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## The Secular Busybodies Lose Again

A new Supreme Court precedent saves a county seal featuring a cross

By The Editorial Board

Supreme Court precedent travels fast. Less than two months ago the Justices ruled 7-2 that a 40-foot stone war memorial, the Peace Cross in Bladensburg, Md., could stay standing on public ground, despite its religious symbolism. Now a federal appeals court has applied that logic to save a 75-year-old county seal.

Lehigh County, Pa., which includes Allentown, adopted its seal in 1944. It includes a Latin cross, superimposed with an image of the county courthouse. Surrounding them are such secular symbols as a heart, lamp, cow, grain silo, bison head, and factory with billowing smokestacks. Two years after this insignia was adopted, a county commissioner said the cross signified “Christianity and the God-fearing people which are the foundation and backbone of our County.”

For 70 years the seal drew no complaints. But in 2014 it caught the attention of

the Freedom From Religion Foundation, a busybody outfit that wants to expunge religious symbols from public life. Lehigh County refused to discontinue the seal, saying it honored the area’s history and the people who settled there. The busybodies sued in 2016. A federal district court reluctantly ruled the seal a violation of the First Amendment’s ban on “establishment of religion.” The judge said this outcome was contrary to the Founders’ intent but he was bound by the Supreme Court’s 1971 ruling in *Lemon v. Kurtzman*, which set up a multipronged test that the Lehigh County seal failed.

The county appealed, but the case was put on ice pending the Supreme Court’s ruling on the Bladensburg cross. Two weeks ago that new precedent was put to work by the Third Circuit Court of Appeals,



which said the *Lemon* test is dead regarding “monuments, symbols, mottos, displays, and ceremonies.”

Judge Thomas Hardiman, who was on President Trump’s short list for potential Supreme Court picks, wrote the opinion. “The Latin cross at issue here no doubt carries religious significance,” he said. “But more than seven decades after its adoption, the seal has become a familiar, embedded feature of Lehigh County, attaining a broader meaning than any one of its many symbols.” The seal will stand.