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September 17, 2018

Mr. John Haynal
Receiver, Discovery Charter School
8941 Hillpointe Road
Las Vegas, NV 89134

Re: Displaying Religious Art on Leased Property

Dear Mr. Haynal:

I have the honor of serving as the Executive Director of the Congressional Prayer Caucus Foundation. The Foundation serves nearly 100 members of Congress who are part of the Congressional Prayer Caucus (the names of those members of Congress who serve on the Congressional Prayer Advisory Team are listed on the left).

In addition, the Foundation serves a network of Legislative Prayer Caucuses in over 32 states (including Nevada), which has over 1,000 state senators and state representatives as members. These leaders are working together to preserve the integrity of our founding principles and to protect First Amendment rights for all.

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 Discovery Charter School ("School") remove or cover up crosses on display in the Lutheran Church that the School leases during the week. From the photos attached to FFRF's letter, it appears that the crosses are works of art, one appearing handsomely displayed in a frame, a second on a poster/banner that perhaps is displayed in the worship sanctuary, and the third a large cross that appears to be in the front of the sanctuary. Since there is no reference in FFRF's letter as to where these crosses are located, and since schools typically rent a church's Sunday School classrooms unused during the week, there is a very good possibility that the School's students do not even see these crosses viewed as abhorrent by FFRF.

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 buildings and grounds where the public meets. 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. We urge that you ignore FFRF's request to remove or cover up the crosses from the Lutheran Church you lease.

If we can be of any further service to you on this issue, feel free to contact us. We have First Amendment lawyers on staff who will work with you, without charge, if you need their

services. We are encouraged that you know your rights under the U.S. Constitution and that you will not allow threats of this nature to rob your community of your rights and heritage. To protect our freedom, we must exercise that freedom.

Sincerely,



Lea Carawan

Executive Director

Congressional Prayer Caucus Foundation