

FREEDOM FROM RELIGION *foundation*

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

April 13, 2012

SENT VIA U.S. MAIL & EMAIL

leofontaine@woonsocketri.org

The Honorable Leo T. Fontaine
Mayor of Woonsocket
169 Main St.
Woonsocket, RI 02895

Re: Latin cross at Fire Station and Religious Postings on Fire Station Website

Dear Mayor Fontaine:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) in regards to an unconstitutional Latin cross in a fire station parking lot and unconstitutional religious postings on the Woonsocket Fire Department website. We were made aware of these violations by a concerned Woonsocket resident. FFRF is a national nonprofit organization with nearly 17,500 members, including members in Rhode Island, whose purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that a large permanent Latin cross is located on the City of Woonsocket's Fire Station's parking lot (see enclosed photos). It is our understanding that the fire station is located at 5 Cumberland Hill Rd. It is our further understanding that the fire department website contains a prayer that makes reference to a monotheistic god and a picture of an angel.¹

It is unlawful for a city government and its agencies to display patently religious symbols and messages on city property. The website impermissibly demonstrates a preference for religion over nonreligion. The Latin cross at the fire station demonstrates Woonsocket's preference for Christianity over other religions and nonreligion. Such government endorsements of religion runs afoul of the Establishment Clause of the United States Constitution.

Latin Cross at Fire Station

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

¹ http://www.woonsocketfire.org/firefighters_prayer.htm
<http://www.woonsocketfire.org/Memorial.htm>

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. City of San Diego*, 629 F.3d 1099, 1125 (9th Cir. 2011); *Buono v. Norton*, 371 F.3d 543, 550 (9th Cir. 2004); *Carpenter v. City and County of San Diego*, 93 F.3d 627,632 (9th Cir. 1996); *Friedman v. Bd. of County Comm'rs*, 781 F.2d 777, 778 (10th Cir. 1985)(en banc); *ACLU v. Rabun County 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...” *Allegheny* at 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.* Additionally, federal courts have held that identifying a cross on public property as a war memorial or a memorial dedicated to a private individual does not transform the cross into a secular memorial. *Trunk*, 629 F.3d at 1112.

No court of final resort has ever upheld the government’s permanent display of a Latin cross on public land as constitutional. The inherent religious significance of the Latin cross is undeniable and is not disguisable. No secular purpose, no matter how sincere, will detract from the overall message that the Latin cross stands for Christianity and the overall display promotes Christianity. The display of this patently religious symbol on city property confers government endorsement of Christianity- a blatant violation of the Establishment Clause.

Religious Posting on Fire Department Website

Including an overtly religious message in a City controlled website constitutes a blatant endorsement of religion and alienates those Woonsocket residents who are nonreligious. It is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. Posting such

material sends the message that firefighters are inherently religious, and alienates any firefighter or citizen who is not religious.

Posting a prayer and a picture of an angel on a City website is a direct violation of the First Amendment to the United States Constitution. "The defining principle of Establishment Clause jurisprudence is that 'First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.'" *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)). Federal courts have upheld restrictions on the display of religious materials by government entities because such restrictions exist to avoid an Establishment Clause violation. The Ninth Circuit Court of Appeals has stated the, "government has a greater interest in controlling what materials are posted on its property than it does in controlling the speech of the people who work for it." *Tucker v. Department of Education*, 97 F.3d 1204,1214 (9th Cir. 1996); *see also Berry v. Department of Social Services*, 447 F.3d 642,651 (9th Cir. 2006)("materials posted on the walls of the corridors of government offices may be interpreted as representing the views of the state."). These restrictions clearly extend to public outreach such as the Woonsocket Fire Department website.

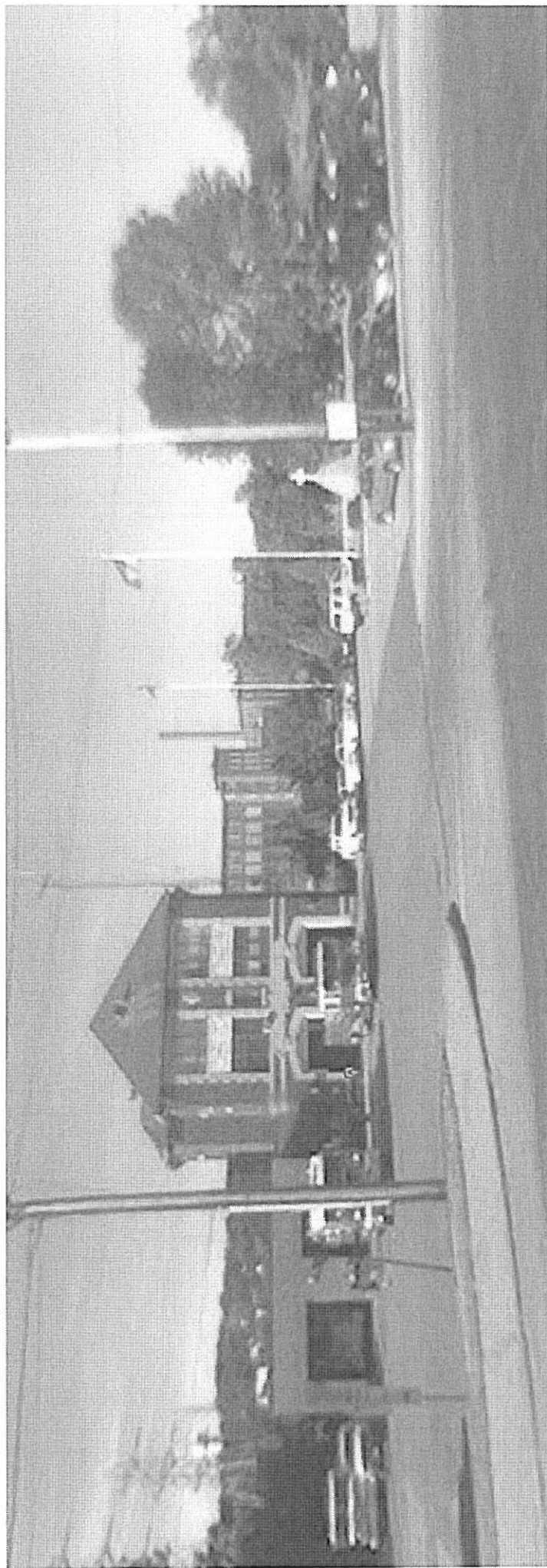
We ask that you immediately remove the cross from the fire station parking lot and remove the prayer and angel from the Woonsocket Fire Department website. We would also appreciate a prompt response from you in writing, informing us of the steps the City will take to resolve this matter.

Sincerely,



Rebecca S. Markert
Staff Attorney

CC: Gary Lataille
Fire Chief
Fire Department
5 Cumberland Hill Rd.
Woonsocket RI, 02895





This Page is under construction.

This page will be dedicated to the Firefighters who have died in the line of duty.



THE FIREFIGHTERS PRAYER

**When I am called to duty, God, wherever flame may rage,
Give me strength to save some life, whatever be its age.**

**Help me embrace a little child, before it is too late,
Or save an older person from the horror of that fate.**

**Enable me to be alert and hear the weakest shout,
And quickly and efficiently, to put the fire out.**

**I want to fill my calling, and to give the best in me,
To guard my every neighbor, and protect his property.**

**And if according to my fate, I am to lose my life,
Please Bless with your protecting hand, my children
and my wife.**