

FREEDOM FROM RELIGION *foundation*

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May 17, 2019

SENT VIA EMAIL & U.S. MAIL: kcoody@bleckley.org

Kris Coody
Sheriff
Bleckley County Sheriff's Office
345 Hwy. 87 Bypass N
Cochran, GA 31014

RE: Christian Flag Display

Dear Sheriff Coody:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) in regards to the Christian flag being flown outside of the Bleckley County Sheriff's Office. FFRF is a national nonprofit organization with more than 31,000 members across the country, including more 500 members and a chapter in Georgia. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Bleckley County resident has reported that the Bleckley County Sheriff's Office regularly flies a Christian flag outside of its building. Please see the enclosed photo.

It is inappropriate and unconstitutional to display this religious flag outside of a County building. We are writing to ask that the flag be removed, and to request assurances that the Bleckley County Sheriff's Office will not endorse religious messages in the future.

The Christian flag contains a Latin cross, the preeminent symbol for Christianity. The flag was designed by Protestants in the early 20th Century. It has been said that the white in the flag represents the biblical conceptions of purity, the blue in the flag represents the baptism in water, and the red color of the cross is symbolic of the sacrifice Jesus Christ made when he was crucified.

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 has held displays of Latin crosses on public property to be an unconstitutional endorsement of religion. *See, e.g., ACLU v. Rabun County Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *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 County of San Diego*, 93 F.3d 627,632 (9th Cir. 1996); *Friedman v. Bd. of County Comm’rs*, 781 F.2d 777, 778 (10th Cir. 1985) (en banc); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984).

The inherent religious significance of the Christian flag and Latin cross is undeniable and is not disguisable. No secular purpose, no matter how sincere, will detract from the overall message that the flag stands for Christianity and the overall display promotes Christianity. The display of these patently religious symbols on county property confers government endorsement of Christianity, a blatant violation of the Establishment Clause.

The flag being flown outside of the Sheriff’s Office unabashedly creates the perception of government endorsement of Christianity. It conveys the message to the nearly thirty percent of the U.S. population who are not Christians¹ that they are not “favored members of the political community.” *Allegheny v. ACLU of Pittsburgh*, 492 U.S. 573, 594. The cross has an exclusionary effect, making non-Christian and non-believing residents of Bleckley County political outsiders.

It is unconstitutional for a government entity to display a flag with a patently religious symbol and meaning on its grounds. You must take immediate action and remove this flag from the Sheriff’s Office. Please respond in writing at your earliest convenience with assurances that this unconstitutional display will be removed.

Sincerely,



Christopher Line
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at <https://www.prii.org/research/american-religious-landscape-christian-religiously-unaffiliated/>.

