

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

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**SENT VIA EMAIL & U.S. MAIL: fnew@rockwallcountytexas.com,
bgallana@rockwallcountytexas.com, dmacalik@rockwallcountytexas.com,
llichty@rockwallcountytexas.com, jstacy@rockwallcountytexas.com**

The Honorable Frank New
Rockwall County Commissioners Court
101 East Rusk Street, Suite 202
Rockwall, TX 75087

Re: Unconstitutional and divisive Ten Commandments display

Dear Judge New and County Commissioners:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding the Ten Commandments monument recently approved and unveiled on the grounds of the Rockwall County Historic Courthouse. FFRF is a national nonprofit organization with more than 41,000 members across the country, including 1,800 members and a chapter in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A Rockwall County resident has reported that Rockwall County recently approved and installed a large Ten Commandments monument on courthouse grounds pursuant to a May 13, 2025 resolution adopted unanimously by the Commissioners Court. The resolution explicitly recognizes the Ten Commandments as part of the “moral and historical foundation” of American law and government and directs county officials to arrange for the monument’s placement at the courthouse.¹ The monument was unveiled during a public ceremony held on May 23 and consists of a large stone display of the Ten Commandments rendered in the King James Bible translation. The display appears to stand alone rather than as part of a broader historical or educational exhibit and is not accompanied by secular monuments or interpretive signage providing meaningful historical context, even if other monuments may exist elsewhere on courthouse grounds.

We understand the monument was donated by the American History & Heritage Foundation.² AHHF was founded by Jason Rapert, who also founded the National Association of Christian Lawmakers,³ a Christian nationalist organization working to advance “Judeo-Christian values” by helping to get more Christians get elected to public office.

¹ <https://www.rockwallcountytexas.com/CivicAlerts.aspx?AID=835&ARC=1791>

² <https://www.americanhistoryandheritage.org/>.

³ <https://christianlawmakers.com/>.

The explicitly religious nature of the display was reinforced during the unveiling ceremony, which featured Christian prayers and speeches by religious and political figures.⁴ Speakers included a representative of the First Liberty Institute, a Christian organization. The event opened and closed with prayer and the County’s own press release notes that “County Judge Frank New inspired attendees with a heartfelt message about using our free will to embrace God’s love.”⁵

Far from serving a neutral historical purpose, the monument’s approval, presentation and unveiling demonstrate a coordinated governmental effort to promote a particular religious viewpoint.

We write to inform the County that it cannot display the Ten Commandments on government property. Displaying the Ten Commandments in front of the county courthouse is not only an unconstitutional display of favoritism toward religion, it needlessly marginalizes and excludes county residents who do not share the religious beliefs that the Ten Commandments embody and represent.

The County cannot avoid constitutional scrutiny simply by asserting in the resolution that the monument does not “favor[], endorse[] or establish[] any religion.” Courts look to the actual purpose, context and effect of governmental action, not merely to disclaimers drafted after the fact.

Claims that the Ten Commandments reflect the historical foundations of American law are historically inaccurate. The United States was founded on secular legal principles derived primarily from English common law, Enlightenment philosophy, and classical sources, not biblical mandates. The Constitution makes no reference to the Ten Commandments, biblical law, or Christianity, and expressly prohibits religious tests for public office. Many of the Commandments are purely religious directives, including prohibitions on worshiping other gods, making graven images, taking the Lord’s name in vain, and observing the Sabbath. These provisions have no analogue in American law and are constitutionally barred from enforcement. Their inclusion in a government display underscores the religious, not historical, nature of the monument.

Installing new Ten Commandments displays on County property violates the First Amendment’s Establishment Clause, despite the County’s attempt to use “history” as a pretext for the display. In *McCreary County v. ACLU*, 545 U.S. 844 (2005), the Supreme Court ruled that displays of the Ten Commandments in two Kentucky courthouses violated the Constitution. The Court discussed at length the requirement of government neutrality on matters of religion. The Court said, “The touchstone for our analysis is the principle that the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’” *Id.* at 860 (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)); *see also* *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985).

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

⁴ <https://www.rockwallcountytexas.com/m/newsflash/home/detail/1133>

⁵ *Id.*

[The Ten Commandments] 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.

545 U.S. 844, 868. The Court went on to say:

The point is simply that the original text viewed in its entirety is an unmistakably religious statement dealing with religious obligations and with morality subject to religious sanction.

Id. at 869. When a government body takes the initiative to display a religious text on government property, it demonstrates a plain and undeniable preference for religion over nonreligion, and for those religions which subscribe to the Ten Commandments above all other faiths, and for those Christian sects who believe in the particular chosen version of the Ten Commandments over other denominations, whose versions may differ.

Other modern Ten Commandments displays have been struck down by federal courts. *See, e.g., Felix v. City of Bloomfield*, 841 F.3d 848 (10th Cir. 2016), *cert. denied*, 138 S.Ct. 357; *ACLU of Ohio Found. v. Deweese*, 633 F.3d 424 (6th Cir. 2011), *cert. denied*, 131 S.Ct. 368; *Green v. Haskell Cty. Bd. of Com'rs*, 568 F.3d 784 (10th Cir. 2009), *cert. denied*, 130 S.Ct. 1687.

This display is not like the one in *Van Orden v. Perry* that was allowed to stand. 545 U.S. 677 (2005). From the outset in *Van Orden*, Justice Breyer, whose opinion is controlling, called the display a “borderline case.” *Id.* at 700. Given the monument had existed for 40 years before the case commenced and its inclusion as one of many monuments at the Texas Capitol, he found it did not violate the Establishment Clause. He explained that a modern installation would not receive the same validation:

And, in today’s world, in a Nation of so many different religious and comparable nonreligious fundamental beliefs, a more contemporary state effort to focus attention upon a religious text is certainly likely to prove divisive in a way that this longstanding, pre-existing monument has not.

Id. at 703.

Finally, as a matter of policy, the County should cease displaying the Ten Commandments. The First Commandment alone makes it obvious why the Ten Commandments should not be posted on government property. The government has no business telling residents which god they must have, how many gods they must have, or that they must have any god at all. Doing so, and instructing the public to “embrace God’s love,” needlessly excludes and marginalizes residents who are among the 38 percent of Americans who are non-Christians, including the nearly one in three adult Americans who are religiously unaffiliated.⁶

⁶ Pew Research Center (2024), <http://bit.ly/3W6Cl3m>.

Out of respect for the Constitution and the rights of conscience of Rockwall County's residents, we ask that the Ten Commandments display be removed immediately. Please respond in writing with the steps being taken to address this matter. Thank you for your time and attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

Christopher Line
Legal Counsel
Freedom From Religion Foundation