



Written by [Dave Bohon](#) on January 25, 2013

Supreme Court Refuses Atheist's Appeal Over Giant Illinois Cross Landmark

An Illinois atheist has exhausted his final appeal in a two-and-one-half-year legal effort challenging the use of state funds for the renovation of a 50-year-old, 11-story Christian cross gracing the top of Illinois' tallest peak. On January 22 the U.S. Supreme Court declined to review Robert Sherman's suit, first filed in 2010, which charged that the state had violated the First Amendment's Establishment Clause when it gave a \$20,000 grant to Friends of the Cross, a group that was formed to raise funding for the repair of the decaying 111-foot [Bald Knob Cross of Peace](#) near Alto Pass, Illinois.



Lower courts had ruled that Sherman lacked standing to sue the state since the funding had not come directly from the state legislature, but was funneled through a \$5-million fund designated for individual lawmakers and was issued to the Friends of the Cross through the Illinois Department of Commerce and Economic Opportunity. Sherman continued to push his case, insisting that the grant was a legislative earmark and demonstrated the government's preferential treatment of Christianity. In a statement Sherman said that the Supreme Court's refusal to consider his appeal "affirms that our nation's court system is a joke." He said his failed appeal means that "any legislative [body], whether it be Congress, a state legislature, or a municipal board, can make blatantly unconstitutional grants to advance religion simply by naming an executive branch agency as a middleman in the transaction." "What a joke!" Sherman wrote on his personal website. "What a fraud against the taxpayers of this country."

D.W. Presley, a who heads up the Friends of the Cross group, said he was not surprised by the High Court's refusal to take the case. "In the grand scheme of things, while this is sensational news, this was just a small portion of what we've had going on in the last three years," Presley said of the cross renovation project. "The more important story is seeing the cross restored." He added that Sherman "used the legal process to the fullest extent, and there's nothing wrong with that. We're just glad it's over and behind us."

The \$20,000 state grant amounted to a down payment on the approximately \$500,000 restoration of the 1963 landmark "that had been showing its age with hundreds of white porcelain panels rusting, missing, or hanging on by coat hangers and bailing wire," reported [Fox News](#). "The panels and the electrical system have been replaced on the structure, which was peeled back to its steel-and-concrete frame during the renovation. Forty ground-level, 1,000-watt incandescent bulbs that had been frequently vandalized were replaced with elevated, more efficient LED illumination, and security cameras were added." A lighting ceremony on December 22, 2012 marked the completion of the three-year renovation project.

The cross, which is situated 125 miles southeast of St. Louis at the perimeter of the Shawnee National



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Forest, was built in part through the donations of local farmers. It has been a familiar sight for 50 years as it towers above the 1,025-foot-high Bald Knob Mountain, where Easter services have been held since 1937.

Photo: Bald Knob Cross of Peace



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