

FREEDOM FROM RELIGION *foundation*

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

November 22, 2022

SENT VIA EMAIL & U.S. MAIL: police@cityofswainsboro.org

Randy Ellison
Police Chief
Swainsboro Police Department
212 North Main Street
Swainsboro, GA 30401

Re: Display of Cross on Government Property

Dear Chief Ellison:

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 39,000 members across the country, including more than 600 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 Swainsboro resident has reported that there is a Latin cross on display in front of the Swainsboro Police Department. Please see the enclosed photo. Our complainant feels that their safety may be compromised as a non-Christian because the police department has officially affiliated itself with Christianity.

The Department must remove this unconstitutional religious display immediately.

Our Constitution's Establishment Clause—which protects Americans' religious freedom by ensuring the continued separation of religion and government—dictates that the government cannot in any way show favoritism toward religion. As the Supreme Court has put it, “the First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty. v. ACLU*, 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 Educ. of Ewing*, 330 U.S. 1, 15-16 (1947).

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 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).

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. In that case, the court held that retaining long-established religious monuments is different from erecting new ones. While the Court held in *Am. Legion* that some religious symbols, including Latin crosses, could acquire a secular meaning over time if a specific set of criteria are met, those criteria are not met here. This display has acquired no secular meaning in the short time it has been in place.

The cross unabashedly creates the perception of official government support for Christianity. It conveys the message to the 30% 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 Swainsboro political outsiders.

We ask that the Swainsboro 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 police department is taking to resolve this matter so that we may inform our complainant.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

¹ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

