

Court Rules Display of Ten Commandments Poster Unconstitutional

✖ A federal appeals court has ordered a judge in Ohio to remove a poster used in an exhibit about legal philosophy because it includes the Ten Commandments—ruling that it is unconstitutional.

The American Center for Law and Justice (ACLJ) which focuses on constitutional law and is based in Washington, D.C., filed a petition on Tuesday with the Supreme Court of the United States, urging the high court to overturn that decision.

“We believe it’s critical for the Supreme Court to take this case and overturn a flawed decision that conflicts with Supreme Court precedent and other appeals courts,” says Jay Sekulow, chief counsel of the ACLJ, which is representing Judge DeWeese.

“This display is not only appropriate, but constitutional as well. It merely reflects a legal philosophy embraced by our founders: a society’s legal system must rest on moral absolutes as opposed to moral relativism, and that abandonment of moral absolutes leads to societal breakdown and chaos.”

In a Petition for Writ of Certiorari, the ACLJ urges the high court to hear the case and overturn a February decision by the U.S. Court of Appeals for the 6th Circuit. The judges determined that the display in the courtroom of Ohio Common Pleas Court Judge James DeWeese violated the First Amendment and had to be removed.

At issue is a poster designed to illustrate Judge DeWeese’s legal philosophy. The “Philosophies of Law in Conflict” poster features two columns of principles or precepts intended to

show the contrast between legal philosophies based on moral absolutes and moral relativism. The judge used a version of the Ten Commandments as symbolic of moral absolutes, and a set of statements from sources such as the Humanist Manifesto as symbolic of moral relativism.

In the petition urging the Supreme Court to take the case, the ACLJ argues that the appeals court made a mistake when it concluded that an American Civil Liberties Union attorney, who objected to the poster, had legal standing to bring the suit. The attorney claimed he suffered what the court determined to be “injury” by simply viewing the poster. The petition is posted [here](#).

The ACLJ contends that the appeals court got it wrong—arguing that simply being offended does not give a plaintiff legal standing to file suit. The ACLJ also argues the 6th Circuit opinion conflicts with Supreme Court and other appeals courts decisions recognizing with approval the role of religion in the country’s history and heritage.

In the filing, the ACLJ notes that Judge DeWeese’s opinions regarding law and morality can best be summed up by Justice William O. Douglas, who wrote: “The institutions of our society are founded on the belief that there is an authority higher than the authority of the State; that there is a moral law which the State is powerless to alter; that the individual possesses rights, conferred by the Creator, which government must respect” of the *McGowan v. Maryland* case.