

# FREEDOM FROM RELIGION *foundation*

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

June 1, 2015

SENT BY U.S. MAIL & EMAIL TO: [cityofh@classicnet.net](mailto:cityofh@classicnet.net)

Members of the Hawkins City Council  
P.O. Box 329  
Hawkins, TX 75765

Re: Unconstitutional Religious Display on Government Property

Dear Members of the Hawkins City Council:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to an unconstitutional religious display on government property in the City of Hawkins. FFRF is a national nonprofit organization with 22,500 members nation-wide, including over 1,000 members in Texas. Our purpose is to protect the constitutional separation between state and church.

It is our understanding that a sign proclaiming “Jesus Welcomes You to Hawkins” is displayed prominently on East Front Street in the City of Hawkins on city property. We were contacted by a concerned local resident. A picture of the sign is enclosed.

The Establishment Clause of the First Amendment prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the “First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary County, Ky. v. Am. Civil Liberties Union of Ky.*, 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).

It is inappropriate and unconstitutional for the City of Hawkins to display the sign described above because it conveys both a government preference for religion over nonreligion, and prefers Christianity over other religions. The display of religious messages on public property violates the Establishment Clause of the First Amendment, which prohibits public grounds from advancing, supporting, or promoting religion.

The “Jesus Welcomes You to Hawkins” sign sends a message to the City’s citizens that the Hawkins government is endorsing and compelling belief in a particular god. By endorsing such a belief, the sign sends the 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 ...” *McCreary*, 545 U.S. at 860 (citation omitted). The message assumes a common religious belief, yet imagine the public outrage had the City posted a sign saying “Mohammed Welcomes You to

Hawkins,” or “No God Welcomes you to Hawkins.” It is equally inflammatory and inappropriate to post a sign saying “Jesus Welcomes You to Hawkins.”


Like the Ten Commandments posting in county buildings in *McCreary* and the crèche display on county land in *County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-594 (1989), this display is unconstitutional under the precedent of *Lemon v. Kurtzman*, 403 U.S. 602 (1971). A reasonable observer would view the sign as an endorsement of the Christian religion by the City of Hawkins.

Because the sign is currently on public land, it is not protected as private speech, even if it was donated to the City. As a legal matter, it is settled that permanent displays on public land are government speech. *See, e.g., Pleasant Grove City v. Sumnum*, 555 U.S. 460, 470 (2009). And all “government speech must comport with the Establishment Clause.” *Id.* at 468.

We understand that the City may be considering leasing the land on which the sign sits in order to protect the sign, but this action would not cure the City of violating the separation of church and state. If the City leases land to a private organization for this purpose, it will be acting with a religious purpose in violation of the Establishment Clause. Public land cannot legally be gifted to a religious organization so that it can raise or maintain a religious advertisement. Moreover, gifting the land would not change the appearance of governmental endorsement of the religious message. The sign would still appear to be on public property and given the sign’s history, a reasonable observer would consider the sign to be government speech.

We ask that the City immediately remove the “Jesus Welcomes You to Hawkins” sign and refrain from displaying any messages that endorse religion or nonreligion in the future. Please inform us in writing of the actions you are taking to remedy this concern. Thank you for your time and attention to this matter.

Sincerely,



Sam Grover  
Staff Attorney

STG:lkd:scw

Enclosures

