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THE NINTH COMMANDMENT

"You shall not give false testimony against your neighbor."

This commandment is the foundation of our nation's judicial system. Anyone who testifies in a court of law must agree to an oath that he or she will tell the truth or face the criminal penalty of perjury.

In 1924, the Oregon Supreme Court stated, *"No official is above the law. 'Thou shalt not bear false witness' is a command of the Decalogue, and that forbidden act is denounced by the statute as a felony."*²⁶

The criminal penalties against perjury remain steep in many states and, in some cases, states are trying to increase the criminal penalty for lying under oath.

THE TENTH COMMANDMENT

"You shall not covet..."

John Adams, the second president of the United States, said: *"If 'Thou shall not covet' and 'Thou shalt not steal' were not commandments of Heaven, they must be made inviolable (firm) precepts in every society before it can be civilized or made free."*²⁷

In addition, this commandment has been cited as the basis for civil laws against election fraud²⁸ and white collar crime.²⁹

All Scripture verses are from the New International Version.

FOOTNOTES

- 1 Declaration of Independence.
- 2 Colo. Const. Preamble.
- 3 Del. Const. Preamble.
- 4 Mont. Const. Preamble.
- 5 Penn. Const. Preamble.
- 6 Wash. Const. Preamble.
- 7 Mass. Const. Preamble.
- 8 *Updegraph v. Commonwealth*, 1824 WL 2393 *6 (Pa. 1824).
- 9 *State v. Mookus*, 113A. 39, 42 (Me. 1921).
- 10 William Strachey, *For the Colony in Virginia Britannia*, "Laws Divine, Moral and Martial," at C. 2-3. (Printed at London for Walter Burre, 1612).
- 11 John C. Fitzpatrick, ed, General Orders, Headquarters, Valley Forge, Saturday, May 2, 1778. *Writings of George Washington* (1934) at 342.
- 12 *McCowan v. Maryland*, 366 U.S. 420 (1981).
- 13 *Betera's Hopewell Foodland Inc., v. Masters*, 236 A. 2d 197, 200-01 (Pa. 1967).
- 14 Miriam Cho, "State Sunday Laws," *Liberty Magazine*, November/December 2003. See www.libertymagazine.org/article/articleview/397/1/2.
- 15-18 *Ibid.*
- 19 *Ruiz v. Clancy*, 157 So. 737, 738 (La. App. 1934) (citing *Caldwell v. Henmen*, 5 Rob. 20 (La. 1843)).
- 20 Two of the most respected academics in this field are David Popenoe and Barbara Dafoe Whitehead of the Marriage Project at Rutgers University. For a detailed curriculum vitae of their work, go to <http://marriage.rutgers.edu/codirectors.htm>.
- 21 *Young v. Commonwealth*, 53 S.W. 2d 963, 966 (Ky. App. 1932).
- 22 *Wisconsin v. Schultz*, 582 N.W.2d 112, 117 (Wis. App. 1998) (quoting *Sumpter v. Indiana*, 306 N.E.2d 95, 101 (Ind. 1974)).
- 23 *Hardin v. Texas*, 46 S.W. 803, 808 (Tex. Crim. App. 1898).
- 24 *Schreffels v. Schreffels*, 287 P.2d 1001, 1005 (Wash. 1955).
- 25 James Kent, *Commentaries on American Law*, 7 (1826). 2005
- 26 *Watts v. Gerking*, 228 P. 135, 141 (Or. 1924).
- 27 John Adams, *The Works of John Adams, Second President of the United States*, (Francis Adams, ed 1851).
- 28 See *Doll v. Bender*, 47 S.E. 293, 300-01 (W.Va. 1904).
- 29 See *Chisman v. Moylan*, 105 So. 2d 186, 189 (Fla. District Ct. App. 1958).
- 30 *ACLU of Kentucky, et al., v. Mercer County, et al.*, No. 01-00480, U.S. Court of Appeals for the 6th Circuit. Decided December 20, 2005
- 31 Harry S. Truman, Address Before the Attorney Generals Conference on Law Enforcement Problems, February 15, 1950. See <http://www.trumanlibrary.org/publicpapers/index.php?pid=657&st=Exodus&st1=Matthew>.
- 32 *Florida v. City of Tampa*, 48 So. 2d 78, 79 (Fla. 1950).

For decades, organizations like the American Civil Liberties Union (ACLU), the Freedom from Religion Foundation, and others have filed many lawsuits to remove public displays of the Ten Commandments from various federal, state, and local government buildings. These groups cite the "separation of church and state" to justify their efforts to eliminate these displays on public property.

In 2005, in a ruling affirming the constitutionality of a Ten Commandments display in Kentucky, the U.S. Court of Appeals for the Sixth Circuit wrote:

*The ACLU's argument contains...fundamental flaws. First, the ACLU makes repeated reference to "the separation of church and state." This extra-constitutional construct has grown tiresome. The First Amendment does not demand a wall of separation between church and state.*³⁰



Former President Harry S. Truman said: *"The fundamental basis of this nation's laws was given to Moses on the Mount. The fundamental basis of our Bill of Rights comes from the teachings...If we don't have the proper fundamental moral background, we will finally wind up with a totalitarian government which does not believe in rights for anybody except the state."*³¹

In 1950, the Florida Supreme Court echoed these thoughts, when it declared:

*A people unschooled about the sovereignty of God, the Ten Commandments, and the ethics of Jesus, could never have evolved the Bill of Rights, the Declaration of Independence, and the Constitution. There is not one solitary fundamental principle of our democratic policy that did not stem directly from the basic moral concepts as embodied in the Decalogue...*³²

To deny the role that the Ten Commandments have played in the development of our nation's laws and jurisprudence is to deny the very foundations upon which our nation is based. If we forget our moral foundation, then all other aspects of a free and democratic society will come tumbling down. In addition, the respect for all law weakens—resulting in social anarchy—and a far more dangerous place to live.

That is why the Ten Commandments must be viewed as an historical document upon which almost all of American jurisprudence is based—and not an unconstitutional establishment of religion, as the ACLU and its allies strongly contend.

The Truth About the Ten Commandments in American Law

Protecting what we have.
Reclaiming what we've lost.
Shaping who we become.



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GOD'S LAW.
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Ten Commandments

Religious issues aside, the Ten Commandments played a pivotal role in the shaping of our nation’s law and history. The Commandments have traditionally been treated as an historical document, rather than one simply promoting a particular religious belief.

Each of the Ten Commandments has influenced the laws of our nation, states, and communities. The following summary provides an historical perspective on how the Commandments shaped America’s legal and cultural history.

THE FIRST COMMANDMENT

“You shall have no other Gods before me.”

The presupposition for American liberty is the belief that liberty itself is a gift from God.¹

Nearly every state constitution has a mention, or recognition, of the existence of God or a Supreme Being. For example:

- **Colorado:** “We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government...”²
- **Deleware:** “Through Divine goodness, all men have by nature rights of worshipping and serving their Creator according to the dictates of their consciences...”³
- **Montana:** “We, the people of Montana, grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity, and to secure the blessings of liberty for this and future generations, do ordain and establish this Constitution.”⁴
- **Pennsylvania:** “We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.”⁵
- **Washington:** “We, the people of the state of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this Constitution.”⁶

These statements reinforce the idea and belief in the preeminence of God taken from the First Commandment. In addition, our national motto, “In God We Trust” proclaims that Americans acknowledge one Supreme Being, and not numerous other deities.

THE SECOND COMMANDMENT

“You shall not make for yourself an idol in the form of anything in heaven above or on the earth beneath or in the water below. You shall not bow down to them or worship them...”

In Part I, Article II of the 1780 Massachusetts Constitution, it is written:

*It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe.*⁷

From this statement, it is impossible not to conclude that the authors of this statement would consider the worship of idols to be a breach of what they saw as the duty to worship the one and only God.

THE THIRD COMMANDMENT

“You shall not misuse the name of the Lord your God, for the Lord will not hold anyone guiltless who misuses his name.”

In 1824, the Supreme Court of Pennsylvania—in a decision endorsed by the United States Supreme Court—reinforced that the laws against blasphemy came from divine law.⁸

In 1921, the Maine Supreme Court held:

*To curse God means to scoff at God; to use profanely insolent and reproachful language against him. This is one form of blasphemy under the authority of standard lexicographers. To contumeliously reproach God, His Creation, government, final judgment of the world, Jesus Christ, the Holy Ghost, or the Holy Scriptures as contained in the canonical books of the Old Testament and New Testament, under the same authorities, is to charge Him with fault, to rebuke, to censure, to upbraid, doing the same with scornful insolence, with disdain, with contemptuousness in act or speech. This is another form of blasphemy. But as particularly applicable, perhaps, to the present case, it is blasphemy to expose any of these enumerated Beings or Scriptures to contempt and ridicule. To have done any of these things is to blaspheme under the statute as well as at common law...*⁹

It is clear that blasphemy—the taking of the Lord’s name in vain—was seen as an offense both morally and legally.

THE FOURTH COMMANDMENT

“Remember the Sabbath Day by keeping it holy.”

Laws prohibiting work on the Sabbath first appeared in 1610 when the Virginia colony enacted such a statute.¹⁰

Throughout the Revolutionary War, George Washington ordered that the Sabbath must be observed:

*The Commander-in-Chief directs that divine service be performed every Sunday at 11 o’clock in those brigades to which there are chaplains; those which have none, to attend the places of worship nearest to them. It is expected that officers of all ranks will by their attendance set an example to their men.*¹¹

States went to great lengths to protect the Sabbath. Vermont, Massachusetts, Virginia, and many other states enacted Sabbath laws. Virginia’s law was written by Thomas Jefferson and sponsored by James Madison. Other states have subsequently passed such legislation as well.

In 1961, the United States Supreme Court upheld the constitutionality of Sabbath laws.¹² In 1967, the Pennsylvania Supreme Court clearly stated Sabbath laws came directly from the Fourth Commandment, writing:

*“Remember the Sabbath day to keep it holy; six days shalt thou labor and do all thy work; but the seventh day is the Sabbath of the Lord thy God. In it thou shalt not do any work.” This divine pronouncement became part of the Common Law inherited by the thirteen American colonies and by the sovereign states of the American Union.*¹³

There have been many valid secular reasons as well for honoring the Sabbath as a day of rest. Following the commandment’s principles, numerous labor laws have been passed to limit the number of hours required of workers in a week.¹⁴ Forty six states still restrict the sale of alcoholic beverages on Sunday,¹⁵ seventeen states require that auto dealers be closed,¹⁶ and fourteen states restrict horse racing on Sunday.¹⁷ Many state courts have ruled that it is appropriate for states to impose Sunday restrictions for the purpose of promoting public health, safety, general welfare, and morals.¹⁸

THE FIFTH COMMANDMENT

“Honor your father and mother...”

In the mid-seventeenth century, the colony of Connecticut passed a law that actually required children to obey their parents.

The Louisiana Court of Appeals reinforced this principle that children should obey their parents, when it wrote:

*“Honor thy father and thy mother,” is as much a command of the municipal law as it is a part of the Decalogue, regarded as holy by every Christian people. “A child,” says the code, “whatever his age, owes honor and respect to his father and mother.”*¹⁹

Strong families are basic for social order in both secular and faith-based societies. Numerous studies from respected academics have documented that when the family breaks down, and along with it parental authority, the consequences for the future of society are largely negative.²⁰

THE SIXTH COMMANDMENT

“You shall not murder.”

Laws against murder are too numerous to count, but the courts have been very forthright in attributing murder laws to the Sixth Commandment. A Kentucky appeals court stated:

*The rights of society, as well as those of appellant, are involved and are also to be protected, and to that end all forms of governments following the promulgation of Moses at Mt. Sinai have required of each and every one of its citizens that “Thou shall not murder.” If that law is violated, the one guilty of it has no right to demand more than a fair trial, and if, as a result thereof, the severest punishment for the crime is visited upon him, he has no one to blame but himself.*²¹

In 1998, a Wisconsin appeals court cited a 1974 Indiana Supreme Court opinion that said: *“Virtually all criminal laws are in one way or another the progeny of Judeo-Christian ethics. We have no intention to overrule the Ten Commandments.”*²²

THE SEVENTH COMMANDMENT

“You shall not commit adultery.”

In colonial America, adultery, in some jurisdictions, was often considered to be a crime punishable by death. Although adultery is no longer considered such a serious offense, the courts still recognize the importance of marital fidelity and laws.

In 1898, the Texas Court of Criminal Appeals reemphasized this fact:

*The accused would insist upon the defense that the female consented. The state would reply that she could not consent. Why? Because the law prohibits, with a penalty, the completed act. ‘Thou shalt not commit adultery’ is our law as well as the law of the Bible.*²³

The Washington State Supreme Court, in a 1955 decision, noted: *“Adultery, whether promiscuous or not, violates one of the Ten Commandments and the statutes of the state.”*²⁴

In addition, adultery laws help protect each of the spouses, the family, children, and the secular social order.

THE EIGHTH COMMANDMENT

“You shall not steal.”

Like the Sixth Commandment, legal prohibitions against theft are too numerous to mention.

James Kent, who, along with Supreme Court Justice Joseph Story, is considered to be one of the ultimate authorities on the original intent of the U.S. Constitution, wrote: *“To overturn justice by plundering others tended to destroy civil society, as well as to violate the law of nature, and the institutions of heaven.”*²⁵

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