

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL & U.S. MAIL: [pweiler@hancockcoingov.org](mailto:pweiler@hancockcoingov.org);  
[rharris@hancockcoingov.org](mailto:rharris@hancockcoingov.org); [bburkhart@hancockcoingov.org](mailto:bburkhart@hancockcoingov.org)**

Sheriff Brad Burkhart  
Hancock County Sheriff's Department  
398 Malcolm Grass Way  
Greenfield, IN 46140

Re: Unconstitutional display of cross

Dear Sheriff Burkhart:

I am writing on behalf of the Freedom From Religion Foundation regarding a cross being displayed on an official Sheriff's Department vehicle. FFRF is a national nonprofit organization with over 40,000 members across the country, including over 500 members in Indiana. 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 community member informs us that an HCSD vehicle displays a prominent Latin cross decal on the rear windshield. The vehicle's license plate is 10190. Please see the enclosed picture of the offending vehicle.

Government favoritism towards religion is wrong and divisive. We ask that you remove the unconstitutional display in question.

The First Amendment's Establishment Clause, which ensures the continued separation of religion and government, dictates that the government cannot in any way show favoritism toward religion. The Establishment Clause requires government neutrality between religions, and between religion and nonreligion. *See McCreary Cnty. v. Am. Civil Liberties Union*, 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).

Latin crosses are indisputably religious and specifically Christian. Federal courts have agreed: 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”) (emphasis added). The Seventh Circuit Court of Appeals—which had jurisdiction over Indiana—has previously and unequivocally called the Latin cross a sectarian symbol. *See 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) (emphasis added); *Am. Civil Liberties Union 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 *American Legion v. American Humanist Association* is inapplicable to this cross display. 139 S. Ct. 2067 (2019). There, the Court held that retaining **long-established** religious monuments is different from erecting new ones. The *American Legion* court held 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 absent here. A prominently displayed Latin cross decal on a law enforcement vehicle has not acquired a secular meaning.

The cross unabashedly signals official government support for Christianity; it sends the message to minority religious and nonreligious citizens “that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). This is unnecessarily divisive.

Citizens interact with and rely on law enforcement officers during some of the most urgent and vulnerable times of their lives. These citizens should not be made to feel alienated, like political outsiders, because their local government they support with their taxes oversteps its power by placing a religious statement on government property. Nor should the sheriff’s office privilege religious citizens. Such a show of religious preference undermines the credibility of the sheriff’s office and causes religious minorities—including the nonreligious—to question the impartiality of their law enforcement officials.

We hope you agree that law enforcement must be even-handed and avoid any appearance of bias toward some citizens, and hostility toward others. Citizens of Hancock County trust their law enforcement officials to attend to their secular duties. The cross has an exclusionary effect, making non-Christian and non-believing residents—who are thirty seven percent of Americans<sup>1</sup>—political outsiders in Hancock County.

We ask that HCSD remove the cross from the vehicle immediately. Please inform us in writing of the steps you are taking to resolve this matter so that we may inform our complainant.

Sincerely,



Hirsh M. Joshi  
*Patrick O’Reiley Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

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<sup>1</sup> Gregory A. Smith, *Religious ‘Nones’ in America: Who They Are and What They Believe*, Pew Research Center, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america -who-they-are-and-what-they-believe/>.

