

display of the crosses on government property. The Latin crosses represent an endorsement of religion, in this case Christianity, and have the principal effect of advancing religion. Their display by the government, therefore, runs afoul of the Establishment Clause of the First Amendment to the United States Constitution and Article I, Section 6 of the Texas Constitution. The plaintiffs seek appropriate declaratory and injunctive relief, as well as nominal damages.

II. JURISDICTION, VENUE, AND CAUSE OF ACTION

2. This Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391 as the facts arose in the district and the defendants are located within the district.
4. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.
5. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988 to redress the deprivation, under color of state law, of rights secured by the U.S. Constitution.

III. PARTIES

6. Plaintiff Freedom From Religion Foundation (“FFRF”) is a nationwide not-for-profit membership organization with its primary place of business in Madison, Wisconsin. The organization is devoted to protecting the constitutional principle of the separation of church and state. FFRF has 23,500 members throughout the United States including nearly 1,000 members in Texas.
7. Plaintiff Kevin Price is an individual and resident of Brewster County, Texas, and a member of FFRF.

8. Plaintiff Jesse Castillo is an individual and resident of Brewster County, Texas, and a member of FFRF.
9. Defendant Brewster County, Texas is a governmental unit existing under the laws of the State of Texas and located within the U.S. Western District of Texas. The Brewster County Sheriff's Office is part of the Brewster County government.
10. Defendant Sheriff Ronny Dodson is a resident of Brewster County, Texas and can be served with process at 201 West Ave. E. Alpine, Texas 79830. Sheriff Dodson is an employee of Brewster County. He is required to uphold the Constitution of the United States and the Constitution of the State of Texas. Sheriff Dodson is sued in both his individual and official capacities.

IV. FACTS

11. In early December 2015, Sheriff Ronny Dodson ("Sheriff Dodson"), acting in his official capacity as the chief law enforcement officer for Brewster County, Texas, decided to display Latin cross decals on his Sheriff's deputies' county patrol vehicles.
12. The Latin cross stickers are at least 8 inches tall and 6 inches wide with a black background and a thin blue horizontal line running across them. They are clearly visible from a distance. A photo of a Sheriff's Office vehicle with a Latin cross on the back, taken from a distance, is attached to this complaint as **Exhibit 1**.
13. Sheriff Dodson indicated that he decided to place the Latin cross decals on Brewster County Sheriff's Office patrol vehicles because he "wanted God's protection over his deputies."

14. The Sheriff's Office placed Latin cross decals on the backs of at least six Brewster County law enforcement vehicles. See, e.g., photos of Latin crosses on the backs of two Sheriff's Office vehicles, attached to this complaint as **Exhibits 2 and 3**.
15. Kevin Price ("Kevin"), 34, has been a resident of Brewster County since 2007, with a 16-month absence due to active duty in Iraq with the Washington State National Guard.
16. On December 28, 2015, Kevin was at a stop sign on N. 7th Street in Alpine when a Brewster County Sheriff's Office patrol SUV passed Kevin on the intersecting road, Avenue E. Kevin noticed the prominent Latin cross sticker on the back of the SUV.
17. In mid-January 2016, Kevin was driving down Highway 90 in Brewster County when Kevin saw a Brewster County patrol vehicle with a Latin cross on the back.
18. On January 24, 2016, Kevin went to the movie Star Wars in Fort Stockton. Kevin was heading eastbound on Highway 90 in Brewster County when a Brewster County patrol SUV approached in the oncoming lane and Kevin saw the highly visible Latin cross on the bottom right corner of the rear window.
19. Around February 1, 2016, Kevin was driving from the federal court in Alpine to Marfa in Brewster County when he passed by the Sheriff's office and observed two county vehicles with the Latin crosses on them.
20. On February 23, 2016, Kevin was waiting to cross N. 5th Street on foot when another Brewster County patrol SUV drove by and Kevin saw the Latin cross on the bottom right corner of the rear window.
21. Kevin has seen the Latin crosses, or evidence of a cross, on at least five Brewster County Sheriff's Office vehicles, on approximately eight occasions.

22. Kevin is an atheist. Kevin does not believe in any supernatural beings and he objects to an exclusively Christian religious symbol being displayed on his county's law enforcement vehicles.
23. Kevin believes the Latin crosses convey the divisive message that non-Christians like himself are not equally valued members of the community and that Christians are favored by the Brewster County Sheriff's Office and the county government. He believes the Latin crosses indicate that being a Christian is either a requirement for law enforcement officers or that a Christian officer has superior moral standing in the eyes of the county, as if non-Christian law enforcement officers are less qualified.
24. The Brewster County Sheriff's Office has a Facebook community page and posted two comments that supported the Latin crosses around December 20, 2015. See **Exhibit 4**. Kevin posted a comment that criticized the crosses. His comments critical of the crosses were deleted by the Sheriff's Office and Kevin was blocked from making future comments.
25. Plaintiff Jesse Castillo ("Jesse"), 40, lives in Brewster County, Texas. He is married with three children.
26. Jesse was at a gas station in Brewster County in early January 2016, and noticed a patrol vehicle with a Latin cross on the back windshield. It was about 8 inches tall and 6 inches wide and clearly visible.
27. About a week later, Jesse passed by the Brewster County jail and saw another Brewster County Sheriff's Office patrol vehicle with a Latin cross on it clearly visible from Sul Ross Avenue in Alpine, Texas, where he was driving.

28. Jesse is an atheist. Jesse does not believe in any supernatural beings and he objects to an exclusively Christian religious symbol being displayed on his county's law enforcement vehicles.
29. Jesse believes the Latin crosses convey the exclusionary message that non-Christians like himself are not full members of the political community while Christians are favored by Brewster County and the Sheriff's Office. Because of the crosses, Jesse questions whether he, as a non-Christian, would receive fair and equal treatment from the Sheriff's Office. He believes that the crosses heighten the stigma associated with being an atheist and that he might receive more favorable treatment from the Sheriff's Office by hiding his atheism or by displaying pro-Christian messages.
30. FFRF has current members who object to the display of the Latin crosses and who will come into contact with the Latin crosses.
31. Kevin Price and Jesse Castillo are adult residents of the County who regularly come in contact with the Latin crosses and who object to their display.
32. As a result of the actions or inactions of the defendants, the plaintiffs are suffering and will suffer irreparable harm for which there is no adequate remedy at law.
33. At all times the defendants have acted or refused to act under color of state law.

V. LEGAL CLAIMS

34. The display of the Latin crosses on Brewster County Sheriff's Office patrol vehicles violates the Establishment Clause of the First Amendment to the United States Constitution and Article I, Section 6 of the Texas Constitution.

VI. REQUEST FOR RELIEF

WHEREFORE, the plaintiffs respectfully request that this Court:

1. Accept jurisdiction of this cause and set it for hearing;
2. Declare that the defendants have violated the rights of the plaintiffs for the reasons described above;
3. Enter a preliminary injunction, later to be made permanent, enjoining the defendants from displaying the Latin crosses or other messages endorsing religion on Brewster County property;
4. Award the plaintiffs nominal damages;
5. Award the plaintiffs their costs and attorneys' fees pursuant to 42 U.S.C. § 1988;
6. Award pre- and post-judgment interest; and
7. Award all other relief to which plaintiffs show themselves entitled.

RESPECTFULLY SUBMITTED,
LAW OFFICE OF RANDALL L. KALLINEN PLLC

/s/ Randall L. Kallinen

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