



FREEDOM FROM RELIGION FOUNDATION

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

December 13, 2010

SENT VIA FAX & U.S. MAIL
(615) 244-5590

Mike Carlton
Assistant Commissioner
Tennessee State Parks Central Office
401 Church St
7th Floor, L&C Annex
Nashville TN 37423

RE: Nativity Scene at Cove Lake State Park

Dear Mr. Carlton:

I am writing on behalf of a concerned Tennessee resident and taxpayer, and other Tennessee members of the Freedom From Religion Foundation ("FFRF"), who object to the erection and maintenance of a nativity scene on state park property. FFRF is a national nonprofit organization based in Madison, Wisconsin, with nearly 16,000 members across the country including over 100 members in Tennessee. Our purpose is to protect the fundamental constitutional principle of separation of church and state.

It is our information and understanding that a nativity scene is on display at Cove Lake State Park. Our complainant informs us that at the entrance of the park there are two large signs — one explicitly religious depicting a manger scene with accompanying biblical text and one wishing visitors "Happy Holidays" from the state park staff. As you can see from the enclosed pictures, the large nativity scene display includes a picture of Joseph, Mary and the baby Jesus. On the right of the crèche scene it reads: "Today in the town of David a Saviour has been born to you, he is Christ the Lord. This will be a sign unto you: You will find the baby wrapped in swaddling clothes and lying in a manger. Luke 2:8-13."

It is unlawful for the State to maintain, erect, or host this nativity scene in a state park, 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.

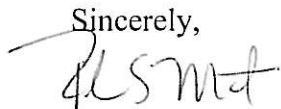
The Court further determined that the placement of the crèche on the Grand Staircase of the county courthouse contributed to its illegality because “no viewer could reasonably think it occupies this location without support and approval of the government.” *Id.* at 599-600. Moreover, the Court found 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 on park property unmistakably sends the message that the State of Tennessee endorses the religious beliefs embodied in the display. When the government displays this manger scene, which depicts the legendary birth of Jesus Christ, and accompanying biblical text it places the imprimatur of the state 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 Tennessee.

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 commence an immediate investigation into this matter and take prompt action to remove this religious display from park property. We ask that you respond in writing with the steps you are taking to remedy this First Amendment violation so that we may notify our local complainant.

Sincerely,



Rebecca S. Markert
Staff Attorney

Enclosures

cc: Kim Moore, Park Manager, Cove Lake State Park

