

High court to hear case on monument displays: Newer sect wants equal treatment

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It's the Ten Commandments versus the Seven Aphorisms, and it'll be coming to the U.S. Supreme Court sometime in its 2008-2009 term.

The justices agreed March 31 to hear a case involving a 47-year-old monument to the Decalogue in a Utah city park. The justices will consider whether its presence in the park as the gift of a private organization gives a local sect that is younger than the Judeo-Christian monument the right to erect a tribute to its own religious code.

In *Pleasant Grove City v. Summum*, the court will reconsider a lower court's decision. A panel of the Tenth U.S. Circuit Court of Appeals said the sect, called Summum, has as much right to erect a monument in the park as the Fraternal Order of Eagles did to erect the Ten Commandments monument in the 1960s.

Leaders of the sect asked the city to display its monument to the "Seven Aphorisms of Summum," which the 32-year-old group says were handed to Moses on Mount Sinai along with the Decalogue. Pleasant Grove officials had earlier adopted a procedure for private groups wishing to donate a monument or statue to the park.

The aphorisms include such sayings as, "Everything flows out and in; everything has its season; all things rise and fall; the pendulum swing expresses itself in everything; the measure of the swing to the right is the measure of the swing to the left; rhythm compensates."

City officials refused the group's request. Summum's leaders sued, and a federal district court ruled in the city's favor. But a three-judge panel of the appeals court reversed the lower court's decision, saying it was discriminatory to allow the Fraternal Order of Eagles monument but to deny Summum the same privilege.

City officials appealed for a rehearing, but the full Tenth Circuit deadlocked on the question, meaning the three-judge panel's decision stood.

The city, with the help of the conservative American Center for Law and Justice, appealed the decision to the Supreme Court, arguing that forcing Pleasant Grove to allow the monument meant that other government entities would also have to allow all sorts of monuments on public land.

"Effectively, a city cannot accept a monument posthumously honoring a war hero without also being prepared to accept a monument that lampoons that same hero. Nor may a city accept a display that positively portrays Native American culture unless it is prepared to accept another that disparages that culture," said attorneys for the city, in their brief asking the high court to review the Tenth Circuit's decision.

In the second half of the 20th century, the Eagles organization donated similar Ten Commandments monoliths to scores of other communities across the nation. Several have been the subject of important court decisions on government and religious expression.

Unlike many other cases regarding such monuments, however, this one does not turn on the First Amendment's bans on government endorsement and suppression of religion. Instead, it is a free-speech question that animates the case.

Pleasant Grove officials contend that the city has the right to discriminate between monuments. The Decalogue statue and other monuments in the park, they reason, have become government speech—even though they were donated by private entities. *-Associated Baptist Press*