

# FREEDOM FROM RELIGION *foundation*

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July 22, 2015

SENT BY U.S. MAIL & EMAIL TO: cityofh@classicnet.net

Members of the Hawkins City Council  
P.O. Box 329  
Hawkins, TX 75765

Re: Continued Unconstitutional Endorsement of Religion

Dear Mr. Flynn and Members of the Council:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to renew our objection to the “Jesus Welcomes You To Hawkins” sign on City of Hawkins (City) property. While we have not received an official response to our last letter, we understand that the City had, until recently, been actively considering the issue.

On June 1, 2015, we wrote to inform the City that the “Jesus Welcomes You to Hawkins” sign expressed the City’s unconstitutional endorsement of Christianity and needed to be removed. We understand that during June and July, the City took steps to determine whether the “Jesus Welcomes You” sign is on City property. The results of that investigation appear to suggest that the sign is indeed on City property. We also understand that as of July 20, the City of Hawkins has decided to take no action regarding the sign pending further investigation.

We are writing to remind the City that the sign remains an impermissible endorsement of Christianity and must be removed, regardless of whether the City owns the land on which the sign is displayed.

## **If On Public Property, The Sign Is Unconstitutional**

If the sign sits on City property it is unconstitutional, as explained in our June 1 letter.

The Establishment Clause prohibits government sponsorship of religious messages. As noted in our previous letter, the Supreme Court has been clear that the “First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary County, Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005).

When it states “Jesus Welcomes You,” the City violates this neutrality by endorsing belief in the preeminent figure of Christianity. Endorsing the Christian god sends the message to nonadherents “that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members . . . .” *McCreary*, 545 U.S. at 860 (citation omitted). The City has erected an exclusively Christian sign. Regardless of where it was placed, it sends a clear message to those with Christian beliefs that they are favored community-insiders, and an equally clear message to those who believe differently that they are not.

Like the Ten Commandments displays in county buildings in *McCreary* and the crèche on county land in *County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S.

573, 593-594 (1989), the Hawkins sign is unconstitutional under *Lemon v. Kurtzman*, 403 U.S. 602 (1971). A reasonable observer would view the sign as an endorsement of the Christian religion by the City.

If the sign sits on public land, then it must be removed immediately. As a legal matter, it is settled that permanent displays on public land are government speech, and all “government speech must comport with the Establishment Clause.” See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460, 468, 470 (2009).

**If On Private Property, The Sign Remains Unconstitutional**

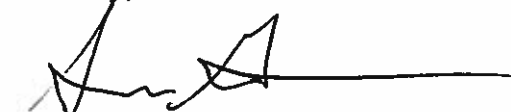
Even if it were discovered, contrary to all current evidence, that the sign sits on private land, the sign itself remains the property of the City of Hawkins. The City cannot insulate itself from a constitutional violation by claiming that a City-owned sign, carrying a City-approved message, built by public school students, and intended to be erected on City property is now outside of its control or responsibility.

It is illegal for the government to erect religious displays on private property, just as it is illegal to erect them on public property. The City of Hawkins could not legally erect a cross in a privately-owned church. Nor can it erect a sign proclaiming “Jesus Welcomes You” on private property. The sign must be removed, regardless of who owns the land under it.

Any further delay by the City in removing the sign will be seen by a reasonable observer for what it is: a stall tactic. The very act of desperately searching for ways to leave the sign in its current location is itself a message, sent by the City Council to all Hawkins residents, that the City endorses the sign’s religious message. It’s time to take action to correct this constitutional violation.

We ask once again for the City to uphold its First Amendment duties to avoid endorsing religion and remove the “Jesus Welcomes You to Hawkins” sign. Please inform us in writing as to the timeframe in which we can expect a response from the City on this issue. Thank you for your immediate attention to this matter.

Sincerely,



Sam Grover  
Staff Attorney

STG:scw

cc: Mr. Alvin Flynn, City Attorney via [alvin\\_flynn@hotmail.com](mailto:alvin_flynn@hotmail.com)