

SENATE CONCURRENT RESOLUTION NO. 88

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to adopt the Constitution Restoration Act, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God.

WHEREAS, on Monday, June 27, 2005, the United States Supreme Court in two razor-thin majorities of 5-4 in *Van Orden v. Perry* (Texas) and *ACLU v. McCreary County* (Kentucky) concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas but not on the courthouse walls of two counties in Kentucky; and

WHEREAS, American citizens are concerned that the court has produced two opposite results involving the same Ten Commandments, leading to the conclusion that, based on the Kentucky decision, the Ten Commandments may be displayed in a county courthouse provided it is not backed by a belief in God; and

WHEREAS, Supreme Justice Scalia emphasized the importance of the Ten Commandments when he stated in the Kentucky case, "The three most popular religions in the United States, Christianity, Judaism, and Islam, which combined account for 97.7% of all believers, are monotheistic. All of them, moreover, believe that the Ten Commandments were given by God to Moses and are divine prescriptions for a virtuous life"; and

WHEREAS, Chief Justice Rehnquist in the Texas case referred to the duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in public buildings in their communities while at the same time allowing these same Ten Commandments to be presented on these specific places on the building housing the United States Supreme Court stating, "Since 1935, Moses has stood

holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the courtroom as well as the doors leading into the courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets"; and

WHEREAS, a recent poll by the First Amendment Center revealed that seventy percent of Americans would have no objection to posting the Ten Commandments in government buildings and eighty-five percent would approve if the Ten Commandments were included as one document among many historical documents when displayed in public buildings; and

WHEREAS, the First Amendment of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion", is a specific and unequivocal instruction to only the United States Congress, and the United States Constitution makes no restriction on the ability of states to acknowledge God, the Supreme Ruler of the Universe; and

WHEREAS, the United States District Court Southern District of Indiana on November 30, 2005, entered a final judgment and permanent injunction ordering the speaker of the Indiana House of Representatives not to permit sectarian prayers as part of the official proceedings of the House; and

WHEREAS, the federal judiciary has violated one of the most sacred provisions of the United States Constitution providing for three branches of government and the separation of powers of those branches by overstepping its authority and dictating the activities of the inner workings of the legislative branch of government; and

WHEREAS, the federal judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

WHEREAS, there is concern that recent decisions of the court will be used by litigants in an effort to remove God from the public square in America, including public buildings and public parks; and

WHEREAS, there is concern that the federal judiciary will continue to attempt to micromanage the internal workings of the legislative as well as executive branches of government; and

WHEREAS, Congress has previously filed, but has failed to adopt, the Constitution Restoration Act, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby memorializes the Congress of the United States to adopt the Constitution Restoration Act and, in doing so, continue to protect the ability of the people of the United States to display the Ten Commandments in public places, to express their faith in public, to retain God in the Pledge of Allegiance, and to retain "In God We Trust" as our national motto, and to use Article III, Section 2.2 of the United States Constitution to except these areas from the jurisdiction of the United States Supreme Court.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES