

# FREEDOM FROM RELIGION *foundation*

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July 6, 2016

## SENT VIA U.S. MAIL

Rebecca Crowe  
Clerk of Courts  
Bryant County  
P.O. Box 670  
Pembroke, GA 31321

RE: Christian Flag and Cross Displayed in Courtroom

Dear Ms. Crowe:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) in regards to the Christian flag on display next to the judge's bench in a Bryan County courtroom. FFRF is a national nonprofit organization with more than 23,500 members nationally including more than 450 in Georgia and a state chapter, Freedom From Religion Metropolitan Atlanta. FFRF's purpose is to protect the constitutional principle of separation of state and church.

It is our understanding that a Christian flag with a cross on top of the flagpole are displayed prominently in a Bryan County Courthouse courtroom. Please see attached photos.

As you may know, the Christian flag contains a Latin cross, the preeminent symbol for Christianity. The flag was designed by Protestants in the early 20<sup>th</sup> Century. It has been said that the white in the flag represents the biblical conceptions of purity, the blue in the flag represents the baptism in water, and the red color of the cross is symbolic of the sacrifice Jesus Christ made when he was crucified.

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 has held displays of Latin crosses on public property to be an unconstitutional endorsement of religion. *See, e.g., ACLU v. Rabun County Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *Trunk v. San Diego*, 629 F.3d 1099 (9th Cir. 2011), *cert. denied*, 132 S.Ct. 2535 (2012); *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. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984).

The inherent religious significance of the Christian flag and Latin cross is undeniable and is not disguisable. No secular purpose, no matter how sincere, will detract from the overall message that the flag stands for Christianity and the overall display promotes Christianity. The display of these patently religious symbols on county property confers government endorsement of Christianity, a blatant violation of the Establishment Clause.

The flag in the Bryan County Courthouse unabashedly creates the perception of government endorsement of Christianity. It conveys the message to the nearly thirty percent of the U.S. population who are not Christians<sup>1</sup> that they are not “favored members of the political community.” *Allegheny v. ACLU of Pittsburgh*, 492 U.S. 573, 594. The cross has an exclusionary effect, making non-Christian and non-believing residents of Bryan County political outsiders.

It is unconstitutional for a government entity to display a flag with a patently religious symbol and meaning on its grounds. You must take immediate action and remove this flag from the courthouse. Please respond in writing at your earliest convenience with assurances that this unconstitutional display will be removed.

Sincerely,



Elizabeth Cavell  
Staff Attorney

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<sup>1</sup> *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

