

FREEDOM FROM RELIGION *foundation*

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

January 9, 2015

SENT VIA MAIL AND EMAIL TO:

cityadmin@wadena.org

Mr. Bradley Swenson
City Administrator
City of Wadena
222 2nd Street SE
Wadena, MN 56482

Re: Unconstitutional Nativity Display

Dear Mr. Swenson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the unconstitutional nativity display sponsored by the City of Wadena. A concerned resident contacted us. FFRF is a nationwide nonprofit organization with more than 21,500 members across the country, including more than 500 in Minnesota. We protect the constitutional separation between state and church.

It is our understanding that the City has placed a nativity display in Burlington Northern Park. We understand that the display is prominently featured with a series of arching lights leading to the nativity. The nativity features figurines of Mary, Joseph, baby Jesus, and an angel with a banner that says, "GLORIA IN EXCELSIS DEO." Please see the enclosed images of the display. We also understand that Burlington Northern Park is a local feature and the City has said on its website, "It is perhaps the most valued spot in the community."

It is unlawful for the City to maintain, erect, or host a holiday display that prominently features 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 focus of a display on public property. *See Cnty. of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573 (1989).

In *Allegheny*, 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 display by the City of Wadena is similar to that in *Allegheny*. Both displays prominently include a crèche and an angel with a banner saying, “Gloria in Excelsis Deo,” meaning “Glory to God in the highest.” 492 U.S. 573 at 580 n.5. The Supreme Court determined that the placement of the crèche at 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.

The City’s display of a sectarian Christian message in the City’s premier park unmistakably sends the message that the City endorses the religious beliefs embodied in the display. When the City displays a manger scene, which depict the legendary birth of Jesus, it places the imprimatur of the government behind Christian religious doctrine. This excludes citizens who are not Christian—Jews, Muslims, Buddhists, etc., as well as the 19% of adult Americans who are nonreligious.¹ Putting up a nativity scene on public property tells nonbelievers and non-Christians that they are outsiders in their community, that they are excluded.

There are ample private and church grounds where religious displays may be freely placed. Once the City enters into the religion business, conferring endorsement and preference for one religion over others, it strikes a blow at religious liberty, forcing taxpayers and community residents of all faiths and of no religion to support a particular expression of worship. Pursuant to the Establishment Clause of the United States Constitution we request that you remove this display and ensure that it will not return. We request a response in writing about the actions the City is taking to remedy this violation of the First Amendment so we may notify our complainant.

Sincerely,



Patrick C. Elliott
Staff Attorney

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¹ “Nones on the Rise: One-in-Five Adults Have No Religious Affiliation,” Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012).



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