

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

REBECCA WOODRING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:18-cv-243
	)	
JACKSON COUNTY, INDIANA,	)	
	)	
Defendant.	)	

**Complaint for Declaratory and Injunctive Relief**

**Introduction**

1. For many years a Nativity scene, replete with the baby Jesus, Mary, Joseph, the Magi, animals, and trumpeting angels, has been placed on the lawn of the Jackson County Courthouse in December. The figures are all in silhouette and lit brightly by bulbs and are on the front lawn of the Courthouse, facing the main street in the town of Brownstown, the county seat. This year, after a complaint was made about the Nativity scene, figures of Santa Claus and carolers were moved closer to the Nativity scene. However, this in no way alters the overall religiosity and endorsement of religious belief that the display presents. The plaintiff is a resident of Jackson County who is forced to come into direct and unwelcome contact with the display when she frequently travels to Brownstown. The Nativity scene violates the Establishment Clause of the First Amendment to the United States Constitution, and the plaintiff is entitled to declaratory and injunctive relief.

**Jurisdiction, venue, and cause of action**

[1]

2. This Court has jurisdiction of this case pursuant to 28 U.S.C. §§1331 and 1343.
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
4. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.
5. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

### **Parties**

6. Rebecca Woodring is an adult resident of Jackson County, Indiana.
7. Jackson County, Indiana, is one of Indiana's counties and is located in the south-central portion of the State.

### **Factual allegations**

8. The Jackson County Courthouse is located in Brownstown, Indiana and faces Main Street, which is the primary street in Brownstown.
9. The Jackson County Courthouse contains a number of government offices.
10. The Courthouse is surrounded by a large lawn, including a large lawn space in front of the courthouses entrance on Main Street with a wide sidewalk leading to the entrance.
11. Aside from a flagpole, there is little on the lawn near or adjacent to this sidewalk.
12. However, for a number of years in December Jackson County has allowed a Nativity scene to be placed on this lawn.
13. The current version of the scene consists of numerous figures and animals outlined in white lights that are illuminated during the day and evening hours. There is

present a manger with the baby Jesus and Joseph and Mary. Close to them are two angels with upstretched horns announcing the birth. On either side of the sidewalk leading onto the Courthouse there are Magi bearing gifts with animals.

14. The Nativity display, containing the crèche, is one of the preeminent symbols of Christianity and tells the story of the birth of Jesus as outlined in the New Testament. It is readily and exclusively associated with Christianity.

15. This year the County received a letter from the Freedom from Religion Foundation complaining about the Nativity display.

16. In response, the County placed a figure of Santa and figures of carolers to the far side of the display, away from the side of the sidewalk where the crèche is located.

17. The addition of Santa and the carolers does not in any way minimize the religiosity of the display as they are not integrated in any way into the display and are far removed from the crèche and would not be viewed as part of the display.

18. Moreover, even if the carolers and Santa are viewed as part of the display the carolers appear to be participating in the praise of the baby Jesus and Santa appears to be welcoming viewers into the religious scene being played out elsewhere on the Courthouse grounds.

19. A photograph of the front of the Courthouse is attached as Exhibit 1.

20. The Nativity display on the lawn of the Courthouse lacks a secular purpose, it has the principle effect of advancing religion, and a reasonable observer would conclude that it constitutes the endorsement of the Christian faith by Jackson County.

21. Rebecca Woodring resides in Jackson County.

22. In the course of her everyday activities she travels, multiple time a week, to Brownstown where she passes the Courthouse on Main Street and is forced to come into direct and unwelcome contact with the Nativity scene there.

23. Ms. Woodring objects to the Nativity scene displayed on the lawn of the Jackson County Courthouse as she believes that the government should not be endorsing religious faith.

24. At all times defendant has acted and has failed to act under color of state law.

25. As a result of the actions and inaction of the defendant, Ms. Woodring is suffering irreparable harm for which there is no adequate remedy at law.

#### **Legal claim**

26. The display of the Nativity scene on the lawn of the Jackson County Courthouse violates the Establishment Clause of the First Amendment to the United States Constitution.

#### **Request for relief**

WHEREFORE, the plaintiff requests that this Court:

1. Accept jurisdiction of this cause and set it for hearing.
2. Declare that the defendant has violated the rights of the plaintiff for the reason described above.
3. Issue a permanent injunction prohibiting the defendant from displaying the crèche and Nativity scene on the lawn of the Jackson County Courthouse.
4. Award the plaintiff her costs and attorneys' fees pursuant to 42 U.S.C. § 1988.
5. Award all other proper relief.

Kenneth J. Falk  
No. 6777-49  
ACLU of Indiana  
1031 E. Washington St.  
Indianapolis, IN 46202  
317/635-4059  
fax: 317/635-4105  
kfalk@aclu-in.org

Attorney for Plaintiff