NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Supreme Court won't reopen roadside crosses fight

Adelle M. Banks Religion News Service | Nov. 1, 2011

WASHINGTON -- The Supreme Court announced Monday that it will not reopen a case in which a lower court ruled that highway crosses memorializing Utah state troopers are unconstitutional.

The court's decision was harshly criticized by Justice Clarence Thomas, the lone dissenter, who said it "rejects an opportunity to provide clarity" to an area of church-state law that is "in shambles."

Dave Silverman, president of American Atheists, which filed the suit in 2005, said he hopes the court's announcement will bring the case to an end and lead to an alternative way of honoring troopers who died in the line of duty.

"Erecting divisive religious icons that violate the very Constitution the fallen troopers had sworn to uphold is not the way to honor those troopers who gave the ultimate sacrifice for the citizens of their state," he said.

The conservative Alliance Defense Fund, which asked the court to consider the case, was disappointed.

"Justice is not well-served when unhappy atheists can use the law to mow down memorial crosses and renew the suffering for the survivors," said ADF Senior Counsel Byron Babione.

The Utah Highway Patrol Association had erected 12-foot white crosses to honor fallen officers since 1998. The atheist group lost its first legal challenge, but the 10th U.S. Circuit Court of Appeals ruled last year that the memorials "have the impermissible effect of conveying to the reasonable observer the message that the state prefers or otherwise endorses a certain religion."

Source URL (retrieved on *07/30/2014 - 15:33*): http://ncronline.org/news/peace-justice/supreme-court-wont-reopen-roadside-crosses-fight