

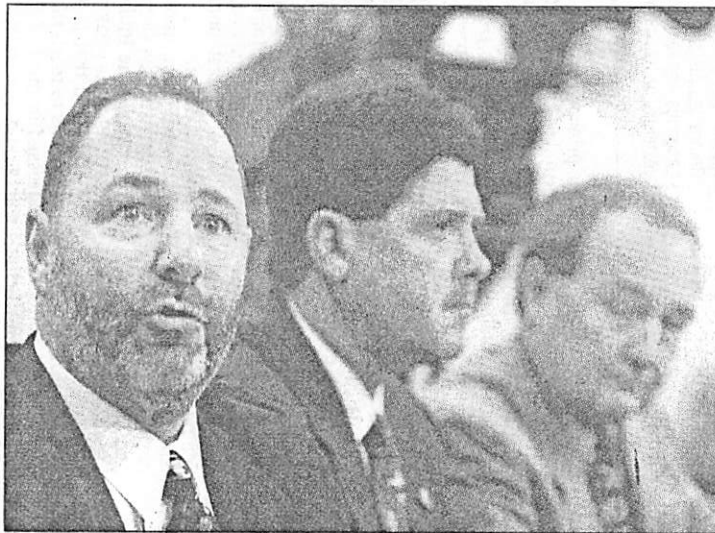
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## 2000 Kentucky General Assembly



BY STEWART BOWMAN, THE COURIER-JOURNAL

Rep. J.C. "Bo" Ausmus, R-Middlesboro, left, used language from a 1980 court ruling to spell out what kind of religious displays would be appropriate in public schools.

## Commandment bills advance in House

### Lawmakers show little concern for church-state issues

By LONNIE HARP  
The Courier-Journal

FRANKFORT, Ky. — Lawmakers eager to post the Ten Commandments in public schools yesterday approved one bill carefully written to avoid constitutional challenges — then approved a second measure that critics said is unlikely to withstand a court challenge.

Neither Ten Commandments measure received a dissenting vote from the House committee, and members expressed little concern about church-state constitutional issues.

"I've become more and more convinced that regardless of its

constitutionality, the majority of my constituents think it's the right thing to do, which makes me think I'm in the right place today," said Rep. Mike Cherry, a Democrat from Princeton.

Yesterday the House State Government Committee first approved a bill sponsored by Rep. Greg Stumbo, D-Prestonsburg, that appears to restate ways that schools can already incorporate religious principles, as allowed by court rulings.

Then the committee approved a separate resolution by Rep. Tom Riner, D-Louisville, that suggests a 16-by-20 inch frame for copies of the commandments and other documents with historical, religious references. Jeff Vessels, executive director of the American Civil Liberties Union of Ken-

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# House panel approves commandment bills

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tucky, said it has "major problems."

Yesterday's actions left one lawmaker shaking her head.

Rep. Kathy Stein, a Lexington Democrat and the only Jewish member of the General Assembly, handed out copies of the commandments in Hebrew, saying she would like to see schools post "the original."

**STEIN, WHO** attended the hearing but is not on the committee, said that this year's legislature is clearly no place for a stickler for church-state separation or an opponent of posting the Ten Commandments in public schools.

"It is upsetting for it to be used as a political power play to show how good some people are," she said. "When it gets to the floor, I'll get up and say a few words opposing it and then sit down and watch it fly through the House and Senate."

By her own admission, Stein's is a lonely voice of dissent in the debate.

The laws of Moses have become a fascination this year for most men and women who make Kentucky's laws.

Legislators have filed a flurry of bills seeking to find ways to get the commandments into public schools.

Legislators who voted yesterday said they didn't see a conflict between the two measures — Stumbo's bill focuses on courses that include religion and Riner's resolution addresses the place of religion in public schools.

Stumbo said that the commandments are unlikely to deter any violent or unlawful conduct. He said he backed both measures because religion has been shortchanged in schools.

**THE INTENSITY** of the issue was evident both during and after the committee meeting: Some committee members showed frustration and impatience with the ACLU's opposition.

After the meeting, Rep. J.C. "Bo" Ausmus, a Republican from Middlesboro and an outspoken supporter of the measures approved yesterday, agreed to an impromptu quiz on the commandments. He struggled to name nine.

Proponents of the bills said they are not aimed at promoting the Ten Commandments, but rather at showing schools how to present religion's role in history, although the commandments are the only religious text specified in the bills.

However, the recommendations of

Lawmakers this year have introduced several bills addressing the posting of the Ten Commandments in public schools. Here's a rundown of the bills and their status:

Bill	Description	Status
HB 45	Permit school councils to post a display of Ten Commandments	Stuck in House Judiciary Committee
HB 111	Permit school districts to hold a local referendum on Ten Commandments and create related courses	Dropped in favor of HB 814 after an attorney general's opinion that referendums would alter school governance roles
HB 662	Require liability insurer to cover schools that post the Ten Commandments in accord with state law	Passed the House 93-1 Tuesday
HB 814	Allow schools to post the Ten Commandments and other religious texts when connected with a course studying the topics	Passed House State Government Committee yesterday
HJR 135	Resolution setting guidelines for posting the Ten Commandments amid historical displays	Text merged into SJR 57, a similar Senate resolution, yesterday
SB 90	Permit schools to create a display of documents that may include the Ten Commandments	Stuck in Senate State and Local Government Committee
SJR 57	The version that passed the Senate underscored the nation's Judeo-Christian heritage.	Earlier version passed Senate Feb. 15. New version passed House State Government Committee yesterday. Language was replaced yesterday with text from HJR 135.

a non-partisan panel on how religion could be integrated into public school curriculums have been overlooked. The panel, which made its recommendations last year, spelled out court-approved methods for presenting religious material in public schools without advocating a specific religion.

Riner, who lined up 91 of his 99 House colleagues as co-sponsors for his resolution, said the displays described in his bill should survive a legal challenge and are intended to encourage teachers seeking to stress the role and ideas of religion.

**HIS RESOLUTION**, which calls for its text to be posted in any commandments display, includes 17 testimonials or quotations from public figures or groups from Samuel Adams to Bill Clinton. Among the quotations:

■ A 1789 statement from Fisher Ames, a Massachusetts politician: "We are spending less time in the classroom on the Bible which should

be the principal text in our schools."

■ An 1892 opinion from the U.S. Supreme Court stating that "this is a Christian nation."

■ And excerpts from letters and speeches by Woodrow Wilson, Franklin Delano Roosevelt and George Bush encouraging people to read the Bible and practice its words.

An amendment offered in the committee to remove those pages of testimonials was easily defeated. Shortly after, Rep. Tim Feeley, a Republican from Crestwood who proposed the amendment, voted for the resolution. He said that his only reservation was that one of the testimonials was from President Clinton.

The resolution quotes two sentences from a 1998 Clinton speech in which he said the Bible directs people to care for the weak and needy.

Vessels said that laws already allow schools to teach the civic virtues addressed in most of the commandments and use religious materials when they are connected with an



"The government can teach objectively about religion, but the government cannot preach religion," said Jeff Vessels of the ACLU.

academic course. And he added that students are allowed to bring their own religious materials to school, pray in school, express their religious views in their schoolwork and wear religious attire.

"The government can teach objectively about religion, but the government cannot preach religion," Vessels said. Vessels said Riner's resolution fails the test of religious neutrality that the U.S. Supreme Court set in 1980, when it overturned a Kentucky law requiring schools to post the Ten Commandments.

**THAT 1978 LAW** was sponsored by Riner's wife, former state Rep. Claudia Riner.

House Bill 814, sponsored by Stumbo and Ausmus, lifted language from the 1980 court ruling to spell out what kind of religious displays would be appropriate. That bill limited such exhibits to classes where the issue was being studied. But Riner said that view is too narrow.

He said yesterday that his study of recent court decisions indicates that the resolution should be on safe legal ground. In an interview after the committee vote, he said that beyond posting the commandments, the legislature's actions should relieve teachers' fears about using any document that mentions God or religion in class.

"The greatest thing that can be accomplished is for teachers not to feel so intimidated about using source materials like the Mayflower Compact," Riner said.

He added, however, that the issue will probably be settled in courts, not the legislature.