

# **Bond Case Briefs**

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## **FIRST AMENDMENT - NEW MEXICO**

### **Felix v. City of Bloomfield**

**United States District Court, D. New Mexico - August 7, 2014 - F.Supp.2d - 2014 WL 3865948**

Plaintiffs challenged the erection (hee, hee) of a monument inscribed with the Ten Commandments on the lawn in front of the City of Bloomfield, New Mexico municipal building complex as violative of Amendment I of the Constitution of the United States of America.

The District Court held that:

- Plaintiffs had Article III standing because they had regular, direct, and unwelcome contact with the Ten Commandments monument and therefore have suffered an “injury-in-fact,” which was caused by Defendant’s conduct and is likely to be redressed by a favorable decision.
- The Ten Commandments monument was government speech regulated by the Establishment Clause because the Ten Commandments monument is a permanent object located on government property and it is not part of a designated public forum open to all on equal terms.
- In view of the circumstances surrounding the context, history, and purpose of the Ten Commandments monument, it is clear that the City of Bloomfield had violated the Establishment Clause because its conduct in authorizing the continued display of the monument on City property has had the primary or principal effect of endorsing religion.

“...the Court considers this to be a very close case. The result could differ with a slight change in the facts. For example, had the Ten Commandments monument been established last in the series of monuments, after placement of the Declaration of Independence, Gettysburg Address, and Bill of Rights monuments, the First Amendment may not have been offended. Had the Ten Commandments monument been arranged at the rear of the north lawn near the municipal building complex, with the other three monuments (consisting of six tablets) in front of it, the Ten Commandments monument may have passed muster. Had the Ten Commandments monument been installed without a dedication event or with a ceremony absent religious overtones, the ultimate conclusion may have differed. Had the City of Bloomfield adopted the amended policy permitting monuments first, with language clearly allowing only temporary residence of a monument, the result might have changed. Any variation in the many factors in this proceeding could favor the Defendant instead of the Plaintiffs. Nevertheless, the Court decides that the legal precedent, by which it is constrained, mandates a ruling that the Bloomfield Ten Commandments monument violates the Establishment Clause of the First Amendment.”