

# Could there be a Miracle on 34th Street Today?

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In the delightfully cynical 1947 movie [Miracle on 34<sup>th</sup> Street](#), an attorney manipulates people's self-interest to legally prove that a nice old man with whiskers is the real Santa Claus. [Movies](#) are notorious for ignoring real-life law. Would the attorney win his case today?

## Kringle v. State of New York

In the movie, Macy's in-store Santa Claus is involuntarily committed to a mental hospital for claiming to be the real thing. Attorney Fred Gailey (John Payne) challenges the commitment in a hearing, arguing that Kris Kringle (Edmund Gwenn) is not insane if he is the person he claims to be. Gailey produces witnesses who believe in Santa Claus, including the prosecuting attorney's son. The prosecutor concedes the existence of Santa Claus but requires a competent authority to prove that Kringle is the one and only Santa Claus. When the U.S. Postal Service delivers thousands of Santa letters to Kringle at the courthouse, Gailey wins his case.

## Involuntary commitment today

Civil [commitment laws](#) vary widely across the United States. But in New York today, a person must meet all the following [criteria](#):

1. Be a danger to self/others. *Maybe Kringle would meet this criterion, but only because Macy's villainous psychologist lied to convince the state that Kringle was violent.*
2. Require hospital (rather than outpatient) treatment to improve. *Kringle was hospitalized but there was no reason why his condition could not be treated on an outpatient basis – if it needed treatment at all.*
3. Be incompetent to understand the need for care and treatment. *Kringle's ability to hold a job and function normally make it unlikely that he would meet this criterion.*

If Kringle was competent to make his own medical decisions he could refuse treatment. If Gailey had made his role as Kringle's caretaker official with medical

[power-of-attorney](#), he could have refused treatment on Kringle's behalf.

Today, as in the movie, if Kringle [objected](#) to involuntary hospitalization, the Mental Hygiene Legal Service would arrange a court hearing before a judge and obtain a [lawyer](#) to represent him. They can also obtain an additional psychiatric opinion, which Gailey neglected to do.

## Establishing identity

If Kringle wanted to establish his identity today, he would need to obtain a [New York State ID card](#). This would require:

- Proof of name. *Kringle could meet this requirement by providing records from his nursing home in Long Neck, NY.*
- Proof of [identity](#). *On his employment form, Kringle says he's "as old as my tongue and a little bit older than my teeth," so let's assume he doesn't have a birth certificate or passport.*
- Social Security card. *Kringle may have had one in 1947, when many people obtained their [social security cards](#) from the postal service. Getting a [social security card](#) today requires proof of age and citizenship.*

## The verdict

Kris Kringle today probably wouldn't be required to prove his sanity. However, in the post-9/11 world, [proof of identity](#) is a hot issue. Without proper documentation, Kris Kringle would likely face [deportation](#) to the North Pole rather than commitment.