



December 13, 2007

VIA FACSIMILE AND FIRST CLASS MAIL

Mayor Art Sanders  
Vice Mayor Gail Barney  
Queen Creek Council Members  
Queen Creek Town Hall  
22350 S. Ellsworth Road  
Queen Creek, AZ 85242

Dear Mayor Sanders and Council members,

We recently learned that the City of Queen Creek will begin calling its annual Christmas Tree a "Holiday Tree." The Alliance Defense Fund ("ADF") is America's largest legal alliance defending religious liberty through strategy, training, funding, and litigation. We understand that there is often a great deal of misinformation surrounding public acknowledgement and celebration of Christmas. Consequently, ADF has assisted municipalities across the country in separating fact from fiction in regard to seasonal expression by public bodies like Queen Creek. Specifically, ADF has provided information and representation when seasonal displays of Christmas come under attack.

Queen Creek does not violate the First Amendment when it uses the word "Christmas" or incorporates religious references into its Christmas celebrations. Certainly erecting a Christmas tree and recognizing it for what it is offends no constitutional principles. In *Lynch v. Donnelly*, for example, the United States Supreme Court held that even the government's display of a nativity scene is constitutional when displayed for legitimate secular purposes, such as to celebrate the Christmas season or depict its origins.<sup>1</sup> *Lynch* involved a Christmas display erected by the City of Pawtucket, Rhode Island. The display included a Santa Clause house, reindeer, a Christmas tree, colored lights, and a nativity scene, among other things. The Court found that the City could display all of these items without violating the Establishment Clause of the First Amendment. As the Supreme Court said, the First Amendment "affirmatively mandates

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<sup>1</sup> 465 U.S. 668, 679, 681 (1984). This display was at the government's expense.

accommodation, not merely tolerance, of all religions, and forbids hostility toward any.”<sup>2</sup> This includes the celebration of Christmas.

One need not look further than the United States President to see that governmental entities and officials are permitted to reference religion, and specifically Christmas, in their speeches. At this year’s lighting ceremony for the annual National Christmas Tree, President Bush made the following remarks:

Christmas is a time of rejoicing and reflection. Each year at this time, we rejoice in the proclamation of good news, that in Bethlehem of Judea, a Savior was born. And we rejoice in the Christmas promise of peace to men of goodwill. We also reflect on the mystery of Christmas: the story of the Almighty, who entered history in the most vulnerable form possible—hidden in the weakness of a newborn child. And we reflect on the call of our Creator—who by taking this form, reminds us of our duty to protect and care for the weak and the vulnerable among us.<sup>3</sup>

This speech is one of many examples of the government honoring this Nation’s religious heritage, which the Constitution does not prohibit. The Supreme Court has noted that there are countless illustrations of the “Government’s acknowledgment of our religious heritage and governmental sponsorship of graphic manifestations of that heritage.”<sup>4</sup> For example, the Court pointed out that the Supreme Court chamber “is decorated with a notable and permanent – not seasonal – symbol of religion: Moses with Ten Commandments. Congress has long provided chapels in the Capitol for religious worship and meditation.”<sup>5</sup>

Nonetheless, misconceptions about the legalities of the celebration of Christmas or hypersensitive notions of political correctness have led government officials to remove Christ from Christmas in public places. In some more extreme examples, like Queen Creek, public officials have self-censored public acknowledgment of Christmas. The Constitution requires no such thing. No court has ever held that the Constitution demands government officials to eliminate references to Christmas. Indeed, some may interpret Queen Creek’s censorship of Christmas as hostility toward religion, not accommodation.

It is our opinion that Queen Creek need not fear legal liability for calling a Christmas tree a Christmas tree. Indeed, any lawsuit challenging a municipality’s recognition of Christmas would be completely frivolous. Please do not hesitate to contact us if we can be of assistance in any way.

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<sup>2</sup> *Id.* at 673.

<sup>3</sup> The full text of President Bush’s remarks is available at:  
<http://www.whitehouse.gov/news/releases/2007/12/print/20071206-17.html>.

<sup>4</sup> *Lynch*, 465 U.S. at 677.

<sup>5</sup> *Id.*

Merry Christmas,

A handwritten signature in black ink, appearing to read "Jeremy D. Tedesco". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jeremy Tedesco  
Legal Counsel

Dale Schowengerdt  
Legal Counsel