

FREEDOM FROM RELIGION *foundation*

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February 23, 2023

SENT VIA U.S. MAIL AND EMAIL: mayor@lawtonok.gov

The Honorable Stan Booker
Mayor, City of Lawton
212 SW 9th St
Lawton, OK 73501

Re: Unconstitutional religious display

Dear Mayor Booker:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the City of Lawton. FFRF is a national nonprofit organization with more than 40,000 members, including members in Oklahoma. 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 Lawton resident has reported that when you walk into city hall, there is a sign at the information desk that says, “ONE DIED FOR YOUR SOUL and THE OTHER DIED FOR YOUR FREEDOM.” The sign includes a Latin cross. Our complainant also reports that there are religious signs posted on city poles around town, including one very similar to the display in city hall and another that says, “Stand for the flag, kneel for the cross.” Please see the enclosed photos. Our complainant reports that they are an atheist and a veteran.

We write to ask that the City of Lawton remove the religious display in city hall and any displays on city property immediately. It is inappropriate and unconstitutional for the City to display proselytizing Christian messages in a public building or on public property.

The Establishment Clause in the First Amendment to the U.S. Constitution prohibits the government from showing favoritism towards religion. 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 Cnty., Ky. v. ACLU 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). By displaying messages telling citizens they must “kneel for the cross” on its property, the City abridges its duty to remain neutral.

Furthermore, the religious significance of the Latin cross is indisputable. Federal courts have agreed that the Latin cross universally represents the Christian religion, and only the Christian religion. *See, e.g., Separation of Church & 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).

The separation between state and church is among one of the most fundamental principles of our system of government. Instead of highlighting one particular religion and elevating it over all others, the City of Lawton should respect all of its citizens. The City serves a diverse population that consists of not only Christians, but also minority religious and nonreligious citizens. Moreover, these displays marginalize a significant portion of veterans, including our complainant. Nearly thirty percent of military personnel identify as nontheist, humanist, or are simply unaffiliated with a particular religion.¹ By displaying messages that associate being a veteran with being a Christian, The City is sending a message of exclusion and needlessly alienating veterans, employees, and visitors who are part of the almost thirty percent of the American population who are not religious.² As a governmental entity, you are tasked with representing the interests of all of your constituents, regardless of what their religious beliefs may or may not be.

We ask that the City respect the religious diversity of its residents, including its veterans, by removing the religious sign from city hall as well as any other religious signs currently displayed on city property. Please respond in writing with the steps you are taking to ensure that these displays are removed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a stylized flourish at the end.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures

¹ Jason Torpy, *Chaplain Endorsements Continue to Diverge from Military Personnel*, MAAF (Nov. 14, 2019), <https://militaryatheists.org/news/2019/11/chaplain-endorsements-continue-to-diverge-from-military-personnel/>.

² Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.



