

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

December 7, 2023

SENT VIA EMAIL & U.S. MAIL: cityhall@toledoia.gov; toledocouncil@gmail.com

The Honorable Brian Sokol
Mayor of Toledo
1007 S. Prospect Dr.
Toledo, IA 52342

Toledo City Council
1007 S. Prospect Dr.
Toledo, IA 52342

Re: Nativity scene on public property

Dear Mayor Sokol & City Council Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns with a nativity scene that is displayed on City property. FFRF is a national nonprofit organization with more than 40,000 members, including members in Iowa. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We received a report that a nativity scene is on display in front of the Toledo Fire Department. It is our understanding that the yard in front of the Department is public land owned by the City of Toledo. We are informed that this nativity, which depicts the Christian story of the birth of Jesus Christ, was donated by local residents and that this is not the first year that the Department has erected this nativity in front of its building.

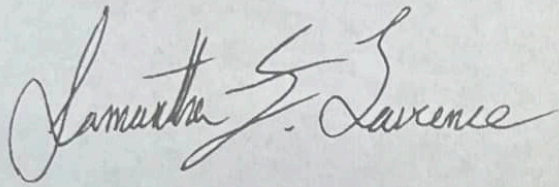
We write to request that the City remove this nativity display from public property out of respect for the First Amendment and the diversity of the Toledo community.

The First Amendment's Establishment Clause prohibits the government from showing favoritism towards religion. The Supreme Court has said time and again that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). By prominently displaying this nativity scene on public property, the City abridges its duty to remain neutral towards religion.

Nativity scenes on public property are unnecessary, inappropriate, and divisive. It is irrefutable that the nativity is a religious, Christian symbol. The best solution is to remove this nativity scene and discontinue hosting religious displays on public property altogether. Further, this nativity display needlessly excludes community members who are among the nearly 30 percent of adult Americans who are religiously unaffiliated, as well as the additional six percent of Americans adhering to

non-Christian faiths.¹ Further, citizens often interact with the Fire Department during some of the most frightening and vulnerable moments of their lives. The City should ensure that its Fire Department does not host displays that alienate community members who do not share a particular faith or any faith.

Out of respect for the First Amendment and the community's diversity, we ask that the City remove this nativity scene from the Fire Department's grounds and refrain from hosting religious displays on public land going forward. Please respond in writing with the steps the City is taking to address this matter so that we may inform our complainant. Thank you for your time and attention.
Sincerely,

A handwritten signature in cursive script that reads "Samantha F. Lawrence". The signature is written in dark ink and is positioned above the typed name.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

Enclosure

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