



January 14, 2022

The Honorable Russell Bowers  
Arizona State House Speaker  
Arizona State Capitol Complex  
1700 W Washington St  
Phoenix, AZ 85007  
Cc: The Honorable Karen Fann, Arizona State Senate President

SENT VIA EMAIL AND U.S. MAIL  
rbowers@azleg.gov  
kfann@azleg.gov

Re: Public Display of Religious Flag in the State House Building

Dear Speaker Bowers:

I am writing on behalf of the Secular Communities for Arizona to object to the display of a religious flag on public property in the public area of the State House building. Secular Communities is a statewide nonprofit organization and our purposes are to protect the constitutional principle of separation between religion and government.

Several constituents have reported that an "Appeal to Heaven" flag, also known as the "Pine Tree Flag", is hung in the public area of the Arizona State House building.

We request that this religious endorsement be removed from public display anywhere in or on the capitol grounds immediately.

This flag is associated with the Appeal to Heaven movement. Members of the Appeal to Heaven movement seek, in their own words, "to honor the Lord by networking elected officials 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 one, and displaying this flag in a government building is a clear endorsement of evangelical Christianity.

The inherent religious significance of the “Appeal to Heaven” flag is undeniable. While this flag also has historical ties to the founding of the United States and its naval forces, it is now viewed and used as an explicitly evangelical Christian flag. No purported secular purpose will detract from the clear message that this flag now stands for a faction of evangelical

Christianity, and its display endorses and promotes that religious message, not to mention an explicit religiously inspired political mission.

I would remind our leaders in the Arizona Legislature that not only are a substantial portion of Arizona’s population not evangelical Christians, but many are not of the Christian faith, or are entirely secular. According to the Pew Religious Landscape 22.8% of Americans are religiously non-affiliated and 35% of Americans are not Christian. In comparison, 27%, an even higher percent, of Arizonans are religiously non-affiliated. In U.S., Decline of Christianity Continues at Rapid Pace, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/> There are also Members of the House and Senate who are not evangelical Christians, and who are not Christians.

The Arizona Legislature is violating the United States’ Constitution’s Establishment Clause when sponsoring an overtly religious symbol in this manner. The Supreme Court has pronounced time and again that the “First Amendment mandates government neutrality between religion and religion, and between religion and non-religion.” *McCreary County, Ky. v. ACLU of Ky.* 545 U.S. 844, 860 (2005). Displaying this evangelical Christian flag in the public areas of the state legislature’s buildings or grounds violates this fundamental constitutional prohibition by creating the appearance that the Arizona Legislature prefers evangelical Christianity over other Christian sects, Christianity over all other faiths, and religious belief over none.

This violates the Arizona Constitution as well. The State Constitution provides in Article XX §1:

First. Toleration of religious sentiment

First. Perfect toleration of religious sentiment shall be secured to every inhabitant of this state, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship, or lack of the same.

This religious display is particularly inappropriate right now given that this flag was carried by several participants in the January 6th riot and insurrection at the U.S. Capitol.<sup>2</sup> Given the deep divides in our body politic resulting from that attack on our democracy, display of this flag also has very troubling political and religious connotations that Arizona's legislature must not be seen to endorse. This flag alienates both those committed to a proper separation of church and state, and those concerned about religiously inspired violent attacks on our democracy and our public officials.

In recognition of the legislature's constitutional obligation to remain neutral toward any religion, please remove this flag from public display anywhere on the Capitol grounds immediately. Please reply in writing with the steps that our legislative leadership is taking

to remedy this constitutional violation so that we may notify our membership and take any appropriate further steps to remedy this violation under United States and Arizona law.

Sincerely,

Dianne Post  
Legal Director

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

<sup>2</sup> Center for Digital Journalism at Columbia Graduate School of Journalism. <https://towcenter.medium.com/the-pine-tree-flag-how-one-symbol-at-the-capitol-riot-connects-far-right-extremism-to-christianity-f02314a5f759>