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FIRST AMENDMENT - CALIFORNIA

American Humanist Ass'n v. City of Lake Elsinore

United States District Court, C.D. California - February 25, 2014 - Not Reported in F.Supp.2d - 2014 WL 791800

Plaintiffs challenged a veterans-memorial design approved by the Lake Elsinore City Council as violative of the First Amendment's Establishment Clause of the United States Constitution and the Establishment, No Preference and No Aid to Religion Clauses of Articles I and XVI of the California Constitution.

The District Court concluded that the Lake Elsinore memorial, which prominently featured a cross, violated both the U.S. Constitution's Establishment Clause and the Establishment and No Preference Clauses of the California Constitution.

"The public comments show that for a majority of the five-person Lake Elsinore City Council, the purpose for including the cross on the memorial was to symbolize their religion and the Country's status as a Christian nation. Such comments reflect an abandonment of government neutrality in adopting the cross design, and an 'intent of promoting a particular point of view in religious matters.'"