

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: cduncan@centervillepd.com

Chief Cedric B. Duncan
Centerville Police Department
308 E. Church Street
Centerville, GA 31028

Re: Display of Cross on Government Property

Dear Chief Duncan:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the display of a cross on public property. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 500 members and a local 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 Centerville resident has reported that there is a Latin cross on display in front of the Centerville Police Department. The cross appears to be a “shrouded cross,” a symbol of Jesus’ resurrection. Please see the enclosed photo.

The Centerville Police Department’s permanent display of a Latin cross on public property is unconstitutional. The inherent religious significance of the Latin cross is undeniable and is not disguisable, sending the 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. In order to comply with the Establishment Clause, the Department must remove this cross from its property immediately.

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 Cty. 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 Cty. Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984). While most of the aforementioned cases involved the display of a Latin cross in public parks, the display on any government property would also violate the Establishment Clause. Justice Kennedy has stated, "I doubt not, for example, that the Clause forbids a city to permit a permanent erection of a large Latin cross on the roof of city hall" *Cty. of Allegheny v. ACLU of Pittsburgh*, 492 U.S. 573, 661 (1989) (Kennedy, J., concurring in part, dissenting in part). Such a religious display "would place the government weight behind an obvious effort to proselytize on behalf of a particular religion." *Id.*

The Supreme Court's decision in *Am. Legion v. Am. Humanist Ass'n*, 139 S. Ct. 2067 (2019) does not apply to this religious display. This display has acquired no secular meaning, and in fact, the inclusion of the shroud further emphasizes the religious meaning of the display. While the *Am. Legion* Court held that some religious symbols, including Latin crosses, could acquire a secular meaning over time if a specific set of criteria are met, none of those criteria are applicable here.

The cross unabashedly creates the perception of government endorsement of Christianity. It conveys the message to the 30% of Americans who are not Christians, including the 24% 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 Centerville political outsiders.

We ask that the Centerville Police Department remove the cross from its property immediately or direct the display be moved to a more appropriate private location. Please inform us in writing of the steps the department is taking to resolve this matter.

Sincerely,



Christopher Line
Staff Attorney
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 www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

