

Marsh v. Chambers (1983)

Nebraska legislator claimed that the legislature's practice of opening sessions with a prayer offered by a state-supported chaplain violated the Establishment Clause.

District court held that the prayer did not violate the Constitution, but that state support for the chaplain did.

8th Circuit Court of Appeals held that both practices violated the Constitution.

***Marsh v. Chambers* (1983)**

Supreme Court held that government funding for chaplains was constitutional because of the "unique history" of the United States.

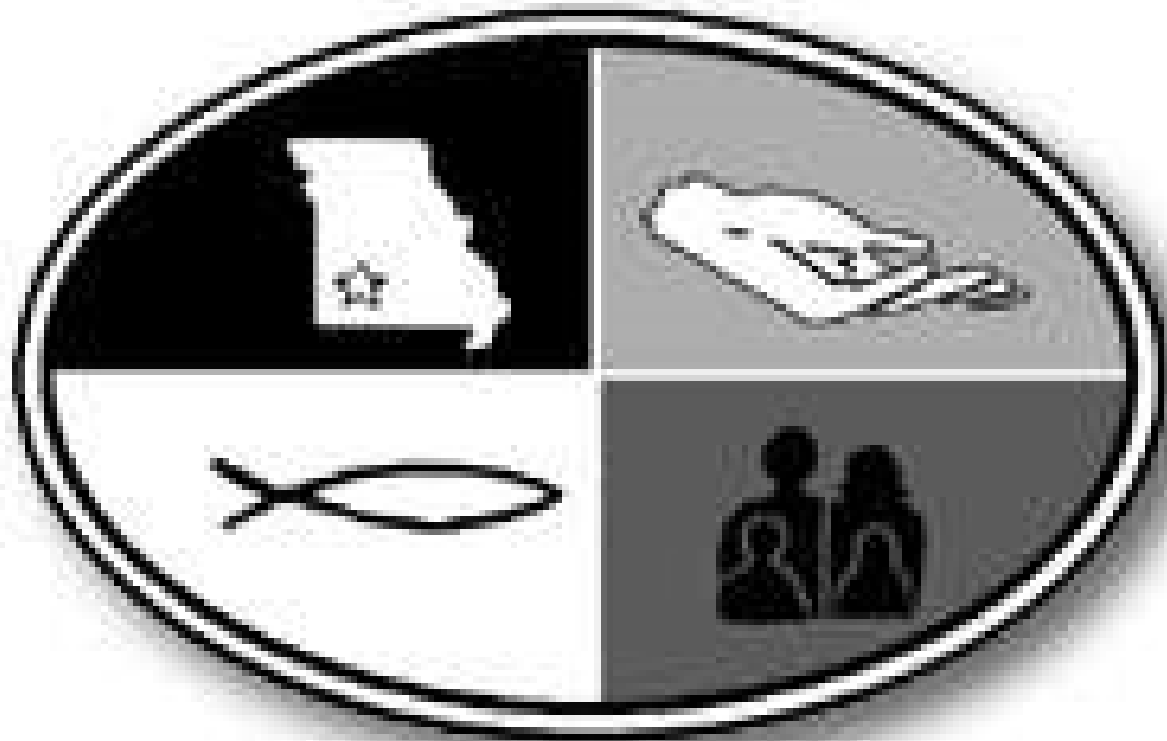
History focused on the use of a chaplain during the first Congress of 1789-1791, the same Congress as proposed the First Amendment.

Lynch v. Donnelly (1984)

City owned crèche in city park, erected by city workers

Crèche surrounded by a Santa Claus house, reindeer pulling Santa's sleigh, candy-striped poles, a Christmas tree, carolers, cutout figures including a clown, an elephant, and a teddy bear, colored lights, "SEASONS GREETINGS" banner

official seal of Republic, Missouri,
challenged by the ACLU



From the decision in *Webb v. Town of Republic, Missouri* (1998)

The portrayal of the fish impermissibly excludes other religious beliefs or nonbeliefs and--intended or not--depicts Christianity as the religion recognized and endorsed by the residents of Republic. The Republic city seal pervasively invades the daily lives of non-Christians and sends a message that they are outsiders. The Constitution forbids such a result



the Ten Commandments
I AM the LORD thy God
Thou shalt have no other gods before me.
Thou shalt not make to thyself any graven
images.
Thou shalt not take the Name of
thy God in vain
Remember

McCreary County v. ACLU of KY (2005)

- **Counties post King James version of Ten Commandments in courthouses**
- **ACLU sues**
- **Counties declare 10 Commandments precedent for modern legal system, adding reference to KY legislature's acknowledgment of Christ as the "Prince of Ethics."**

McCreary County v. ACLU of KY (2005)

- **Counties surround Ten Commandments w/ other documents w/ religious theme**
- **District Ct rules in ACLU's favor**
- **Counties surround 10 Commandments w/ "The Foundations of American Law and Government Display" w/ *more* secular content and context**

Striking all displays in *McCreary*

First display presented only the Ten Commandments

Second added other religious passages

Third used "Foundations of American Law," exhibit as county reached "for any way to keep a religious document on the walls of courthouses."

Pleasant Grove City v. Summum (2009)

- **Summum argued that PG should permit inclusion of Summum's 7 Aphorisms as a balance to the 10 Commandments monument in its park**
- **PG declined the offer— and also refused to remove the 10 Commandments monument from its park**

The "Seven Aphorisms" of Summum

THE PRINCIPLE OF PSYCHOKINESIS

THE PRINCIPLE OF CORRESPONDENCE

THE PRINCIPLE OF VIBRATION

THE PRINCIPLE OF OPPOSITION

THE PRINCIPLE OF RHYTHM

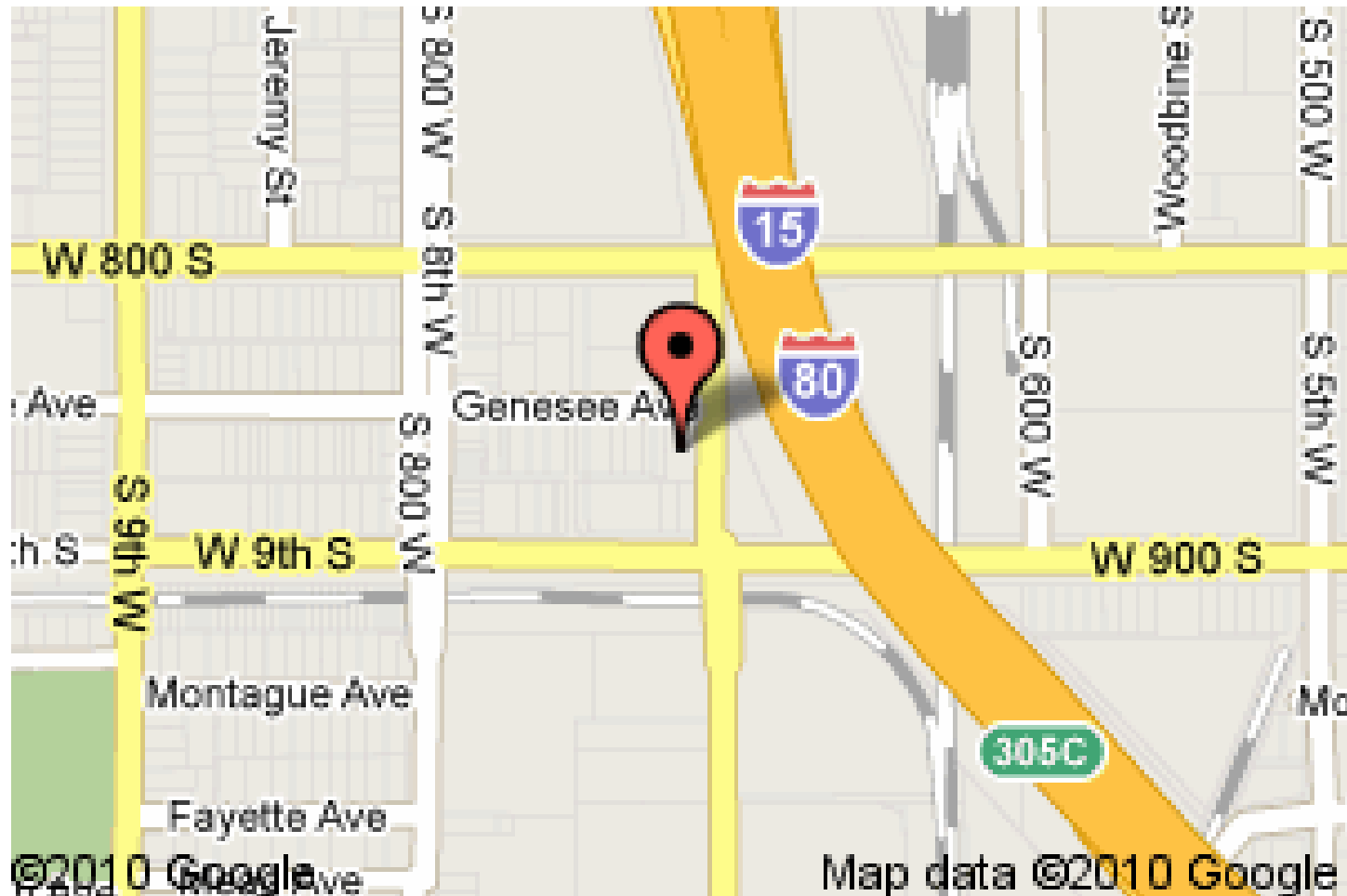
THE PRINCIPLE OF CAUSE AND EFFECT

THE PRINCIPLE OF GENDER

Summum Pyramid



Summum Pyramid Location



Mummification–Summum Style



Court's decision in *Summum*

Placement of a monument in a public park is a form of government speech.

If governments must maintain viewpoint neutrality in accepting monuments, they must either prepare for cluttered parks or remove longstanding monuments.