

FREEDOM FROM RELIGION *foundation*

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Sent via U.S. Mail and E-Mail
tfrilin@uga.edu

Timothy Frilingos
Director, Capitol Museum
206 State Capitol
Atlanta GA 30334

Dear Mr. Frilingos:

I am writing on behalf of Georgia residents, taxpayers and members of the Freedom From Religion Foundation (FFRF) who strenuously object to the Ten Commandments being displayed in their State Capitol. FFRF is a national nonprofit organization with 18,500 members across the country, including more than 350 members in Georgia. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that the State Capitol museum recently put up a display of the "Foundations of American Law & Government," which includes a King James (Protestant) version of the Ten Commandments, as well as the Mayflower Compact, the Declaration of Independence, the Magna Carta, "The Star-Spangled Banner," the current national motto, the Preamble to the Georgia Constitution, the Bill of Rights, and a picture and description of Lady Justice. We also understand that this display was purchased from an organization called Ten Commandments – Georgia, Inc. and then donated to the Georgia Capitol Museum. We further understand that the law authorizing such displays requires "a context for acknowledging formative, historically significant documents in Americas [sic] heritage."

It is apparent that the Georgia Legislature selected many of the items in the display because of their references to God. The display has a predominant religious theme and incorporates items that are historically inaccurate and items with little historical significance to the foundation of American law or government.

Ten Commandments

We understand that the Ten Commandments is included in the display. The plaque reads:

The Ten Commandments

Exodus 20

- I Thou shalt have no other gods before Me*
- II Thou shalt not make unto thee any graven image*

- III *Thou shalt not take the name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh His name in vain*
- IV *Remember the Sabbath day, to keep it holy*
- V *Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee*
- VI *Thou shalt not murder*
- VII *Thou shalt not commit adultery*
- VIII *Thou shalt not steal*
- IX *Thou shalt not bear false witness against thy neighbor*
- X *Thou shalt not covet*

First, the Ten Commandments have no relation to the foundation of the United States. Our entirely secular Constitution makes no reference to them. Our leaders wisely shaped the laws of the United States on fundamental principles of democracy and not on religious dogma.

As noted in *ACLU of Ky v. Grayson County*, 591 F.3d 837, 849 n.6 (6th Cir. 2010), the claim that the Ten Commandments provided the foundation of American law is not historically accurate. See, e.g., Steven K. Green, “*Bad History*”: *The Lure of History in Establishment Clause Adjudication*, 81 NOTRE DAME L.REV. 1717, 1746 (2006) (“[R]egardless of the popularity of this belief of a unique status, it lacks historical support. There is no evidence that early political and legal figures saw the Decalogue as singularly (or even significantly) important or influential to American law.”); Paul Finkelman, *The Ten Commandments on the Courthouse Lawn and Elsewhere*, 73 FORDHAM L.REV. 1477, 1500-16 (2005) (“[T]he claim that the Ten Commandments ... are the moral foundation of American law, does not stand up to careful scrutiny.”).

Second, the Ten Commandments have significant religious meaning to many Christian and Jewish citizens in your community. For some, the edits and deletions from Exodus 20:1-17 in the display would contradict their beliefs and cause offense. Jewish, Catholic and Lutheran, and different Protestant denominations do not even agree on the wording and numbering of the Ten Commandments.

It is also interesting to exclusively refer to Exodus 20 as the “Ten Commandments.” The Ten Commandments referred to in Exodus 34 differ from Exodus 20:1-17. The Exodus 34 commandments, which are in fact the only set that are actually named the “Ten Commandments” (see Exodus 34:28) in the bible, conclude with the final commandment, “Do not cook a young goat in its mother's milk” (Exodus 34:26).

The “context” language for the Ten Commandments provided in the law reads:

The Ten Commandments have profoundly influenced the formation of Western legal thought and the formation of our country. That influence is clearly seen in the Declaration of Independence, which declared that 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of

Happiness.' The Ten Commandments provide the moral background of the Declaration of Independence and the foundation of our legal tradition.

The assertions made in this paragraph are absurd. The Ten Commandments are not regarded as foundational to “Western legal thought.” Decrees against killing and stealing are found throughout all cultures, and the Western legal tradition didn’t need the Ten Commandments to provide the basis for such laws. Several of the commandments would violate the Constitution if they were made into law. Notably, the First Commandment would directly violate the First Amendment. It is not the business of the government to tell citizens which gods to have, how many gods to have, or whether to have any gods at all. Moreover, the passage cited from the Declaration of Independence has nothing to do with the Decalogue; it is widely recognized as stemming from the ideas of several notable philosophers, particularly John Locke. The Declaration of Independence declares that government derives its power from the consent of the governed—a profoundly antibiblical notion rejecting divine authority. Part of the final commandment in Exodus 20:17, which the display edits heavily, says, “Thou shalt not covet... thy neighbor’s wife, nor his manservant, nor his maidservant... nor any thing that is thy neighbor’s.” This is a reference to owned slaves, which runs contrary to the pronouncements that “all men are created equal” and that liberty is an unalienable right.

In God We Trust

The current motto only compounds the likelihood that a reasonable Georgian will find his or her government appears to be endorsing religion. This runs counter to American law and the American values this exhibit purports to display.

Statements about a god have no place in government buildings. Elected officials should not use their government position and government buildings to promote their personal religious views. A full 13% of adults in Georgia, which amounts to nearly a million Georgia residents, identify as non-Christian (American Religious Identification Survey 2008). Legislators are elected to represent all their constituents including those that do not believe in a monotheistic god or any gods. “In God We Trust” isn’t even accurate. To be accurate, it would have to say, “In God Some of Us Trust,” and wouldn’t that be silly?

The history of the motto “In God We Trust” evidences no secular purpose; on the contrary, the motto was first adopted during the Cold War as a reaction to the purported “Godlessness” of Communism. America’s original motto was purely secular, i.e., “E Pluribus Unum” (“out of many, one”), which was selected by Thomas Jefferson, John Adams, and Benjamin Franklin. By selecting a religious message over the more historical motto, which was written by the crafters of American law, the legislators shed this religious display of its flimsy “historical” pretext. Finally, the secular U.S. Constitution makes no reference to “God,” much less the Ten Commandments. In fact, its only references to religion are exclusionary, such as that there shall be no religious test for public office.

The “History” Canard

The monument’s backers rely on historical pretext to disguise what is a religious purpose. The legislative basis for the monuments cites as its goals “to encourage the study of historical documents,” considering “the need to educate and inform the public about the history and background of American law.” The misinformation and bizarre selection of “historical documents” runs counter to this purpose.

State Representative England’s perversion of this intent, however, is shameful. Mr. England played two roles in forcing the bible edicts into the capitol. While he was the sponsor of House Bill 941 that called for the monument, he serves a second role on the Trustee Board for Ten Commandments – Georgia, Inc. This group, which includes Dan Cathy of Chick-fil-A and Roy Moore, does not pretend to value our nation’s history or the First Amendment. Rather, it lists its purpose as “*Displaying* the Ten Commandments in our homes, churches, businesses and public buildings.” Perhaps more telling, another of its goals is to see Georgians “Obeying the Ten Commandments in everyday life.” This is no history display. Its sponsors do not want to educate Georgians. The real purpose of this exhibit is to impose religious doctrine, even that which prohibits Americans from choosing how, who, or if to worship.

State Display Proselytizes School Children

Many thousands of Georgia public school children annually visit the State Capitol museum on civics field trips. This display will not only convey the wrong lesson about our secular underpinnings, but exposure to it at the seat of state government by impressionable children violates their freedom of conscience. What cannot be posted in a public school should not be posted in a State Capitol Museum frequented by students:

The pre-eminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature...The Commandments do not confine themselves to arguably secular matters...rather, the first part of the Commandments concerns the religious duties of believers: worshipping the Lord God alone, avoiding idolatry, not using the Lord’s name in vain, and observing the Sabbath Day. *Stone v. Graham*, 449 U.S. 39, 41 (1980)

Justice Breyer has noted that Ten Commandment displays have no place “on the grounds of a public school, where, given the impressionability of the young, government must exercise particular care in separating church and state.” *Van Orden v. Perry*, 545 U.S. 677, 703 (U.S. 2005) (concurring) (citations omitted).

The religious message of the Ten Commandments is incontrovertible. As the Supreme Court said of the Ten Commandments in *McCreary*:

They proclaim the existence of a monotheistic god (no other gods). They regulate details of religious obligation (no graven images, no sabbath breaking, no vain oath swearing). And they unmistakably rest even the universally accepted prohibitions (as against murder, theft, and the like) on the sanction of the divinity proclaimed at the beginning of the text. *McCreary Co. v. ALCU*, 545 U.S. 844, 868

Bible Edicts in Capitol Exclude Minority Citizens

The bible edicts displayed in the capitol impermissibly advance religion and lead a reasonable observer to believe that the State Legislature is endorsing not only religion over nonreligion but also bible-based religion over other faiths. Justice O'Connor has framed the problem concisely: "government cannot endorse the religious practices and beliefs of some citizens without sending a clear message to nonadherents that they are outsiders or less than full members of the political community." *Allegheny*, 492 U.S. at 627 (O'Connor, J., concurring); see also *Santa Fe*, 530 U.S. at 309-10 ("[S]ponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.") (internal quotations omitted).

Therefore, we ask that you immediately remove the Ten Commandments Monument and replace it with the Bill of Rights, the pinnacle of our godless Constitution creating our secular republic. May we hear from you at your earliest convenience?

Very truly,



Annie-Laurie Gaylor
Co-President

ALG: mz/jjr