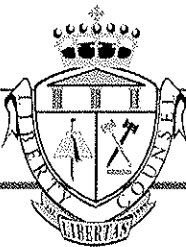


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Reply to: Virginia

December 8, 2009

Via Regular U.S. Mail and Facsimile (541) 582-2591

Michelle Zundel
Principal
Bellview Elementary School
1070 Tolman Creek Road
Ashland, OR 97520

RE: Unconstitutional Religious Discrimination Surrounding Christmas

Dear Principal Zundel:

No doubt you are aware that your decision to remove a Christmas Gift tree at your school and replace it with snowmen has generated much attention. We are writing today to inform you that allowing the Christmas tree to remain up in no way violates the Constitution. In fact, as you yourself have pointed out, the United States Supreme Court has clearly stated that Christmas trees are secular, and not religious, symbols.

By way of introduction, Liberty Counsel is a nationwide public interest law firm with offices in Florida, Texas, Virginia and the District of Columbia. One focus of Liberty Counsel the past seven years is to educate public officials on the constitutionality of Christmas displays.

The facts of this issue have been published all over the country, so there is no need to delve back into the particulars. Basically, you have chosen to be politically correct instead of constitutionally correct.

The advent of the Christmas season has apparently raised concerns in your mind regarding the proper role of government in accommodating and recognizing Christmas. The most obvious accommodation is, of course, the recognition of Christmas as a legal holiday at every level of government. (And Bellview Elementary is no different.) Beyond that, governments are not free to sponsor solely religious displays or participate in solely

Michelle Zundel
Principal
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religious celebrations of Christmas. However, courts have uniformly supported the government's ability to recognize and commemorate secular aspects of Christmas, as well as religious aspects of Christmas when combined with secular aspects of Christmas so as to serve an overall secular purpose. We are not suggesting that you must add a creche to the display along with the snowmen, but merely highlighting the fact that there is no reasonable justification for removing the Christmas tree or Santa Clause.

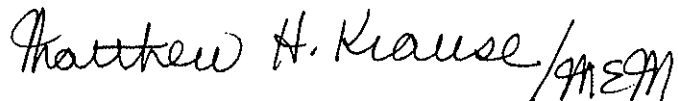
Commemorating and recognizing Christmas as a national holiday of significance to a great number of its citizens is a legitimate secular governmental purpose, according to the courts. Such actions do not constitute a violation of the Establishment Clause as they do not sponsor or endorse any religion. (A Liberty Counsel Memorandum of Law generally covering the constitutionality of celebrating Christmas in the public sphere is attached for your general information and reference.)

However, the Establishment Clause also prohibits government from being hostile to religion. Selecting one legal holiday for negative treatment and special restrictions solely because it has some religious aspect clearly demonstrates hostility to religion, generally, and Christianity, particularly, thereby violating the Establishment Clause. You have stated that the Christmas tree was taken down because it was a religious symbol and you did not want to make any students feel unwelcome. Such viewpoint discrimination can not withstand Constitutional scrutiny.

It is simply nonsensical for the state to have a legal holiday called "Christmas" and then prohibit a display that evidences the impending arrival of this federal holiday. We write to request that you immediately replace the snowmen with the original display, the Christmas tree. You are constitutionally on safe grounds to do so, and equity demands that you do so. By seeking to not offend a few, you have offended many. This should be remedied as soon as possible.

Sincerely,

LIBERTY COUNSEL

A handwritten signature in black ink that reads "Matthew H. Krause" followed by a stylized monogram "MKEM".

Matthew H. Krause[†]

MHK:
Enclosure

[†] Licensed in Texas