

January 25, 2017

SENT VIA U.S. & ELECTRONIC MAIL
sgraham@kdl.org

Sandy Graham
Chair
Alto Downtown Development Authority
PO Box 193
Alto, MI 49302

Re: Cross Memorial in Alto Veterans Park

Dear Ms. Graham:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and the Center For Inquiry (CFI). FFRF is a national nonprofit organization with over 25,500 members across the country, including over 650 in Michigan. CFI is a national, secular humanist educational nonprofit organization representing over 90,000 supporters in the United States, including over 3,400 in Michigan.

Our organizations were contacted by a local Alto resident about an unconstitutional cross memorial monument at Alto Veterans Park in Bowne Township. Our complainant informs us that the cross memorial is a black cutout of a soldier kneeling and a Christian cross. Please find enclosed a picture of the monument.

Let us state at the outset that our organizations have no objection to veterans' memorials. Indeed, we believe in honoring the service and sacrifice of those who have given so much for our country. Our objection is to the message of endorsement of religion over nonreligion. Additionally, this memorial sends a message that the government only cares about the deaths of Christian soldiers, not other non-Christian and nonreligious soldiers. This "sponsorship of a religious message is impermissible because it 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 (2001) (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O'Connor, J., concurring). This memorial excludes the 25% of military personnel who identify as atheist or agnostic

or have no religious preference.¹ Their service and sacrifice deserves memorialization as equally as other servicemen and women.

Numerous memorials featuring religious emblems have been held to violate the Establishment Clause. In Texas, part of a war memorial featuring three Latin crosses and a Star of David was ruled an unconstitutional means of achieving the secular goal of memorializing fallen soldiers because there was a nonreligious means of achieving that same goal. The court held that “because the county can effectively recognize its war dead without resort to the use of these religious symbols, it must do so.” *Greater Houston Chapter of ACLU v. Eckels*, 589 F. Supp. 222, 234 (S.D. Tex. 1984).

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).

A majority of federal courts have held displays of Latin crosses on public property to be an unconstitutional endorsement of religion. See, e.g., *Buono v. Norton*, 371 F.3d 543, 550 (9th Cir. 2004); *Carpenter v. City and County of San Diego*, 93 F.3d 627, 632 (9th Cir. 1996); *Friedman v. Bd. of County Comm’rs*, 781 F.2d 777, 778 (10th Cir. 1985)(en banc); *ACLU v. Rabun County Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984).

More notably, a federal judge ruled that a veterans’ memorial in the City of Lake Elsinore, California, which was very similar to the monument in Alto Veterans Park, was unconstitutional. See *Am. Humanist Ass’n v. City of Lake Elsinore*, No. 5:13-CV-00989-SVW (C.D. Cal. Feb. 25, 2014). “Although the cross serves as a tombstone, a religious symbol is not necessary to mark a grave, and... the use of a religious symbol where one is not necessary evidences a religious purpose.” *Id.* at 8. “Because of the Latin cross’s strong ties to Christianity, even when a cross occupies only one part of a larger display, courts have almost unanimously held that its effect is to communicate that the display as a whole endorses religion.” *Id.* at 13.

¹ Military Leadership Diversity Commission, “Religious Diversity in the U.S. Military,” Issue Paper #22 (June 2010), available at <http://militaryatheists.org/resources/MLDC-RIPSDemographics.pdf>.

No court of final resort has ever upheld the government's permanent display of a Latin cross on public land as constitutional. The inherent religious significance of the Latin cross is undeniable and is not disguisable. No secular purpose, no matter how sincere, will detract from the overall message that the Latin cross stands for Christianity and the overall display promotes Christianity. The display of this patently religious symbol in a City park confers government endorsement of Christianity, a blatant violation of the Establishment Clause.

We ask that you immediately remove the cross from Veterans Park. We would be more than willing to work with you to ensure that any monument not only meets the requirements of religious neutrality as laid out in the constitution, but also properly commemorates the sacrifice and service of all American service personnel, including those of all and no faiths. We would also appreciate a prompt response from you, in writing, informing us of the steps you will take to resolve this matter.

Sincerely,



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Enclosure

cc: Bowne Township Board of Trustees
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ALTO
VETERANS'
PARK

