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Your Turn
Alan Garfield
Guest columnist

Should the government cut off the arms of a giant Christian cross?

We'll get to that later. First, buckle up. We're going for a ride.

We're heading to the intersection of U.S. Route 1 and Maryland Route 450 in Bladensburg, Maryland, one of the busiest intersections in Prince George's County. That's where we'll find the "Peace Cross," a towering 40-foot Latin cross that ascends from a traffic island in the middle of the road.

The cross, built with private money, was completed in 1925 to honor 49 local soldiers who perished in World War I.

If we stop to explore the island, you'll realize that the cross is a war memorial. You'll see the words "Valor," "Endurance," "Courage," and "Devotion" inscribed on its rectangular base and the weathered plaque bearing the names of the 49 fallen soldiers.

But if we cruise past the monument, as most people do, your only takeaway is of a giant cross on a public highway median.

Of course, people often see religious displays while driving. They pass churches with crosses and synagogues with menorahs. They occasionally see billboards beckoning them to accept Christ. But these are on private property.

The Peace Cross is on public property. At the time the cross was built, the land was owned by the city of Bladensburg. The state of Maryland acquired the property in 1961 because of safety concerns raised by a large monument adjacent to a busy highway.

On Feb. 27, the Supreme Court will hear oral argument over whether the Peace Cross violates separation of church and state.

A federal appeals court held that it did. The court said that people would perceive the cross as government endorsement of Christianity and found it problematic that government funds were being used to maintain it.

The court of appeals didn't "presuppose" any particular remedy, although it mentioned "removing the arms or razing the Cross entirely." It encouraged the parties to come up with an acceptable solution. Then the Supreme Court intervened.

I appreciate the court of appeals' ruling. Government should not display or maintain overtly religious symbols, except for the secular purpose of preserving historically or aesthetically significant works, such as Renaissance paintings in a public museum.

Still, I wonder whether removing century-old monuments with religious symbols does more harm than good.

Justice Stephen Breyer expressed a similar concern in a 2005 Supreme Court opinion when he provided the crucial fifth vote to permit a 40-year-old Ten Commandments monument to remain on the Texas State Capitol grounds. Ruling otherwise, Breyer said, "might well encourage disputes concerning the removal of longstanding depictions of the Ten Commandments from public buildings across the Nation" and "create the very kind of religiously based divisiveness that the Establishment Clause seeks to avoid."

But it's important to note that, the very same day, Breyer cast the deciding vote in a companion case that struck down contemporary Ten Commandments displays in Kentucky courthouses. These displays were created at the behest of government, not private actors, and the Supreme Court found no legitimate secular purpose for the government's actions. The Court said that religious "divisiveness" remains an "inescapable" fact of American public life and it was "no time" to abandon the constitutional command for government to "stay neutral on religious belief."

Like Breyer in the Texas case, I'm willing to give the 100-year-old Peace Cross a pass. I'd save my ammunition for contemporary government actors who callously ignore the Supreme Court's command to avoid religious preferentialism and who deliberately foment religious divisiveness for political advantage.

I'd tolerate the Peace Cross if we could have a president who distinguishes between the millions of peaceful Muslims and the small percentage who are dangerous extremists. I'd trade the Peace Cross for a president who doesn't campaign on the promise that "We can say Merry Christmas again" as if there were a war on Christians and shopping malls didn't deck their halls with boughs of holly.

I'd let the Peace Cross remain if we could have politicians who know how to criticize Israel's treatment of Palestinians fairly without resorting to age-old anti-Semitic tropes, or politicians who understand that fundamentalist Christians are not personally assaulted when others use contraceptives or marry people of the same sex.

The Framers understood the dangers of religious divisiveness. They knew about the centuries of religious warfare in Europe and the immigrants who came to our shores to escape religious persecution. That's why they separated church and state by forbidding government establishment of religion.

We honor both the wishes of the Framers and the courage of our soldiers when we affirm our commitment to a nation that treats all people, regardless of race, religion, ethnicity, or gender, as equals.

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