

Court Dismisses ACLU Challenge to Ten Commandments Monument

A federal district court has finally dismissed the American Civil Liberties Union's 6-year-old challenge against a Ten Commandments monument in Dixie County, Fla. As part of the court-ordered dismissal, the ACLU will now have to pay court costs caused by its failed lawsuit.

The controversy began in late 2006, when a private citizen was granted permission to place a privately owned, 6-ton monument of the Ten Commandments atop the Dixie County Courthouse steps, pursuant to a policy that allowed similar expression by all citizens.

The ACLU filed a lawsuit claiming that the monument was unconstitutional because it offended "John Doe," an anonymous 75-year-old ACLU member from North Carolina. Liberty Counsel defended the county and challenged the ACLU's standing to bring suit on behalf of a member who lives hundreds of miles away. Initially, however, the district court held that the ACLU had standing, and ordered the removal of the monument.

Liberty Counsel quickly appealed that decision to the Eleventh Circuit Court of Appeals. In August 2012, that court reversed, finding John Doe's testimony and his asserted intention of someday buying property in Dixie County not credible. The appellate court remanded the case back to the district court to resolve various unexplained inconsistencies in John Doe's testimony.

Back before the district court, the ACLU vigorously opposed Liberty Counsel's efforts to take John Doe's deposition, but the court ordered John Doe to be deposed so that he could account for the inconsistencies in his prior testimony. Rather

than provide that explanation, the ACLU has now admitted that John Doe does not plan to buy property in Dixie County and that, therefore, the ACLU lacks standing. The court has entered a final dismissal. The ACLU will have to pay Liberty Counsel \$1, for court costs, on top of more than \$2, it was forced to pay after the appeal.

The private Ten Commandments monument will remain undisturbed.

Liberty Counsel Senior Litigation Counsel Harry Mihet said, "The ACLU got caught with its hands in the constitutional cookie jar. Its prolonged campaign against the good citizens of Dixie County has come to a screeching halt. In getting kicked out of court, the ACLU has learned that it cannot impose its San Francisco values upon a small town in Florida, using a phantom member from North Carolina."