

MOTION

In Support of Preserving the Historic Olvera Street Cross and Nativity Display at El Pueblo de Los Angeles

WHEREAS, El Pueblo de Los Angeles Historical Monument is the historic heart of Los Angeles, near the site of the City's founding in 1781, and Olvera Street has for generations served as a living marketplace and cultural landmark celebrating Mexican-American heritage and the founding story of this City; and

WHEREAS, a hand-carved wooden cross has stood at the head of Olvera Street since 1929, when it was erected to commemorate Los Angeles' 148th birthday, and a Nativity display has long been presented each December in the Old Plaza in connection with Las Posadas and other community traditions; and

WHEREAS, multi-generational Olvera Street merchants and community organizations have helped preserve these displays, cultural celebrations, and visitor attractions, including Las Posadas, Día de los Reyes, and Día de los Muertos, which draw millions of visitors and support small family businesses at El Pueblo; and

WHEREAS, in *Gerritsen v. City of Los Angeles* a plaintiff has sought removal or covering of the cross and an end to the seasonal Nativity display on the ground that the displays violate the Establishment Clause of the First Amendment because they allegedly offend him and make him feel excluded as a nonbeliever; and

WHEREAS, a United States District Court in Los Angeles rejected the request to remove or prohibit the displays, and the matter is now on appeal to the United States Court of Appeals for the Ninth Circuit; and

WHEREAS, the Olvera Street Merchants Association Foundation, represented by the Becket Fund for Religious Liberty, has asked the Ninth Circuit for leave to intervene as a defendant-appellee alongside the City, asserting significant historic, cultural, and economic interests in preserving the displays; and

WHEREAS, the First Amendment protects both the free exercise of religion and free speech, and does not require a city to erase longstanding, passive historic and cultural displays merely because a single observer takes offense; and

WHEREAS, the Neighborhood Council of Westchester/Playa (NCWP) is a City Charter body charged with promoting citizen participation and advising City government, and has an interest in the honest preservation of Los Angeles history, cultural traditions, and the economic vitality of historic commercial districts throughout the City; and

WHEREAS, removal of these displays would set a precedent that could threaten historic religious and cultural markers, seasonal community celebrations, and heritage tourism across Los Angeles and beyond;

NOW, THEREFORE, BE IT RESOLVED that the Neighborhood Council of Westchester/Playa:

1. Supports the continued public display of the historic Olvera Street cross and the traditional Christmas Nativity scene at El Pueblo de Los Angeles Historical Monument as part of the City's authentic history, culture, and community life; and
2. Supports the City of Los Angeles in defending these displays in *Gerritsen v. City of Los Angeles*, and further supports the request of the Olvera Street Merchants Association Foundation to participate in that defense; and
3. Affirms that passive historic and seasonal religious displays that form part of a community's longstanding cultural heritage are consistent with the First Amendment and with the City's duty to tell the full story of Los Angeles; and
4. Urges the Mayor, City Attorney, City Council, and the Department of Recreation and Parks / El Pueblo to continue to maintain, protect, and seasonally exhibit these displays without removal, covering, or prohibition; and

NEIGHBORHOOD COUNCIL OF WESTCHESTER/PLAYA

Motion for Board Consideration

5. Authorizes the President to sign and transmit this resolution to the Mayor, the City Attorney, the City Council President, Councilmember Traci Park (Council District 11), the Department of Recreation and Parks, El Pueblo de Los Angeles Historical Monument, and such other officials as the President deems appropriate; to file this resolution as a Community Impact Statement should a related Council File be opened; and to represent and advance the Board's position on this matter—including in correspondence, public comment, and discussions with City officials—in the manner the President determines is appropriate and consistent with this resolution.

Moved by: _____ Date: _____

Seconded by: _____

Board action: _____ Approve _____ Approve as amended _____ Refer to committee _____ Decline

Vote: Yea _____ Nay _____ Abstain _____ Ineligible _____ Recusal _____

Certified:

President / Secretary, NCWP

Date of Board action