

# “CHURCH AND STATE” ISSUES RAGE

From public property to public schools, a major issue is the separation of church and state. The issue has made headlines in a number of cases recently. We’ve taken the opportunity to highlight the most notable.

- One of the most high-profile cases involves the Mt. Soledad Cross, located on city property in San Diego. A veteran who happens to also be an atheist sued in 1989 to have the cross removed, saying it violates California’s constitutional ban on government exercise of religion. A U.S. district judge had originally ordered the cross to be removed back in 1991. Since then, a number of appeals have taken place. Most recently, President Bush signed a bill that transfers ownership of the cross and the memorial site to the federal government. Supporters of the memorial believe they have a better chance of winning under federal law than state law. Opponents of the cross say the case is still the same, regardless of whether it’s handled under federal or state law.
- In another prominent case in California, church and state issues arose when a state senator proposed a bill that would have resulted in Mission San Miguel, a Catholic mission, receiving money to recover from earthquake damage. Some legislators raised concerns because religious services are held at the parish. The legislators were allowing the sponsor of the bill to modify the legislation so it would not raise church-state issues.
- Another cross came under scrutiny, this one in St. Bernard’s Parish, Louisiana. Parish residents wanted to erect a memorial to Hurricane Katrina victims that features a cross bearing a likeness of the face of Jesus. The American Civil Liberties Union (ACLU) of Louisiana sent a letter to parish

officials in August, saying what the parish was planning would be a violation of the separation of church and state. The ACLU argued that the memorial would be on public ground and that government officials were working on the memorial. Parish officials countered that the memorial would stand on private ground and that the government officials who were working on it were doing so on their own time. The planned memorial, including the cross with the face of Jesus, was erected on August 29.

- In Fort Collins, Colorado, the city council was already thinking ahead to the Christmas season. In July, the council decided that only a Christmas tree would be allowed on city property during the holiday season. Previously, the council had ruled that a menorah would be allowed on each night of Hanukkah. For one city councilman, favoring one religion over another was not the motivation in this decision. Ben Manvel said, "The Christmas trees aren't a problem because they were originally pagan. If we allowed the menorah and a crèche, then we'd end up with a parade of other religious symbols."

- In Nevada, a high school valedictorian began referencing Jesus in her graduation speech, and school officials subsequently cut off the power to her microphone. The officials had screened Brittany McComb's speech earlier and removed any references to Jesus. McComb memorized the parts that were removed and began reciting them during her speech. The former student is suing school officials.

- One place in which prayer was an issue was the locker room. In July, a U.S. district judge ruled that the East Brunswick High School (New Jersey) football coach's constitutional rights were violated when the East Brunswick Board of Education told the coach he was not allowed to bow his head and "take a knee" during prayers, led by his players, in the locker room before games. The Board of Education has filed an appeal to the judge's ruling.

- In a case in West Virginia, Americans United for the Separation of Church and State and the West Virginia ACLU sued the Harrison County Board of Education because a high school in the district had a portrait of Jesus hanging outside the principal's office. Supporters were able to raise at least \$150,000 to allow the Board to defend the portrait's placement. The board has since decided to ask for a dismissal of the case, as the portrait was stolen. Meanwhile, students presented the school's incoming principal with a mirror to replace the portrait. The mirror's inscription reads, "To know the will of God is the highest of all wisdom. The love of Jesus Christ lives within each of us." It's not clear whether the principal will hang the mirror outside his office, but the executive director of the West Virginia ACLU says this would also be inappropriate for a public school.

- College campuses continue to be a place where religion and government clash. At the University of Wisconsin, two groups might be denied funds. The University, at its Madison campus, is not recognizing the Knights of Columbus. The University said the group's policy on admitting only Catholic men is against the state's law that prohibits discrimination on the basis of religion or creed. Also in question is the status of InterVarsity Christian Fellowship at the University of Wisconsin-Superior. The issue in that case is that the organization limits its leaders to only Christians.

Some of these cases are still pending, but the results do indicate that the freedom of religious expression is never safe from those who wish to place state sanctions on it. The Catholic League continues to monitor such cases and will take action when necessary.