

1 **(1) There is a need to educate and inform the public as to the history and**
2 **background of American and Louisiana law.**

3 **(2) That America and Louisiana's religious history plays an important**
4 **role in the background of our American and Louisiana law.**

5 **(3) The role of religion in the constitutional history of both America and**
6 **Louisiana is acknowledged by historians.**

7 **(4) The basic knowledge of American legal history is important to the**
8 **formation of civic virtue in our society.**

9 **(5) The courts have provided vital direction to the Legislature on how**
10 **to approach the display of historical documents.**

11 **(6) The Legislature now endorses the prolongation of a uniform, sound,**
12 **distinct, and appropriate presentation of the story of the role of religion in the**
13 **constitutional history of America and Louisiana, which may be publically**
14 **displayed in court houses and other state and local buildings throughout the**
15 **state of Louisiana.**

16 **§1281. Public displays of religious history impacting the law**

17 **A. Public displays with acknowledged religious history may include, but**
18 **shall not be limited to, the items in this Section.**

19 **B. The Mayflower Compact, written and adopted in 1620, the text which**
20 **reads as follows:**

21 **Mayflower Compact (1620 A.D.)**

22 **Agreement Between the Settlers at New Plymouth: 1620**

23 **IN THE NAME OF GOD, AMEN. We, whose names are underwritten,**
24 **the Loyal Subjects of our dread Sovereign Lord, King James, by the Grace of**
25 **God, of England, France, and Ireland, King, Defender of the Faith. Having**
26 **undertaken for the Glory of God, and Advancement of the Christian Faith, and**
27 **the Honour of our King and Country, a voyage to plant the first colony in the**
28 **northern Parts of Virginia; do by these presents, solemnly and mutually, in the**
29 **Presence of God and one another, covenant and combine ourselves together into**

1 a civil Body Politick, for our better Ordering and Preservation, and
2 Furtherance of the Ends aforesaid: And by Virtue hereof do enact, constitute,
3 and frame, such just and equal Laws, Ordinances, Acts, Constitutions and
4 Offices, from time to time, as shall be thought most meet and convenient for the
5 General good of the Colony; unto which we promise all due submission and
6 obedience. In Witness whereof we have hereunto subscribed our names at Cape
7 Cod the eleventh of November, in the Reign of our Sovereign Lord King James,
8 of England, France, and Ireland, the eighteenth, and of Scotland the fifty-
9 fourth, Anno Domini; 1620.

10 C. The Ten Commandments, as extracted from the Bible, Exodus
11 Chapter 20, which reads as follows:

12 I. Thou shalt have no other gods before me.

13 II. Thou shalt not make unto thee any graven idol.

14 III. Thou shalt not take the name of the LORD thy GOD in vain.

15 IV. Remember the sabbath day to keep it holy.

16 V. Honour thy father and thy mother.

17 VI. Thou shalt not commit murder.

18 VII. Thou shalt not commit adultery.

19 VIII. Thou shalt not steal.

20 IX. Thou shalt not bear false witness against thy neighbour.

21 X. Thou shalt not covet.

22 D. The Declaration of Independence, adopted by Congress on July 4,
23 1776, the text of which reads as follows:

24 The Declaration of Independence.

25 IN CONGRESS, July 4, 1776

26 The unanimous Declaration of the thirteen United States of America.

27 When in the Course of human events, it becomes necessary for one
28 people to dissolve the political bands which have connected them with another,
29 and to assume among the powers of the earth, the separate and equal station to

1 which the Laws of Nature and of Nature's God entitle them, a decent respect to
2 the opinions of mankind requires that they should declare the causes which
3 impel them to the separation.

4 We hold these truths to be self-evident, that all men are created equal,
5 that they are endowed by their Creator with certain unalienable Rights, that
6 among these are Life, Liberty and the pursuit of Happiness, -- That to secure
7 these rights, Governments are instituted among Men, deriving their just powers
8 from the consent of the governed, -- That whenever any Form of Government
9 becomes destructive of these ends, it is the Right of the People to alter or to
10 abolish it, and to institute new Government, laying its foundation on such
11 principles and organizing its powers in such form, as to them shall seem most
12 likely to effect their Safety and Happiness. Prudence, indeed, will dictate that
13 Governments long established should not be changed for light and transient
14 causes; and accordingly all experience hath shewn, that mankind are more
15 disposed to suffer, while evils are sufferable, than to right themselves by
16 abolishing the forms to which they are accustomed. But when a long train of
17 abuses and usurpations, pursuing invariably the same Object evinces a design
18 to reduce them under absolute Despotism, it is their right, it is their duty, to
19 throw off such Government, and to provide new Guards for their future
20 security. -- Such has been the patient sufferance of these Colonies; and such is
21 now the necessity which constrains them to alter their former Systems of
22 Government. The history of the present King of Great Britain is a history of
23 repeated injuries and usurpations, all having in direct object the establishment
24 of an absolute Tyranny over these States. To prove this, let Facts be submitted
25 to a candid world.

26 He has refused his Assent to Laws, the most wholesome and necessary
27 for the public good.

28 He has forbidden his Governors to pass Laws of immediate and pressing
29 importance, unless suspended in their operation till his Assent should be

1 obtained; and when so suspended, he has utterly neglected to attend to them.

2 He has refused to pass other Laws for the accommodation of large
3 districts of people, unless those people would relinquish the right of
4 Representation in the Legislature, a right inestimable to them and formidable
5 to tyrants only.

6 He has called together legislative bodies at places unusual,
7 uncomfortable, and distant from the depository of their public Records, for the
8 sole purpose of fatiguing them into compliance with his measures.

9 He has dissolved Representative Houses repeatedly, for opposing with
10 manly firmness his invasions on the rights of the people.

11 He has refused for a long time, after such dissolutions, to cause others to
12 be elected; whereby the Legislative powers, incapable of Annihilation, have
13 returned to the People at large for their exercise; the State remaining in the
14 mean time exposed to all the dangers of invasion from without, and convulsions
15 within.

16 He has endeavoured to prevent the population of these States; for that
17 purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass
18 others to encourage their migrations hither, and raising the conditions of new
19 Appropriations of Lands.

20 He has obstructed the Administration of Justice, by refusing his Assent
21 to Laws for establishing Judiciary powers.

22 He has made Judges dependent on his Will alone, for the tenure of their
23 offices, and the amount and payment of their salaries.

24 He has erected a multitude of New Offices, and sent hither swarms of
25 Officers to harrass our people, and eat out their substance.

26 He has kept among us, in times of peace, Standing Armies without the
27 Consent of our legislatures.

28 He has affected to render the Military independent of and superior to the
29 Civil power.

1 He has combined with others to subject us to a jurisdiction foreign to our
2 constitution, and unacknowledged by our laws; giving his Assent to their Acts
3 of pretended Legislation:

4 For Quartering large bodies of armed troops among us.

5 For protecting them, by a mock Trial, from punishment for any Murders
6 which they should commit on the Inhabitants of these States.

7 For cutting off our Trade with all parts of the world.

8 For imposing Taxes on us without our Consent.

9 For depriving us in many cases, of the benefits of Trial by jury.

10 For transporting us beyond Seas to be tried for pretended offences.

11 For abolishing the free System of English Laws in a neighbouring
12 Province, establishing therein an Arbitrary government, and enlarging its
13 Boundaries so as to render it at once an example and fit instrument for
14 introducing the same absolute rule into these Colonies.

15 For taking away our Charters, abolishing our most valuable Laws, and
16 altering fundamentally the Forms of our Government.

17 For suspending our own Legislatures, and declaring themselves invested
18 with power to legislate for us in all cases whatsoever.

19 He has abdicated Government here, by declaring us out of his Protection
20 and waging War against us.

21 He has plundered our seas, ravaged our Coasts, burnt our towns, and
22 destroyed the lives of our people.

23 He is at this time transporting large Armies of foreign Mercenaries to
24 compleat the works of death, desolation and tyranny, already begun with
25 circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous
26 ages, and totally unworthy the Head of a civilized nation.

27 He has constrained our fellow Citizens taken Captive on the high Seas
28 to bear Arms against their Country, to become the executioners of their friends
29 and Brethren, or to fall themselves by their Hands.

1 He has excited domestic insurrections amongst us, and has endeavoured
2 to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose
3 known rule of warfare, is an undistinguished destruction of all ages, sexes and
4 conditions.

5 In every stage of these Oppressions We have Petitioned for Redress in
6 the most humble terms; Our repeated Petitions have been answered only by
7 repeated injury. A Prince whose character is thus marked by every act which
8 may define a Tyrant, is unfit to be the ruler of a free people.

9 Nor have We been wanting in attentions to our Brittish brethren. We
10 have warned them from time to time of attempts by their legislature to extend
11 an unwarrantable jurisdiction over us. We have reminded them of the
12 circumstances of our emigration and settlement here. We have appealed to
13 their native justice and magnanimity, and we have conjured them by the ties of
14 our common kindred to disavow these usurpations, which, would inevitably
15 interrupt our connections and correspondence. They too have been deaf to the
16 voice of justice and of consanguinity. We must, therefore, acquiesce in the
17 necessity, which denounces our separation, and hold them, as we would the rest
18 of mankind, Enemies in War, in Peace Friends.

19 We, therefore, the Representatives of the United States of America, in
20 General Congress, Assembled, appealing to the Supreme Judge of the world for
21 the rectitude of our intentions, do, in the Name, and by Authority of the good
22 People of these Colonies, solemnly publish and declare, That these United
23 Colonies are, and of Right ought to be Free and Independent States; that they
24 are Absolved from all Allegiance to the British Crown, and that all political
25 connection between them and the State of Great Britain, is and ought to be
26 totally dissolved; and that as Free and independent States, they have full Power
27 to levy War, conclude Peace, contract Alliances, establish Commerce, and to do
28 all other Acts and Things which Independent States may of right do. And for
29 the support of this Declaration, with a firm reliance on the protection of divine

1 Providence, we mutually pledge to each other our Lives, our Fortunes and our
2 sacred Honor.

3 E. Articles I through VI of the Northwest Ordinance enacted by
4 Congress on July 13, 1787, which prohibited slavery in the new territories and
5 which stated that "religion, morality, and knowledge as being necessary for
6 good government and the happiness of mankind" and which text reads as
7 follows:

8 Article I

9 No person, demeaning himself in a peaceable and orderly manner shall
10 ever be molested on account of his mode of worship or religious sentiments, in
11 the said territory.

12 Article II

13 The inhabitants of the said territory shall always be entitled to the
14 benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate
15 representation of the people in the legislature; and of judicial proceedings
16 according to the course of the common law. All persons shall be bailable, unless
17 for capital offenses, where the proof shall be evident or the presumption great.
18 All fines shall be moderate; and no cruel or unusual punishments shall be
19 inflicted. No man shall be deprived of his liberty or property, but by the
20 judgment of his peers or the law of the land; and, should the public exigencies
21 make it necessary, for the common preservation, to take any person's property,
22 or to demand his particular services, full compensation shall be made for the
23 same. And, in the just preservation of rights and property, it is understood and
24 declared, that no law ought ever to be made, or have force in the said territory,
25 that shall, in any manner whatever, interfere with or affect private contracts or
26 engagements, bona fide, and without fraud, previously formed.

27 Article III

28 Religion, morality, and knowledge, being necessary to good government
29 and the happiness of mankind, schools and the means of education shall forever

1 be encouraged. The utmost good faith shall always be observed towards the
2 Indians; their lands and property shall never be taken from them without their
3 consent; and, in their property, rights, and liberty, they shall never be invaded
4 or disturbed, unless in just and lawful wars authorized by Congress; but laws
5 founded in justice and humanity, shall from time to time be made for
6 preventing wrongs being done to them, and for preserving peace and friendship
7 with them.

8 Article IV

9 The said territory, and the States which may be formed therein, shall
10 forever remain a part of this Confederacy of the United States of America,
11 subject to the Articles of Confederation, and to such alterations therein as shall
12 be constitutionally made; and to all the acts and ordinances of the United States
13 in Congress assembled, conformable thereto. The inhabitants and settlers in
14 the said territory shall be subject to pay a part of the federal debts contracted
15 or to be contracted, and a proportional part of the expenses of government, to
16 be apportioned on them by Congress according to the same common rule and
17 measure by which apportionments thereof shall be made on the other States;
18 and the taxes for paying their proportion shall be laid and levied by the
19 authority and direction of the legislatures of the district or districts, or new
20 States, as in the original States, within the time agreed upon by the United
21 States in Congress assembled. The legislatures of those districts or new States,
22 shall never interfere with the primary disposal of the soil by the United States
23 in Congress assembled, nor with any regulations Congress may find necessary
24 for securing the title in such soil to the bona fide purchasers. No tax shall be
25 imposed on lands the property of the United States; and, in no case, shall
26 nonresident proprietors be taxed higher than residents. The navigable waters
27 leading into the Mississippi and St. Lawrence, and the carrying places between
28 the same, shall be common highways and forever free, as well to the inhabitants
29 of the said territory as to the citizens of the United States, and those of any other

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Article VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

§1282. Context of public display

Public displays set forth in R.S. 25:1281(B), (C), (D), and (E) shall be accompanied by a document entitled "Context for Acknowledging America's Religious History" which shall read as follows:

(1) Some documents stand out as pivotal in the religious history of America and Louisiana's legal system, among which are the Mayflower Compact, The Declaration of Independence as a legal foundation for the United States Constitution, the Ten Commandments as a foundation of our legal system, and the Northwest Ordinance, which was a primary document affirming faith and for the first time legally prohibiting slavery as a nation. It is hoped that their study and relation to each other and the history of our state and nation will foster an appreciation for the role that religion has played in the legal history of America and the state of Louisiana and prompt further public study.

(2) American law, constitutionalism, and political theory have deep roots in religion. American ideals about liberty, freedom, equality, legal responsibility and codes of law, to mention a few, have roots and underpinnings in religion and biblical literacy. The Ten Commandments, which are found in the Book of Exodus in the Old Testament of the Bible, was one of the earliest written expressions of law to be incorporated in American legal systems. The Ten Commandments, or the law of nature, also impacted the Declaration of Independence which refers to the "laws of nature and of Nature's God."

§1283. Production of historical documents, display

A. The division of state archives and records service within the office of the secretary of state shall, upon request, prepare and distribute to state offices, clerks of court and judges and the local governing authorities in the state of Louisiana, copies of the documents set forth in R.S. 25:1281 suitable for framing and display, upon receipt of funds to reimburse the secretary for the actual cost of the preparation and delivery of the documents.

B. Each state office, clerk of court, judge and local governing authority is authorized to post the documents for display provided by the secretary in a visible public location, along with other historical documents.

C. Nothing herein shall prohibit the state or local governing officers, judges or clerks of court themselves from reprinting the documents in R.S. 25:1281 or accepting a donation of already printed documents for display in public buildings.

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Sherri H. Breaux.

DIGEST

Cain (SB 476)

Proposed law declares that the La. Legislature finds that:

- A. There is a need to educate and inform the public as to the history and background of American and Louisiana law.
- B. That America and Louisiana's religious history plays an important role in the background of our American and Louisiana law.
- C. The role of religion in the constitutional history of both America and Louisiana is acknowledged by historians.
- D. The basic knowledge of American legal history is important to the formation of civic virtue in our society.
- E. The courts have provided vital direction to the Legislature on how to approach the display of historical documents.

Proposed law finds that the Legislature endorses the prolongation of a uniform, sound, distinct, and appropriate presentation of the story of the role of religion in the constitutional history of America and Louisiana, which may be publically displayed in court houses and local governing authority buildings throughout the State of Louisiana.

Proposed law provides that public displays with acknowledged religious history may include, but shall not be limited to, the following:

- A. The Mayflower Compact, written and adopted in 1620.
- B. The Ten Commandments, as extracted from the Bible, Exodus Chapter 20.
- C. The Declaration of Independence, adopted by Congress on July 4, 1776.
- D. Articles I through VI of the Northwest Ordinance enacted by Congress on July 13, 1787, which prohibited slavery in the new territories and stated that "religion, morality, and knowledge being necessary for good government and the happiness of mankind."

Proposed law provides that the documents shall be accompanied by a document entitled "Context for Acknowledging America's Religious Heritage," which states that certain documents stand out as pivotal in the religious history of America and Louisiana legal system, among which are the Mayflower Compact, The Declaration of Independence as a legal foundation for the United States Constitution, the Ten Commandments as a foundation of our legal system, and the Northwest Ordinance, which was a primary document affirming faith as a foundation of prohibiting slavery.

Proposed law states that American law, constitutionalism, and political theory have deep roots in religion. American ideals about liberty, freedom, equality, legal responsibility and codes of law, to mention a few, have roots and underpinnings in religion.

Proposed law provides that the Ten Commandments, found in the Book of Exodus in the Old Testament of the Bible, was one of the earliest written expressions of law to be incorporated in American legal systems. Provides that the Ten Commandments also impacted the Declaration of Independence, which refers to the "laws of nature and of Nature's God."

Proposed law states that the division of state archives and records service within the office of the secretary of state shall, upon request, prepare and distribute to state offices, clerks of court, judges and local governing authorities in the state of Louisiana, copies of the documents, suitable for framing and display, upon receipt of funds to reimburse the secretary for the actual cost of the preparation and delivery of the documents.

Proposed law states that the state offices, clerks of court, judges and local government buildings are authorized to post the documents for display provided by the secretary in a visible public location along with other historical documents.

Proposed law states that nothing herein shall prohibit the state offices, clerks of court, judges and local governing authorities themselves from reprinting the documents or accepting a donation of already printed documents for display.

(Adds R.S. 25:1280-1283)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Clarifies language that the Ten Commandments was one of the earliest written expressions of law incorporated into American legal systems which also impacted the Declaration of Independence.