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Advocates urge Supreme Court to review Ten Commandments laws

State laws requiring the Ten Commandments in public school classrooms keep losing in court, but that won't matter if they win at the highest court in the land.

Outside advocates believe supporters of laws in Louisiana, Arkansas and Texas are actively trying to get the cases before the Supreme Court. In the meantime, however, those supporters are consistently suffering legal losses, including in some of the most conservative courts in the country.

The so-called Lemon test that was previously used to determine whether a measure violated the Establishment Clause was undone in the high court's 2022 Kennedy v. Bremerton School District decision, which determined a public school football coach's First Amendment rights were violated after he was suspended for praying on fields after games.

"I think once they threw out the Lemon test and instituted this history-and-tradition test, there's really no way for this – this matter that was decided under the Lemon test – to be fully resolved without the Supreme Court speaking on it, and so they've given us the history-and-tradition test, but it hasn't been fleshed out necessarily in the last several years," Krause said.

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