



December 12, 2016

Dr. John M. Craft
Superintendent, Killeen Independent School District
200 North WS Young Drive
Killeen, Texas 76543-4025

Kara Trevino
Principal, Charles Patterson Middle School
8383 West Trimmier
Killeen, Texas 76542-5878

Board of Trustees
Killeen Independent School District
200 North WS Young Drive
Killeen, Texas 76543-4025

Re: Dedra Shannon's Christmas Display

Dear Dr. Craft, Principal Trevino, and members of the board of trustees:

We are attorneys representing Dedra Shannon, an employee of Patterson Middle School who was asked to remove portions of a Christmas poster that she had displayed on her door. We are concerned that this decision may have been made out of a belief that the Constitution or state law forbids Ms. Shannon's display. We write to explain that there is nothing in federal or state law that requires you to censor Ms. Shannon's poster.

Ms. Shannon has decorated her door with a poster that depicts a scene from "A Charlie Brown Christmas." The poster features a picture of Linus, a scrawny Christmas tree, and a quote from Linus that includes portions of a Bible verse. The text that appears on the poster reads as follows:

"For unto you is born this day in the city of David a savior which is
Christ the Lord. . . . That's what Christmas is all about, Charlie
Brown" —Linus

The poster attributes the entire quote to Linus. It does not cite the Bible and does not attribute any portion of that passage to the Bible.

We understand that the principal asked Ms. Shannon to either remove the quote from Linus or take down the entire poster—on the ground that the poster implicated the “separation of church and state.”¹ We also note that the school district is backing the principal’s actions on the ground that “employees are not permitted to impose their personal beliefs on students,” and that the state’s Merry Christmas Law “requires that a display not encourage adherence to a particular religion.”² These statements suggest that the law forbids Ms. Shannon’s display and compels the school district to censor it. We want to clarify that there is nothing illegal about what Ms. Shannon has done.

The Establishment Clause of the U.S. Constitution says that “Congress shall make no law respecting an establishment of religion.” U.S. Const. amend. I. It does not require “separation of church and state,” a phrase that appears nowhere in the Constitution. Indeed, the idea that the Constitution requires “separation of church and state” is incompatible with longstanding and perfectly constitutional practices, including the practice of asking schoolchildren to recite the Pledge of Allegiance each morning—punctuated with the phrase “one nation under God.”

Ms. Shannon’s display is no more an “establishment of religion” than reciting the Pledge of Allegiance. Indeed, it is far *less* of an establishment, because Ms. Shannon is not asking schoolchildren to recite or utter a belief in God; she has simply put up a poster that references Christmas and includes a quote containing portions of a Bible verse. This display is nothing more than a personal expression of Ms. Shannon’s lawful ability to share the history of Christmas, and a scene or symbol associated with a traditional winter celebration of Christmas, per state law. It does not bear the imprimatur of the State, and it does not “establish” Christianity as the official religion of Texas.

The school district’s suggestion that Ms. Shannon is “impos[ing] [her] personal beliefs on students” by decorating her door in this manner is hyperbolic and defamatory, and evinces a gross hostility to religion. No one is “imposing” their beliefs on anyone simply by decorating a door, any more than someone who decorates their house with a nativity scene and a Bible verse is “imposing” their personal beliefs on their neighbors. Ms. Shannon has not threatened or coerced any student who disagrees with her beliefs, and students who disapprove of her display can ignore it—just as the rest of us can ignore the unwelcome messages and images that we encounter every day as a consequence of having the First Amendment in this country. Finally, the school district cannot logically maintain that Ms. Shannon’s display is an unlawful “imposition” of her personal beliefs when it asks schoolchildren to recite and listen to the Pledge of Allegiance each morning. If the principal thinks that Ms. Shannon’s display must be censored because it might “of-

-
1. See Todd Starnes, *School Orders Staffer to Remove “Charlie Brown” Christmas Poster*, available at <http://bit.ly/2gAS4Vi> (last visited December 12, 2016).
 2. See Press Release of December 9, 2016, Killeen Independent School District, available at <http://bit.ly/2gtwiV4> (last visited December 12, 2016).

fend” nonbelievers,³ then one can only imagine how much more offensive the Pledge of Allegiance must be to those nonbelieving schoolchildren and employees.

The school district’s statement also suggests that Ms. Shannon violated the state’s Merry Christmas law, which forbids displays that “include a message that encourages adherence to a particular religious belief.” Tex. Educ. Code. § 29.920(c). But the quotation from Linus does not “encourage” anyone to adhere to Christian religious beliefs; it simply expresses Ms. Shannon’s personal beliefs without telling or instructing others that they should adopt those beliefs as their own. The mere expression of religious belief is not by itself sufficient to qualify as “encouragement,” unless it is accompanied by cajoling, promises, or incentives to adhere to that belief system.

In fact, the Merry Christmas law was designed to make it clear to school officials that displays like Ms. Shannon’s are within state law. The Merry Christmas law was designed to help schools avoid such public controversies and incorrect conclusions about the law. In this case, these incorrect conclusions about the law by the school principal led to the unnecessary demand that the Christmas poster come down, the opposite of what the Merry Christmas law provides. Following the Merry Christmas law does not require the school to take the poster down.

And finally, Texas Attorney General Ken Paxton has spoken clearly on this current controversy as well and agrees that the First Amendment and state law do not require that the poster be taken down.

We hope that the school district will consider this request and allow Ms. Shannon to display her poster again. And please do not hesitate to call or e-mail us if you have any questions or would like to discuss in greater detail.

Sincerely,



JONATHAN M. SAENZ, ESQ.
TEXAS VALUES
900 Congress Avenue, Suite 200
Austin, Texas 78701
(512) 478-2220 (phone)
(512) 478-2229 (fax)
<http://txvalues.org>

Enclosure: Image of Ms. Shannon’s Christmas Display

3. See Todd Starnes, *School Orders Staffer to Remove “Charlie Brown” Christmas Poster*, available at <http://bit.ly/2gAS4Vi> (last visited December 12, 2016).

"For unto you is
born this day in
the City of David
a Savior which is
Christ the Lord...
That's what
Christmas is all
about Charlie
Brown"

Linus

