

# Court says Utah city not obligated to accept religious monument in park

WASHINGTON - A public park that displays a Ten Commandments monument is not legally required to accept another religious monument under the free speech clause of the First Amendment, the U.S. Supreme Court ruled Feb. 25.

The unanimous decision in *Pleasant Grove City, Utah v. Summum* reversed a 2007 ruling by the 10th U.S. Circuit Court of Appeals, which had ordered the erection of a monument to the Seven Aphorisms of Summum in Pleasant Grove City's Pioneer Park.

Summum, a gnostic Christian group founded in 1975 and based in Salt Lake City, believes that the Seven Aphorisms were brought down from Mount Sinai by Moses, who thought the Israelites were not prepared to receive them. He therefore shared them only with a select group before returning to Mount Sinai to retrieve a second set of tablets containing the Ten Commandments.

In 2003, the religious group had twice requested permission to erect a stone monument to the Seven Aphorisms in the park, which already had 15 permanent displays, including a wishing well, the city's first fire station, a Sept. 11 monument and the Ten Commandments monument.

The city turned down the request, saying that it limited monuments in the park to those that "directly relate to the history of Pleasant Grove" or "were donated by groups with long-standing ties to the Pleasant Grove community."

In its decision, written by Justice Samuel A. Alito, the Supreme Court said there was no violation of the free speech clause, which "restricts government regulation of private speech" but "does not regulate government speech."

"While government entities regularly accept privately funded or donated monuments, their general practice has been one of selective receptivity," Justice

Alito wrote. "The accepted monuments are meant to convey and have the effect of conveying a government message and thus constitute government speech."

It is also inappropriate to apply "public forum principles" to permanent monuments on government property, the court said, because speakers or parades eventually leave the property while monuments remain.

"If governments must maintain viewpoint neutrality in selecting donated monuments, they must either prepare for cluttered parks or face pressure to remove long-standing and cherished monuments," Justice Alito wrote. "Were public parks considered traditional public forums for the purpose of erecting privately donated monuments, most parks would have little choice but to refuse all such donations."

Although the decision was unanimous, four justices issued separate concurring opinions, and two other justices concurred with one of those.