

FREEDOM FROM RELIGION *foundation*

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December 8, 2011

SENT VIA FAX & U.S. MAIL
(815) 672-7566

Mr. Jimmie Lansford
Mayor, City of Streator
204 South Bloomington St.
Streator, IL 61364

Re: Local Complaint about Nativity Scene in City Park

Dear Mayor Lansford:

I am writing on behalf of a concerned area resident and taxpayer, as well as other Illinois members of the Freedom From Religious Foundation (FFRF), who object to the erection of a nativity scene on the grounds Streator City Park. FFRF is a national nonprofit organization with over 17,000 members across the country, including over 600 in Illinois. Our purpose is to protect the fundamental constitutional principle of separation of state and church.

It is our information and understanding that a large nativity scene is on display in Streator City Park and features a prominent sign stating "Unto you is born the Savior Jesus Christ the Lord" (see photo enclosed). It is also our understanding that the City has previously displayed this nativity scene and sign in the park since 2007, and has displayed an Easter scene each year since 2006 containing three crosses and a sign stating "Jesus died for your sins."

Nativity Scene and Sign

According to a news article in *The Times*, the crèche was first erected as the result of a letter written by a ten-year-old girl who requested a manger scene be displayed "because Christmas is about the birth of Jesus." See <http://mywebtimes.com/archives/ottawa/display.php?id=349217>. The article further states that the nativity was constructed by the Streator Freedom Association, who are self-described as "Seven brothers in Christ whom [sic] have banded together to spread The Gospel." See <http://sfa7.blogspot.com/>.

It is unlawful for the City to maintain, erect, or host this nativity scene, and thus single out, show preference for, and endorse a specific religion. This is particularly true when the nativity scene is accompanied by a sign specifically stating a Christian proselytizing message. The Supreme Court has ruled it is impermissible to place a nativity scene as the 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 determined 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 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 City’s display here is placed prominently in Streator City Park. A person wishing to use and enjoy the park, or simply pass by it on a public street or walkway, will encounter the display and its accompanying sign. The combination of the nativity scene and its proselytizing sign no doubt sends an “unmistakable message” that the City is promoting the “Christian praise to God that is the crèche’s religious message.” *Id.* at 600. Allowing the display of an inherently Christian message on government property unmistakably sends the message that the City of Streator endorses the religious beliefs embodied in the display.

One of the Court’s main concerns about the crèche in *Allegheny* was the accompanying words “Glory to God in the Highest!” next to the display. The Court stated that “This praise to God in Christian terms is indisputably religious—indeed sectarian—just as it is when said in the Gospel or in a church service.” *Id.* at 598. Likewise, the sign here stating “Unto you is born the Savior Jesus Christ the Lord” is indisputably Christian and sectarian.

The Seventh Circuit has addressed the issue of nativity scenes on government property multiple times. In *Mather v. Village of Mundelein*, despite being decided before the Supreme Court issued their *Allegheny* ruling, the court, in finding a specific crèche display constitutional, stated that “the context of the ensemble, and more important the context of the secular holiday the government observes—is the controlling consideration.” 864 F.2d 1291, 1293 (7th Cir. 1989). Unlike the situation in *Mather*, the crèche here cannot be classified as a secular display of a secular holiday in light of the clearly proselytizing sign.

Additionally, in *American Jewish Congress v. City of Chicago*, the Seventh Circuit found that a nativity scene in city hall violated the Establishment Clause, distinguishing the display from the one in *Lynch*, because there were no neutralizing elements and clearly sent a message of government endorsement. 827 F.2d 120, 128 (7th Cir. 1987). It would be impossible to find the City’s display here to be neutral considering its prominent location and accompanying sign.

When the City allows this manger scene and sign to be created, which depicts the legendary birth of Jesus, it places the imprimatur of the City government behind the Christian religious doctrine. This excludes citizens who are not Christian—Jews, Muslims, Wiccans, 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 Streator. By enforcing the separation of state and church, the government does not discriminate against religion, but instead promotes a respect for it by refusing to elevate one particular religion above all others.

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

some religions 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.

Easter Crosses and Sign

It is equally impermissible to allow a display of three Latin crosses and a proselytizing sign in Streator City Park during Easter. The religious significance of the Latin cross is unambiguous and indisputable. "The Latin cross ... is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point." *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995)(Souter, J., concurring). An overwhelming majority of federal courts agree that the Latin cross universally represents the Christian religion, and only the Christian religion. In *ACLU of Ill. v. City of St. Charles*, the Seventh Circuit held that "[w]hen prominently displayed ... the cross dramatically conveys a message of governmental support for Christianity, whatever the intentions of those responsible for the display may be. Such a display is not only religious but sectarian." 794 F.2d 265, 271 (7th Cir. 1986), cert. denied, 479 U.S. 961 (1986).

The inherent religious significance of the Latin cross is undeniable and is not disguisable. No secular purpose, no matter how sincere, will detract from the overall message that the Latin cross stands for Christianity and the overall display promotes Christianity. The display of this patently religious symbol on a City-owned park confers government endorsement of Christianity, a blatant violation of the Establishment Clause.

It is unlawful for the City of Streator to display a patently religious symbol such as a Christian cross on public property, especially when it is combined with an explicitly proselytizing sign. This Easter display, sitting on City property, unabashedly creates the perception of government endorsement of Christianity. It conveys the message to the twenty-six percent of the U.S. population who are not Christians that they are not "favored members of the political community." *Allegheny*, 492 U.S. at 594. The cross has an exclusionary effect, making non-Christian and non-believing residents of Streator political outsiders.

Conclusion

We request that the City of Streator immediately takes action to ensure that the crèche and Easter crosses are not displayed on City property. Please inform us in writing of the steps you are taking to remedy this First Amendment violation so that we may notify our complainant.

Sincerely,



Patrick Elliott
Staff Attorney

Enclosure

