

FREEDOM FROM RELIGION *foundation*

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Susan Lessard
Town Manager
Town of Bucksport
50 Main Street
Bucksport, ME 04416

Re: Bucksport's Holiday Display Policy

Dear Manager Lessard and members of the Bucksport Town Council:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) regarding concerns about Bucksport's unequal treatment of holiday displays on town property. FFRF is a national nonprofit organization with more than 39,000 members across the country, including members in Maine and a local chapter, Maine Chapter FFRF. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that each year the Town of Bucksport hosts a nativity scene display on a municipal-owned parcel on Main Street, which appears to show the Town of Bucksport favors Christians and believes in and celebrates the birth of Jesus.

FFRF's Maine Chapter President Tom Waddell informs us that he requested that the Town add a banner depicting America's founding fathers and the Statue of Liberty looking down upon the Bill of Rights laying in a manger, in honor of the bill's adoption on Dec. 15, 1791. Rather than put up a display commemorating and celebrating the Bill of Rights alongside the nativity, the town took down the nativity scene.

We understand that the Town's current plan is to display the nativity scene on its own on the same town parcel where it has always been displayed, and to relegate all other displays to a separate location. While we appreciate the Council's attempt to find a resolution, this "solution" only exacerbates the issue with displaying a nativity scene on public property. The best solution would be for the Town to cease hosting religious displays on public property. The current display could be placed on private property. If the Town is going to host a forum for holiday displays, all holiday displays, including the nativity scene, should be treated the same and placed in the same

location. This is the only way to send a message that no religious group is favored and all will be welcomed and treated equally.

Our Constitution's Establishment Clause—which protects Americans' religious freedom by ensuring the continued separation of religion and government—dictates that the government cannot in any way show favoritism toward religion. As the Supreme Court has put it, “the First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty. v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). By hosting and maintaining an inherently religious display and treating it differently than Mr. Waddell's Bill of Rights display, the Town of Bucksport shows blatant favoritism towards religion over non-religion, and Christianity above all other faiths.

Nativity scenes on public property are unnecessary, inappropriate, and divisive. It is irrefutable that the crèche is a religious, Christian symbol. The best solution is to discontinue allowing nativity scenes on public property altogether. This nativity display needlessly alienates community members belonging to the nearly thirty percent of Americans who now identify as religiously unaffiliated, as well as the additional 6 percent of Americans adhering to non-Christian faiths.¹ The nativity scene sends the exclusionary message to these nonbelievers and non-Christians that they are outsiders in their community.

There are ample private and church grounds where religious displays may be freely placed. Once the government enters into the religion business, conferring favoritism and preference for one religion over others, it strikes a blow at religious liberty. Again, the Town of Bucksport should cease allowing displays altogether, but if it insists on creating a forum, then all displays should be treated equally. In this case, they all need to be in the same location. We request a response in writing about the steps the Town will take to resolve this issue going forward.

Very truly,



Annie Laurie Gaylor & Dan Barker
Co-Presidents

¹ Gregory A. Smith, About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.