

36 States Thwart Atheist Attempt to Quash Christmas

Despite threats by atheist groups to try and remove the celebration of Christmas in public sectors each year, the true meaning of the season will be on display in at least 36 state capitols this year.

For eight years, the American Nativity Scene has provided more than 400 nativity scenes for display at capitols, public buildings and parks. An anonymous donor funds the crèches, and local groups provide a manger and straw, and work with staff at the government venues to obtain permits.

The 36 states that been approved this year to display the nativity scenes in state capitols include: Alaska, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Washington, West Virginia, Wisconsin. Four additional states: Kentucky, Louisiana, Vermont and Wyoming, are currently pending approvals.

Liberty Counsel launched its 19th annual Friend or Foe Christmas Campaign designed to educate and, when necessary, litigate to ensure that religious viewpoints are not censored from Christmas and holiday themes. Liberty Counsel monitors cases each year across the country where there is intimidation by officials and groups to remove the celebration of Christmas in public and private sectors. Liberty Counsel also provides a memorandum to offer guidance regarding the public celebration of religious holidays.

Last February, the 7th Circuit Court of Appeals ruled in favor of a nativity scene displayed annually at the Jackson County Courthouse in Brownstown, Indiana. Liberty Counsel represented Jackson County. The 7th Circuit ruled that the nativity scene is constitutional under the Supreme Court's recent decision in *American Legion v. American Humanist Association*, which upheld the Peace Cross in Maryland. The 7th Circuit wrote, "Applying *American Legion*, we conclude that the County's Nativity scene is constitutional because it fits within a long national tradition of using the Nativity scene in broader holiday displays to celebrate the origins of Christmas—a public holiday."

In April, a federal district court judge dismissed the American Civil Liberties Union of Indiana case against Fulton County's constitutional right to display its annual nativity scene on the courthouse lawn in Rochester, Indiana. Liberty Counsel represented Fulton County, and the court also required the ACLU to reimburse Liberty Counsel for court costs.

Liberty Counsel Founder and chairman Mat Staver said, "The First Amendment prohibits censorship based on religious viewpoint. Nativity scenes on public property are constitutional. Most people enjoy the celebration of Christmas. No reasonable person would think the government is establishing a religion by merely displaying a nativity scene during the holiday season." {eo}

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