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March 27, 1957  
Opinion No. 57-48

## ARIZONA ATTORNEY GENERAL

REQUESTED BY: Honorable Frederick S. Smith  
Arizona State Legislature

OPINION BY: ROBERT MORRISON, The Attorney General

QUESTION: Would it be contrary to the Constitution of the United States and the State of Arizona for the Legislature of the State of Arizona to adopt the Ten Commandments of God as a public policy of the State of Arizona?

CONCLUSION: Yes.

House Bill 217, as amended, reads as follows:

"The ten commandments of God are hereby adopted as the public policy of this state."

Consultation with leading theologians confirms the fact that there is more than one accepted version of the Ten Commandments in our State.

The courts have held certainty is one of the prime requisites of a statute, and that a statute in order to be valid must be definite and certain. Our Court has adopted the following language in dealing with the subject matter of definiteness and certainty of a statute:

" \* \* \* When it leaves the Legislature a law must be complete in all its terms, and it must be definite and certain enough to enable every person, by reading the law, to know what his rights and obligations are and how the law will operate when put into execution \* \* \* " Duham v. State Tax Commission, 65 Ariz. 268.

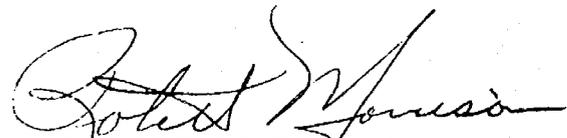
Since House Bill 217 adopts the Ten Commandments by reference and there is more than one version of the Ten Commandments, it is my opinion that House Bill 217 is unconstitutional because of indefiniteness and uncertainty.

To overcome this failing, the bill should set out expressly the version of the Ten Commandments intended to be adopted. In connection with the ultimate subject matter of the bill, may I cite to you for your consideration Article XX of the Arizona Constitution, which reads as follows:

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"Perfect toleration of religious sentiment shall be secured to every inhabitant of this State, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship, or lack of the same."  
(Emphasis supplied)

  
ROBERT MORRISON  
The Attorney General

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