

**04-65 ADAMS COUNTY/OHIO VALLEY SCHOOL BOARD V.
BAKER, ET AL.**

Decision Below: Unpublished

QUESTIONS PRESENTED

This case concerns four separate historical and educational public displays consisting of excerpts from five foundational legal documents: (1) the Preamble to the United States Constitution; (2) the Declaration of Independence; (3) the Magna Carta; (4) the Code of Justinian; (5) the Ten Commandments. The Sixth Circuit held, affirming the district court below, that because the Ten Commandments once stood alone, the presence of the Ten Commandments in a subsequent display, which included excerpts from other historical legal texts, violated the Establishment Clause. The following questions are presented:

1. In a case arising out of government displays of objects with religious connotations, did the Sixth Circuit err in holding, in conflict with the Third and Seventh Circuits, that a previous violation of the Establishment Clause gives rise to an "unconstitutional taint" which, *a priori*, operates to invalidate otherwise constitutional subsequent efforts to cure the violation?
2. Did the Sixth Circuit err in holding, in conflict with the Third, Fifth, and Tenth Circuits and the Supreme Court of Colorado, that the public display of the Ten Commandments is unconstitutional?
3. Do respondents, whose "injury" consists of no more than the psychological consequences produced by occasional, sporadic observation of conduct with which they disagree, have standing under Article III to bring an Establishment Clause challenge?