

Florida House of Representatives
Representative Mel Ponder
District 4

July 5, 2017

Mayor Ashton J. Hayward
City of Pensacola
222 West Main Street
Pensacola, FL 32502

Dear Mayor Hayward:

We are some of the state senators and representatives in Florida who are part of the Florida Legislative Prayer Caucus. We formed this Caucus because we believe in the power of prayer, and we firmly believe that the First Amendment's Free Exercise of Religion protects Americans who want to pray, worship or honor God privately or publicly. We are writing this letter to state publicly that we support the City's effort to keep the Bayview Cross.

We read that U.S. District Court Judge Roger Vinson recently ruled that the Bayview Cross must be torn down because the Cross was placed in the park for a religious purpose and therefore violates the First Amendment. We note that the Constitution does not require that all references to religion and symbolism with religious roots must be removed from public buildings and grounds. This would mean that our national motto, "In God We Trust," could not be displayed and that symbols like doves and olive branches would have to be scrubbed from public places and state seals.

Many symbols that have religious significance have also taken on a broader symbolism in the public at large, including the cross. The Romans used the cross as a form of punishment both before and after Jesus' crucifixion, and therefore the cross has come to symbolize suffering. No one visiting Arlington Cemetery or the grounds at Normandy and walking among the crosses would reasonably believe that our government was advocating the Christian religion. Rather, the reasonable observer is awestruck by the suffering and sacrifices of so many soldiers for their country.

In the 2010 case of *Salazar v. Buono*, which involved a Latin cross in the Mojave Desert that a person demanded that the government take down, three members of the Supreme Court wrote words that are fully applicable here (559 U.S. 700, 718-19):

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The goal of avoiding governmental endorsement does not require eradication of all religious symbols in the public realm. A cross by the side of a public highway marking, for instance, the place where a state trooper perished need not be taken as a statement of governmental support for sectarian beliefs. The Constitution does not oblige government to avoid any public acknowledgment of religion's role in society. . . .

[The] Latin cross [in this case] is not merely a reaffirmation of Christian beliefs. It is a symbol often used to honor and respect those whose heroic acts, noble contributions, and patient striving help secure an honored place in history for this Nation and its people. Here, one Latin cross in the desert evokes far more than religion. It evokes thousands of small crosses in foreign fields marking the graves of Americans who fell in battles, battles whose tragedies are compounded if the fallen are forgotten.

Thank you, Mayor, for you and your city not forgetting those men and women who have suffered for the people of Pensacola, the State of Florida, and the United States of America. We stand shoulder to shoulder with you in this effort

Honored to serve!

Mel Ponder, Chair
Legislative Prayer Caucus, Florida House of Representatives



Dennis Baxley, Chair
Legislative Prayer Caucus, Florida Senate



Jennifer Sullivan, Co-Chair
Legislative Prayer Caucus, Florida House of Representatives