Federal court strikes down Texas “Ten Commandments” law

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On Wednesday, a federal court struck down Texas Senate Bill 10, a law passed in May and set to go into effect September 1 that would require Texas school districts to display the Ten Commandments in every classroom across the state. The court ruling was limited to the 11 school districts from which plaintiffs reside, including Houston and Austin.

Texas State Attorney General Ken Paxton vowed to appeal the ruling, absurdly declaring, “The Ten Commandments are a cornerstone of our moral and legal heritage, and their presence in classrooms serves as a reminder of the values that guide responsible citizenship.”

Texas Senate Bill 10, which requires schools to display the poster, sized at least 16 by 20 inches in every classroom, was signed into law by Texas Governor Greg Abbott in May. This prompted immediate lawsuits arguing that the law violates the Establishment Clause contained within the First Amendment of the US Constitution.

The legal effort against the Texas law, led by the American Civil Liberties Union (ACLU), represents several plaintiffs from varied religious backgrounds. One plaintiff, Griff Martin, a Baptist pastor, told the *Texas Observer*, “The law undermines the separation of church and state as a bedrock principle of my family’s Baptist heritage. Baptists have long held that the government has no role in religion—so that our faith may remain free and authentic.”

Also speaking to the *Observer*, Annie Laurie Gaylor, co-President of the Freedom From Religion Foundation and participant in the lawsuit alongside the ACLU, stated, “The state of Texas has no right to dictate to children how many gods to worship, which gods to worship, or whether to worship any gods at all.”

Making clear the explosive and reactionary atmosphere provoked by the legislation, Texas US District Judge Fred Biery wrote in his 55-page ruling striking down the law, “For those who disagree with the Court’s decision and who would do so with threats, vulgarities and violence, Grace and Peace unto you.”

Preceding the legal case in Texas, similar laws passed by legislatures in Louisiana and Arkansas were also declared unconstitutional by federal courts, with U.S. District Court Judge John deGravelles calling the Louisiana law “facially unconstitutional.” In June, the Fifth Circuit Court of Appeals upheld deGravelle’s ruling that the law is unconstitutional.

On August 4, a federal court in Arkansas struck down identical legislation calling for mandatory displays of the Ten Commandments in public schools.

U.S. District Judge Timothy L. Brooks issued a scathing retort to elected officials responsible for the legislation, writing in his 55-page decision, “Why would Arkansas pass an obviously unconstitutional law? Most likely because the state is part of a coordinated strategy among several states to inject Christian religious doctrine into public-school classrooms.”

The attempt to demolish the First Amendment’s clear language is an assault on decades of jurisprudence and precedents, as well as the original intent of its drafters.

The First Amendment to the US Constitution begins: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Thomas Jefferson made clear the intent of the amendment in an 1802 letter: “The Establishment Clause erects a wall of separation between Church and State.” With the ratification of the post-Civil War Fourteenth Amendment, the federal prohibition of the establishment of religion was extended to bind state governments.

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Making the anti-democratic designs of the fascist reactionaries in Austin clear, Lieutenant Governor Dan Patrick stated in a speech before the Conservative Political Action Conference (CPAC) in 2022 that “the United States is a Christian nation” and “there is no separation of church and state. It was not in the constitution.”

Texas Republican State Representative Candy Noble, speaking of the law’s passage in May, stated the religious motivation openly: “It is incumbent on all of us to follow God’s law and I think we would all be better off if we did.”

The attempt by the far right to introduce religion into schools comes as part of a broader effort in recent years by Republican-dominated state governments to force through legislatures a rash of reactionary and antidemocratic laws targeting transgender students and teachers, ending abortion rights, and promoting the censorship of books, as part of a coordinated fascistic attack on public education and democratic rights.

The shift by the ruling class towards the destruction of democracy follows a certain logic: In the current epoch of the breakdown of American capitalism and the rise of class struggle by millions of workers, the ruling class is terrified of an independent revolutionary movement by the working class. Arising from this, the ruling elites seek to violently head off the coming social revolt.

The antidemocratic attacks occur simultaneous with Trump’s ongoing coup to establish a presidential dictatorship in the United States, demonstrated in his deployment of federal agents and the military to the streets of American cities along with the armies of ICE agents rounding up immigrants around the country.

The Democrats have made clear that they will not pose a fight against the fascism of the Republicans, as shown with their refusal to prosecute Trump for his attempted coup on January 6, 2021.

The tone of the Democrats was set following in the early days of the Biden administration in 2021, when he declared, “We need a strong Republican Party.”

From both parties’ full backing of the genocide in Gaza and the blood-soaked imperialist campaign in Ukraine against Russia, it is clear that the political and social interests of youth and workers can find no expression in the capitalist politics of either faction of the ruling class.

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