

**Testimony in support of House Bill 1145**  
**By Tim Barton, President of WallBuilders**  
**January 14, 2025**

Dear Chairman Klemin, Vice-Chair Karls and Members of the Judiciary Committee,

I am testifying in support of HB 1145, which concerns the display of the Ten Commandments in state educational institutions and public schools. You have been asked to review this bill at a time when judicial attitudes toward the First Amendment are rapidly transforming.

In 1971, the Supreme Court set a standard for evaluating public displays that is commonly referred to as the *Lemon Test*, which was a precedent set forward in the Court's ruling in *Lemon v. Kurtzman*, 403 U.S. 602 (1971). This ruling stipulated that any government action, including displays, must be secular in nature. But in 2019 and 2022, the Supreme Court made two historic rulings that recognized flaws in the *Lemon Test* and renounced the standard.

First, in the Court's ruling in *American Legion v. American Humanist Association*, 139 S.Ct. 2067 in 2019, the Supreme Court upheld a Memorial Cross displayed on government grounds as constitutional. And second, in *Kennedy v. Bremerton School District*, 597 U.S. 507 in 2022, the Supreme Court upheld Coach Joseph Kennedy's right to pray on school property. Together, these rulings overturned the longstanding *Lemon Test* and stipulated that courts should instead defer to *history and traditions* when considering the constitutionality of these issues. Thus, with respect to HB 1145, the Ten Commandments should be considered in light of their traditional and historical role in American life.

The Ten Commandments have a prominent and longstanding place in American education:

- The first textbook ever printed in America, *The New England Primer* (Boston, 1690), included 43 questions on the Ten Commandments and was used up until the 20th century.
- The *McGuffey Readers* (1836), which were later used in American education, contain the Ten Commandments as well.
- Noah Webster's *History of the United States* contains a long section on the Ten Commandments.

The Ten Commandments are traditional in the courts:

- The Ten Commandments are engraved in the Supreme Court building.

- Moses, the lawgiver of the 10 Commandments, appears as a sculpture holding two tablets in three places on the U.S. Supreme Court building.<sup>1</sup>
- The influence of the Ten Commandments extends even to the U.S. Constitution, which stipulates that the President has 10 days to sign a law, “Sundays excepted” (Art. I, Sec. 7, ¶ 2).

Objections grounded in the principle of “separation of church and state” are mistaken about the history and tradition of that principle:

- The phrase “separation of church and state” appears only once in the writings of America’s Founding Fathers, in a letter from Thomas Jefferson to the Danbury Baptist church. In the letter, Jefferson explains that the government cannot limit religious expression because there is a “wall of separation” that keeps the government away from religion.<sup>2</sup>
- In fact, in 1802 while serving as president, Jefferson signed a law renewing the authorization for the “The Society of United Brethren for Propagating the Gospel among the Heathen” to continue pursuing their ministry and missionary work on federal tribal land trusts in the Northwest Territory.<sup>3</sup> Jefferson is a representative example of the Founding Fathers, who did not want to secularize the government, but conversely wanted to protect religion from the government so that religion could flourish.
- The Supreme Court never cited the phrase “separation of church and state” as a reason for the federal government to remove religious expressions from the public until 1947 in *Everson v. Board of Education*. The precedent for including the Decalogue in the public arena is much stronger than the precedent for the now-obsolete standard of “separation of church and state.”<sup>4</sup>

Displays of the Ten Commandments in public schools are not only constitutional and aligned with the historical and traditional precedent of the Ten Commandments in American society, but these displays are also morally imperative. The Ten Commandments are the foundation of morality. No society, no civilization can exist or continue when severed from its moral foundation. Our Founding Fathers understood this point. John Adams said, “our Constitution was made only for a moral and a religious people. It is wholly inadequate to the people of any other.”<sup>5</sup> George Washington, in his famous *Farewell Address*, said that “of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.”<sup>6</sup> Freedom can only be built on a moral foundation, and there is no better standard for a basis of morality than the Ten Commandments.

HB 1145 shares with students the guiding principles that have been part of America’s education and judicial system since its founding. Every student is entitled to their own

religion and beliefs. This bill appropriately recognizes the long-standing role the Ten Commandments have played in our country's history, education and judicial system, and the standard of morality that is necessary to govern a free society. This bill would simply restore what was once normal practice in the American education system for hundreds of years, which is to have the Ten Commandments welcome in the classroom.

---

<sup>1</sup> "Symbols of Law Information Sheet," *United States Supreme Court*, Accessed 13 January 2025, <https://www.supremecourt.gov/about/northandsouthwalls.pdf>.

<sup>2</sup> "Jefferson's Letter to the Danbury Baptists," *Library of Congress*, Accessed 13 January 2025, <https://www.loc.gov/loc/lcib/9806/danpre.html>.

<sup>3</sup> *The Public Statutes at Large of the United States of America*, Richard Peters, editor (Boston: Charles C. Little and James Brown, 1845), Vol. II, 155, "An Act in Addition to an Act Entitled 'An Act, in Addition to an Act Regulating the Grants of Land Appropriated for Military Services, and for the Society of the United Brethren, for Propagating the Gospel Among the Heathen'," April 26, 1802.

<sup>4</sup> *Everson v. Board of Education*, 330 U.S. 1, 18 (1947).

<sup>5</sup> "From John Adams to Massachusetts Militia, 11 October 1798," *Founders Online, National Archives*, Accessed 12 January 2025, <https://founders.archives.gov/documents/Adams/99-02-02-3102>.

<sup>6</sup> "Washington's Farewell Address, 1796," *Mount Vernon*, Accessed 13 January 2025, <https://www.mountvernon.org/education/primary-source-collections/primary-source-collections/article/washington-s-farewell-address-1796>.