

# FREEDOM FROM RELIGION *foundation*

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

January 20, 2017

The Honorable Walter Williams  
Rienzi City Hall  
84 South Front Street  
Rienzi, MS 38865

Re: Religious promotion in Rienzi veterans memorial

Dear Mayor Williams:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns over illegal religious promotion by the Town of Rienzi. FFRF is a national nonprofit organization with more than 26,000 members across the country, including members in Mississippi. Our purpose is to protect the constitutional principle of separation between state and church. We are writing both as a state/church watchdog and on behalf of our more than 6,000 members who are in the military or are veterans.

A concerned Rienzi community member has contacted FFRF to report that Rienzi's new Veterans Memorial Garden includes a Christian flag alongside the American flag and a military flag. A picture of the flags flying over the new memorial is enclosed.

We write to ensure that the Town remove the Christian flag from its memorial garden in order to avoid unconstitutional religious endorsement.

The importance of honoring those who have died serving their communities cannot be overstated. We appreciate that the Town of Rienzi is attempting to memorialize their sacrifice. But as numerous government entities have already discovered, honoring those who have served their community and country does not override the need to remain neutral toward religion. A religious memorial, like any other religious display endorsed by the government, is unconstitutional.

Most war memorials across the U.S. honor veterans without using any sectarian images including the National World War II Memorial, the Vietnam Veterans Memorial, and the Korean War Veterans Memorial. Each is secular in nature and without religious reference, which offends no one and is respected by all. The lack of religious imagery within those memorial designs neither diminishes their significance nor detracts from the respect and honor shown for our veterans. We encourage Rienzi to follow suit by adopting a fully secular memorial.

Federal courts of appeals regularly hold that memorials featuring religious emblems or messages are illegal. *See, e.g., Trunk v. City of San Diego*, 629 F.3d 1099 (9th Cir. 2011) (holding war memorial dominated by Latin cross primarily conveyed message of

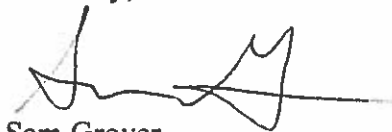
government endorsement of religion in violation of Establishment Clause); *Am. Atheists v. Davenport*, 637 F.3d 1095 (10th Cir. 2010) (ruling roadside Latin cross memorials placed by highway patrol violated Constitution); *Separation of Church & State Comm. v. City of Eugene*, 93 F.3d 617 (9th Cir. 1996) (finding war memorial featuring religious symbol illegally endorsed Christianity); *Gonzales v. N. Twp. of Lake Cnty.*, 4 F.3d 1412 (7th Cir. 1993) (holding war memorial crucifix had principal purpose and effect of advancing a Christian message); *Buono v. Norton*, 212 F. Supp. 2d 1202 (C.D. Cal. 2002) (ruling unconstitutional a war memorial cross in a national preserve); *Jewish War Veterans of U.S. v. U.S.*, 695 F. Supp. 3 (D.C. Dist. 1988) (finding POW/MIA memorial cross on Marine Corps base unconstitutional); *Greater Houston Chapter of ACLU v. Eckels*, 589 F. Supp. 222, 234 (S.D. Tex. 1984) (ruling that “because the county can effectively recognize its war dead without resort to the use of [ ] religious symbols, it must do so”).

FFRF is committed to defending the rights of religious minorities and the nonreligious when governments insist on promoting religion in their memorial displays. It can be quite costly for a government to ignore its obligations under the Establishment Clause. The city of King, North Carolina learned this in January 2015, when it settled a lawsuit over a Christian flag and statue of a kneeling soldier in its veterans memorial. The city agreed to pay \$500,000 in legal fees and the religious flag and statue were removed from the display.

There are countless ways to recognize the sacrifice of our veterans and military members without also endorsing one religion over all others in violation of the Constitution. The over 23% of military personnel who either express no religious preference or are atheists<sup>1</sup> should not be made to feel excluded, like “outsiders, not full members of the political community” because the Town of Rienzi chooses to endorse Christianity in its memorial garden. *McCreary Cnty. v. ACLU of Ky.*, 545 U.S. 844, 860 (2005) (citations omitted). By flying a Christian flag over the memorial, Rienzi sends the message that the Town values the service of minority religious and nonreligious service members less than their Christian counterparts.

In recognition of *all* veterans and military members, please remove the exclusively Christian flag from the Veterans Memorial Garden. We ask for a response in writing outlining the actions that the Town takes.

Sincerely,



Sam Grover  
Staff Attorney

Enclosure

---

<sup>1</sup> See MAAF Department of Defense Religious Preference and Chaplain Support Study (July 2012), available at <http://militaryatheists.org/demographics/>.

