

December 21, 2012

**SENT VIA FAX & U.S. MAIL
(570) 208-4101**

The Honorable Thomas M Leighton
Mayor
City of Wilkes-Barre
40 East Market St
Wilkes-Barre PA 18711

Re: FFRF Banner in Public Square

Dear Mayor Leighton:

Earlier this week, the Freedom From Religion Foundation (FFRF), a national nonprofit organization dedicated to protecting the constitutional principle of separation between state and church and representing the rights and views of nonbelievers, requested and was granted permission to put up a banner in Public Square. The banner went up on December 19th.

As you are certainly aware, yesterday afternoon just before 4pm, a young man who identified himself as Joe McDonald, climbed the structure at Public Square and cut two wires holding up FFRF's banner. He then put an American flag on the structure. This was all caught on camera by WNEP News Channel 16's film crew. Reporter Bill Wadell interviewed Mr. McDonald after the criminal act and Mr. McDonald stated he did it because of the shootings in Newtown, CT. He also implied it was because the banner was higher than other displays at Public Square. (FFRF notes that the City, not FFRF, placed the banner in its location).

Displays at Public Square

This incident highlights why the City of Wilkes-Barre should not allow unattended displays — religious or not — in Public Square. In some communities, these displays have caused great divisiveness. Just last year, a crazed woman in Loudoun County, Va., tore down a skeleton dressed as Santa that was displayed on the courthouse lawn. In years past, FFRF banners have been subject to vandalism. These actions signify to nonbelievers and members of minority religions that they are not welcome in the community. This vandalism and divisiveness also does not reflect well on the many Christians who honor

peace and equality at this time of year.

The use of public property for religious signs and other displays is inappropriate. There are ample individual homes, businesses, and church grounds where religious displays may be placed freely. Once the government enters into the religion business, conferring or implying endorsement and preference for particular religious views 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.

FFRF's Banner

This afternoon Justin Vacula contacted Gwen at your office about reinstallation of this banner. He was informed that City workers were “understaffed” today and they would probably not get to fixing the banner today. Rebecca Markert in our office also called Gwen and left a message to determine when the banner would be reinstalled. We expect the City to expeditiously hang our banner.

FFRF paid the requisite \$50 to obtain the permit to put up a banner at Public Square for a week. There was already a delay in putting up the banner (we were told it would go up the 18th, but did not go up until the 19th), and this act of vandalism adds to the delay in our displaying our message during the Winter Solstice. We request the City keep the banner on display for additional days to make up for this circumstance.

Police Report

It is extremely troubling that Mr. McDonald climbed the structure at Public Square, vandalized FFRF's property, and placed his own display (an American flag) without the requisite permit. At this point, the police have not announced that they have ticketed, arrested or talked with Mr. McDonald. The City should take swift action to report this incident to the police, request that an investigation be commenced and charges brought against Mr. McDonald. The City must take appropriate steps to ensure Mr. McDonald is cited for his wrongdoing.

We would appreciate a response regarding this letter so that we may notify Justin Vacula and our local members of the steps the City of Wilkes-Barre is taking to ensure First Amendment rights of its citizens are protected. Thanks in advance for your time and attention to this matter.

Sincerely,

Annie Laurie Gaylor
Co-President

cc: Timothy Henry, City Attorney
Gerard Dessoie, Chief of Police