

Apparently, Religious Freedom Does Not Apply to Those Who Defend It

Freedom of religion is a cornerstone of our republic, woven deep into the fabric of our American heritage. So, when the ACLJ was contacted by a Vietnam veteran who had been told he couldn't wear a cross on his American Legion Riders' (ALR) vest, we immediately stepped in to help.

The long-time veteran who had sacrificed to courageously serve three tours of duty in the Vietnam War and was an active member in the American Legion had been discouraged and even treated with hostility by the director of his local ALR chapter because he wanted to wear a cross patch on his vest.

The American Legion was created by Act of Congress in 1919 and is a patriotic veteran organization with the mission to strengthen the country through programs, services, compassion, and actions that "enhance the well-being of America's veterans, their families, our military and our communities." Notably, the first purpose articulated in the constitution and bylaws of the American Legion, is "to uphold and defend the Constitution of the United States."

The First Amendment to the Constitution prohibits interference with the free exercise of religion, as well as the freedom of speech. (U.S. Constitution, Amendment 1). Once more, the American Legion itself has long held the position that the wearing of patches is intensely personal and that members should not be told what they can or cannot wear.

Accordingly, it was somewhat shocking that anyone within the ALR would attempt to restrict a veteran member's right to wear a patch of his choosing. Such conduct, we explained in a legal letter, is antithetical to the very mission and purpose of the

American Legion and the First Amendment which it purports to protect.

As the Supreme Court has previously explained in *Capitol Square Review Advisory Bd. v. Pinette*, 515 U.S. 753, 760 (1995):

“[P]rivate religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression.”

Further, courts have repeatedly recognized the right of citizens to wear religious symbols as protected private religious speech and expression. One such court case worth mentioning due to the similarities in this case, is that of *Draper v. Logan Cnty. Pub. Library*, 403 F. Supp. 2d 608 (D. Ky. 2005). There, the ACLJ defended a librarian who was fired from her job because she wore a cross necklace to work. In ruling against the library and in favor of our client, the court held that any attempt to prohibit the librarian from wearing her necklace violated the free speech and free exercise clauses of the First Amendment. In its ruling, the court unequivocally affirmed the librarian’s constitutional right to express her faith.

Our legal team provided the veteran with a legal letter outlining his clearly established constitutional rights to present to his ALR chapter; and shortly after, we were informed that the matter had been resolved and that he would be allowed to wear the cross patch.

This is far from the first time the ACLJ has had to defend the cross. We previously told you about a Christian resident of a senior housing complex who was instructed to remove her crosses from her outdoor garden area pursuant to a so-called policy banning all religious décor. We immediately sent a legal demand letter to the property management company informing them that the company’s newly enacted policy

singling out and banning religious decor was in clear violation of federal law, specifically, the Fair Housing Act. As was the case with the veteran, upon receipt of our letter, the management company reconsidered its policy, and our client was allowed to keep her crosses in her garden.

And when we reported that we'd been contacted by a Florida couple who had been threatened with serious consequences, including exorbitant fines, a possible lawsuit and even the imposition of a lien on their property if they didn't remove a small 12-inch cross displayed in their front yard, we again took action. The ACLJ contacted the management of the subdivision, explaining that their demand was not in compliance with the law. Shortly after receipt of our letter, the policy was changed, the fines ceased, and the cross was permitted to stand.

And we just recently told you how we were contacted by a Christian realtor who had been pressured by his local realtor association board to remove a cross from his advertisements because it might create an issue under federal law and violate nondiscrimination policies. We sent a letter informing his real estate board that the cross was in no way discriminatory, and forcing him to remove it was a violation of our client's rights. While we are still waiting to receive a formal decision from the board in writing before we consider this situation completely resolved, for the time being, our client is free to continue the use of the cross logo on his advertisements.

These and all other acts of religious discrimination against Christians cannot be tolerated. The ACLJ will continue to stand for the cross and defend our religious freedom as well as our Christian heritage. {eo}

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