

# FREEDOM FROM RELIGION *foundation*

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June 16, 2015

SENT VIA U.S. MAIL AND EMAIL TO: [ktneely@yahoo.com](mailto:ktneely@yahoo.com)

Judge Keith Neely  
County Judge  
Bradley County  
101 East Cedar  
Warren, AR 71671

Re: Unconstitutional “Appeal to Heaven” Flag on Government Property

Dear Judge Neely:

I am writing on behalf of the Freedom From Religion Foundation to object to a constitutional violation occurring in Bradley County. FFRF is a national nonprofit organization representing 22,500 members across the country, including members in Arkansas. FFRF’s purpose is to protect the constitutional principle of separation between state and church.

A concerned local resident informed us that an “Appeal to Heaven” flag flies daily at the Bradley County Courthouse in Warren, AR. Our complainant informs us that this flag flies directly below the Arkansas state flag. Please find enclosed a photo of the flag.

The “Appeal to Heaven” flag is associated with the Appeal to Heaven movement. Members of the Appeal to Heaven movement, in their own words, “honor the Lord by supporting candidates for public office who are believers in Jesus Christ, who regularly attend and display a commitment to an evangelical, Gospel-centered church and who will commit to live and govern based on biblical ... principles.”<sup>1</sup> This mission is clearly sectarian, and flying the flag is a tacit endorsement of evangelical Christianity.

The inherent religious significance of the “Appeal to Heaven” flag is undeniable. While the flag has ties to the founding of the U.S., it is now viewed as a Christian flag. No secular purpose, no matter how sincere, will detract from the overall message that the flag stands for Christianity and its display promotes Christianity. The display of this patently religious symbol on County property confers government endorsement of Christianity, a blatant violation of the Establishment Clause.

Americans United for Separation of Church and State filed a lawsuit in 2012 when the City of King, North Carolina refused to remove a Christian flag that displayed the Latin cross. *See Hewett v. City of King*, Case No. 1:12CV1179 (M.D.N.C. Nov. 2012). That dispute could have been promptly ended with the removal of the flag. Instead, the flag

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<sup>1</sup> *Our Mission, An Appeal to Heaven*, <http://www.appealtoheaven.org>.

brought divisiveness and significant costs to the City. The City settled the lawsuit for \$500,000 and incurred more than \$50,000 in legal expenses. Displaying this flag is an unambiguous constitutional violation that need not be litigated.

As it is unconstitutional for a government entity to fly a flag with a patently religious meaning, you must take immediate action and refrain from hoisting this flag up the flagpole at the Bradley County Courthouse. Please respond in writing at your earliest convenience with assurances that this unconstitutional practice will not continue.

Sincerely,



Patrick Elliott  
Staff Attorney

PE:lkd

Enclosure

