasoning of the Court**

A majority of the Court ruled that the Kentucky law had no secular purpose and was, therefore, unconstitutional. According to the Court, the purpose of the law “is plainly religious” and “no legislative recitation of a supposed secular purpose can blind us to that fact.”

Don't the Commandments contain secular legal principles that are relevant to all citizens? No, they are not simply universal rules prohibiting murder, stealing, false witness, adultery, and covetousness. Rather, the first part of the Commandments are primarily concerned with theological beliefs and religious obligations. They command us to worship beliefs and religious obligations. They command us to worship the Lord God alone, not to use the Lord's name in vain, to observe the Sabbath day and keep it holy, and to avoid worshipping idols.

Does this mean that students can never read the Bible or study the Ten Commandments in school? No, the Court suggests that the Ten Commandments may be integrated into the school curriculum and that the Bible may be used if presented objectively as part of a secular study “of history, civilization, ethics, comparative religion or the like.” But the posting of religious texts in classrooms serves no such educational function. According to the Court, its purpose is “to induce the school children to read, meditate upon, perhaps venerate and obey the Commandments.” Although the First Amendment certainly protects the right of individuals to post religious texts in their homes and church schools, it clearly prohibits the government from doing this in the public schools.

The fact that copies of the Commandments are purchased by private, voluntary contributions, does not make the law less objectionable. The posing of the copies under the auspices of the legislature provides the official support of the state government that the Establishment Clause prohibits.