



New Mexico State Legislature

February 9, 2018

STATE CAPITOL
Santa Fe

Dr. Kelvin W. Sharp
President
New Mexico Junior College
1 Thunderbird Circle
Hobbs, NM 88240

Re: Displaying Religious Art at the College

Dear President Sharp:

We are state legislators in New Mexico who are part of the New Mexico Legislative Prayer Caucus. We formed this Caucus because we believe in the historic and prevailing significance of prayer in civil society and righteous governing. We firmly believe that the First Amendment's Free Exercise of Religion protects Americans who want to pray, worship or honor God both privately and publicly.

We understand that recently you received a letter from the Freedom From Religion Foundation ("FFRF") asking that the College remove Latin crosses on display in public places on campuses. From the photos attached to FFRF's letter, it appears that the Latin crosses were works of art, one appearing handsomely displayed in a frame, and a second on a wall. We further understand from an FFRF press release that you have removed the Latin crosses from the public areas. We ask that you reconsider this decision.

FFRF claims that the display of the Latin cross in public areas violates the First Amendment's Establishment Clause, because it amounts to an endorsement of the Christian religion. The Constitution does not demand that all references to religion and symbolism that has religious roots or connotations be removed from public buildings and grounds. Such an interpretation 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):

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.

As the Supreme Court stated in *Zorach v. Clauson*, 343 U.S. 306, 313-314 (1952), "We find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence." In fact, a public body that is hostile to religion violates the Establishment Clause.

Dr. Sharp, thank you for your service to New Mexico junior college students. We urge that you reconsider your decision to remove the Latin crosses from public areas at the College, particularly where the crosses are the personal choices of college employees and are displayed in their workspaces.

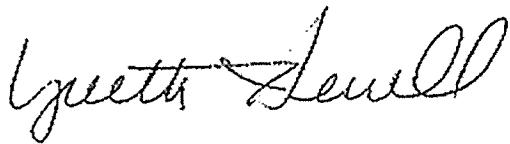
Sincerely,



Rep. David Gallegos
Co Chairman
New Mexico Prayer Caucus



Cathrynn Brown
State Representative- HD 55



Yvette Herrell
State Representative- HD 51



Rick Little
State Representative- HD 53



Gail Armstrong
State Representative- HD 49



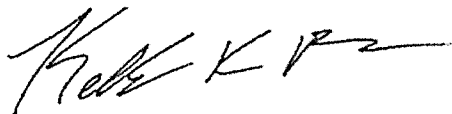
Randal Crowder
State Representative- HD 64



Bob Wooley
State Representative- HD 66



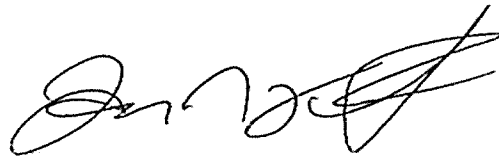
Greg Nibert
State Representative- HD 59



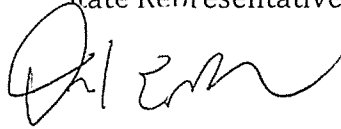
Kelly Fajardo
State Representative- HD 7



Gay Kernan
State Senator-SD 42



James Strickler
State Representative- HD 2



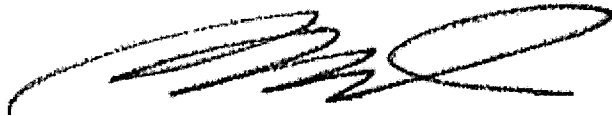
David Adkins
State Representative- HD 29



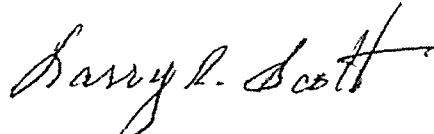
James Townsend
State Representative- HD 54



Sharon Clahchischillage
State Representative- HD 4



Rebecca Dow
State Representative- HD 38



Larry Scott
State Representative- HD 62



Pat Woods
State Senator- SD 7