

Atheists Prevail Against Santa Monica Nativity Scene

There is no room for a 60-year-old Nativity display in Santa Monica's showcase park after a federal judge ruled Monday against churches who had sued to keep the tradition alive when **atheists** stole the show with their own anti-God messages.

U.S. District Judge Audrey B. Collins rejected a motion from the Santa Monica Nativity Scenes Committee to allow the religious display this Christmas while their lawsuit plays out against the city.

Collins said the city was within its constitutional right to eliminate the exemption that had allowed the Nativity at the oceanfront Palisades Park because the change affected all comers—from Christians to Jews to atheists—and provided other avenues for public **religious speech**.

The coalition of churches that had put on the life-sized, 14-booth Nativity display for decades argued the city banned it rather than referee a religious dispute that began three years ago when **atheists** first set up their anti-God message alongside the Christmas diorama.

The judge, however, said Santa Monica proved that it banned the displays not to squash religious speech but because they were becoming a drain on city resources, destroying the turf and obstructing ocean can set up unattended displays at 12 other parks in the city with a permit and can leaflet, carol and otherwise present the Christmas story in Palisades Park when it is open, she said.

"I think all of the evidence that is admissible about the aesthetic impacts and administrative burden shows that this was a very reasonable alternative for the city to go this way and it had nothing to do with content," she said during a

hearing in federal court in Los Angeles.

William Becker, the attorney for the Christian group, said he expects the case will be dismissed at a hearing on Dec. 3 based on Monday's proceedings and plans to appeal.

"The atheists won and they will always win unless we get courts to understand how the game is played and this is a game that was played very successfully and they knew it," Becker said, comparing the city to Pontius Pilate, the Roman official who authorized Jesus' crucifixion.

The trouble in Santa Monica began in 2009, when atheist Damon Vix applied for and was granted a booth in Palisades Park alongside the story of Jesus Christ's birth.

Vix hung a simple sign that quoted Thomas Jefferson: "Religions are all alike—founded on fables and mythologies." The other side read "Happy Solstice." He repeated the display the following year but then upped the stakes significantly.

In 2011, Vix recruited 10 others to inundate the city with applications for tongue-in-cheek displays such as an homage to the "Pastafarian religion," which would include an artistic representation of the great Flying Spaghetti Monster.

The secular coalition won 18 of 21 spaces. Two others went to the traditional Christmas displays and one to a Hanukkah display.

The atheists used half their spaces, displaying signs such as one that showed pictures of Poseidon, Jesus, Santa Claus and the devil and said: "37 million Americans know myths when they see them. What myths do you see?"

Most of the signs were vandalized and in the ensuing uproar, the city effectively ended a tradition that began in 1953 and earned Santa Monica one of its nicknames, the City of the Christmas Story.

"The birth of Jesus Christ is the linchpin of Western civilization, our calendar derives from it, but now somehow it's just not right to have a classic depiction of this event in a Nativity scene in a city park," said Hunter Jameson, head of the Nativity committee.

In court Monday, Deputy City Attorney Yibin Shen said the ban had been under consideration for years and was ultimately motivated by the cost to the city after the number of applicants spiked in recent years.

The department in charge of running the lottery for booth spaces doubled its staff and spent 245 hours annually running the system and reviewing applications, he said.

"This is a 20-year decision in the making," he said.

For his part, Vix said he was pleased with Monday's ruling, but was also saddened by the anger being directed against atheists since he hung his first anti-God sign in 2009.

"So many people don't understand atheists," he said. "If you read the signs we put up, one said, 'Love is all around you.' That's really a better understanding of who most atheists are."

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