

# FREEDOM FROM RELIGION *foundation*

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September 14, 2012

Sent via U.S. Mail and E-Mail  
[daniel@buhlerks.org](mailto:daniel@buhlerks.org)

The Honorable Daniel P. Friesen  
219 N. Main St.  
P.O. Box 187  
Buhler, KS 67522

Re: Religious City Seal

Dear Mayor Friesen:

I am writing on behalf of the Freedom From Religion Foundation to notify you that the Buhler seal, as featured in Albert Becker Park, containing a Latin cross violates the Constitution. We were contacted by an area resident with necessary business in Buhler. FFRF is a nationwide nonprofit organization that works to protect the constitutional principle of separation between state and church. FFRF has over 18,500 members across the country, including many Kansas members.

We understand that the Buhler seal contains a Latin cross with the motto "Traditional Values, Progressive Ideas." We understand that the City displays this seal on a large billboard in Albert Becker Park. We understand the seal is also used on official city forms.

The inclusion of a Latin cross on the official city seal violates the Establishment Clause of the First Amendment. The Establishment Clause, "at the very least, prohibits government from appearing to take a position on questions of religious belief or from 'making adherence to a religion relevant in any way to a person's standing in the political community.'" *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 594 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)). The City's inclusion of the cross signals government endorsement of Christianity.

Federal courts have ruled that similar seals violate the Establishment Clause. The Buhler seal is even worse than municipal seals and logos that have been found to be unconstitutional:

- *Robinson v. City of Edmond*, 68 F.3d 1226 (10<sup>th</sup> Cir. 1995) (City seal containing Latin cross in one quadrant violated Establishment Clause);

- *Ellis v. City of La Mesa*, 990 F.2d 1518 (9<sup>th</sup> Cir. 1993) (City insignia depicting “well-known local feature” containing a Latin Cross violated the No Preference Clause of the California Constitution);
- *Harris v. City of Zion*, 927 F.2d 1401 (7<sup>th</sup> Cir. 1991) (Cities’ seals that included a Latin cross violated Establishment Clause);
- *Foremaster v. City of St. George*, 882 F.2d 1485 (10<sup>th</sup> Cir. 1989) (Finding that Establishment Clause challenge to city logo depicting Mormon Temple could proceed; suit was later settled after the City had substantially stopped using the logo);
- *Friedman v. Board of County Com’rs of Bernalillo County*, 781 F.2d 777 (10<sup>th</sup> Cir. 1985) (Latin cross with Spanish motto meaning “With This We Conquer” on county seal violated Establishment Clause);
- *Webb v. City of Republic, Mo.*, 55 F. Supp. 2d 994 (W.D. Mo. 1999) (City seal with religious fish symbol in one quadrant violated Establishment Clause);
- *American Civil Liberties Union of Ohio, Inc. v. City of Stow*, 29 F.Supp.2d 845 (N.D. Ohio 1998)(Finding city seal containing Latin cross in one quadrant violated Establishment Clause).

Any claims of historical or cultural significance to the Latin cross on the Buhler seal do not relieve the City of its constitutional obligations. The City of Buhler must not endorse religion. To do so excludes non-Christians and violates the Constitution.

The Buhler logo is not defensible. In *Harris*, the City of Rolling Meadows seal was designed by a student who “drew the things she saw in Rolling Meadows,” including a local church on the seal. 972 F.2d at 1403. In striking it down, the Seventh Circuit Court of Appeals addressed the problem with such endorsement:

The images on the seal are not just neutral snapshots of the community; they are charged with endorsement...the Rolling Meadows seal does promote the selected images it depicts. To any observer, the Rolling Meadows seal expresses the city's approval of those four pictures of city life-its flora, its schools, its industry and commercial life, and its Christianity.

*Id.* at 1412. The Court concludes, “The Latin cross on the Rolling Meadows seal is surely a sectarian display. As such, we hold that it endorses Christianity in violation of the first amendment.” *Id.* at 1413. In the same case, the Court found that the City of Zion seal could not be absolved because the City claimed that it commemorated the historical origins of the City. The court said, “No appeal to history can abate that message when the images in the seal are abstract symbols of a particular Christian sect. The Establishment Clause, at the very least, ‘prohibits government from appearing to take a position on questions of religious belief.’ ” *Id.* at 1415 (quoting *County of Allegheny*, 465 U.S. 573, 594). In *Ellis*, the court wrote that even though the City simply sought “to represent a well-known local feature identifiable with La Mesa...This secular purpose does not...lessen the preference the insignia exhibits for Christianity.” 990 F.2d at 1518, 1528.

The endorsement of religion in the Buhler seal is particularly egregious because the cross is prominently featured and used to symbolize the "Traditional Values" portion of the town motto. Courts addressing less prominent depictions have found that the inclusion of a Latin cross among other symbols on government seals and logos violates the Establishment Clause.

We urge the City to discontinue using this seal and find a more appropriate representation of the City. The billboard in Albert Becker Park needs to be removed or modified. We request a written response outlining what steps the City is taking to comply with constitutional dictates.

Sincerely,



Patrick C. Elliott  
Staff Attorney

*Enclosures*



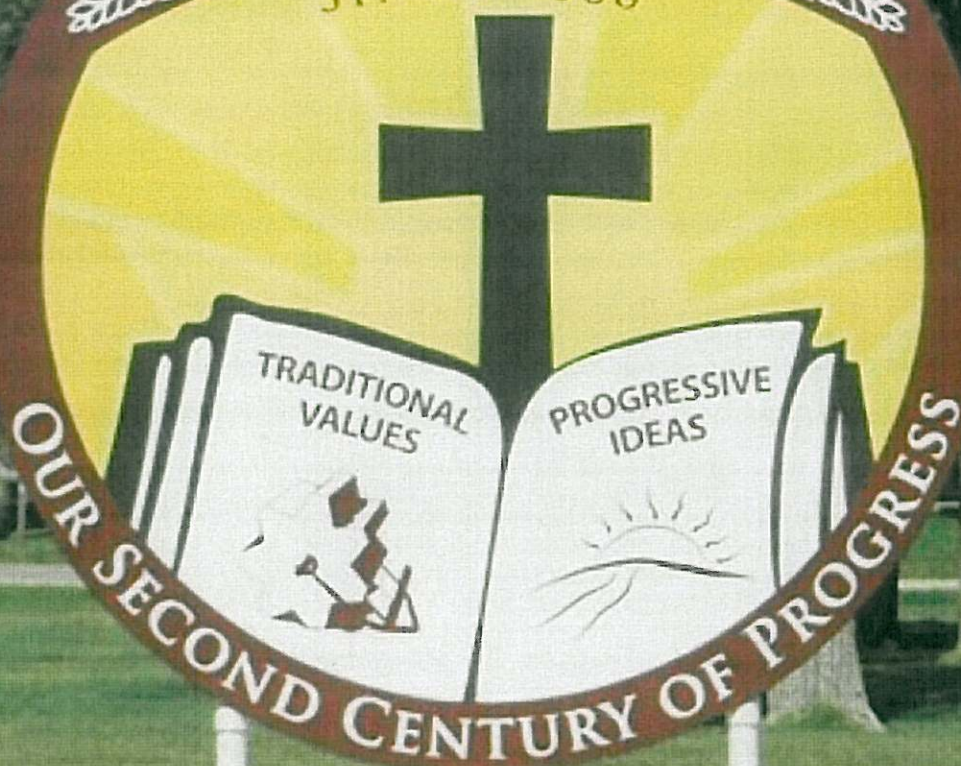




# BUHLER

KANSAS

SINCE 1888





THE CITY OF  
**BUHLER**

BUHLER, KANSAS  
"AN EQUAL OPPORTUNITY EMPLOYER"

Buhler City Building / 219 N. Main / P.O. Box 187 / Buhler, KS 67522 / 316-543-2253

## Application for Employment

### INSTRUCTIONS AND INFORMATION (Read Before Completing Application).

Applicants are considered for all positions without regard to race, color, religion, sex, national origin, age, marital or veteran status, or the presence of non-job-related medical conditions or handicap.

Applications must be signed by the applicant in their own writing. Applications will not be considered unless the application is complete.

The City of Buhler reserves the right to require various pre-employment screenings prior to any final offer of employment. These screenings may include, but are not necessarily limited to: driving record; background investigation, including polygraph; and medical, including drug testing. In addition, some positions may require drug testing as a continuing condition of employment.

(PLEASE PRINT CLEARLY)

Date of Application: \_\_\_\_\_

Position Applied for: \_\_\_\_\_

Referral Source:

☐ Advertisement

☐ Friend

☐ Relative

☐ Walk-In

☐ Employment Agency

☐ Other \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: ( ) \_\_\_\_\_

SOCIAL SECURITY #: \_\_\_\_\_

Have you ever been employed by the City of Buhler?

☐ Yes

☐ No

If yes, give date and position: \_\_\_\_\_

Are you available to work:

☐ Full time

☐ Part time

☐ Shift work

☐ Temporary

On what date would you be available for work? \_\_\_\_\_

What hours would you prefer to work? \_\_\_\_\_

Would you accept shift work?

☐ Yes

☐ No

Do you have any relative(s) working for the City of Buhler?

☐ Yes

☐ No

If so, who and what is their relationship to you? \_\_\_\_\_

Have you been convicted of a felony within the last 7 years?

☐ Yes

☐ No

If yes, please explain \_\_\_\_\_

Are you a veteran of the U.S. Military Service?

☐ Yes

☐ No

If yes, please list branch: \_\_\_\_\_

Do you have a valid Driver's License?

☐ Yes

☐ No

If yes, License # \_\_\_\_\_

State \_\_\_\_\_

Class ☐ A ☐ B ☐ C ☐ D

Other \_\_\_\_\_