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| |  | | --- | |  |  |  |  |  |  | | --- | --- | --- | --- | | [Christine Corcos](http://docs.google.com/bios.htm#corcos)     |  | | --- | | **Read other reviews:**  [Internet Movie Database](http://us.imdb.com/Title?0039628)  [All Movie Guide](http://www.allmovie.com/cg/avg.dll?p=avg&sql=A32831)  [Readers' comments](http://docs.google.com/user_feedback.htm) |     *Miracle on 34th Street* poses some interesting questions about the ability of courts to intervene in disputes that are matters of faith, a question that they wrestle with frequently, though rarely with such elegance and so happy an ending. | |  | | --- | | **EVIDENCE OF THINGS NOT SEEN: LAW AND *MIRACLE ON 34TH STREET***  by Christine Corcos  Santa Claus and law in the movies might seem to be a strange pairing. Yet several films, including *The Santa Clause* (a homeowner accidentally knocks off the jolly old elf and then must fill in for him), *The Night They Saved Christmas* (Santa becomes an environmentalist fighting off a big oil company), and *A Different Kind of Christmas* (a district attorney learns the true meaning of Christmas after she accepts her father's preoccupation with being Santa) invoke the law to make different points about love and kindness at this particular time of year. Movies about Santa usually make the point that belief in him requires faith; physical evidence is usually not forthcoming, at least not on a wide scale. None presents a more interesting picture of the power of faith and the limitations of evidence than *Miracle on 34th Street*, first made in 1947 and since remade several times as a television movie and as a musical.  *Miracle* juxtaposes statements of belief and statements of fact in an attempt to demonstrate that certain kinds of disputes ought not to be submitted to the court. In particular, disputes about belief should not undergo judicial scrutiny. The film gives us the story of Kris Kringle, an elderly man who believes that he is Santa Claus, and the effect he has on the people around him, among them Doris Walker, a Macy's employee disappointed in love, and her cynical young daughter Susan, an up and coming New York lawyer, Fred Gayley, the district attorney, Thomas Mara, and a New York State Supreme Court judge, Henry X. Harper, soon to be up for re-election. Pleased with his performance as the Macy Christmas Parade's Santa, Doris hires Kris as the store Santa Claus. But Kris' outrageous claims that he is Santa Claus concern her. As she points out, "all that has to happen is for a policeman to ask him his name, and Clang! Clang! Bellevue!" The store's psychologist is convinced Kris is quite mad, and eventually finagles a competency hearing.  The courtroom scenes are among the most thoughtful and pointed in the film, demonstrating that some issues are really not capable of adjudication. When we subject them to legal analysis, we soon discover the limitations of law.  Kris' attorney and physician are sure he is not dangerous. Says his doctor, "Kris may be delusional, but it's a delusion for good." Of course, this is quite true in the context of the film, but it is not a defense in mental health law. Kris' defense team must show not that he is delusional for good, but that his delusions are not harmful. Attorney Fred Gayley, who seems to be a corporate lawyer, is at a loss for a defense, especially after Kris admits on the stand that he believes himself to be Santa Claus, although his wits do not desert him. When the district attorney asks him, "Where do you live?" he responds, "That's what this hearing will decide," much to the amusement of the court. As the hearing progresses, the District Attorney demands that the court consider the question of whether Santa actually exists. Judge Harper takes a short recess to confer with his campaign manager, Charles Halloran. How can he really take judicial notice of the existence of Santa? he asks Halloran. "Ok," the campaign manager replies, "Rule that Santa doesn't exist." The result? Children won't hang up their stockings, parents won't buy toys, toy manufacturers will go out of business and their employees will be unemployed. And those employees vote. When that happens, says Halloran, "you can count on just two votes [in your re-election campaign]...yours and that district attorney's out there." "No," Judge Harper says sadly, "the district attorney's a Republican." Faced with the grim realities that dog an elected judge, he returns to his courtroom and announces that "the court will keep an open mind" on the existence of Santa Claus, a Solomonic decision that meets with Halloran's approval. Exclaims an astounded district attorney, "He's crazy too!" He then leaps up and demands that Gayley demonstrate to the satisfaction of the court that Kris is "the one, the ONLY Santa Claus."  Gayley aceepts the challenge although he has no real method in mind for proving Kris' identity. Finally he hits on the idea of presenting opinion testimony, and calls small Thomas Mara, Jr. to the stand. The judge asks the boy if he knows the difference between a truth and a lie before allowing him to testify. "Gosh, everybody knows you shouldn't tell a lie, especially in court," replies Tommy forthrightly. "How do you know Santa exists?" asks Gayley, pursuant to present rule 704.. "My daddy told me so," says little Thomas, "and he wouldn't tell me a lie. Would you, Daddy?" The embarrassed D.A. acknowledges that no, he is not in the habit of lying to his son. Pursuant to FRE 602, Gayley also calls R. H. Macy and asks him if he believes that Kris Kringle is the "real" Santa Claus. Macy, reviewing the very positive effects that Santa has had on his employees' and customers' mood and his own bottom line, replies that yes, indeed, he does so believe.  In spite of this opinion testimony, things go from bad to worse for the defense. The district attorney is both alarmed and amused by this tactic. He continues to insist that the burden is on the defense to show that Kringle is not mad, and the only way to do that is to show that he is the real article. Gayley has no evidence to support that contention and reluctantly concludes that the case is lost. At this point, magical intervention in the form of some U. S. Post Office employees, intervenes. Faced with heavy bags of mail addressed to "Santa Claus, The North Pole" and not wishing to send it all to the Dead Letter Office, the employees decide sua sponte to send all this mail to the courthouse where Kringle's sanity hearing is underway.  In the "nick" of time, these bags arrive in the courtroom. An ecstatic Gayley urges the judge to accept them as evidence that A"he U. S. Post Office, an official arm of the U. S. Government, recognizes Kris Kringle as the one, the only Santa Claus." Banging his gavel, the judge opines, "Since the U. S. Government has seen fit to recognize Mr. Kringle as Santa Claus, this court will not dispute it. Case dismissed." Everyone then disperses to carry out his or her holiday plans.  *Miracle on 34th Street* poses some interesting questions about the ability of courts to intervene in disputes that are matters of faith, a question that they wrestle with frequently, though rarely with such elegance and so happy an ending. In addition, it presents us with a man who is delusional only if, as his attorney points out, he believes wrongly that he is Santa Claus. As he says to the judge (paraphrased), "You believe you are Judge Harper, yet no one suggests that you are crazy. Why? Because you are Judge Harper." Much of our identity, he suggests, is bound up in what we believe about ourselves and how much in what others believe about us, a theme that we see repeated in the works of Kafka and in movies like *The Net*. When does fantasy become reality and belief become truth?  Has a court ever ruled on the existence of Santa? Not exactly. But in December 2000 an Ohio probate court ruled against a petitioner wishing to change his name to Santa Claus, saying that "The history of Santa Claus -- the North Pole, the elves, Mrs. Claus, reindeer -- is a treasure that society passes on from generation to generation, and the petitioner seeks to take not only the name of Santa Claus, but also to take the identity of Santa Claus. Although thousands of people every year do take on the identity of Santa Claus around Christmas, the court believes it would be very misleading to the children in the community, particularly the children in the area that the petitioner lives, to approve the applicant's name change petition. Therefore, for the foregoing reasons, the court finds that it would be against public policy to grant the application of the petitioner."  For your intellectual holiday stocking, consider the following lawsuits and prosecutions. They're not real, but they could be.  - [U.S. v. Santa Claus](http://extlab1.entnem.ufl.edu/IH8PCs/humor/santa-3.htm) (Santa accused of entering the U.S. without a valid passport and other crimes)  - [A.C.L.U. v. Santa Clau](http://www.nicksspot.com/christmas/ch02014.html)s (Santa accused of violating privacy rights of children)  - [Federal Charges Brought Against Santa Claus](http://www.thewazmo.com/santacharges12152000.html) (List of charges from breaking and entering to antitrust violations)  - [North Pole Standoff](http://www.islandone.org/Politics/NorthPole1.html) (About the elf cult)  - [Santa Quits Again](http://bandersnatch.com/bander50.htm) (Santa calls off Christmas Eve deliveries due to excessive Federal regulation)  - A short [bibliography of Santa Claus and the Law](http://faculty.law.lsu.edu/ccorcos/biblio/santa.htm)  - A [Santa Claus Timeline](http://webpages.marshall.edu/~hartwel1/humor/MISC/SANTA_CLAUS_TIMELINE.html)  Posted October 27, 2002 |   **Would you like to comment on this article? 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