

FREEDOM FROM RELIGION *foundation*

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

March 24, 2022

SENT VIA EMAIL & U.S. MAIL: rbowers@azleg.gov

The Honorable Russell "Rusty" Bowers
Speaker of the House
House of Representatives
1700 West Washington
Room 223
Phoenix, AZ 85007

Re: Unconstitutional Religious Display

Dear Speaker Bowers:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Arizona House of Representatives. FFRF is a national nonprofit organization with more than 36,000 members across the country, including more than 900 members and a local chapter in Arizona. 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 Arizona resident has reported that there is an "Appeal to Heaven" flag currently on display in the second floor of the Arizona State House building. It is our understanding that the flag is on display in the part of the state house controlled by the Arizona House of Representatives, and is under your jurisdiction. Please let us know if that is not the case.

We write to ask that you remove this religious endorsement from Arizona state property immediately.

The "Appeal to Heaven" flag is associated with the Appeal to Heaven movement. Members of the Appeal to Heaven movement, in their own words, "honor the Lord by networking elected officials who are believers in Jesus Christ, who regularly attend and display a commitment to an evangelical, Gospel-centered church and who will commit to live and govern based on biblical principles."¹ This mission is clearly sectarian, and displaying the flag is a tacit endorsement of evangelical Christianity. Furthermore, the "Appeal to Heaven" movement's tenets contain "overtones of both Christian Nationalism and Christian Dominionism."²

¹ *Our Mission*, An Appeal to Heaven, <http://www.appealtoheaven.org>.

² The Pine Tree flag: How one symbol at the Capitol riot connects far-right extremism to Christianity, Center for Digital Journalism at Columbia Graduate School of Journalism (February 24, 2021), *available at* <https://towcenter.medium.com/the-pine-tree-flag-how-one-symbol-at-the-capitol-riot-connects-far-right-extremism-to-christianity-f02314a5f759>.

The inherent religious significance of the “Appeal to Heaven” flag is undeniable. While the flag has ties to the founding of the U.S., it is now viewed as a Christian flag. No purported secular purpose will detract from the overall message that the flag stands for Christianity and its display promotes Christianity.

The Establishment Clause 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 Cty., 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 Ed. of Ewing*, 330 U.S. 1, 15-16 (1947). The Court has also ruled, “The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief.” *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989). Like the Ten Commandments posters in county buildings in *McCreary* and the crèche display on county land in *Allegheny*, this display of a Christian flag in a public statehouse is viewed by a reasonable observer as an endorsement of religion, and is therefore unconstitutional.

This flag display alienates the 29% of Americans who are non-religious.³ We urge you to recognize your obligation as an elected public official to provide all citizens with an environment free from religious government endorsement by removing this flag from the building. Please respond in writing detailing the actions you have taken so that we may notify our complainant. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

³ About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated, Pew Research Center (Dec. 14, 2021), available at <https://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/>.