



December 3, 2007  
Via U.S. Mail and fax (989) 773-6791

Michelle Sponseller  
Downtown Development Director  
City Hall  
401 N Main Street  
Mount Pleasant, MI 48858

Dear Director Sponseller:

The Alliance Defense Fund ("ADF") has become aware that because of a Mount Pleasant School District ("District") policy that purportedly prohibits the use of the word "Christmas," the City of Mount Pleasant ("City") has changed the name of its Dickens Christmas Festival to the Dickens Holiday festival on marketing materials provided to that District. This is a ridiculous action that is not required by United States Constitution. Indeed, municipalities (and school districts) may, consistent with the Constitution, celebrate the Christmas season in various ways, and may use the word "Christmas" in so doing. If the District in fact has a policy that prohibits the use of the word "Christmas" and other seasonal terms it should immediately abandon that policy. Such a policy is not required by the Constitution, and, if applied to private speech celebrating Christmas, would violate the First Amendment.

By way of introduction, the Alliance Defense Fund (ADF) is a legal alliance defending the right to hear and speak the Truth through strategy, training, funding, and litigation. We exist to educate the public and the government about important constitutional rights, particularly the freedom of religious expression. When necessary, we litigate these issues.

The City does not violate the First Amendment when it uses the word "Christmas" to advertise its Dickens Christmas Festival. For example, in *Lynch v. Donnelly*, 465 U.S. 668, 679, 681 (1984), the United States Supreme Court held that the government's display of a nativity scene is constitutional when displayed for legitimate secular purposes, such as to celebrate the holiday and to depict the origins of the holiday. *Lynch* involved a Christmas display erected by the City of Pawtucket, Rhode Island. The display included a Santa Clause house, reindeer pulling Santa's sleigh, a Christmas tree, colored lights, and a crèche, among other things. The Court found that these items, when displayed by the city at Christmas time, did not amount to a violation of the Establishment Clause of the First Amendment. *Id.* As the Supreme Court said, the Constitution "affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." *Id.* at 673. The City's hosting a Christmas festival and use of the word Christmas to advertise that festival is precisely the type of

accommodation the Supreme Court had in mind. And eliminating the word "Christmas" from a Christmas festival and its advertising materials is precisely the type of religious hostility forbidden by the Constitution.

As to the School District's policy that purportedly bans use of the words "Christmas," "Santa," "nativity" and other seasonal expressions, that policy is clearly unconstitutional as applied to the private speech of students, teachers, and community members. The First Amendment protects the rights of students and teachers to express holiday sentiments at school, including greeting each other with the words "Merry Christmas." As the Supreme Court has put it, teachers and students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). The District cannot prohibit students from expressing Christmas wishes to their classmates, or from distributing Christmas cards that say "Merry Christmas." So too, the District cannot prohibit teachers from extending holiday greetings, such as saying "Merry Christmas."

Similarly, the District cannot ban community members who are permitted to use District facilities from making seasonal expressions, like "Merry Christmas." For instance, if community groups are permitted to hang or distribute flyers at schools within the District, it would be unconstitutional for the District to eliminate the word "Christmas" from any such private speech.

It is a sad statement on American society today that a municipality feels that its Christmas festival, named after Charles Dickens' classic book, *A Christmas Carol*, must be renamed a "Holiday" festival to appease the politically correct censors at a local school district. This name change is entirely unnecessary, and the City should feel free to advertise its festival to public school students as a Christmas festival this year, and for years to come. In addition, Mount Pleasant School District should abandon its anti-Christmas policy immediately to avoid violating the First Amendment rights of its students and staff, and of community members.

If anyone at the City or School District would like to discuss this further, please feel free to contact us.

Sincerely,



David A. Cortman  
Senior Counsel

Jeremy D. Tedesco  
Legal Counsel

cc: Jon Joslin, Mayor, City of Mt. Pleasant  
Pam Dosenberry, President, Mt. Pleasant Public Schools Board of Education  
Joe Pius, Superintendent, Mt. Pleasant Public Schools Board of Education