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STATE REPRESENTATIVE DWAYNE BOHAC

FOR IMMEDIATE RELEASE

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Rep. Bohac files "Merry Christmas Bill" to Protect Traditional Holiday Greetings and Displays in Texas Public Schools

AUSTIN, TX -- Today, State Representative Dwayne Bohac (R-Houston) pre-filed legislation to protect the freedom of Texas Independent School Districts to acknowledge and educate students on the historic and cultural roots of traditional winter celebrations and holidays such as Christmas and Hanukkah.

The "Merry Christmas Bill," which is expected to receive bipartisan support, affords students, parents and educators the right to celebrate on school property with displays associated with those holidays, including Menorahs, Christmas trees and Nativity scenes. The bill also clarifies the right of school districts and their staff to use traditional winter greetings such as "Merry Christmas," "Happy Hanukkah" or "Happy Holidays" on school grounds.

"During this time every year, I hear from numerous constituents who believe the words 'Merry Christmas' or 'Happy Hanukkah' should be protected and not subject to censorship in our public schools," said Rep. Bohac. "These parents and educators want the freedom to decorate Christmas trees, use traditional holiday greetings, display Menorahs and generally celebrate these traditional winter holidays on school grounds. This common-sense legislation tracks Supreme Court precedent which has made it clear that such expressions and displays are, indeed, permissible."

Christmas has been recognized as an official Federal holiday since 1870. Federal holidays are designated by Congress in Title V of the United States Code (5 U.S.C. § 6103). Additionally, the Landmark U.S. Supreme Court cases of *Lynch v. Donnelly*, 465 U.S. 668 (1984) and *County of*

Allegheny v. ACLU, 492 U.S. 573 (1989), have made it clear that it is permissible for a governmental entity to acknowledge Christmas for historical and cultural purposes as a traditional winter celebration and as a national holiday. These court decisions have also made it clear that including a Nativity scene along with other religious and nonreligious symbols during the winter season is permissible, as well as Christmas trees and seasonal greetings.

Furthermore, by Acts of Congress, it has long been the practice that Federal employees are released from duties on Christmas, while still being paid. Thus, it is clear that Government has long recognized -- and has subsidized -- holidays with religious significance¹.

Rep. Bohac continued, "This bill originated when I picked up my first grade son from school last year and asked him how his day went. He told me that his class had decorated their holiday tree with holiday ornaments. When I asked what a holiday tree was, he told me it was the same as a Christmas tree. After inquiring with school officials as to why the term "Holiday Tree" was being used, it became apparent that the school was fearful of litigation. It was that moment that inspired me to file legislation that would provide students, parents, teachers and administrators a safe harbor for openly celebrating a Federal holiday."

"Our school officials and teachers have enough on their plate without having to worry about frivolous lawsuits for celebrating Christmas and Hanukkah. It's my intent to offer protection for school officials and teachers by codifying Supreme Court precedent and providing 'bright lines.'"

On November 6, 2012, Representative Dwayne Bohac was re-elected to Texas House District 138. He is a lifelong district resident and strong supporter of local public schools, having authored the State's "School Supplies Sales Tax Holiday" which allows parents and students to purchase school supplies and clothing tax-free.

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¹ See J.Res. 5, 23 Stat. 516