

FREEDOM FROM RELIGION *foundation*

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May 22, 2012

SENT VIA MAIL & EMAIL

Mayor Domenick Mucci, Jr and City Council Members
City of Steubenville
115 South Third Street
Steubenville, Ohio 43952

Re: Unconstitutional City Logo

Dear Mayor Mucci and City Council Members:

I am writing on behalf the Freedom From Religion Foundation (FFRF) to notify you that the newly adopted Steubenville City logo containing a Latin cross violates the Constitution. We were contacted by a concerned Steubenville resident. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation between state and church. FFRF represents over 18,000 members across the country, including nearly 500 in Ohio.

We understand that the new City of Steubenville logo contains a Latin cross on top of a building. It is our understanding that the building represents “faith and education” and depicts the Franciscan University of Steubenville chapel. We understand that the City logo will be used on City letterhead, signs, vehicles and on the floor of the courthouse.

The inclusion of a Latin cross on the official city logo violates the Establishment Clause of the First Amendment. The Establishment Clause, “at the very least, prohibits government from appearing to take a position on questions of religious belief or from ‘making adherence to a religion relevant in any way to a person's standing in the political community.’” *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 594 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)). The City’s inclusion of the chapel and cross, as it was intended, signals an endorsement of “faith” and Christianity.

Federal courts have ruled that similar logos violate the Establishment Clause. The Steubenville logo is akin to numerous other unconstitutional municipal seals and logos:

- *Robinson v. City of Edmond*, 68 F.3d 1226 (10th Cir. 1995) (City seal containing Latin cross in one quadrant violated Establishment Clause);
- *Ellis v. City of La Mesa*, 990 F.2d 1518 (9th Cir. 1993) (City insignia depicting “well-known local feature” containing a Latin Cross violated the No Preference Clause of the California Constitution);

- *Harris v. City of Zion*, 927 F.2d 1401 (7th Cir. 1991) (Cities' seals that included a Latin cross violated Establishment Clause);
- *Foremaster v. City of St. George*, 882 F.2d 1485 (10th Cir. 1989) (Finding that Establishment Clause challenge to city logo depicting Mormon Temple could proceed; suit was later settled after the City had substantially stopped using the logo);
- *Friedman v. Board of County Com'rs of Bernalillo County*, 781 F.2d 777 (10th Cir. 1985) (Latin cross with Spanish motto meaning "With This We Conquer" on county seal violated Establishment Clause);
- *Webb v. City of Republic, Mo.*, 55 F. Supp. 2d 994 (W.D. Mo. 1999) (City seal with religious fish symbol in one quadrant violated Establishment Clause);
- *American Civil Liberties Union of Ohio, Inc. v. City of Stow*, 29 F.Supp.2d 845 (N.D. Ohio 1998)(Finding city seal containing Latin cross in one quadrant violated Establishment Clause).

Any claims of historical or cultural significance to the Latin cross on the Steubenville City logo do not relieve the City of its constitutional obligations. The City of Steubenville must not endorse "faith" and church. While we understand that Franciscan University is a part of the City, the City may not depict the University chapel and cross because to do so places the City's imprimatur behind Christianity. This excludes nonChristians and violates the Constitution.

The Steubenville logo is not defensible. In *Harris*, the City of Rolling Meadows seal was designed by a student who "drew the things she saw in Rolling Meadows," including a local church on the seal. 972 F.2d at 1403. In striking it down, the Seventh Circuit Court of Appeals addressed the problem with such endorsement:

The images on the seal are not just neutral snapshots of the community; they are charged with endorsement...the Rolling Meadows seal does promote the selected images it depicts. To any observer, the Rolling Meadows seal expresses the city's approval of those four pictures of city life-its flora, its schools, its industry and commercial life, and its Christianity.

Id. at 1412. The Court concludes, "The Latin cross on the Rolling Meadows seal is surely a sectarian display. As such, we hold that it endorses Christianity in violation of the first amendment." *Id.* at 1413. In the same case, the Court found that the City of Zion seal could not be absolved because the City claimed that it commemorated the historical origins of the City. The court said, "No appeal to history can abate that message when the images in the seal are abstract symbols of a particular Christian sect. The Establishment Clause, at the very least, 'prohibits government from appearing to take a position on questions of religious belief.'" *Id.* at 1415 (quoting *County of Allegheny*, 465 U.S. 573, 594). In *Ellis*, the court wrote that even though the City simply sought "to represent a well-known local feature identifiable with La Mesa...This secular purpose does not...lessen the preference the insignia exhibits for Christianity." 990 F.2d at 1518,1528.

It makes no difference what justification the City provides for including the chapel and cross on the Steubenville logo. Courts addressing similar depictions have found that the inclusion of a

Latin cross among other symbols on government seals and logos violates the Establishment Clause.

We urge the City to immediately discontinue using this logo. We request a written response outlining what steps the City is taking to comply with constitutional dictates.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Elliott". The signature is written in a cursive, somewhat stylized font.

Patrick C. Elliott
Staff Attorney