



Written by [Warren Mass](#) on May 26, 2016

Georgia City Removes, Then Replaces, Memorial Day Crosses After Complaint

A Memorial Day display of 79 crosses erected on May 20 alongside a state highway in Hiram, Georgia, to honor the 79 Paulding County residents who died in America's wars was temporarily removed following a complaint from a caller. However, following a hastily called city council meeting, the council voted unanimously to put the crosses back up. By May 25, they were again on display.



Almost as soon as the crosses (which had been hand painted by volunteers) were erected, Hiram City Manager Barry Atkinson's office received a phone call asking whether or not the Christian display was appropriate and if all the fallen soldiers had been Christian. Atkinson said in an interview with WSBTV, a local ABC News affiliate: "They asked were all those fallen soldiers Christian, and the answer to that was no, they obviously weren't."

Atkinson said he did not believe the person who complained was angry about the crosses. "If Hiram was willing to do a permanent veterans memorial, they offered to make a cash contribution, so I wouldn't say they were really mad," he said.

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Nevertheless, the conversation still impacted Atkinson's decision making. "It opened our eyes that we missed something here, and we immediately took corrective action," he told WSBTV.

That action was removing the crosses.

However, the removal of the crosses proved, if anything, to be more controversial than their erection. The *Washington Times* reported that on the night of May 24, during a city council meeting, many residents voiced their objections to the crosses' removal and the council responded by voting unanimously to replace them.

Hiram's mayor, Teresa Philyaw, told the media that the display of the crosses, which she had helped plan and approved, was never intended to be religious. She said in a statement quoted by the *Inquisitr*:

It was never about religion — it was just to honor them. I was devastated when it had to come down. We wanted to make sure that they weren't forgotten. We also wanted their families to know that our hearts still bleed for them. At the time, it never, ever crossed my mind about the religious factor in it. The cross is a "rest in peace" symbol to me.

One resident said in an interview with WSBTV's Ross Cavitt:

People who are non-Christian shouldn't be offended by [the crosses] because [the soldiers] gave their lives for our country, and that's the way I look at it.

Whether it's a cross or any other kind of marking it's in honor of Memorial Day.

This incident in Hiram was one of many similar such controversies that have occurred across our land



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in recent years, as federal and local jurisdictions have misinterpreted the First Amendment's language prohibiting Congress from legislating to respect "an establishment of religion." Though it was originally understood that by passing that amendment, our Founders were referring to an established church (such as the Church of England) and that the prohibition applied only to Congress, two factors came into play. First, following the ratification of the 14th Amendment in 1868, a series of Supreme Court decision started using the "due process" clause in the amendment to apply language in the Bill of Rights to the states that originally applied only to the federal government. Additionally, a number of courts ruled that the First Amendment's prohibition of an establishment of religion applied not only to the establishment of a church, but to any expression of religious faith at any level of government, such as prayer in public schools or displays of the Ten Commandments in court houses.

Atheists and organizations such as the ACLU have seized on these rulings to file lawsuits against any such expressions of faith on public property. One such case involved a wooden cross erected at Sunrise Rock in the Mojave National Preserve by veterans of World War I. A long battle in the courts following a lawsuit filed by the ACLU against the cross's placement caused the cross to be placed in storage for years, but it was finally restored on Veterans Day 2012 — 13 years after it had been removed because of the ACLU lawsuit.

In another case back in 2011, the Supreme Court refused to hear an appeal of a ruling by the 10th Circuit U.S. Court of Appeals in Denver, which had ordered the removal of crosses placed along Utah's highways by the private Utah Highway Patrol Association in honor of fallen state troopers. The decision was the result of a lawsuit filed by the Texas-based American Atheists Inc. and three of its Utah members. In April 2011, the Alliance Defending Freedom (ADF, formerly Alliance Defense Fund) took up the case on behalf of Utah and the Highway Patrol Association, asking the Supreme Court to review the case. However, in an 8-1 ruling on October 31, the High Court declined to hear the appeal.

The lone dissenter in the case was Clarence Thomas, who wrote that his fellow justices had missed "an opportunity to provide clarity to an Establishment Clause jurisprudence in shambles."

The idea that religious symbols or expressions should be prohibited on public property is proved to be baseless by some federal practices that indicate the opposite. For example, both houses of Congress retain a chaplain to open each session of their body with a prayer. The House cites the first half of Article I, Section 2, Clause 5 of the Constitution as giving it the authority to elect a chaplain: "The House of Representatives shall choose their speaker and other officers."

The office of the Clerk of the House explains the legitimacy of appointing a chaplain: "The other officers have been created and their duties defined by the rules of the House, which also are made pursuant to the authority of the Constitution, hence one of the rules prescribes the duties of the Chaplain."

The Senate also appoints a chaplain, by a majority vote of the members of the Senate. This practice follows a long tradition going back to the founding of our republic. Shortly after the Senate first convened in April 1789 in New York, one of its "first orders of business" was to convene a committee to recommend a chaplain, selecting the Right Reverend Samuel Provoost, Episcopal Bishop of New York.

Going back to the objections made to the display of crosses in Hiram, Georgia, it is interesting to consider that the Department of the Army, which runs Arlington National Cemetery, specifically lists 60 different religious symbols that may be inscribed on headstones there. The most common symbol is the Latin Cross, but other symbols commonly seen at Arlington are the Star of David (on Jewish graves), the Lutheran Cross, the Russian Orthodox Cross, the Cross and Crown (of the First Church of Christ,



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Scientist) and the Presbyterian Cross.

Those who have died in service to our country have often possessed a trio of loyalties for which they were willing to lay down their lives — God, family, and country. It should be viewed as a disservice to their memory to deny the display of symbols reflecting any of these loyalties in their honor.

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