



November 19, 2009

<p>Mayor Leroy Ellington <u>VIA FAX# 513-753-7897 and U.S. Mail</u> Amelia Village 44 West Main Street Amelia, Ohio 45102</p> <p>Amelia Village Solicitor Laura Abrams <u>VIA FAX# 513-721-0876 and U.S. Mail</u> Sirkin Pinales & Schwartz LLP 105 W. Fourth St. Cincinnati, OH 45202-2726</p>	<p>Council Member Tim Rosser Council Member David Woessner Council Member Angelo Mitchell Council Member Pamela Troxell Council Member Derek Campbell Council Member Molly Parker Amelia Village 44 West Main Street Amelia, Ohio 45102 <u>VIA FAX# 513-753-7897 and U.S. Mail</u></p>
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RE: Legality of Christmas Parade

Dear Mayor, Solicitor and Council Members:

We write to encourage your observance of the Christmas holiday and permit Amelia's tradition of having a Christmas parade for the 29th straight year. According to a recent news account, you have become concerned about someone suing the Village for allowing the annual Christmas parade. While we certainly do live in litigious times, when anybody can sue anybody for practically anything, please know that any lawsuit against Amelia for having a Christmas parade – should it ever be filed – would be meritless. The observance of Christmas is a plainly lawful activity.

Our organization, the Alliance Defense Fund ("ADF"), is a not-for-profit legal alliance of more than 1,300 attorneys and like-minded organizations that educate the public and the government about important constitutional rights, particularly *Our First Liberty* - religious freedom. ADF also litigates in the defense of these rights, and has frequently defended cities and other governmental entities that properly accommodate events and symbols associated with Christmas.

Historically, cities, towns, and villages across America, like Amelia, have celebrated the Christmas season by having a parade on its public streets. In recent years, select groups hostile to our Nation's traditions have spread misconceptions about the constitutionality of Christmas parades and displays. But you can be assured that your participation in and acknowledgement of the Christmas holiday and a Christmas parade are constitutionally-protected activities. The Village is free to support the parade, and you are under no obligation to satisfy the demands of any disgruntled individual or civil libertarian group that may oppose such action.

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The Supreme Court has long recognized that a municipality offends no constitutional principle in acknowledging the Christmas holiday. In *Lynch v. Donnelly*, for instance, the Court upheld that the government's display of a nativity scene as constitutional when displayed for legitimate secular purposes, which included the celebration of the Christmas season and depiction of its origins. There, the City of Pawtucket, Rhode Island, erected a Christmas display that included a Santa Claus house, reindeer, a Christmas tree, along with a nativity scene. The Court found that the city could display these things – all provided at the government's expense – without violating the First Amendment. 465 U.S. 668, 679, 681 (1984). As the Supreme Court has admonished, the First Amendment “affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.” *Id.*

Thus, the suggestion that the Village could somehow run afoul of the constitution by providing public funds for a Christmas parade has no basis in law. There is obviously nothing illegal about Santa Claus, or Christmas lights, or reindeer, which are all purely secular items. And as long as these types of secular displays are part of the Christmas parade, neither would a purely religious display, like a nativity scene, be deemed unconstitutional.

Unfortunately, it appears as though unfounded beliefs about Christmas celebrations have led you to consider self-censorship of the perfectly legal Christmas parade. Not only would cancellation of the parade on this basis fail to supply requisite accommodation for religion, it would have to be interpreted as blatant hostility toward religion.

It is our firm opinion that the Village of Amelia need not fear legal liability for promoting a Christmas parade in your fair community. Any lawsuit challenging the event would be patently frivolous.

We hope that this letter will encourage Village of Amelia to join the countless cities and villages across the country who will be participating in Christmas parades with full confidence this year. If ADF can provide you with any further information or assistance, or if you receive any threat of litigation to which we may be able to help you respond, please contact us. As a not-for-profit legal organization, our services are provided *pro bono*.

We thank you for your attention to this matter, and for your dedicated public service.

Sincerely yours,



Nathan W. Kellum

NWK/mk