

FREEDOM FROM RELIGION *foundation*

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December 18, 2019

SENT VIA EMAIL & U.S. MAIL
mschutzbach@effinghamil.com

Mayor Mike Schutzbach
201 E. Jefferson Ave.
2nd Floor of City Hall
Effingham, IL 62401

Re: Unconstitutional religious display

Dear Mayor Schutzbach:

I am writing on behalf of the Freedom From Religion Foundation (FFRF). FFRF is a national nonprofit organization with more than 30,000 members across the country, including more than 1,000 members and a local chapter in Illinois. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A local resident contacted FFRF to report that there is a mural depicting a Latin cross with light emanating from it located along the path between the Effingham High School sports complex and the remainder of the Effingham High School campus. The path passes under S. Raney St. We understand that the mural is on city property, if it is not please inform us in writing and disregard the remainder of this letter. See enclosed photograph.

We are writing to request that the Latin cross be removed from the mural. It is inappropriate and unconstitutional for a government owned mural to prominently feature a religious display, such as a Latin cross. It is especially inappropriate where the display is placed in a location where it will predominantly be viewed by public school children and staff moving from one part of their campus to another.

The religious significance of the Latin cross is unambiguous and indisputable. "The Latin cross . . . is the principal symbol of Christianity around the world." *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995) (Souter, J., concurring). "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). The

Supreme Court's recent decision in *Am. Legion v. Am. Humanist Ass'n*, 139 S. Ct. 2067 (2019) does not disturb the basic holdings of the cases above. While *Am. Legion* held that some religious symbols, including Latin crosses, could acquire a secular meaning over time if a specific set of criteria are met, none of those criteria are applicable here.

A mural that depicts nothing except a Latin cross alongside the American flag sends a clear message: that patriotism and religiosity are interrelated. It conveys the message to the 30% of Americans who are not Christians, including the 24% of Americans who are not religious, that they are not "favored members of the political community."¹ *Allegheny*, 492 U.S. at 594. The cross has an exclusionary effect, making non-Christian and non-believing residents of Effingham political outsiders in their own community.

To avoid constitutional concerns and divisiveness among the Effingham community, we request that the portion of the mural depicting Christian iconography be removed. Please reply in writing at your earliest convenience detailing the steps the district is taking to remedy this violation.

Sincerely,



Dante CH Harootunian
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

