



CATHOLIC LEAGUE

For Religious
and
Civil Rights

December 9, 2020

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Hon. Patrick Ryan
Ulster County Executive
County Office Bldg., 6th floor
244 Fair Street
Kingston, NY 12401

Dear County Executive Ryan:

It has been brought to our attention that you will not permit the display of a crèche in front of the Ulster County office building, despite the fact that the Knights of Columbus were allowed to do so at Christmastime for many years. Moreover, inside the office building there is a menorah and a Christmas tree.

There are several constitutional problems with your decision.

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In 1984, in *Lynch v. Donnelly*, the Supreme Court ruled that religious symbols, such as a nativity scene or a menorah, could not be displayed on public property if they were standing alone. However, if they were surrounded by secular symbols, such as a Christmas tree, they could be displayed. The high court ruled that by incorporating religious and secular symbols in the same Christmas display, it could not reasonably be concluded that the government was endorsing religion.

In 1989, in *County of Allegheny v. American Civil Liberties Union*, the Supreme Court ruled that a crèche on the staircase of county courthouse was unconstitutional because it was standing by itself. However, the high court said that a menorah and a Christmas tree, displayed a block away outside another government building, was permissible, citing the reasoning in *Lynch*.

In other words, as chief executive, you have created two constitutional problems: a) you have denied the display of a crèche in an area where it

would be surrounded by a secular symbol, namely a Christmas tree, and
b) you have discriminated against Christians for barring their religious
symbol while permitting Jews to display theirs.

There are two things that you can do: you can ban the menorah or you
can include the crèche. The former option makes claims of discrimination
moot; it is also the intolerant alternative. The latter option is inclusive,
exhibits tolerance, and ends the controversy.

Finally, it was decided in *Lynch* that the U.S. Constitution "affirmatively
mandates accommodation, not merely tolerance of all religions, and
forbids hostility toward any." That would argue in favor of allowing the
crèche to be displayed alongside the menorah and the Christmas tree.

By acceding to this request, needless litigation can be avoided. Because
Christmas is upon us, we will need to hear from you as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Donohue".

William A. Donohue, Ph.D.

President

cc: Knights of Columbus Council #275