

2 Weapons That Atheists Use in War on Christmas

Never fear, the attorneys are here to separate fact from fiction surrounding private citizens' right to freely express religious faith in the public square. Nativity scenes will appear in nine State Capitols this Christmas—five of them due to the work of the Chicago-based Thomas More Society, a national public interest law firm.

As experts on public Nativity displays, Thomas More Society attorneys have settled legal challenges for private groups sponsoring Christmas manger scenes for 30 years, since helping defend the original erection of a life size crèche on Chicago's Daley Plaza.

Christmas 2014 marks the eighth year that statues of Mary, Joseph and the baby Jesus have resided in a small stable at the Illinois State Capitol. Thomas More Society has also helped secure permits for Nativity scenes to be displayed this year in the state capitols of Florida, Georgia, Rhode Island, Texas and on the Governor's Mansion lawn in Oklahoma.

"These Nativity displays represent classic free speech and the free exercise of faith by private citizens in the public square," explained Tom Brejcha, president and chief counsel of the Thomas More Society. "However, the issue has not been without controversy," he added.

Private citizens who wish to display a Nativity scene in traditional or designated public forums often run into roadblocks that violate their free speech rights, including:

1. Take it all down

Either unwilling or unable to discern what is legally permissible, some authorities will allow no displays that

allude to Christmas. This was the case last year when the U.S. military's Guantanamo Bay commander ordered the removal of all Christmas Nativities, and Nativity scenes were also removed from Shaw Air Force Base in Sumter, South Carolina.

2. Secular only

When only allowing secular holiday scenes, some authorities refuse to permit any display deemed "religious," deferring to generic winter symbolism such as snowflakes and mittens.

"These are issues that our Thomas More Society experts can address," offered Brejcha, who has helped file permit requests and brought about amicable resolutions to disputes with municipal and state officials over Christian Nativity scenes for three decades.

Brejcha added that resolution is often simply a case of education, "Nativity displays represent a constitutionally protected expression by private citizens in traditional or designated public forums, where the sole role of the government must be that of a viewpoint-neutral gatekeeper assuring open access for all citizens to have their 'say.' Such private expressions of religious belief in the public squares of our nation are not merely tolerable but fully deserving of robust legal protection." In other words, there's no need for a fight before Christmas.