



August 1, 2011

Ground Zero Cross Lawsuit

I. The Plaintiffs

The primary plaintiff in this lawsuit is American Atheists, Inc., a nonprofit organization dedicated to the complete and absolute separation of church and state. At least three of the four individual plaintiffs are members of this organization.¹ American Atheists was founded by Madalyn Murray O’Hair, a well-known atheist activist, in 1963 following her landmark victory striking down mandatory school prayer and Bible recitation.²

From their mission statement, American Atheists, Inc. exists:

- to stimulate and promote freedom of thought and inquiry concerning religious beliefs, creeds, dogmas, tenets, rituals, and practices;
- to collect and disseminate information, data, and literature on all religions and promote a more thorough understanding of them, their origins, and their histories;
- to advocate, labor for, and promote in all lawful ways the complete and absolute separation of state and church;
- to advocate, labor for, and promote in all lawful ways the establishment and maintenance of a thoroughly secular system of education available to all;
- to encourage the development and public acceptance of a humane ethical system stressing the mutual sympathy, understanding, and interdependence of all people and the corresponding responsibility of each individual in relation to society;
- to develop and propagate a social philosophy in which humankind is central and must itself be the source of strength, progress, and ideals for the well-being and happiness of humanity;
- to promote the study of the arts and sciences and of all problems affecting the maintenance, perpetuation, and enrichment of human (and other) life;
- to engage in such social, educational, legal, and cultural activity as will be useful and beneficial to the members of American Atheists and to society as a whole.³

¹ Complaint ¶¶ 5, 6, 7.

² *About American Atheists*, <http://atheists.org/about> (last visited July 28, 2011).

³ *American Atheists Aims and Principles*, http://atheists.org/Aims_and_Principles (last visited July 28, 2011).

The plaintiffs' animosity toward the Christian faith is apparent. One plaintiff, Jane Everhart, stated that the cross was nothing more than an "ugly piece of wreckage" that "does not represent anything . . . but horror and death."⁴ Another plaintiff, David Horvitz, calls the cross "offensive and repugnant."⁵ Silverman added, "The Christian community found a piece of rubble that looked like an icon and they deified it. But really 9/11 had nothing to do with Christianity."⁶

II. The Complaint

The complaint revolves around the placement in the 9/11 museum of a cross formed by two steel beams that survived in the shape of a cross as the Twin Towers collapsed in New York City on 9/11. Plaintiffs claim that the cross was included as a symbol of Christianity; they fail to note that the cross is actually a remnant of the ruins of the Twin Towers. The plaintiffs' goal is to compel the government to remove the cross from the museum or, in the alternative, compel the government to allow equal space for non-Christian exhibits in the museum. The complaint demands, *inter alia*, a "declaration by the Court that the placement of the cross, without affording equal space to non-Christian Americans for similar memorials, violates the Constitution of the United States, the Constitution of the State of New York, and Article 4 Sections 40 and 40-c of New York's Civil Rights Law."⁷ According to Dave Silverman, president of American Atheists, "It's an all or nothing deal. They can remove the cross, or they can let everybody else in."⁸

The complaint claims that the plaintiffs are "being subjected to, and injured in consequence of having, a religious tradition that is not their own imposed upon them through the

⁴ Reshma Kirpalani, *American Atheists Sue Over World Trade Center Cross* (July 27, 2011), <http://abcnews.go.com/US/atheists-sue-cross-world-trade-center-museum/story?id=14169830>

⁵ Complaint at 5.

⁶ Kirpalani, *supra* note 4.

⁷ Complaint.

⁸ Kirpalani, *supra* note 4.

power of the state.”⁹ As a result, the plaintiffs claim to have suffered “dyspepsia, symptoms of depression, headaches, anxiety, and mental pain and anguish” from being “officially excluded.”¹⁰

⁹ Complaint at ¶ 4.

¹⁰ Complaint at ¶¶ 47, 53, 61, 67.