

FREEDOM FROM RELIGION *foundation*

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

June 27, 2017

SENT VIA EMAIL & U.S. MAIL
randy.camp@catoosa.com

Randy Camp
Fire Chief
5282 Evitt Street
Ringgold, GA 30736

Re: Unconstitutional Roadside Cross

Dear Chief Camp:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at Catoosa County Fire Station 3. A concerned local resident contacted us. FFRF is a national nonprofit organization with 29,000 members across the country, including nearly 500 members in Georgia. FFRF's purpose is to protect the constitutional principle of separation between state and church and to educate the public on matters relating to nontheism.

We understand that a large cross is on display at Catoosa County Fire Station 3, in front of the property right off of highway US-41. The cross is clearly visible from the highway. A picture of the cross as seen from the road is enclosed. Additionally, according to our complainant, the cross includes a Christian message about being saved.

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., Trunk v. San Diego*, 629 F.3d 1099 (9th Cir. 2011), *cert. denied*, WL2368746 Jun. 25, 2012 (No. 11-998, 11-1115); *Carpenter v. City and Cty. of San Diego*, 93 F.3d 627,632 (9th Cir. 1996); *Friedman v. Bd. of Cty. Comm'rs*, 781 F.2d

777, 778 (10th Cir. 1985)(en banc); *ACLU v. Rabun Cty. Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984). While most of the aforementioned cases involved the display of a Latin cross in public parks, the display on any government property, including government roadside property, would also violate the Establishment Clause.

It is blatantly unconstitutional for the Catoosa County Fire Department to display a patently religious symbol like a Christian cross or the proselytizing message shown with it on a public roadside. The cross, displayed at Fire Station 3, unabashedly creates the perception of government endorsement of Christianity. It conveys the message to the 23% of Americans who are not religious¹ that they are not “favored members of the political community.” *Allegheny v. ACLU of Pittsburgh*, 492 U.S. 573, 594 (1989). The cross has an exclusionary effect, making non-Christian and non-believing residents of Georgia into political outsiders.

We ask you to remove the cross from Fire Station 3 immediately and to ensure no religious iconography or messages are displayed on public property in the future. We also ask for a prompt response, in writing, informing us of the steps you are taking to resolve this matter.

Sincerely,



Rebecca S. Markert
Staff Attorney

RSM:rmb

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

