

Ten Commandments Display Battles Still Brewing

✖ Displays of the Ten Commandments continue to offend secular humanists. But Christian legal groups continue to defend the right to allow them in the public square.

The Liberty Council on Tuesday filed a Notice of Appeal on behalf of Dixie County, Fla., at the Eleventh Circuit Court of Appeals to defend the county's Open Forum policy. The policy allows private displays of law and history, including the Ten Commandments.

Liberty Counsel represents Dixie County in a federal lawsuit the ACLU filed in 2007 after the county permitted a local resident to erect a Ten Commandments monument outside the county courthouse, where other private displays are also allowed.

Joe H. Anderson, Jr., a longtime resident, businessman, and benefactor in Dixie County, erected the Ten Commandments monument in question. Anderson placed his monument in the Open Forum without any government funds with the county's permission. Anderson owns and maintains the monument, not the county.

The U.S. District Court in the Northern District of Florida ruled against Dixie County, ordering the Ten Commandments monument be removed by Aug. 14. The court claimed it violates the Establishment Clause of the First Amendment. Noteworthy is the fact that the plaintiff the ACLU represents does not live in the county, has never lived in the county and has no intent to ever return to the county.

"Dixie County is not establishing a religion by allowing a private individual to place a monument in a location where similar

monuments may be placed,” says Mathew D. Staver, Founder of Liberty Counsel and Dean of Liberty University School of Law. “Dixie County should be applauded, not sued, for fostering open and robust speech in a public forum. Rather than take advantage of the forum, the ACLU prefers to censor speech with which it disagrees.”

Liberty Counsel will argue on appeal that the case should be dismissed because the plaintiff has no standing to sue. Liberty Counsel will also argue that the case presents a free speech, not an Establishment Clause, issue. The Open Forum policy allows private citizens to erect private historical displays at their own expense.

“The Ten Commandments are universally recognized as a symbol of the law and are appropriate for display in courthouses and similar settings,” Staver says. “Public display of the Commandments is consistent with our nation’s history and with the First Amendment. There are more than 50 depictions of the Ten Commandments at the U.S. Supreme Court, and there have been thousands of displays throughout the country for many years.”

Liberty Counsel prevailed in cases at the Sixth and Seventh Circuit Courts of Appeal against challenges brought by the ACLU involving government-sponsored displays of the Ten Commandments.