

FREEDOM FROM RELIGION *foundation*

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

December 21, 2015

SENT BY MAIL AND EMAIL TO:
801dodson@sbcglobal.net

Sheriff Ronny Dodson
Brewster County Sheriff's Office
201 W Ave E
Alpine, Texas 79830

Re: Unconstitutional Religious Endorsement on Brewster County Property

Dear Sheriff Dodson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) concerning the inclusion of a Latin cross on new Brewster County Sheriff's Office (Sheriff's Office) patrol car decals. FFRF is a nationwide nonprofit organization with 23,000 members across the country, including nearly 1,000 members in Texas. Our purpose is to protect the constitutional separation between church and state.

We are informed that the Sheriff's Office has made the decision to place Latin cross decals on all of its patrol vehicles. The Sheriff's Office Facebook page contains a post describing the crosses, "These crosses are white with a thin blue stripe across them." It also explains your reasoning for including the crosses on patrol vehicles, "[Sheriff Dodson] said that he wanted God's protection over his deputies and that the thin blue line stands for law enforcement." A copy of this post is enclosed.

Displaying a Latin cross on Brewster County Sherriff's Offices patrol vehicles violates the Establishment Clause. These decals must not be placed on County property.

The Supreme Court has repeatedly recognized that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty. v. ACLU*, 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 Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Placing crosses on the back of a law enforcement vehicle fails to respect either constitutional mandate of neutrality.

It is inappropriate and unconstitutional for a government entity to display a Latin cross on its property because it conveys a preference by the Sheriff's Office—and by extension, Brewster County—for religion over nonreligion and Christianity over all minority faiths. 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. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989). In *Allegheny*, the Court reasoned that because a crèche display in a county courthouse was located in a government building and endorsed an indisputably religious message, the display was unconstitutional. *Id.* at 598-600. A cross display on a sheriff's patrol vehicle is problematic for the same reasons, but is in fact far worse than the crèche display in *Allegheny*.

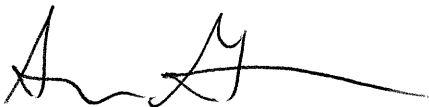
The religious significance of the Latin cross is unambiguous and indisputable. “The Latin cross . . . is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point.” *Capitol Square Review & Advisory Bd. v. Pinette*, 515 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), *cert. denied*, 505 U.S. 1218 (1992) (“[A] Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity”).

Placing a cross on the side of Brewster County property sends the message to county residents who are not Christian “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.” *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring). When a sheriff mandates the display of a symbol from his preferred religion on county property, not only does he unconstitutionally endorse religion, but also risks alienating the nearly 30% of Americans who are non-Christian.¹

As you are aware, citizens interact with and rely on law enforcement officers during some of the most urgent and vulnerable times of their lives. These citizens should not be made to feel offended, excluded, and like political outsiders because the local government they support with their taxes oversteps its power by prominently placing a religious statement on government vehicles. Nor should the Sheriff’s Office turn religious citizens into “insiders.” We think you’ll agree that law enforcement must be even-handed and avoid any appearance of bias toward some citizens, and hostility toward others.

Citizens of Brewster County trust their elected officials to attend to their elected secular duties. Spending taxpayer time and money placing religious symbols on patrol cars is beyond the scope of secular government. The proposed cross decals must not be placed on Brewster County Sheriff’s Office vehicles. Please inform us in writing of the steps the Sheriff’s Office intends to take to address this constitutional violation. Thank you for your time and attention to this matter.

Sincerely,



Sam Grover
Staff Attorney

Enclosure

¹ *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.



Brewster County Sheriff's Office

23 hrs · *

COMMENTARY - We stand with Sheriff Ronny Dodson on his decision to place crosses on all of his deputies vehicles. These crosses are white with a thin blue stripe across them. He said that he wanted God's protection over his deputies and that the thin blue line stands for law enforcement. As the mother of one of these officers, I appreciate this bold statement in a time when everyone is so worried about being "politically correct". Thanks again Sheriff Dodson!!! Please share your support for his decision...

Debbie Skelton

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