

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

October 19, 2015

**SENT VIA EMAIL AND U.S. MAIL:
sdavis@cityofcollins.com**

Ms. Suzette Davis
City Clerk
City of Collins
300 Main Street
Collins, MS 39428

Re: Unconstitutional religious display in city park

Dear Ms. Davis:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a serious constitutional violation. We were contacted by a concerned local resident. FFRF is a national nonprofit organization with more than 23,000 members across the country, including members in Mississippi. FFRF's purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that the City of Collins' Bettie D. Robertson Memorial Park contains a collection of large religious displays, including:

- 3 large Latin crosses;
- a large statue of Jesus carrying a cross;
- a prominent globe with the words "City of Collins" on a banner above a picture of Jesus on each side, along with a bible verse ("I am the light of the world," John 18:12);
- an angel above a barn with a banner reading, "Gloria In Excelsis Deo";
- a miniature church with a Latin cross attached to it; and
- Christmas-light figures that are religious in nature (e.g. Jesus walking on water).

Pictures of some of these displays are enclosed for your review. We understand that these displays have been in the park for about 15 years and are featured in an annual "Christmas in the Park" drive-through light display. However, we understand that all of the above displays are up year-round.

All of the above religious displays are unconstitutional. Regardless of who owns the displays, any reasonable observer would view Latin crosses, Jesus statues, bible verses, and other specifically Christian symbols on display year-round in a city park as an endorsement of Christianity by the City of Collins.

The Establishment Clause prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the “First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Ed. of Ewing*, 330 U.S. 1, 15–16 (1947). This monument violates this basic First Amendment principle.

The religious significance of the Latin cross is unambiguous and indisputable. “The Latin cross . . . is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point.” *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995) (Souter, J., concurring). An overwhelming majority of federal courts agree that the Latin cross universally represents the Christian religion, and only the Christian religion. *See, e.g., Separation of Church and State Comm. v. City of Eugene*, 93 F.3d 617, 620 (9th Cir. 1996) (“There is no question that the Latin cross is a symbol of Christianity, and that its placement on public land . . . violates the Establishment Clause”); *Harris v. City of Zion*, 927 F.2d 1401, 1412 (7th Cir. 1991) (“a Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity.”), *cert. denied*, 505 U.S. 1218 (1992); *ACLU of Ill. v. City of St. Charles*, 794 F.2d 265, 271 (7th Cir. 1986) (“When prominently displayed . . . the cross dramatically conveys a message of governmental support for Christianity, whatever the intentions of those responsible for the display may be. Such a display is not only religious but sectarian.”), *cert. denied*, 479 U.S. 961 (1986).

It is inappropriate for the city to display a religious message on a monument in a public park, because it conveys government support for religion. The Supreme Court has ruled, “The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief.” *Cnty. of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593–94 (1989). Like the Ten Commandments posters in county buildings in *McCreary* and the crèche display on county land in *Allegheny*, these religious messages and symbols on public property would be viewed by a reasonable observer as a government endorsement of religion, and is therefore unconstitutional.

“Permanent monuments displayed on public property typically represent government speech,” which “must comport with the Establishment Clause.” *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 470, 468 (2009). “Just as government-commissioned and government-financed monuments speak for the government, so do privately financed and donated monuments that the government accepts and displays to the public on government land. It certainly is not common for property owners to open up their property for the installation of permanent monuments that convey a message with which they do not wish to be associated.” *Id.* at 471.

In its current state, Bettie C. Robertson Memorial Park is tremendously unwelcoming to non-Christian citizens. Filling a park with exclusively Christian symbols “sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Citizens of all faiths and no faith have an equal right to use city parks without being surrounded by symbols promoting any one religion. A city cannot have a “Christian” park.

We write to ask the City of Collins to immediately remove all religious displays from Bettie C. Robertson Memorial Park to eliminate the appearance of government endorsement of religion. Please inform us in writing of the steps you are taking to remedy this matter.

Sincerely,



Elizabeth Cavell
Staff Attorney

EC:rdj

Enclosure

cc: Mayor V.O. Smith









