

# Indiana Grinch Won't Steal Christmas After All; Court Rules in Favor of Nativity Scene

The 7th Circuit Court of Appeals has ruled in favor of a nativity scene displayed annually at the Jackson County Courthouse. Liberty Counsel represents Jackson County.

The 7th Circuit ruled that the nativity scene is constitutional under the Supreme Court's recent decision in *American Legion v. American Humanist Association*, which upheld the Peace Cross in Maryland. The 7th Circuit wrote, "Applying 'American Legion,' we conclude that the County's Nativity scene is constitutional because it fits within a long national tradition of using the Nativity scene in broader holiday displays to celebrate the origins of Christmas—a public holiday."

In addition to the nativity scene, the annual holiday display also includes a large lighted Santa Claus, a sleigh with reindeer and a group of Christmas carolers. The courthouse grounds are also decorated with many kinds of lights and other nonreligious symbols of the holiday season.

The appeals court refuted the opinion by federal Judge Tanya Pratt, who previously ruled in favor of an ACLU plaintiff who does not live or work in the county and does not transact any business in the Jackson County Courthouse. However, the plaintiff apparently "manufactured" her injury by going to the courthouse for the purpose of seeing the display after living in Jackson County for two years without noticing it. The court's opinion states that the plaintiff testified that "the whole display, including the secular items, offends her because it is all part of the Christmas and the whole, you know, Christianity thing." She also stated that no matter how many secular items are in the display, and no matter their

arrangement, the display will offend her. In essence, she would not be satisfied unless the whole display is moved off government property.

Liberty Counsel's founder and Chairman Mat Staver said, "This is a great victory that affirms that the Jackson County holiday display does not violate the First Amendment. The Supreme Court and many federal courts have ruled such displays are constitutional, especially when the display includes other secular symbols of the holiday, and this display in Jackson County is no exception." {eo}

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