

## BEING FAITHFUL TO THE FIRST AMENDMENT

**John G. Heyburn II**  
**The Lawyers' Club**  
**September 7, 2005**

Three hundred years before Christ, philosopher Plato observed that "Those who tell the stories also rule society." The contest for the role of storyteller continued this past June within the Supreme Court of the United States. The various justices issued forth over 125 pages of opinions and stories in two cases involving public displays of the Ten Commandments. One display was a framed copy that the commissioners of McCreary County, Kentucky, ordered hung on their courthouse wall, daring the Supreme Court to declare it unconstitutional; the other was a stone monolith, erected some 40 years ago on the grounds of the Texas state capital because a group called the Fraternal Order of the Eagles did that sort of thing and no one objected. Because it was easier to unhinge a wall mount than to extract a several hundred pound stone monument, the Court determined that the framed copy violated the Establishment Clause and that the monument did not.

Notwithstanding this tongue-in-cheek description, the opinions' many pages impart important stories about the role of religion and faith within civil government. Because the plain words of the relevant constitutional provisions are relatively imprecise, the combatants have resorted to clothing themselves in the mantel of history for support. Partisan politics, religious zeal, demographic change and actual events have provided ever-present fuel for this ongoing historical and constitutional debate. In some respects, the First and Fourteenth Amendments are merely rhetorical weapons in the hands of warriors with sincere disagreements about the proper roles of government and religion. While the constitutional analysis may only confound you, the