



Alabama Attorney General Steve Marshall Welcomes Federal Appeals Court Decision Protecting Public Display of Cross in Pensacola

(MONTGOMERY) – Alabama Attorney General Steve Marshall welcomed a decision today by the U.S. Court of Appeals for the 11th Circuit upholding the right of the City of Pensacola to continue to display a World War II-era cross monument in a public park.

Plaintiffs sued the City of Pensacola in 2016 claiming the over 70-year-old cross erected in the City’s Bayview Park violated the Constitution’s prohibition against the establishment of religion. The State of Alabama filed an amicus brief in support of the City of Pensacola, and Attorney General Marshall today praised the federal appeals court decision to protect the historic cross.

“For the better part of a century, the Pensacola cross has served as a backdrop for community events and memorial services honoring veterans,” Attorney General Marshall said. “The cross is both a point of reflection for the public wishing to remember those lost defending our nation, as well as a beloved historical landmark. It does not violate the First Amendment. Today’s decision by the 11th Circuit Court of Appeals makes that point clear in plain language.

The 11th Circuit opinion reads in part:

“Even if the original purpose of [the] monument was infused with religion, the passage of time may obscure that sentiment, and ... a community may preserve such monuments, symbols, and practices for the sake of their historical significance or their place in cultural heritage.”

The Court continued, “Removal of the Bayview Park cross at this point – more than 75 years after its original erection and more than 50 years after its replacement with the current version – could well, in the Supreme Court’s words, ‘strike many as aggressively hostile to religion.’”

The 11th Circuit Court of Appeals decision follows a similar ruling in June 2019 by the U.S. Supreme Court in favor of another historic cross monument in Bladensburg, Maryland, which was erected as a World War I memorial. The State of Alabama joined an amicus brief in support of continued display of the Bladensburg “Peace Cross.”

“Because there is no reason to think the Pensacola cross was maintained for a discriminatory purpose, the monument does not violate the Establishment Clause, and as long as the Eleventh Circuit’s ruling today stands, so will the cross,” added Attorney General Marshall.

Alabama was joined by Florida, Georgia, Indiana, Kansas, Louisiana, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, South Carolina and Utah in filing an amicus brief in support of the Pensacola cross in October 2017.

[Link to the opinion of the 11th Circuit Court of Appeals decision](#)

