



HCR 58: Promoting Divisive, Unconstitutional Practices

Resolution encouraging religious displays could land schools in court

HCR 58 by state Rep. Phil Stephenson, R-Wharton, is a publicity stunt masquerading as a serious resolution calling for prayers “including the use of the word ‘God’ at public gatherings” as well as encouraging all public schools to display the Ten Commandments.

There is a large body of case law describing the context where religious displays and sectarian prayers **are** and **are not** appropriate. HCR 58 will not help public institutions and schools navigate those challenging issues. In fact, it further confuses the issue by providing blanket encouragement with no guidelines.

Resolution calls for activities repeatedly ruled unconstitutional by the Supreme Court of the United States.

As recently as 2005, the Supreme Court ruled displays of the Ten Commandments in schools and other public institutions – of the type described in the resolution – violate the Constitution.ⁱ

Broad wording of the resolution promoting religious displays in all schools and public buildings could encourage institutions to engage in activities that result in costly lawsuits.

HCR 58 promotes an inaccurate version of U.S. History and demonstrates hostility toward people who do not share the author’s faith.

Claims that “our founding fathers believed devotedly that there was a God” and references to “our history as a religious people” over-simplify the diversity of opinion among founders and ignore large groups of Americans who do not share the majority’s faith.

During committee testimony, the bill’s author made clear that the purpose of this resolution is to promote one faith over others when he said he sponsored the measure to “make sure our faith, Christianity, is the big thing.”ⁱⁱ

HCR 58 is a partisan effort.

Resolution exclusively references the Texas GOP party platform and a vote of Republican primary voters.

ⁱ McCreary County, Ky., v. American Civil Liberties Union of Kentucky; <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=000&invol=03-1693>. See also Stone v. Graham; <http://supreme.justia.com/cases/federal/us/449/39/case.html>.

ⁱⁱ Texas House Committee State Affairs hearing; March 3, 2013.