

# FREEDOM FROM RELIGION *foundation*

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July 22, 2020

**SENT VIA EMAIL AND U.S. MAIL:**

**tanstiss@ashburnham-ma.gov**

Terri Anstiss  
Library Director  
Stevens Memorial Library  
20 Memorial Drive  
Ashburnham, MA 01430

Re: Unconstitutional Religious Display

Dear Ms. Anstiss:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at the Stevens Memorial Library. FFRF is a national nonprofit organization with over 32,000 members across the country, including over 600 members in Massachusetts. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned community member contacted FFRF to report that at the playground at the Stevens Memorial Library, there is a turning picture game that describes the biblical tale of Noah and the Ark. A picture of the game is enclosed. Each section of the turning game contains a passage from the tale, which is paraphrased from the book of Genesis in order to be more easily understood by young children. Excerpts include:

“Once there was a man named Noah who was warned by God of a great flood. Noah began to build an ark that was 450 feet long, 75 feet wide, and 45 feet high.”<sup>1</sup>

“Seven days before the flood, Noah began to stock the ark [with] food and he led the land anim[als,] birds, reptiles and his family [two] by two into the ark.”<sup>2</sup>

“It rained for 40 days and 40 nights and the whole earth was covered with water. With water from the [sky] and from inside the earth, the flood waters rose more than 20 [feet] above the highest peak.”<sup>3</sup>

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<sup>1</sup> Gen. 6:13-15

<sup>2</sup> Gen. 7:4-5, 7:9, 7:15

<sup>3</sup> Gen. 7:11, 7:12, 7:17, 7:20

“When it stopped raining, the ark floated 150 days and nights when it came to rest atop a large mountain top.”<sup>4</sup>

Federal courts have held displays of religious symbols on public property to be an unconstitutional endorsement of religion. *See, e.g., Trunk v. San Diego*, 629 F.3d 1099 (9th Cir. 2011), *cert. denied*, WL2368746 Jun. 25, 2012 (No. 11-998, 11-1115); *Carpenter v. City and County of San Diego*, 93 F.3d 627,632 (9th Cir. 1996); *Friedman v. Bd. of County Comm’rs*, 781 F.2d 777, 778 (10th Cir. 1985) (en banc); *ACLU v. Rabun County Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984).

It is settled that permanent displays on public land are government speech. *See e.g., Pleasant Grove City v. Sumnum*, 555 U.S. 460, 470 (2009). It makes no difference whether this part of the playground was donated to the city. As a permanent fixture, observers understand that the display is sanctioned and approved by the city. The Supreme Court noted that “although some public parks can accommodate and may be made generally available for temporary private displays, the same is rarely true for permanent monuments,” and that looking at a park as a public forum is generally not appropriate in the case of permanent displays. *Id.* at 480. The Court instead found that “[p]ermanent monuments displayed on public property typically represent government speech.” *Id.* at 470. Permitting this display as part of the library’s playground amounts to the city promoting its content, which runs afoul of the Establishment Clause.

The display of this biblical tale on public property confers government endorsement of religion. It endorses religion over nonreligion and Christianity over all other religions, which cannot stand. *See McCreary County, Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005). There is no secular purpose to such a religious display.

Especially troublesome is that this display is aimed squarely at children using the public library. The government should not be using public grounds to promote bible stories to the most impressionable members of society. As a biblical story, this has the effect of privileging one religion over others and alienates the nearly 26% of American adults who identify as nonreligious.<sup>5</sup>

The Stevens Memorial Library must remove this turning picture game from the playground and refrain from approving any such displays in the future. We request a written response detailing the steps taken to resolve this matter. Thank you very much for your time and attention.

Sincerely,



Madeline Zeigler  
Staff Attorney

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<sup>4</sup> Gen. 7:24, 8:5

<sup>5</sup> *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.



Seven days before the flood  
Noah began to stock the ark  
and he led the land animals,  
birds, reptiles and his family  
into the ark.



Once there was a man named  
Noah who was warned by God  
of a great flood. Noah began to  
build an ark that was 300 feet  
long, 75 feet wide and 45 feet  
high.

When it stopped raining, the  
flooded 150 days and Noah  
and his family came to rest on  
Mount Ararat.



It rained for 40 days and 40 nights  
and the whole earth was covered  
with water. With water from  
the sky and from inside the earth,  
the flood waters rose more than  
60 feet above the highest peak.

