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
(541) 447-5628

The Honorable Mike Wendel
Mayor
City of Prineville
387 NE Third St
Prineville OR 97754

RE: Nativity Scene at Entrance of City Hall

Dear Mayor Wendel:

I am writing on behalf of a concerned area resident and taxpayer, and other Oregon members of the Freedom From Religion Foundation ("FFRF"), who object to the erection and maintenance of a nativity scene on city property. FFRF is a national nonprofit organization based in Madison, Wisconsin, with nearly 16,000 members across the country including over 400 members in Oregon. 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 the Prineville City Hall. Our complainant informs us that a crèche is located right at the entrance of the building. Please find enclosed a picture of the display, which includes figurines depicting Jesus, Joseph and Mary, etc. In previous years, this display has been erected around the 20th of December and stayed up until after the New Year.

It is unlawful for the City to maintain, erect, or host this 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 on City property (at the entrance of city hall!) unmistakably sends the message that the City of Prineville 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 Prineville.

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.

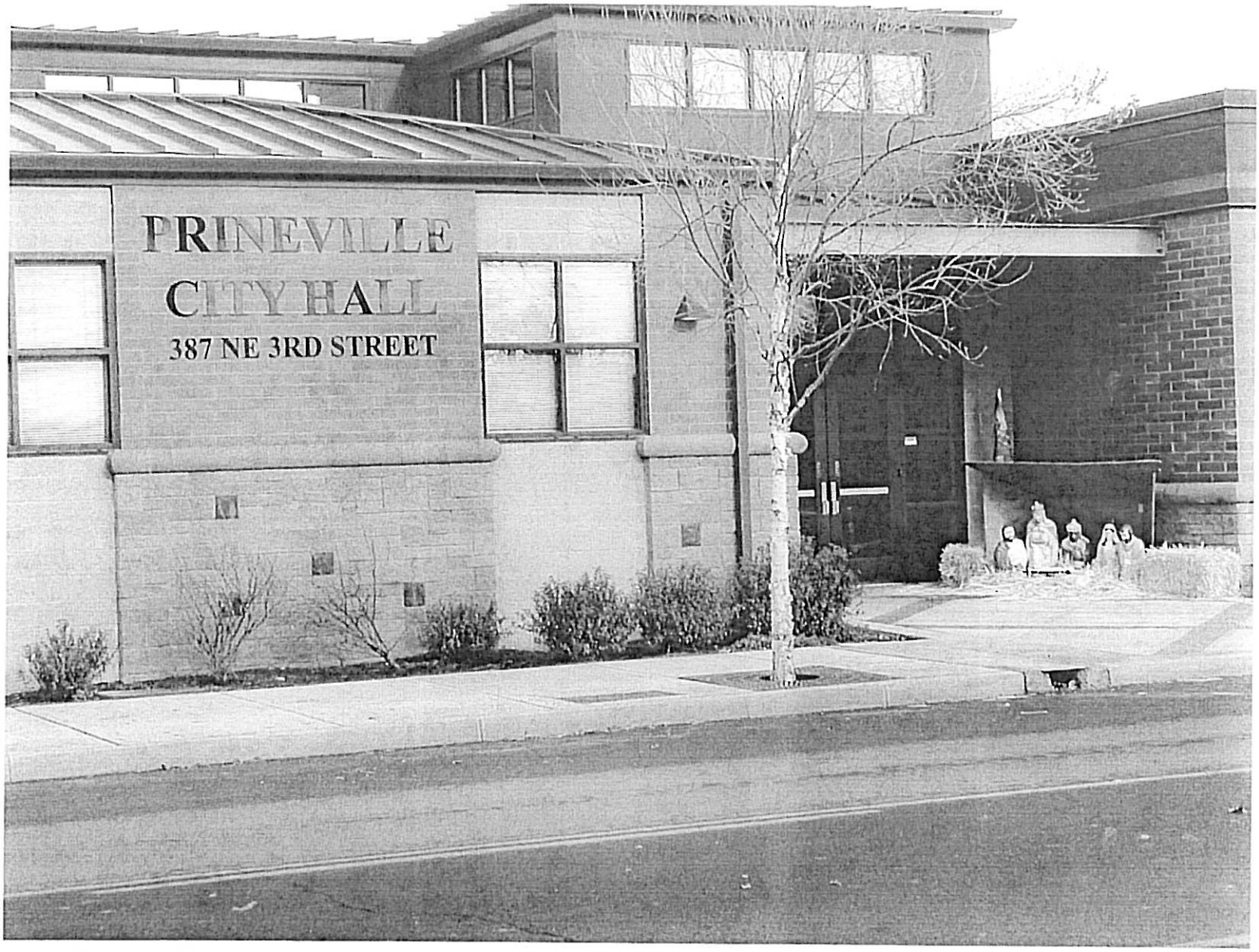
We request that you immediate inform us in writing of the steps you are taking to remedy this violation of the First Amendment.

Sincerely,

RSMat

Rebecca S. Markert
Staff Attorney

Enclosure


PRINEVILLE
CITY HALL
387 NE 3RD STREET