

FREEDOM FROM RELIGION *foundation*

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

December 10, 2015

SEND BY EMAIL AND MAIL TO:

jpsteelman@longviewtexas.gov

Fire Chief J. P. Steelman

Fire Administration

P.O. Box 1952

Longview, TX 75606

Re: Inappropriate Religious Display at Fire Station 6

Dear Chief Steelman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a constitutional violation at Fire Station 6, on McCann Road. FFRF is a national nonprofit organization with 23,000 members across the country, including nearly 1,000 members in Texas. Our purpose is to protect the constitutional separation between state and church.

A concerned area resident reported to FFRF that a Latin cross was recently erected on the lawn of Fire Station 6, next to the station's sign, in view of the street. A picture of the cross, which is illuminated by lights at night, is enclosed.

We write to ensure that the Longview Fire Department remains neutral toward religion, as required by the Constitution.

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 a government entity to display a Latin cross on its property because it conveys a preference by the City of Longview for religion over nonreligion and Christianity over all minority faiths. The Supreme Court has ruled, "The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief." *Cnty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989). In *Allegheny*, the Court reasoned that because a crèche display in a county courthouse was located in a government building and endorsed an indisputably religious message, the display was unconstitutional. *Id.* at 598-600. The cross display in this case is problematic for the same reasons, but is in fact far worse than the crèche display in *Allegheny*.

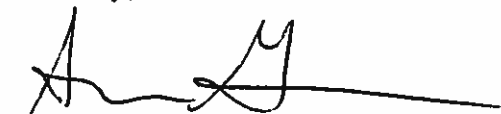
The religious significance of the Latin cross is unambiguous and indisputable. “The Latin cross . . . is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point.” *Capitol Square Review & Advisory Bd. v. Pinette*, 515 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), *cert. denied*, 505 U.S. 1218 (1992) (“[A] Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity”).

One federal Court of Appeals has already *explicitly* ruled that a lighted Latin cross could not be displayed during Christmas on a fire station. *See ACLU of Ill. v. City of St. Charles*, 794 F.2d 265 (7th Cir. 1986) (finding the cross unconstitutional even though it was privately funded). As the Supreme Court noted, “[t]he government may acknowledge Christmas as a cultural phenomenon, but under the First Amendment it may not observe it as a Christian holy day by suggesting people praise God for the birth of Jesus.” *Allegheny*, 492 U.S. at 601. A Latin cross displayed by the government is precisely the sort of religious endorsement prohibited by the Establishment Clause.

Not only is this sectarian display unconstitutional, it is bad policy for a service-focused, community-oriented department. When a government entity like the Longview Fire Department chooses to display a message celebrating the legendary birth of Jesus, it places the imprimatur of the City of Longview behind Christian religious doctrine. This excludes citizens who are not Christian—Jews, Muslims, Buddhists, Wiccans, etc.—as well as the 20% of the American population that is nonreligious.¹ This sign sends the exclusionary message to nonbelievers and non-Christians that they are outsiders in their community.

We ask that the Longview Fire remove the Latin cross from its station lawn and refrain from displaying religious iconography in the future. Please inform us in writing of the actions you are taking to remedy this violation so that we may inform our complainant. We look forward to a reply at your earliest convenience.

Sincerely,



Sam Grover
Staff Attorney

Enclosure

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

