

“HOLIDAY WARS” EXPLODE: COURTS ENTER THE FRAY

The “Holiday Wars” controversy over the propriety of putting religious symbols on public property drew a response this past Christmas season from the Supreme Court.

On November 29, U.S. Supreme Court Justice John Paul Stevens ruled that the city of Cincinnati could not bar the display of a menorah on a downtown plaza during the holidays. The municipal ordinance that was overturned said that only the city can use Fountain Square during the last two weeks of November through the first week of January.

Stevens, who oversees the Sixth Circuit, upheld U.S. District Court Judge Susan Dlott’s ruling that the city could not grant itself exclusive use of the square during the holidays; Stevens overruled an appeals court decision blocking the display of the menorah. On December 16, the full Supreme Court refused to challenge Stevens’ decision, thus reaffirming his ruling.

Unfortunately, this ruling by the high court was widely ignored. But if there was one court decision that captured national attention, it was a lawsuit brought by the Thomas More Law Center of Ann Arbor, Michigan, and instigated by the Catholic League.

In 2001, the Catholic League objected to a memo by the General Counsel for the New York City Schools Chancellor that permitted public school teachers to display such religious symbols as the Jewish menorah and the Islamic star and crescent while forbidding the display of a manger scene; Christians were told to be content with a Christmas tree. Without reason, New York City declared the menorah and star and crescent to be secular symbols.

When this issue was revisited this past Christmas season, the league had made much progress: a) a Catholic League member, Andrea Skoros, had agreed to have her public school children participate in a lawsuit and b) William Donohue had contacted his friend at the Thomas More Law Center, Richard Thompson, to file the suit. The lawsuit was filed December 10; no outcome has been reached.

What is so maddening about this is that the New York City Parks Department allows the Catholic League to erect a crèche in Central Park but the Department of Education stops us from displaying nativity scenes in the schools. We feel confident that the courts will agree that it is a matter of religious discrimination to allow Jews and Muslims their religious symbols while denying Christians theirs.