



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

WAGGONER CARR
ATTORNEY GENERAL

May 6, 1965

Honorable Neal Birmingham
Criminal District Attorney
Cass County
Linden, Texas

Opinion No. C-433

Re: Whether burning of crosses
in a residential area is
in violation of the Texas
Penal Code.

Dear Mr. Birmingham:

In a recent opinion request of this office you asked whether or not there is a provision in the Texas Penal Code which specifically prohibits the burning of crosses in residential areas. We have been unable to find such a specific statute.

It is possible, however, that a person, during the commission of the act of burning a cross in a residential area, may violate the provisions of various Articles in Vernon's Penal Code. For example, dependent upon the facts, such act could be in violation of one or more of Articles 474, 454a, 1321, 1321b and 1303.

The possible violations are not confined to the above set out statutes, of course, but the above are mentioned simply to indicate that the act of burning a cross in a residential area may, depending upon the facts surrounding the occurrence, be in violation of one or more Articles of Vernon's Penal Code.

SUMMARY

There is no provision in the Texas Penal Code which specifically prohibits the burning of crosses in a residential area.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By: 
SCOTT GARRISON
Assistant Attorney General

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SC/lh/br

APPROVED:

OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL
By: Stanton Stone