

SUPREME COURT OF OKLAHOMA

Prescott v. Oklahoma Capitol Preservation Commission

Prescott, 2015 OK 54 (Okla. 2015) · No. 113332 · Decided June 30, 2015

SUMMARY

The Oklahoma Supreme Court held that a Ten Commandments monument placed on the Oklahoma State Capitol grounds violated Article 2, Section 5 of the Oklahoma Constitution, which prohibits the use of public money or property for the benefit or support of a system of religion. The court reversed the district court's summary judgment, enjoined the monument, and directed that it be removed.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Reif, C.J.; Kauger, J.; Watt, J.; Winchester, J.; Edmondson, J.; Taylor, J.; Gurich, J.; Combs, V.C.J.; Colbert, J.
JURISDICTION	Oklahoma
DECIDED	June 30, 2015
DOCKET	113332
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a district court summary judgment denying injunctive relief in a constitutional challenge to a Ten Commandments monument on the Oklahoma State Capitol grounds.
STANDARD OF REVIEW	De novo review of the constitutional issue and the legal question resolved by summary judgment.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential state constitutional decision.
PARTIES	Dr. Bruce Prescott, James Huff, Donald Chabot, Cheryl Franklin v. Oklahoma Capitol Preservation Commission

TOPICS

- constitutional law
- establishment clause
- appellate procedure
- standard of review
- equitable relief

PRACTICE AREAS

- constitutional law
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether placement of the Ten Commandments monument on the Oklahoma State Capitol grounds violated Article 2, Section 5 of the Oklahoma Constitution.
2. Whether the district court properly entered summary judgment for the Oklahoma Capitol Preservation Commission and denied injunctive relief.

HOLDINGS

1. The monument violated Article 2, Section 5 because its placement on public property operated for the use, benefit, or support of a sect or system of religion.
2. Federal Establishment Clause jurisprudence did not control the interpretation or application of Article 2, Section 5 of the Oklahoma Constitution.
3. The district court's summary judgment was improper and had to be reversed.

KEY QUOTATIONS

“The plain intent of Article 2, Section 5 is to ban State Government, its officials, and its subdivisions from using public money or property for the benefit of any religious purpose.” (¶ 4)

“Because the monument at issue operates for the use, benefit or support of a sect or system of religion, it violates Article 2, Section 5 of the Oklahoma Constitution and is enjoined and shall be removed.” (¶ 7)

FACTUAL BACKGROUND

A Ten Commandments monument, donated by an Oklahoma citizen, was placed on the Oklahoma State Capitol grounds pursuant to a legislative act signed by the Governor. The citizens challenged the placement under Article 2, Section 5 of the Oklahoma Constitution, which prohibits the use of public money or property for the benefit or support of a religious system. No public funds were used to acquire the monument.

PROCEDURAL HISTORY

The Oklahoma County District Court entered summary judgment for the Oklahoma Capitol Preservation Commission and denied the citizens' request for an injunction. The Supreme Court of Oklahoma retained the appeal, reviewed the constitutional issue and summary judgment de novo, reversed the district court, enjoined the monument, directed that it be removed, and remanded for further proceedings consistent with the opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded for further proceedings consistent with the opinion; the monument was enjoined and directed to be removed.

CASES CITED

- Sw. Bell Tel. Co. v. Okla. State Bd. of Equalization, 2009 OK 72, 231 P.3d 638
- Draper v. State, 1980 OK 117, 621 P.2d 1142
- Lepak v. McClain, 1992 OK 166, 844 P.2d 852
- Coffee v. Henry, 2010 OK 4, 240 P.3d 1056
- Haynes v. Caporal, 1977 OK 166, 571 P.2d 430
- Van Orden v. Perry, 545 U.S. 677 (2005)
- Michigan v. Long, 463 U.S. 1032, 1040-41 (1983)

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