

TENNESSEE MODEL RESOLUTION AND POLICY – TEN COMMANDMENTS & OTHER HISTORICAL TEXT DISPLAY

WHEREAS, the United States regularly has acknowledged the role that fundamental religious documents and principles have in American heritage law; and

WHEREAS, one of the most recognized sets of foundational principles were the Ten Commandments, which were displayed in public buildings across the United States, including in schools, government buildings, and courthouses; and

WHEREAS, for the last several decades, expression of that heritage has been restricted; and

WHEREAS, the *Lemon* test was the culmination of separationists' fight to eradicate all references to religion from the public sphere; and

WHEREAS, litigants like the American Humanist Association, American Atheists, the Freedom From Religion Foundation, and The Satanic Temple used the *Lemon* test to block as many displays of America's religious heritage as they could, including the Ten Commandments displays and veterans' memorials; and

WHEREAS, one of the largest upheavals was in *Stone v. Graham* in 1980, where the Supreme Court used the *Lemon* test to strike down Kentucky's law requiring that the Ten

Commandments be displayed in public schools; and

WHEREAS, prior to *Stone v. Graham*, many public schools displayed the Ten Commandments, and after *Stone v. Graham*, public schools across the country almost universally removed the Ten Commandments displays; and

WHEREAS, now, however, the legal landscape has changed due to *Kennedy v.*

Bremerton School District, as the Supreme Court overturned *Lemon*, which eliminated the

Lemon test and instead looks to United States' history and tradition for whether the government may recognize our religious heritage; and

WHEREAS, unfortunately, after over fifty years of *Lemon's* rule, the traditional recognitions of our religious heritage are very slow to return; and

WHEREAS, the 114th Tennessee Legislature recently enacted SB 303 allowing for the posting of the Ten Commandments along with the first sentence of the second paragraph of the preamble to the Declaration of Independence, and the preamble to the United States Constitution in public and charter schools; and

WHEREAS, the _____ County School District affirms the intent and importance of the State's effort to restore historical and traditional documents to our schools; and

WHEREAS, the _____ County School District believes it is right and proper for students to

learn about the principles upon which this nation and state were built; and

WHEREAS, the _____ County School District believes that each eligible school in the

district should display the Ten Commandments along with the first sentence of the second paragraph of the preamble to the Declaration of Independence, and the preamble to the United States Constitution in a prominent place in the school,

THEREFORE, BE IT RESOLVED, that copies of the Ten Commandments along with the first sentence of the second paragraph of the preamble to the Declaration of Independence, and the preamble to the United States Constitution shall be displayed in each and every school in the district with all due speed. And that such display shall meet all the requirements and conditions as set forth in the accompanying district policy.

BE IT FURTHER RESOLVED, that failure by any school to display the Ten Commandments along with the first sentence of the second paragraph of the preamble to the Declaration of Independence, and the preamble to the United States Constitution in accordance with this resolution and accompanying policy shall face discipline by _____ County School District.

School District Proposed Policy (each district will need to identify where to place this in their policy library)

Each school in the district shall display a copy of the Ten Commandments along with the first sentence of the second paragraph of the preamble to the Declaration of Independence, and the preamble to the United States Constitution in a prominent place within the school:¹

1. The display should adhere to the requirements as set forth in Tennessee law SB 303 passed during the 114th General Assembly, including 26 point font for the display;
2. Every display in the district shall not be less than 16x20 in size. Larger displays are allowed. Smaller displays are not allowed;
3. The displays will be put up to remind students of the history and tradition of this important religious text in the founding of the United States and the State of Tennessee.

The display of the Ten Commandments along with the first sentence of the second paragraph of the preamble to the Declaration of Independence, and the preamble to the United States Constitution in the _____ School District shall not be construed as an endorsement of religion but rather as a recognition of the Ten Commandments' role as one of the fundamental documents upon which the United States was built.

Legal References

1. T.C.A. §49-6-2010