

What's Wrong with the Nativity Scene?

By Alfred B. Davis, 9 December 2025

It seems every year, with the advent of the Christmas season, comes the annual hue and cry over the constitutionality of displaying a nativity scene on public property. This year, the humbug spirit manifested itself in Mullins, South Carolina, and Pataskala, Ohio.



In Mullins, Mayor Miko Pickett ordered the removal of a nativity scene from city property, arguing the display makes the city appear

“not neutral” on religion. The three-by-four-foot nativity scene, erected by the Mullins Beautification Committee, was a part of a larger holiday display including a snowman, Santa Claus, wreaths, and lights. Committee Chair Kimberly Byrd said she received a text from Mayor Pickett ordering the nativity scene to be removed from public property, noting some citizens have different beliefs. However, in a November 26 Facebook post, according to WCVI ABC News 4, in Charleston, South Carolina (<https://abcnews4.com/news/state/i-stand-for-jesus-committee-defies-mayors-order-to-remove-nativity-scene-in-mullins-miko-pickett-facebook-page-manger-christmas-holiday-decorations>), Mayor Pickett stated:

I would like to clarify my reported comment about the nativity scene. I requested that the nativity scene be removed solely from the PUBLIC parking area. The reason for this is the separation of Church and State applies to municipalities as well, regarding religious symbols on public property and parks.

As of December 2, the Mullins nativity scene was still standing.

In Pataskala, Ohio, City Manager Timothy Hickin disallowed a request for a live nativity scene. Susan Conley had asked to have a live nativity scene on the City's Veterans Green as part of a holiday-themed farmers market in December. Mayor Mike Compton, in an October 31 article in the Black Chronicle (<https://blackchronicle.com/midwest/ohio/exclusive-mayor-says-nativity-allowable-challenges-ramaswamy/>), said that “a city employee automatically rejected the live nativity based on direction from the city's law director from several years in the past”.

Conley contacted attorneys at Jones Day and First Liberty Institute, who sent a letter to the city on Oct. 24, demanding Pataskala allow the permit by Oct. 31 or face a lawsuit.

Even Ohio gubernatorial candidate Vivek Ramaswami – a Hindu – weighed in, posting on X (formerly Twitter) on October 29:

The city of Pataskala, Ohio recently denied a petition from local residents to set up a live nativity scene at a holiday-themed farmers market in December. This is blatantly unconstitutional. Denying permits for religious displays on public property because of their content is a First Amendment violation & has a chilling effect on all religious faiths. In recent years, Christianity has been unfairly targeted by secular political leaders; in the future, it could easily be other faiths too. But it's always wrong, unconstitutional, and un-American... (<https://x.com/VivekGRamaswamy/status/1983623897779204390>)

According to WBNS, Channel 10, in Columbus, Pataskala did an about-face, now allowing the live nativity:

On Thursday [October 30], Mayor Compton and city leaders re-evaluated policies, coming to the solution that religious expression on public property would be acceptable, so long as it is clear that it is not sponsored by the city. (<https://www.10tv.com/article/news/local/city-of-pataskala-nativity-scene-threat-legal-action/530-83da80f0-6995-43f2-b46b-f00f1c6a5cbc>)

Thankfully, in both Mullins and Pataskala, organizers of the nativity displays stood their ground and refused to remove the displays. Fortunately, they did not have to go to court to do so. Had they needed to however, it is likely that they would have won because the Supreme Court held 5-to-4 in the 1984 *Lynch v. Donnelly* case (<https://supreme.justia.com/cases/federal/us/465/668/>) that it is not a violation of the Constitution for a community to display a nativity scene along with other secular elements on public property:

The city of Pawtucket, R.I., annually erects a Christmas display in a park owned by a nonprofit organization and located in the heart of the city's shopping district. The display includes, in addition to such objects as a Santa Claus house, a Christmas tree, and a banner that reads "SEASONS GREETINGS," a creche or Nativity scene, which has been part of this annual display for 40 years or more. Respondents brought an action in Federal District Court, challenging the inclusion of the creche in the display on the ground that it violated the Establishment Clause of the First Amendment, as made applicable to the states by the Fourteenth Amendment. The District Court upheld the challenge and permanently enjoined the city from including the creche in the display. The Court of Appeals affirmed.

Held: Notwithstanding the religious significance of the creche, Pawtucket has not violated the Establishment Clause.

The Court went on to further say:

It would be ironic, however, if the inclusion of a single symbol of a particular historic religious event, as part of a celebration acknowledged in the Western World for 20 centuries, and in

this country by the people, by the Executive Branch, by the Congress, and the courts for 2 centuries, would so "taint" the city's exhibit as to render it violative of the Establishment Clause. To forbid the use of this one passive symbol -- the creche -- at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains, would be a stilted overreaction contrary to our history and to our holdings. If the presence of the creche in this display violates the Establishment Clause, a host of other forms of taking official note of Christmas, and of our religious heritage, are equally offensive to the Constitution.

The Court has acknowledged that the "fears and political problems" that gave rise to the Religion Clauses in the 18th century are of far less concern today. ...We are unable to perceive the Archbishop of Canterbury, the Bishop of Rome, or other powerful religious leaders behind every public acknowledgment of the religious heritage long officially recognized by the three constitutional branches of government. Any notion that these symbols pose a real danger of establishment of a state church is farfetched indeed.

...We hold that, notwithstanding the religious significance of the creche, the city of Pawtucket has not violated the Establishment Clause of the First Amendment.

So why the annual objections to the display of nativity scenes on public property? After all, the United States Supreme Court recognizes it as an appropriate cultural, historical, and Constitutionally permissible part of a community's Christmas celebrations – so long as secular elements such as a Christmas tree or Santa Claus is present. Speaking of which, have you ever heard of the any atheists or organizations such as the American Civil Liberties Union, Freedom From Religion Foundation, American Humanist Association, or Americans United for Separation of Church and State ever suing to remove Santa or a Christmas tree (excuse me, HOLIDAY tree)?

Well, I think the answer lies in an exchange I once heard on the radio between two men: an Orthodox Jew and an atheist. The Jewish man was the radio host, Michael Medved, and the atheist was a caller who took issue with all publicly displayed nativities, not just those on public property. The caller said that, as an atheist, the very sight of a nativity display offended him. He then wanted to know if Medved, being an Orthodox Jew, was offended as well. Medved responded that he was not at all offended by seeing a nativity display or any other Christmas decorations. In fact, he said that he quite enjoyed the festive displays that appeared around town at Christmas time, including the nativity scenes.

Medved then pressed the atheist caller as to why the nativity, but not the Santas and Christmas trees, were so offensive to him. At first, the caller parroted the usual canards about diversity, multiculturalism, and separation of church and state. But, upon further questioning, the caller revealed the real reason the nativity offended him. The caller said that he used to be a Christian and was very active in his church. Something happened and he became disillusioned, dropped out of church, rejected God, and became an atheist. Now, he said, every time that he sees the Baby Jesus

lying in a manger, which is of course the main focus of the nativity scene, it speaks to him saying that he is going to burn in hell for all eternity.

Did you catch that? The supposedly enlightened atheist was convicted of his lost condition by the mere sight of the Babe lying in a manger. He was not really an atheist. He knew who Jesus was and that he himself was a lost sinner on his way to hell. He was the classic example of the sinner, convicted of his sin and lost condition, who comes to a knowledge of the truth of the Gospel but turns away before actually putting his faith in the Christ who died for him. Far from being an atheist, the caller embodied the sad truth of Hebrews 10:26-27:

²⁶For if we sin willfully after that we have received the knowledge of the truth, there remaineth no more sacrifice for sins, ²⁷But a certain fearful looking for of judgment and fiery indignation, which shall devour the adversaries.

And that, I would say, gets to the heart of why the world objects to nativity displays. It reminds them that they are lost in sin and in need of a Saviour. Rather than deal with the reality of their condition, they attempt to rid themselves of that which reminds them of their lost condition. Santa Claus doesn't remind them of their lost condition. Neither do Christmas trees. But the Babe lying in a manger at the heart of a nativity display, that DOES remind them of their lost condition, and it must be gotten rid of.

But, for those who are willing to acknowledge their lost condition, the Babe lying in the manger is something else entirely different. It is a reminder of Luke 2:11:

For unto you is born this day in the city of David a Saviour, which is Christ the Lord.

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