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**For Immediate Release: August 1, 2012**

## **First Amendment Victory: Federal Appellate Court Upholds Private Citizen's Right to Display Nativity Scene on Public Property**

Cincinnati, Ohio (August 1, 2012) — Today, the U.S. Court of Appeals for the Sixth Circuit ruled in favor of a private citizen's right to display a Nativity scene on public property in Macomb County, Michigan. The case, *Satawa v. Macomb County Road Commission, et al.*, was successfully argued by Robert Muise, Co-Founder and Senior Counsel of the **American Freedom Law Center (AFLC)**. The lawsuit was brought on behalf of John Satawa, a longtime resident of the City of Warren, Michigan, and a practicing member of the Catholic Church.

Muise commented, “This is a great victory for private religious speech in a traditional public forum. As the Sixth Circuit confirmed today, Mr. Satawa’s private religious speech is as fully protected under the Free Speech Clause as secular private expression. We are pleased that the Sixth Circuit not only restored Mr. Satawa’s cherished holiday tradition, but upheld the protections afforded to all private citizens by our Constitution.”

For over 60 years, Satawa and his family had displayed a Nativity scene during the Christmas season on the public median between Mound and Chicago Roads in the City of Warren, Michigan. There had never been a single complaint about the display until December 2008, when the Macomb County Road Commission received a written request from the Freedom from Religion Foundation, an atheist activist organization that travels around the country challenging public religious displays. The Road Commission subsequently ordered Satawa to remove the Nativity scene within 30 days because he did not have a permit.

On February 12, 2009, Satawa submitted, as requested, a permit application that set forth the details of his proposed display, including photographs to show its size and location and to demonstrate that the display would not obstruct any vehicular or pedestrian traffic or create any public safety issues. In fact, there has never been any traffic safety issue associated with the display during its 60-plus-year history.

On March 9, 2009, the Road Commission issued a “formal denial” of Satawa’s permit application, claiming that the Nativity scene was impermissible because it “displays a religious message.” Consequently, on October 23, 2009, Muise filed a federal lawsuit against the Road Commission and the Commissioner, alleging violations of the First and Fourteenth Amendments to the United States Constitution. Today, the Sixth Circuit ruled that the Road Commission violated Satawa's right to freedom of speech and deprived him of the equal protection of the law by denying his permit request.

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at [www.americanfreedomlawcenter.org](http://www.americanfreedomlawcenter.org).

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