

FREEDOM FROM RELIGION *foundation*

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June 13, 2017

SENT VIA FAX & U.S. MAIL
(432) 729-4453

Danny Dominguez
County Sheriff
Presidio County Sheriff's Office
320 Highland Ave.
Marfa, TX 79843

Re: Display of Cross on Government Property

Dear Sheriff Dominguez:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the display of a cross on public property. A concerned local resident contacted us. FFRF is a national nonprofit organization with 29,000 members across the country, including 1,200 members in Texas. FFRF's purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that a Latin cross is on display above the reception window in the Presidio County Sheriff's Office. The cross features an eagle clutching a police badge above a holstered gun with the words "Peace" and "grace" to either side, below which is the inscription "The Lord will guide you always." We understand that the cross is visible to all visitors. Please find enclosed an image of the cross on display.

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*, 132 S.Ct. 2535 (2012); *Buono v. Norton*, 371 F.3d 543, 550 (9th Cir. 2004); *Carpenter v. City and Cnty. of San Diego*, 93 F.3d 627, 632 (9th Cir. 1996); *Friedman v. Bd. of Cnty. Comm'rs*, 781 F.2d 777, 778 (10th Cir. 1985) (en banc); *ACLU v. Rabun Cnty. Chamber of*

Commerce, 698 F.2d 1098, 1111 (11th Cir. 1983); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984).

The permanent display of a Latin cross in a government office is unconstitutional. The inherent religious significance of the Latin cross is undeniable and is not disguisable. No secular purpose detracts from the overall message that the Latin cross stands for Christianity and that the display promotes Christianity. The display of this patently religious symbol on public property confers government endorsement of Christianity, a blatant violation of the Establishment Clause.

The cross unabashedly creates the perception of government endorsement of Christianity. It conveys the message to the nearly 30% of Americans who are not Christians, including the 23% 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 Presidio County political outsiders.

The display is made more problematic by the imagery included on the cross. An eagle, a police badge, and a holstered gun together with a religious message, all on the Latin cross, more transparently draws a connection between your law enforcement agency and the Christian religion, and this creates an unambiguous endorsement of Christianity. The display sends the message that the police department is an arm of the Christian faith, which necessarily relegates non-Christian residents of Presidio County to second-class status and makes those residents question law enforcement’s commitment to serve and protect them.

As you are aware, citizens interact with and rely on law enforcement officers during some of the most urgent and vulnerable times of their lives. These citizens should not be made to feel excluded and like political outsiders because the local government they support with their taxes oversteps its power by prominently placing religious iconography on government property. Nor should the Sheriff’s Office turn religious citizens into “insiders.” We think you’ll agree that law enforcement must be even-handed and avoid any appearance of bias toward some citizens, and hostility toward others.

We ask that you remove the cross from the Presidio County Sheriff’s Office immediately and ensure no such iconography is displayed in the office in the future. Please inform us in writing of the steps you are taking to resolve this matter.

Sincerely,



Rebecca S. Markert
Staff Attorney

RSM:rmb

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/.



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