



## News Release

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### **Federal Court Hears Argument After Lower Court Bans Nativity Display on Public Property**

*First Liberty Institute filed friend-of-the-court brief in key religious liberty case involving long-standing nativity display*

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**Chicago, IL**—The U.S. Court of Appeals for the Seventh Circuit today heard argument in *Woodring v. Jackson County, Indiana*, a case involving a long-standing public nativity display in Jackson County (IN). First Liberty Institute filed a friend-of-the-court [brief](#) in the case arguing that the Seventh Circuit should allow the display under last year’s U.S. Supreme Court decision in *The American Legion v. American Humanist Association*.

“Just last year, the Supreme Court explained that public religious displays that are part of the nation’s history and tradition are presumptively constitutional,” said Lea Patterson, Counsel at First Liberty Institute. “Whether war memorials, holiday decorations, flags, or government seals, passive public displays with religious content are commonplace, appropriately recognizing the role faith plays in the lives of many citizens. We are hopeful that the Seventh Circuit will follow the Supreme Court’s precedent in *American Legion* and restore Jackson County’s traditional nativity display.”

In 2003, the Brownstown Ministerial Association purchased a lighted Nativity scene, and Jackson County approved its placement on the Courthouse lawn during the Christmas season. In addition to the Nativity, the display also included lighted figures of Santa Claus, a sleigh, and a reindeer. After an anti-religion organization complained, atheist Rebecca Woodring filed suit seeking the Nativity scene’s removal.

In an opinion issued earlier this year, Judge Tanya Walton Pratt of the U.S. District Court for the Southern District of Indiana enjoined the display, finding it violated the Establishment Clause under the so-called “Lemon Test.” However, since the Supreme Court’s 2019 decision in *The American Legion v. American Humanist Association*, three other U.S. Courts of Appeal have applied *American Legion* to reject the “Lemon Test” in this kind of case.

First Liberty Institute represented The American Legion in *The American Legion v. American Humanist Association*.

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#### **About First Liberty Institute**

[First Liberty Institute](#) is the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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