

FREEDOM FROM RELIGION *foundation*

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

April 22, 2025

SENT VIA EMAIL: shirley.surgeon@hartford.gov

Council President Shirley Surgeon
City of Hartford Council
550 Main Street, Suite 001
Hartford, CT 06103

Re: Unconstitutional religious display

Dear City of Hartford Council:

We are writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation. FFRF is a national nonprofit organization with over 42,000 members across the country. 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 Hartford resident informs us, and the media confirms,¹ that the City of Hartford approved a Christian flag to fly over City Hall.² That Christian flag was raised over Easter weekend, with an official prayer ceremony.³ One pastor recited prayer while the flag was being raised.⁴ According to Council officials, the flag is to recognize “the contributions of the Christian community.”

This display violates the First Amendment’s Establishment Clause—guaranteeing the separation of church and state—along with Connecticut’s independent guarantees. We request that you remove this flag and refrain from hoisting future religious flags.

The First Amendment’s Establishment Clause “mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty. v. Am. Civil Liberties Union 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 Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). A government religious flag runs headfirst into this neutrality principle. Displaying a Christian flag—at the City government’s seat—also violates religious neutrality.

The Council seems well aware of the Supreme Court’s decision in *Shurtleff v. Boston*. 596 U.S. 243 (2022). In *Shurtleff*, Boston had created an open-forum for private parties to express *private* speech. *Id.* at 248. Flag flying on government property is historically government speech. *Id.* at 254. But Boston exercised no control over the flags that flew on its property, instead letting the public raise the flags they wished to see. *Id.* at 257–58. Thus, Boston’s rejection of a Christian flag from its open-forum violated the Free Speech Clause. *Id.* at 243.

¹ <https://www.friendlyatheist.com/p/city-of-hartford-flies-christian>.

² <https://hartford.civicweb.net/document/137004/>.

³ https://www.instagram.com/p/DIjvutYvzK2/?utm_source=ig_web_copy_link.

⁴ <https://www.facebook.com/reel/643726318563768>.

Hartford, on the other hand, expressly labels its Christian flag as *government* speech. Even if residents had input on what flag to hoist, nothing changes, since the government is still speaking. *See Walker v. Tex. Div. Sons of Confederate Veterans*, 576 U. S. 200 (2015). “The flying of a flag other than a government’s own can [] convey a governmental message.” *Shurtleff*, 596 U.S. at 254. Flag flying is historically government speech; objective observers would believe that Hartford is speaking; and Hartford selects which flags to fly. All three relevant factors cut against Hartford. *Shurtleff*, 596 U.S. at 257–58 (citing *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009)). So *Shurtleff* isn’t just inapposite—it actually *bolsters* Establishment Clause concerns.

Connecticut’s constitutional provision securing the separation of church and state provides an independent analysis. CONN. CONST. ART. VII. Unlike the current federal analysis, Connecticut’s constitution prohibits government actions with (1) a primary purpose or (2) a primary effect of advancing or promoting religion. *See Conn. Att’y Gen. Op. 2007 WL 4303149* (Conn.A.G.); *Bd. of Educ. of Twn. of Stafford v. St. Bd. of Educ.*, 243 Conn. 772 (1998); *Fair Cadillac-Oldsmobile Isuzu P’ship v. Bailey*, 229 Conn. 312 (1994); *Griswold Inn, Inc. v. State*, 183 Conn. 552 (1981); *Caldor’s Inc. v. Bedding Barn, Inc.*, 177 Conn. 304 (1979); *Snyder v. Twn. of Newtown*, 147 Conn. 374, 390–91 (1960); *State v. Shuster*, 145 Conn. 554, 557–58 (1958); *Wetherell v. Hollister*, 73 Conn. 622 (1901). The federal Establishment Clause no longer inquires into primary purpose or effect. *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022). Since raising a Christian flag indisputably advances Christianity, Hartford’s action violates Article VII.

Because no private speech is implicated, there is no countervailing measure against the Establishment Clause or Connecticut constitution. To respect the federal and state constitutional concerns, the flag should be taken down and not flown again as the government’s message. Please respond in writing with the steps the City will take to cure this violation.

Sincerely,



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

CC: Amilcar Hernandez via email at amilcar.hernandez@hartford.gov;
Maly Rosado via email at maly.rosado@hartford.gov;
TJ Clark via email at tj.clarke@hartford.gov;
Kelly Bilodeau via email at kelly.bilodeau@hartford.gov;
Marilyn Rossetti via email at marilyn.rossetti@hartford.gov;
Alex Thomas via email at alex.thomas@hartford.gov;
Joshua Michtom via email at joshua.michtom@hartford.gov;
John Gale via email at john.gale@hartford.gov