

Cross-shaped memorial is unconstitutional, court rules

Three secularist organizations objected to government funds maintaining the 40-foot-high World War I memorial.

by [Kimberly Winston](#) in the [November 22, 2017](#) issue



A World War I memorial in Bladensburg, Maryland. Photo by Ben Jacobson via [Creative Commons](#) license.

A 40-foot-high cross has stood on public land in a Washington, D.C., suburb for almost a century. Now it has been deemed unconstitutional by a federal court.

The Fourth U.S. Circuit Court of Appeals ruled in October that the so-called Peace Cross, which commemorates World War I veterans, violates the establishment clause of the Constitution with “excessive religious entanglement.”

“The Latin cross is the core symbol of Christianity,” the court wrote in its opinion. This one is “maintained with thousands of dollars in government funds.”

The three-member court was not unanimous in its ruling. The dissenting judge, Chief Judge Roger L. Gregory, wrote in his opinion that the establishment clause does not require purging religion from the public sphere but requires only governmental neutrality about religion.

“In my view,” the chief justice wrote, the court’s ruling “confuses maintenance of a highway median and monument in a state park with excessive religious entanglement.”

The suit against the cross in Bladensburg, Maryland, was brought by the American Humanist Association and supported by the Center for Inquiry and the Freedom from Religion Foundation, three national secularist organizations.

“The court correctly ruled that the cross unconstitutionally endorses Christianity and favors Christians to the exclusion of all other religious Americans,” Monica Miller, senior counsel from the AHA’s Appignani Humanist Legal Center, said in a statement.

Roy Speckhardt, the AHA’s executive director, said his organization isn’t against veterans or religion.

“Instead of a Christian-only memorial, we want a universal monument that reflects the patriotic contributions of all our fallen heroes and heroines,” he wrote in an email. “We stand side by side with religious folks of all stripes that don’t want government to take sides on religion.”

Federal courts have not been consistent regarding crosses on public land. In 2010, the Supreme Court ruled that a five-foot cross in the Mojave National Preserve, also erected to honor veterans, did not violate the Constitution. But in 2012, the Supreme Court let stand a lower court ruling that said a cross on California’s Mount Soledad violated the First Amendment.

The defendants in the Peace Cross case were the Maryland-National Capital Park and Planning Commission, supported by the American Legion with amici briefs from the Becket Fund for Religious Liberty and 25 state governments. They may appeal to the Supreme Court. —Religion News Service

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