

NATIVITY SCENE ERECTED IN CENTRAL PARK

Can religious symbols be displayed on public property? Yes, but it is a qualified yes.

In December, the Catholic League erected a life-size nativity scene in Central Park, on a piece of public property in front of the Plaza Hotel, between 58th and 59th Street on 5th Avenue. We received a permit from the New York City Parks Department, as we have for decades. Sitting nearby is the world's largest menorah, which is also a religious symbol.

There are no Santa Clauses, reindeers, Jack Frosts, or any other secular symbols surrounding our religious display. We don't need to have them. Why? Because Central Park is a public forum, a place that is open to all ideas, concerts, artistic exhibitions, and the like. So the government cannot stop us from erecting our crèche.

So why do some say that religious symbols cannot be displayed on public property unless they are accompanied by secular symbols? They would not be correct if they were referring to a public forum, but they would be correct if they were referring to a swatch of public land near a municipal building, such as city hall.

The difference there is that it could be argued that the proximity of the religious symbols near a municipal entity might be interpreted as government sanction of religion. That argument cannot reasonably be made if the land is a public forum. Practicing Christians, Jews, and others, need to understand the difference so as to avoid unnecessary problems.

Regrettably, there are still instances where the government is acting irresponsibly, such as the denial of a nativity scene at the Bandstand in Rehoboth: officials in this Delaware

community should be challenged in court—the Bandstand is a public forum.

Another controversy arose in December in Springfield, Illinois when the Satanic Temple received permission to erect a Satanic display next to a nativity scene and a menorah in the Capitol rotunda. This mean-spirited “competition”—designed to neuter the religious displays—borders on hate speech and could be challenged on such grounds. Government officials said they had to honor the request. Really? Would they allow the display of a huge swastika to be placed next to a menorah?

Supreme Court Justice Clarence Thomas said several years ago that the high court has failed the public by not making clear what is permissible under the Constitution when it comes to religious expression. He was right then, and nothing has happened subsequently to invalidate his observation.

We hope that New Yorkers, and those visiting New York City this Christmas season, stopped by and saw the Catholic League’s nativity scene in Central Park. It was up through the New Year.