

Atheists Fail to Topple 'Big Mountain Jesus' Statue

Montana's attorney general has defended the placement of a 6-foot-tall statue, known as "Big Mountain Jesus," on a ski slope that is on federal land, presenting the state's position on Wednesday for the first time in a lawsuit brought by a secular group seeking to have the decades-old monument removed.

In a legal brief filed in federal court, state Attorney General Tim Fox asked the 9th U.S. Circuit Court of Appeals to allow the statue depicting Jesus with his arms outstretched to stay in place next to a chair lift at the Whitefish Mountain ski resort in northwest Montana.

The Wisconsin-based Freedom From Religion Foundation sued the U.S. government in 2012 over the statue, arguing that its presence on federal land leased to the resort violated the constitutional doctrine of separation of church and state.

The Knights of Columbus, a Roman Catholic organization, erected the statue in 1954 with permission of the U.S. Forest Service, and a nearby plaque from 2010 describes the monument as the idea of members of the group who fought in World War II and saw mountain shrines to Jesus in Europe.

U.S. District Judge Dana Christensen ruled last year that the statue can remain and does not convey the idea that the U.S. government "endorses Christianity over any other faith or the absence of faith."

"Judge Christensen got it right in his ruling: The statue is the private speech of its private owners," Fox said in a statement.

The attorney general's legal papers filed in federal court on

Wednesday represent the first time Montana has taken a position in the court fight, Fox's spokeswoman Anastasia Burton said in an email.

Freedom From Religion appealed Christensen's ruling and oral arguments are expected before the 9th Circuit within months.

The statue is not treated like a shrine, because in the past its arms have been broken off by skiers and snowboarders giving it high-fives, said Mike Berry, senior counsel for the Liberty Institute, which is representing the American Legion in court in arguing the statue should remain.

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