

## Village weighs Nativity options

Written by Mark Jaeger

Wednesday, 27 January 2010 18:34

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### Although creche was removed following complaint, choices are available

Village of Saukville officials are weighing their options as they consider the fate of the Christmas Nativity scene that has become a community tradition in Grady Park.

Those choices include finding an outside sponsor for the display, or adding secular characters to the scene.

The village-owned creche was removed Dec. 29 after officials received a letter of protest from the Americans United for Separation of Church and State.

The group claimed it had received a complaint about the village displaying a religious symbol, the scene depicting the manger where Jesus was born.

“We write to inform you that the display of the creche violates the Establishment Clause of the First Amendment to the U.S. Constitution,” wrote Ayesha Khan, legal director for the organization based in Washington, D.C.

Days after receiving the letter, village crews removed the Nativity but officials had not decided what to do about future use.

After consulting with the League of Wisconsin Municipalities, Village Attorney Gerald Antoine warned officials that any attempt to challenge the group’s protest would likely fail in court.

“Regrettably, my legal conclusion is that Americans United is correct,” Antoine wrote.

One way around the objection, he said, would be to make the Nativity part of a larger holiday display that does not focus solely on religious imagery.

“A secular context can be accomplished by surrounding the creche with secular holiday symbols (Christmas tree, Santa Claus, candy canes, reindeer, snowmen, etc.) and erecting a sign confirming the secular purpose of the display,” Antoine wrote.

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“If the Nativity stands alone, then a court will likely conclude that the display constitutes a governmental endorsement of religion in violation of the Establishment Claus.”

Another option was raised in a letter from Mark Gierach, lay minister at St. Peter’s United Church of Christ, which is adjacent to Grady Park.

“If the village decides it needs to end this practice, we at St. Peter’s would like to offer an alternative that might still keep that wonderful Nativity here in the village and perhaps take away the thunder of those that object to it,” Gierach wrote.

He said the church would be willing to let the village set up the creche in front of the church. The congregation could also buy the display from the village and continue to show it during the Christmas season near the park.

“Both of these options would still continue the tradition here in the village of having the Nativity as part of the downtown where everyone going through the village will still see it, and yet also remove any argument that the negative voices might have about it being on display,” Gierach wrote.

Village resident Betty Toeller told the Public Works Board on Tuesday that she would be willing to seek donations for additional seasonal decorations that the village could use to provide the secular setting advocated by the village attorney.

“I would like to see it remain on public property, and I don’t think a lot of people in the village would object to that,” Toeller said.

Trustee Jen Schoenfeldt, chairman of the Public Works Board, agreed.

“I would like to see it stay in Grady Park. That is where it has always been. But, we don’t want to offend anyone and we need to abide by the law,” Schoenfeldt said.

Village Administrator Dawn Wagner said looking at Christmas from a broader perspective may be required.

“We could keep the Nativity, but maybe Frosty the Snowman shows up, maybe Rudolph shows up with Santa,” Wagner said.

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Ultimately, the board decided to raise the issue at next Tuesday's Finance Committee meeting, looking for feedback.