

Constitutional Controversy Surrounds Greene County Circuit Clerk Poster

By KSPR News

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A Springfield man might sue Greene County for violating the Establishment Clause of the First Amendment. At issue, a poster with several religious and patriotic images that's hanging in the lobby of the Greene County circuit clerk's office.

Many people who go to the circuit clerk's office might not notice the poster that hangs behind them in line in the lobby. However, one Springfield man did and he did not like what he saw. "He said he'd sue me. Then he asked when I'd take it down." Greene County Circuit Clerk Steve Helms says, "I said I'm not interested in taking it down."

The medium size poster displays a bald eagle, Lady Liberty, and symbols of 9/11 and Iwo Jima. The historic symbols all surround the Ten Commandments in the center of the poster. Helms says, "I see symbols of 9/11. I see patriotism. I'm a patriotic person. I served in the United States Army." Helms says the man complained that the Christian symbols impeded his access to the courts. Helms says, "I don't think a poster impedes anyone's access."

Helms says he too is taking a stand just like the man who wants the poster taken down. Helms says, "Every religious artifact should not be kicked out of public view."

Missouri State University Political Science Professor Kevin Pybas has written many articles on the separation of church and state. Pybas says he follows similar cases closely. He says if this case goes to court, a judge would have to decide if the poster is promoting or endorsing a religion or if it's simply a display of religion's role in American history.

Pybas says, "If a lawsuit were filed, what would the taxpayers think about the county spending money to defend a lawsuit like this." Pybas says this case would be tough to decide. He says, "It's a close call but it would probably be permissible but I can't say for sure."

Pybas says in a case like this context is everything. Pybas says, "As a general rule you can have religious symbols as long as there are secular symbols as well." Pybas says judges look at the primary message being conveyed. The location of a display is also taken into account. Pybas says, "Is it something that's unavoidable. Can they not divert their eyes when they enter the government building. Judges look at the what's called the pass of display."

Pybas says those supporting the removal of the poster and other religious symbols like it believe there should be a strict separation. He says they believe they are made to feel like outsiders because they want neutrality in government.

Pybas says those that want the sign to stay see this as part of a relentless effort to strip religion from all public places.

Professor Pybas points to two recent examples of similar court cases. He says in 2005 large concrete Ten Commandment tablets were allowed to stay on the state capital grounds in Austin, TX. He says many other secular symbols were on the grounds. Pybas says another 2005 case ended differently. A courthouse in Kentucky was forced to remove Ten Commandment tablets because they stood alone in the building.

For now Helms plans to leave the poster in place. The man has not yet filed a lawsuit