



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

December 10, 2009

**SENT VIA FAX AND U.S. MAIL
(513) 941-2697**

The Honorable Dan Pillow
Mayor
Village of Addyston
235 Main St
Addyston OH 45001

COPY

Re: Nativity Scene on Village Property

Dear Mayor Pillow:

I am writing on behalf of a concerned area resident and taxpayer, and other Ohio members of the Freedom From Religion Foundation ("FFRF"), who object to the erection and maintenance of a nativity scene on village property. FFRF is a national nonprofit organization based in Madison, Wisconsin, with nearly 14,000 members across the country. Our purpose is to protect the fundamental constitutional principle of separation of church and state.

It is our information and understanding that the Village of Addyston ("Village") has erected a nativity scene on government property. Our complainant informs us that this nativity scene, with almost life-size figurines depicting Jesus, Mary and Joseph, etc., is located on public property near the village hall. Specifically, it sits on an island next to U.S. 50 and Main Street. It is our further understanding that this nativity scene stands alone at this location. Please find enclosed a picture of the crèche.

It is unlawful for the Village to maintain, erect, or host a holiday display that consists solely of a nativity scene, thus singling out, showing preference for, and endorsing one religion. The Supreme Court has ruled it is impermissible to place a nativity scene as the sole focus of a display on government property. See *Allegheny v. ACLU of Pittsburgh*, 492 U.S. 573 (1989); *Lynch v. Donnelly*, 465 U.S. 668 (1983).

In *County of Allegheny v. ACLU of Pittsburgh*, 492 U.S. 573 (1989), the Supreme Court held that a county government's crèche displayed in the county courthouse was an unconstitutional endorsement of religion. The Court stated,

"Lynch v. Donnelly, confirms, and in no way repudiates, the longstanding constitutional principle that government may not engage in a practice that has the

effect of promoting or endorsing religious beliefs. The display of the crèche in the county courthouse has this unconstitutional effect.” *Id.* at 621.

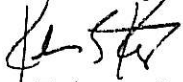
The Court further determined that the placement of the crèche on the Grand Staircase of the county courthouse contributed to its illegality because “no viewer could reasonably think it occupies this location without support and approval of the government.” *Id.* at 599-600. Moreover, the Court found that the nativity scene “sen[t] an unmistakable message that [the county] supports and promotes the Christian praise to God that is the crèche’s religious message.” *Id.* at 600.

It is irrefutable that the crèche is a religious, Christian symbol. *See Lynch v. Donnelly*, 465 U.S. 668, 711 (1984)(Brennan, J. dissenting)(stating that the crèche is a “re-creation of an event that lies at the heart of the Christian faith”). Displaying an inherently Christian message on Village property near the town hall unmistakably sends the message that the Village of Addyston endorses the religious beliefs embodied in the display. When the government displays this manger scene, which depicts the legendary birth of Jesus Christ, it places the imprimatur of the village government behind the Christian religious doctrine. This excludes citizens who are not Christian—Jews, Native American religion practitioners, animists, etc., as well as the significant and growing portion of the U.S. population that is not religious at all (15% of adults), including complainants and taxpayers in Addyston.

There are ample private and church grounds where religious displays may be freely placed. Once the government enters into the religion business, conferring endorsement and preference for one religion over others, it strikes a blow at religious liberty, forcing taxpayers of all faiths and of no religion to support a particular expression of worship.

We request that you immediately inform us in writing of the steps you are taking to remedy this violation of the First Amendment.

Sincerely,



Rebecca S. Kratz
Staff Attorney