

Highway Cross Memorials Challenged in Court

The Cross of Jesus Christ continues to offend many. That's why the American Center for Law and Justice on Monday filed an amicus brief urging the Supreme Court of the United States to take a case in which an appeals court declared putting crosses along Utah highways unconstitutional.

Crosses placed to commemorate the death of Utah Highway Patrol officers and urge motorists to drive safely do not violate the Establishment Clause of the U.S. Constitution as was asserted under a recent ruling from the U.S. Court of Appeals of the Tenth Circuit, the American Center for Law argues.

"This is just another troubling example of the courts being used to remove symbols to honor those who have given their lives in service to others—in this case, Utah Highway Patrol officers," says Jay Sekulow, chief counsel of the ACLJ. "The mere existence of a religious symbol in a public place need not trigger a constitutional crisis. The Supreme Court recently noted that the Constitution does not prohibit, but rather accommodates such symbols. We're hopeful the high court will take this case and reverse the appeals court decision, clearing the way for the highway crosses to remain in place."

Here's the background: The Utah Highway Patrol Association, a private, nonreligious organization, erected Latin crosses that conspicuously displayed, along with the Highway Patrol logo, the names, pictures, ranks, badge numbers, service information, and years of death of Utah Highway Patrol officers who died in the line of duty. The association erected the crosses in locations safely accessible to the public that were as close as possible to the sites where the officers died. The crosses were intended to serve as memorials to the officers' service and sacrifice and to remind drivers of the

importance of driving safely.

In its brief backing a Petition for a Writ of Certiorari, the ACLJ contends the Utah crosses are constitutional and reflect what the high court decided just a year ago.

In April 2010, in the case of *Salazar, Secretary of the Interior, et al., v. Buono*, (08-472), the Supreme Court ruled that a World War I memorial in California's Mojave Desert that features a memorial cross can remain in place. A plurality opinion by Justice Anthony Kennedy observed: "A cross by the side of a public highway marking, for instance, the place where a state trooper perished need not be taken as a statement of governmental support for sectarian beliefs. The Constitution does not oblige government to avoid any public acknowledgment of religion's role in society . . . Rather, it leaves room to accommodate divergent values within a constitutionally permissible framework."