

House Bill 941 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31st, England of the 108th, Bearden of the 68th, Mosley of the 178th, Maddox of the 172nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the Division of Archives and History, so as to make legislative findings; to
3 authorize the display of certain historical documents as part of the foundation of American
4 law and government; to provide for a context for the historical documents; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the
9 Division of Archives and History, is amended by adding a new Code Section 45-13-51 to
10 read as follows:

11 "45-13-51.

12 (a) The General Assembly finds and determines:

13 (1) The General Assembly has directed the Division of Archives and History of the State
14 of Georgia to encourage the study of historical documents;

15 (2) There is a need to educate and inform the public about the history and background
16 of American law;

17 (3) The public courthouses and judicial facilities of this state are an ideal forum in which
18 to display educational and informational material about the history and background of
19 American law; and

20 (4) A basic knowledge of American constitutional history is important to the formation
21 of civic virtue in our society;

22 (b) Each municipality and political subdivision of this state shall be authorized to post the
23 Foundations of American Law and Government display, as described in subsection (c) of
24 this Code section, in a visible, public location in the judicial facilities of such municipality
25 or political subdivision.

26 (c) The Foundations of American Law and Government display shall include:

- 1 (1) The Mayflower Compact, 1620;
 2 (2) The Ten Commandments as extracted from Exodus Chapter 20;
 3 (3) The Declaration of Independence;
 4 (4) Magna Carta;
 5 (5) 'The Star-Spangled Banner' by Francis Scott Key;
 6 (6) The national motto;
 7 (7) The Preamble to the Georgia Constitution;
 8 (8) The Bill of Rights of the United States Constitution; and
 9 (9) The description on the image of Lady Justice.
 10 (d) Public displays of the Foundations of American Law and Government shall contain the
 11 documents set forth in paragraphs (1) through (9) of subsection (c) of this Code section
 12 together with a context for acknowledging formative, historically significant documents
 13 in America's heritage as follows:

14 ***FOUNDATIONS OF AMERICAN LAW AND GOVERNMENT DISPLAY***

15 The Foundations of American Law and Government display contains documents that
 16 played a significant role in the foundation of our system of law and government. The display
 17 contains (1) the Mayflower Compact; (2) the Ten Commandments; (3) the Declaration of
 18 Independence; (4) Magna Carta; (5) 'The Star-Spangled Banner'; (6) the national motto of
 19 the United States of America; (7) the Preamble to the Georgia Constitution; (8) the Bill of
 20 Rights of the United States Constitution; and (9) a picture of Lady Justice.

21 ***The Mayflower Compact***

22 The Mayflower Compact was penned by William Bradford on November 11, 1620, on the
 23 *Mayflower* before the Pilgrims made landfall at Plymouth, Massachusetts. The Compact was
 24 the first written constitution in the New World. William Bradford described the reasoning
 25 behind the Compact when he stated in the Compact, 'This day, before we came to harbour,
 26 observing some not well affected to unity and concord, but gave some appearance of faction,
 27 it was thought good there should be an association and agreement, that we should combine
 28 together in one body, and to submit to such government and governors as we should by
 29 common consent agree to make and choose, and set our hands to this that follows, word for
 30 word.'

1 *The Ten Commandments*

2 The Ten Commandments have profoundly influenced the formation of Western legal
3 thought and the formation of our country. That influence is clearly seen in the Declaration
4 of Independence, which declared that 'We hold these truths to be self-evident, that all men
5 are created equal, that they are endowed by their Creator with certain unalienable Rights, that
6 among these are Life, Liberty, and the pursuit of Happiness.' The Ten Commandments
7 provide the moral background of the Declaration of Independence and the foundation of our
8 legal tradition.

9 *The Declaration of Independence*

10 Perhaps the single most important document in American history, the Declaration of
11 Independence was, as Abraham Lincoln stated, the 'frame' into which the Framers placed the
12 Constitution. The Declaration's fundamental premise is that one's right to 'Life, Liberty and
13 the pursuit of Happiness' is not a gift of government. Government is not a giver of rights,
14 but a protector of God-given rights. Moreover, government is a creation of 'the governed'
15 and derives all its power from the consent of its people. As the Preamble to the United States
16 Constitution states, 'We the People' are the government.

17 *Magna Carta*

18 In 1215, King John of England consented to the demands of his barons and agreed for
19 Magna Carta to be publicly read throughout the land. By this act he bound himself and 'our
20 heirs, in all things and all places for ever' to grant to the people of his kingdom the rights
21 pronounced in Magna Carta. By signing Magna Carta, King John brought himself and
22 England's future rulers within the rule of law. The rule of law places a restraint on the
23 exercise of arbitrary government power, and it places all people and civil government under
24 law. The American patriots, therefore, waged war against England to preserve liberties
25 originating in thirteenth century England. A distinction, however, is noted between Magna
26 Carta and the American concept of liberty. While Magna Carta is a guarantee from a king
27 that he will follow the law, the Constitution of the United States is the establishment of a
28 government consisting of, and created for, 'We the People.'

1 *'The Star-Spangled Banner'*

2 Guarding the entrance to Baltimore harbor via the Patapsco River during the War of 1812,
 3 Fort McHenry faced almost certain attack by British forces. Major George Armistead, the
 4 stronghold's commander, was ready to defend the fort, but he wanted a flag that would
 5 identify his position, one whose size would be visible to the enemy from a distance. The flag
 6 that was made for the fort was 30 feet by 42 feet. Anxiously awaiting news of the battle's
 7 outcome was a Washington, D.C., lawyer named Francis Scott Key. Key had visited the
 8 enemy's fleet to secure the release of a Maryland doctor who had been abducted by the
 9 British after they left Washington. The lawyer had been successful in his mission, but he
 10 could not escort the doctor home until the attack ended. So he waited on a flag-of-truce
 11 sloop anchored eight miles downstream from Fort McHenry.

12 During the night, there had been only occasional sounds of the fort's guns returning fire.
 13 At dawn, the British bombardment tapered off. Had the fort been captured? Placing a
 14 telescope to his eye. Key trained it on the fort's flagpole. There he saw the large garrison
 15 flag catch the morning breeze. It had been raised as a gesture of defiance, replacing the wet
 16 storm flag that had flown through the night. Thrilled by the sight of the flag and the
 17 knowledge that the fort had not fallen, Key took a letter from his pocket and began to write
 18 some verses on the back of it. Later, after the British fleet had withdrawn, Key checked into
 19 a Baltimore hotel and completed his poem on the defense of Fort McHenry. He then sent it
 20 to a printer for duplication on handbills, and within a few days the poem was put to the music
 21 of an old English song. Both the new song and the flag became known as 'The Star-Spangled
 22 Banner' and became a rallying cry for the American Patriots during the rest of the war.

23 *The National Motto*

24 The motto was derived from the line 'And this be our motto, "In God is our trust"' in the
 25 U.S. national anthem, 'The Star-Spangled Banner.' The phrase first appeared on U.S. coins
 26 in 1864 and became obligatory on all U.S. currency in 1955. In accordance with Public Law
 27 No. 851 passed at the Second Session of the 84th Congress of the United States, July 30,
 28 1956, the national motto of the United States became "In God We Trust."

29 *The Preamble to the Georgia Constitution*

30 The Preamble to the Georgia Constitution celebrates the ideas of free government, justice,
 31 peace, happiness, and liberty. Government is a creation of 'the governed' and derives all its

1 power from the consent of its people. The people, therefore, desiring a civilized society,
2 created and ordained the Constitution of the State of Georgia.

3 *The Bill of Rights of the United States Constitution*

4 During the debates on the adoption of the U.S. Constitution, its opponents repeatedly
5 charged that the Constitution as drafted would open the way to tyranny by the central
6 government. Fresh in their minds was the memory of the British violation of civil rights
7 before and during the Revolution. They demanded a 'bill of rights' that would spell out the
8 immunities of individual citizens. Several state conventions in their formal ratification of the
9 Constitution asked for such amendments; others ratified the Constitution with the
10 understanding that the amendments would be offered. The Bill of Rights is still a vital and
11 powerful force in American government, shaping our laws and serving as a check on the
12 exercise of government power.

13 *Lady Justice*

14 Lady Justice has become a symbol of the fair and equal administration of the law, without
15 corruption, avarice, prejudice, or favor. The blindfold represents a system of justice that is
16 blinded to all prejudices or favor. The scales represent justice that is administered fairly and
17 the sword represents justice that is authoritative. Lady Justice is a symbol of the American
18 system of justice and the ideals it embodies.

19 (e) All documents which are included in the Foundations of American Law and
20 Government displays shall be posted on paper not less than 11 x 14 inches in dimension
21 and shall be framed in identically styled frames. No one document shall be displayed more
22 prominently than another.

23 (f) In no event shall any state funding be used for a display of the Foundations of
24 American Law and Government."

25 **SECTION 3.**

26 All laws and parts of laws in conflict with ths Act are repealed.