

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900



August 17, 2017

**SENT VIA EMAIL & U.S. MAIL**  
**(772) 978-4790**

The Honorable Dick Winger  
Mayor  
City of Vero Beach  
1053 20<sup>th</sup> Place  
Vero Beach, FL 32960

Re: Display of Cross on Government Property

Dear Mayor Winger:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the display of a cross on public property. We were contacted by a concerned local veteran. FFRF is a national nonprofit organization with 29,000 members across the country, including nearly 1,500 members in Florida. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that a veterans monument on a public island in Vero Beach includes a large Latin cross. Please find enclosed a picture of the memorial. Our complainant informs us that after a storm wrecked the monument, funds were raised to restore it and the current cross was placed atop.

It is unlawful for a city government to display patently religious symbols on city property even to commemorate our veterans.

FFRF has no objection to memorializing veterans. Our objection is to the message of endorsement of religion over nonreligion. Additionally, this memorial sends a message that the government only cares about the deaths of Christian veterans, not other non-Christian and nonreligious veterans. This "sponsorship of a religious message is impermissible because it sends the ancillary message to...nonadherents 'that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2001) (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O'Connor, J., concurring). This memorial excludes the 25% of military personnel who identify as atheist or agnostic or have no religious preference.<sup>1</sup>

<sup>1</sup> Military Leadership Diversity Commission, "Religious Diversity in the U.S. Military," Issue Paper #22 (June 2010), available at <http://militaryatheists.org/resources/MLDC-RIPSDemographics.pdf>.

Numerous memorials featuring religious emblems have been held to violate the Establishment Clause. In Texas, part of a war memorial featuring three Latin crosses and a Star of David was ruled an unconstitutional means of achieving the secular goal of memorializing fallen soldiers because there was a nonreligious means of achieving that same goal. The court held that “because the county can effectively recognize its war dead without resort to the use of these religious symbols, it must do so.” *Greater Houston Chapter of ACLU v. Eckels*, 589 F. Supp. 222, 234 (S.D. Tex. 1984).

The religious significance of the Latin cross is unambiguous and indisputable. “The Latin cross . . . is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point.” *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995) (Souter, J., concurring). An overwhelming majority of federal courts agree that the Latin cross universally represents the Christian religion, and only the Christian religion. See, e.g., *Separation of Church and State Comm. v. City of Eugene*, 93 F.3d 617, 620 (9th Cir. 1996) (“There is no question that the Latin cross is a symbol of Christianity, and that its placement on public land . . . violates the Establishment Clause”); *Harris v. City of Zion*, 927 F.2d 1401, 1412 (7th Cir. 1991) (“a Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity.”), *cert. denied*, 505 U.S. 1218 (1992); *ACLU of Ill. v. City of St. Charles*, 794 F.2d 265, 271 (7th Cir. 1986) (“When prominently displayed . . . the cross dramatically conveys a message of governmental support for Christianity, whatever the intentions of those responsible for the display may be. Such a display is not only religious but sectarian.”), *cert. denied*, 479 U.S. 961 (1986).

A majority of federal courts have held displays of Latin crosses on public property to be an unconstitutional endorsement of religion. See, e.g., *Trunk v. San Diego*, 629 F.3d 1099 (9th Cir. 2011), *cert. denied*, 132 S.Ct. 2535 (2012); *Buono v. Norton*, 371 F.3d 543, 550 (9th Cir. 2004); *Carpenter v. City and Cnty. of San Diego*, 93 F.3d 627, 632 (9th Cir. 1996); *Friedman v. Bd. of Cnty. Comm’rs*, 781 F.2d 777, 778 (10th Cir. 1985) (en banc); *ACLU v. Rabun Cnty. Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984).

The government’s permanent display of a Latin cross on public land is unconstitutional. The inherent religious significance of the Latin cross is undeniable and is not disguisable. No secular purpose detracts from the overall message that the Latin cross stands for Christianity and that the display promotes Christianity. The display of this patently religious symbol on public property confers government endorsement of Christianity, a blatant violation of the Establishment Clause.

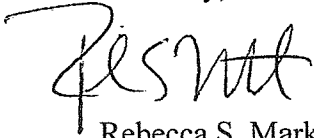
The cross unabashedly creates the perception of government endorsement of Christianity. It conveys the message to the nearly 30% of Americans who are not Christians, including the 23% of Americans who are not religious, that they are not “favored members of the political community.”<sup>2</sup> *Allegheny*, 492 U.S. at 594. The cross has an exclusionary effect, making non-Christian and non-believing residents of Vero Beach political outsiders.

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<sup>2</sup> *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

We ask you to remove the cross from the veteran memorial site immediately or direct the display be moved to a more appropriate private location. Please inform us in writing of the steps you are taking to resolve this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca S. Markert". The signature is fluid and cursive, with the first name "Rebecca" being more prominent and the last name "Markert" following in a similar style.

Rebecca S. Markert  
Staff Attorney

RSM:rmb

Enclosure







## DEPARTMENTAL CORRESPONDENCE

TO: James R. O'Connor, City Manager  
DEPT: City Manager

VIA: Monte K. Falls, PE, Director  
DEPT: Public Works *MK FALLS 6/22*

FROM: Donald H. Dexter, Jr., Manager *[Signature]*  
DEPT: Public Works

DATE: June 22, 2015

RE: **Restoration of Lest We Forget Monument**

As you know we have been working for several months to obtain pricing to restore the missing granite cross on the Lest We Forget monument at Veterans Memorial Island Sanctuary. We contacted three vendors with the low bid coming in at \$3,500.00, however, that cross has a sanded finish and the color/grain size does not match the existing monument. The next higher quote was from Feldner Studios of Fellsmere, Florida for \$3,595.00 and the cross will have a polished finish and color/grain to match the existing monument.

On May 6, 2015, the Veterans Memorial Island Sanctuary Advisory Committee (VMISAC) voted to request authorization from the City Council to spend up to \$3,600.00 for the restoration. This request was approved at the June 2, 2015 City Council meeting. The VMISAC has approximately \$13,700.00 in their escrow account. Fabrication of the cross will take 8-12 weeks.

With your approval we will move forward with the purchase of the granite cross from Feldner Studios.

*[Signature]*  
\_\_\_\_\_  
City Manager Approval

*6/23/15*  
\_\_\_\_\_  
Date

Cc: Cindy Lawson, Finance Director

DHD:MKF/ntn



JULY 8, 2014

# Telling the story of Veterans Memorial Island Sanctuary <sup>1</sup>

by *milthomas* • *Community News, Uncategorized*



*(<https://indianrivertoday.files.wordpress.com/2014/05/memorial-day-2014-9-e1404832488549.jpg>)* Editor's Note: Commemorating the 50<sup>th</sup> Anniversary of the establishment of Veterans Memorial Island Sanctuary, "First Lady of Vero Beach," Alma Lee Loy offered the following remarks following the Memorial Day ceremonies held on the island this year.

ALMA LEE LOY

I am honored to be here today to share a few personal highlights of the origin and past 50 years of our historic beautiful and meaningful Veteran's Memorial Island.

My friend, Alex MacWilliam, Sr. was the epitome of the saying "One man can make a difference." He had a dream and led the commitment of many others.

As a native of Vero Beach, I have enjoyed knowing Mr. and Mrs. MacWilliam and all seven children, Edgar, Alex. Jr., Helen, Joan, Peter, Barbara and Robert.

Alex MacWilliam Sr., twice wounded and highly decorated veteran of WWI, never forgot his fallen comrades and the sacrifices they made.

Mr. MacWilliam was advised by his doctor in Cleveland, Ohio to find a warm climate for his recuperation and Vero, FL, located in Saint Lucie County was recommended.

In fact, he was employed to develop part of an island where a group of doctors wanted to build winter homes (we know that area today as Riomar).

In 1919, when Mr. MacWilliam first arrived in Vero, on a Saturday night, he thought it was a large town because the streets (2 of them) were filled with people.

He soon found out that all 300 residents came to town on Saturday night because the electric power plant generated an extra 2 hours of electricity to allow citizens additional time to buy supplies.

Next he found there was no bridge to the island, so he rented a boat to row across to the island to find a very narrow walking path that went from the river to the ocean. That trail is now called Riomar Drive.

Mr. Mac, as he was affectionately known, said it was the most beautiful jungle he had ever seen.

With huge oak trees and tropical flowers everywhere, wild orchids and moss on every tree. There was also lots of wildlife – birds, black bears, huge snakes, wild hogs, Florida Panthers and foxes.

Oh yes, lots of mosquitoes and no-see-ums.

All building materials had to be brought across the river on barges and hauled to the building sites by oxcart because of the sandy trails.

They used 100 mules to build the golf course that is now part of the Riomar Golf Club.

Soon Mr. Mac began to push the St. Lucie Government to build a bridge, as we were still part of St. Lucie County.

By 1920, the first bridge was built but it was a toll bridge with all of the money going to the St. Lucie Government.

Very quickly, Mr. Mac built his own water tower and electric generator.

Before 1923, he had built 5 houses, the golf course and a Club House.

All this experience led Mr. Mac to become involved with local politics and in 1925 he was one of the leaders in the creation of Indian River County.



By 1927, Alex MacWilliam Sr. was elected Mayor of Vero Beach. His terms totaled 20 years.

He also served as our state legislator for 12 years.

It was during this time, in the legislature, he championed the law that created a Florida State Veterans Commission, as he was determined that Florida and Indian River County honor their veterans.

This was also the time he persuaded the Army Corp of Engineers to re-align the Indian River channel closer to the shore and deposit the "spoil" on a small island nearby.

When the Corp of Engineers Federal Project was completed the newly created lands, including the 7 acre island, were given to the State of Florida.

In May 1947, the State of Florida, officially deeded the newly created land, including the "new" 7 acre island, to the city of Vero Beach.

The small island was given for the sole purpose of creating a Veteran's Memorial to be dedicated to the men and women who had paid the supreme sacrifice while protecting our country.

The island lay dormant for several years, in fact, in 1963 Alex MacWilliam organized a committee of 88 citizens (50 men and 38 women) from all over the County to help raise funds and spearhead the development of the newly named Indian River Memorial Island.

The entire community pitched in to work on this project. Hundreds of citizens contributed in many different ways. The goal of \$15,000 was raised and work began.

The City and County Public Works Departments built the footbridge across to the island. We had a wrought iron gate for the entrance, an historic iron bell to sound for attention and flowers at the entrance.

Two knowledgeable volunteers walked in front of an end loader to clear a winding path thru the tall Australian Pine Trees and undergrowth that covered the island.

When the path was cleared, local veterans worked from sun up to sun down on Veteran's Day to plant 60 tall Royal Palm Trees.

At the base of each tree, a granite marker was placed with the name of a veteran from Indian River County who had died defending our country. There were 60 markers.

In 1963, one of the first monuments on the island was given by the entire community and is inscribed "Lest We Forget."

It is a constant reminder we must never forget the debt we owe our veterans.

The official dedication of the island was set for May 10, 1964.

I hope you now have a glimpse of the man, Alex MacWilliam, Sr.

17 years of leadership, dedication and determination by one man and the commitment by many, many others had created a memorial of honor.

Since 1967, there have been many changes to the island.

Storms, long ago, destroyed the tall pine trees. But, we have replaced them with Oak Trees.

The winding path remains the same. As a walking trail, now it is dotted with a monument to each Branch of Service.

The pine needles have been replaced with a permalite walkway.

The 60 Royal Palms died out long ago and the 60 deceased veterans markers have become 78 cenotaphs, all gathered in the center of the island.

Benches now replace the wooden fruit boxes needed at the first dedication. The wrought iron gates rusted away many years ago.

But this is Florida. Just when we had the island in excellent condition, the hurricanes (Frances and Jeanne) came and destroyed 58 trees, our pathways, benches and caused great erosion problems.

Our cenotaphs were washed all over the island, but were recovered and replaced.

Once again, the citizens of our community expressed their love for the island.

Over 300 individuals and 13 organizations donated time and money to restore our sanctuary.

The one expression that can never be destroyed is the “spirit of our Veteran’s Island” and the dedication of this community to “Honor Our Veterans.”

The City Council, City Manager, Public Works Department and the Veteran’s Council all worked together. Another timeless effort to restore our beautiful island. Again, we are ready for visitors.

With the help of Ruth Stanbridge, our County Historian, the island was listed on the Florida Registry of Historic Places.

On August 19, 2003, a Veteran’s Memorial Island Advisory Committee was created by the City Council to assist with reviewing documentation for proposed memorials for the island.

Helen MacWilliam Glenn, daughter of the late Alex MacWilliam, served as the initial Chairman of this committee.

On July 6, 2004, the name was formally changed from Memorial Island Park to Veteran’s Memorial Island Sanctuary.

During the last decade, 6 additional memorials have taken their place of honor on the island.

These tributes included recognition of the Purple Heart Veterans, Veterans of Pearl Harbor and POW/MIAs, along with WWII, Korean and Vietnam Wars.

In closing, I hope each of you here this morning will always remember, you too “can make a difference” in our community. Your words, your deeds, your actions will pave the way for the generations to follow, as we strive to protect this place of quiet contemplation and reflection on the sacrifices of all veterans.

Thank you for your kind attention and your attendance honoring this Historic Celebration.

## One comment

*Kathy says:*

JULY 8, 2014 AT 5:19 PM

I attended this event and was informed as well as moved by Alma Lee’s speech. Thank you for reprinting this wonderful history lesson.

[Blog at WordPress.com.](#)