January 6, 2020

**Via email (**mschutzbach@effinghamil.com**) and U.S. Mail**

Hon. Mike Schutzbach

Mayor, City of Effingham

201 E. Jefferson Ave
Effingham, IL 62401

Re: Cross on Mural Painting

Dear Mayor Schutzbach and City Commissioners:

I am the Executive Director of the Illinois Family Institute, the mission of which is **“Boldly Bringing Biblical Perspectives to Public Policy.”**

From news releases, I have learned that an out-of-state organization, the Freedom From Religion Foundation, has demanded that the City remove (presumably paint over) a white cross that appears on a mural commissioned by the Effingham High School Football Moms and painted by a local artist. This mural on the Raney Street overpass beautifully shows a large American flag, green hills and the white cross in a breaking dawn background.

When I saw the mural, I immediately thought of Effingham because of the white cross. The very tall white cross found on I-57 and I-70 is the thing I remember best about Effingham, simply because it is so strikingly visible. Although the symbol of the cross is very dear to me as a Christian, I did not find it to be spiritually significant in the mural. Rather, I found the cross to be, like the flag, an expression of the history and tradition of Effingham, something that sets Effingham apart from other cities along the I-57 and I-70 corridors.

As the Old State Capitol, the Lincoln Home, New Salem, the Judge Davis home, the Lincoln Memorial, the stops on the Old 8th Judicial Circuit, and many other historical places in Central Illinois make clear, history and tradition are important. The mural advances Effingham’s history and tradition, and removing the cross would eliminate something that symbolizes the uniqueness of Effingham.

We realize that it can be somewhat intimidating to receive a letter quoting many Supreme Court cases, quotes that appear to take aim against religious symbols on public buildings. One case perhaps missed by Freedom From Religion Foundation, however, is the 2005 case of *Van Orden v. Perry,* 545 U.S. 677, in which Chief Justice William H. Rehnquist for the Court wrote that the proper analysis to apply to the use of religious symbols on monuments/buildings is the nature of the monument/building and our Nation’s history (545 U.S. at 686). The Chief Justice wrote the following regarding the portion of Scriptures called the Ten Commandments:

Such acknowledgments of the role played by the Ten Commandments in our Nation's heritage are common throughout America. We need only look within our own Courtroom. Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets.

Similar acknowledgments can be seen throughout a visitor's tour of our Nation's Capital. For example, a large statue of Moses holding the Ten Commandments, alongside a statue of the Apostle Paul, has overlooked the rotunda of the Library of Congress' Jefferson Building since 1897. And the Jefferson Building's Great Reading Room contains a sculpture of a woman beside the Ten Commandments with a quote above her from the Old Testament (Micah 6:8). A medallion with two tablets depicting the Ten Commandments decorates the floor of the National Archives. Inside the Department of Justice, a statue entitled “The Spirit of Law” has two tablets representing the Ten Commandments lying at its feet. In front of the Ronald Reagan Building is another sculpture that includes a depiction of the Ten Commandments. So too a 24-foot-tall sculpture, depicting, among other things, the Ten Commandments and a cross, stands outside the federal courthouse that houses both the Court of Appeals and the District Court for the District of Columbia. Moses is also prominently featured in the Chamber of the United States House of Representatives. . .

These displays and recognitions of the Ten Commandments bespeak the rich American tradition of religious acknowledgments. Of course, the Ten Commandments are religious-they were so viewed at their inception and so remain. The monument, therefore, has religious significance. According to Judeo-Christian belief, the Ten Commandments were given to Moses by God on Mt. Sinai. But Moses was a lawgiver as well as a religious leader. And the Ten Commandments have an undeniable historical meaning, as the foregoing examples demonstrate. Simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause. 545 U.S. at 688-89.

In closing, our nation has enjoyed a cultural heritage of freedom that rests upon Judeo-Christian ethics. Americans have generally appreciated the contributions of religious organizations toward the strengthening of our society. Our government has had a history of benevolent accommodation of religion. It was not until the 1960s that the U.S. Supreme Court gave the Establishment Clause new interpretations that portended a stricter separation from religion would be required in the public sphere. The Supreme Court has backed away from those interpretations in the decades since, but organizations like the Freedom from Religion Foundation pretend that those earlier interpretations are still binding and should be extended to ever greater degrees, causing confusion in our public institutions to this day.

We hope that you will not yield to threats to rob you and your community of your rights and heritage. To protect our freedom, we must exercise that freedom. Attorneys at the National Legal Foundation stand ready to defend the City on this matter without charging the City fees for their services.

May God bless you and your students,



David E. Smith

Executive Director