

City Attorney Strikes Back at Atheists' Demand for Removal of Christian Crosses

An attorney for the town of Elizabethton, Tennessee, is defending the presence of three crosses on public land after atheists demanded their removal.

The move comes weeks after residents protested the Freedom From Religion Foundation's demand the crosses be taken down from atop Lynn Mountain. As Faithwire previously reported, the atheist group claimed the religious symbols' presence on city-owned land is a violation of the First Amendment's Establishment Clause.

"They are crosses up there by themselves," FFRF legal fellow Karen Heineman told WJHL-TV last month. "They seem to have a pretty obviously Christian message."

She continued, "They have no other obvious meaning or other messages with them, and it sends, I think, a pretty obvious message of endorsement of Christianity."

The City Is Reportedly Standing Firm

But rather than bow to these demands, Elizabethton City Attorney Roger Day reportedly issued a statement Thursday calling the crosses constitutional and declaring they are permitted to stay on public land.

Rather than an "obvious message" bolstering Christianity, he said the crosses reflect another situation the Supreme Court ruled on in 2019—a case about a 40-foot veterans memorial in Bladensburg, Maryland, according to the *Johnson City Press*.

"I have reviewed the current law regarding displays of religious symbols, specifically, the U.S. Supreme Court Case

of American Legion v. American Humanist Association,” Day wrote. “I agree with the U.S. Supreme Court decision in American Legion, which held that ‘long standing monuments, symbols and practices’ with ‘religious associations have’ a ‘presumption of constitutionality.’”

He concluded the statement with his contention the crosses can remain and “do not violate the separation of church and state.”

The American Legion v. American Humanist Association case centered on the so-called “Peace Cross,” with the high court ruling 7-2 the cross was historical and did not pose a constitutional violation.

Heineman described the justices’ 2019 decision as follows: “The court’s analysis rested on its contrived theory that religious meaning diminishes with age, thereby allowing ‘longstanding’ cross displays to skirt the Establishment Clause obligation.”

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