



December 9, 2005

Via Facsimile and U.S. Mail

Hon. Charles Meeker
Mayor
P.O. Box 590
Raleigh, N.C. 27602

Mr. Thomas A. McCormick
City Attorney
City Attorney Department
One Exchange Plaza, Suite 1020, 219 Fayetteville Street Mall
Raleigh, NC 27601

Re: Seasonal displays in Moore Square

Dear Mayor Meeker and Mr. McCormick:

This letter is being sent to applaud you and the Raleigh City Council for your decision this week to grant the request of the private citizens' group, Called2Action, to erect a Christmas and seasonal display in Moore Square. We are also writing to offer you our *pro bono* assistance should there be a need to defend the display against legal threats or attack by the ACLU or others.

By way of introduction, the Alliance Defense Fund ("ADF") is a not-for-profit public interest law and education group. Our organization exists to educate the public and government about important constitutional rights and protections. When necessary, we litigate these issues, including defending government entities from purported Establishment Clause violations.

I have been authorized to extend to you ADF's offer to defend, or help defend, your municipality should the ACLU challenge the decision to allow the Moore Square display, so long as such representation is not precluded by law. Because ADF is a not-for-profit organization, we do not charge any fee for services rendered or routine litigation costs associated with our representation. (You should note, however, that the City would be liable for any claims, costs, opposing attorney's fees, or expenses awarded by a court as a result of, or in connection with the litigation of such a case.)

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We believe that the privately-sponsored Moore Square display—which will include the words “Merry Christmas” with a nativity scene, “Happy Hanukkah” with a Menorah, and several other accompanying secular symbols—will fall well within the boundaries set by the United States Supreme Court for public acknowledgment of these holidays. You have our commitment to vigorously defend the City Council’s decision should the ACLU make good in its reported threat to challenge the decision’s constitutionality.

In recent years, the ACLU and others have used fear, intimidation, and misinformation to spread misconceptions about the legalities of seasonal religious expression. As a result, many municipalities have improperly censored the celebration of Christmas, in particular. It need not be so.

A recent Gallup poll revealed that ninety-six percent of Americans celebrate Christmas. They may engage in such celebrations openly, as it is a fundamental premise of Constitutional law that people of faith have a right to express their beliefs in the public square. Certainly, such a multicultural display as the one planned for Moore Square will not violate any federal or state law.

If we may be of any assistance, or supply you with a detailed legal treatise that further explains our position, please do not hesitate to contact me. Until then, we thank you for your wise decision this week, and wish you all a very Merry Christmas.

Sincerely,

ALLIANCE DEFENSE FUND

J. Michael Johnson
Senior Legal Counsel

JMJ/ks

cc: Raleigh City Council members
Mr. Steve Noble