



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

January 20, 2010

The Honorable John Fouts
Mayor
City of Warren
One City Square
Suite 215
Warren MI 48093-6726

Re: Nativity Scene Displayed in Lobby of City Hall

Dear Mayor Foust:

I am writing on behalf of a concerned City of Warren resident and taxpayer, who objects to the City's display of a nativity scene in the lobby of City Hall. The Freedom From Religion Foundation (FFRF) is a national nonprofit organization with over 14,000 members across the country including members in Michigan. Our purpose is to protect the constitutional principle of separation between church and state.

It is our information and understanding that during the month of December 2009, a crèche was erected on city property. Our complainant informs us that a nativity scene, depicting the birth of a Christian god, was located on the first floor of the city hall atrium. Upon further investigation, our complainant discovered that the crèche was given to the city years ago by some group but was indeed a city-sponsored display. We are unaware of other holiday displays in the same area.

It is unlawful for the City of Warren to maintain, erect, or host a holiday display that consists solely of 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 sole focus of a display on government property. *See Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 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 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 Court further determined that the placement of the crèche on the Grand Staircase of 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.

It is irrefutable that the crèche is a religious, Christian symbol. *See Lynch v. Donnelly*, 465 U.S. 668, 711 (1984)(Brennan, J. dissenting)(stating that the crèche is a “re-creation of an event that lies at the heart of the Christian faith”). Displaying an inherently Christian message in the lobby of city hall unmistakably sends the message that the City of Warren endorses the religious beliefs embodied in the display. When the government displays this manger scene, which depicts the legendary birth of Jesus Christ, it places the imprimatur of the city government behind the Christian religious doctrine. This excludes citizens who are not Christian—Jews, Native American religion practitioners, animists, 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 Warren.

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 one religion 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.

We request that you immediate inform us in writing of the steps you are taking to remedy this violation of the First Amendment.

Sincerely,



Rebecca S. Markert
Staff Attorney