



Christine Althoff
Board President

Holly Dickson
Executive Director

John Williams
Legal Director

August 5, 2025

Re: School districts must not implement Arkansas’s unconstitutional Ten Commandments law.

Dear Superintendent:

Public-school officials are legally required to protect and uphold the constitutional rights of students and families, including their right to religious freedom under the Establishment and Free Exercise Clauses of the First Amendment. We write to advise you that implementing Act 573 of 2025 would violate this obligation and could result in litigation being filed against your district.

Act 573 purports to require public-school superintendents to “prominently” post a copy of the Ten Commandments in a “conspicuous place” in every elementary- and secondary-school classroom and library.¹ In June, on behalf of seven multifaith and nonreligious families with children in Arkansas’s public schools, the undersigned attorneys brought a federal lawsuit against four school districts challenging the constitutionality of Act 573.

On August 4, a federal district court ruled in our clients’ favor and determined that Act 573 is “obviously unconstitutional.”² Accordingly, the court granted a preliminary injunction and prohibited the school-district defendants from “complying with Act 573 of 2025 by displaying the Ten Commandments in public elementary- and secondary-school classrooms and libraries[.]”³

Even though your district is not a party to the ongoing lawsuit, all school districts have an independent obligation to respect students’ and families’ constitutional rights. Because the U.S. Constitution supersedes state law, public-school officials may not comply with Act 573.

Indeed, Act 573 directly contravenes the Supreme Court’s ruling in *Stone v. Graham*, which struck down a similar Kentucky statute that required public schools to post a copy of the Ten Commandments in

¹ See Ark. Code Ann. § 1-4-133(a)(i), (a)(i)(B)(i). The Act provides that “[t]he copies or posters authorized under this section shall either be donated or shall be purchased solely with funds made available through voluntary contributions to the local school boards[.]” *Id.* § b.

² *Stinson v. Fayetteville School Dist. No. 1*, No. 5:25-cv-05127-TLB (W.D. Ark. Aug. 4, 2025), Slip Op. at 4.

³ *Id.* at 35.



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every classroom.⁴ In its August 4 ruling, the district court concluded that *Stone* “remains binding on this Court and renders Arkansas Act 573 plainly unconstitutional.”⁵

Arkansas’s public schools serve families who practice a rich diversity of religions, as well as many families who do not practice any faith. These families “entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.”⁶ They also trust that public officials will live up to their fiduciary duties by not engaging in conduct that has already been ruled unconstitutional and could result in unnecessary and costly litigation.

In light of the court’s August 4 ruling that Act 573 is “plainly unconstitutional,” any school district that implements Act 573 will be violating the First Amendment and could be inviting additional litigation. We thus urge you to respect the First Amendment rights of Arkansas students and families by not implementing the statute.

Sincerely,

A handwritten signature in blue ink that reads "John Williams". The signature is fluid and cursive, with a long, sweeping underline.

John C. Williams
Shelby H. Shroff
ACLU of Arkansas

Heather L. Weaver
Daniel Mach
American Civil Liberties Foundation

Patrick C. Elliot
Samuel T. Grover
Nancy A. Noet
Freedom from Religion Foundation

Alex J. Luchenitser
Amy Tai
Jess Zalph
Americans United for
Separation of Church and State

⁴ 449 U.S. 39, 42 (1980).

⁵ *Stinson*, No. 5:25-cv-05127-TLB, Slip. Op. at 4. The U.S. Court of Appeals for the Fifth Circuit also ruled last month that Louisiana’s H.B. 71, a law similar to Act 573, is “plainly unconstitutional” under *Stone*. *Roake v. Brumley*, 141 F.4th 614, 645 (5th Cir. 2025).

⁶ *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).