



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

August 25, 2009

VIA U.S. MAIL, FAX & E-MAIL
(231) 348-2342

John Scholten
Superintendent
1130 Howard St
Petoskey MI 49770

Tom Rellinger
President
Petoskey Board of Education
4060 Grand Oak Trl
Petoskey MI 49770

Re: School Calendar

Dear Mr. Scholten and Mr. Rellinger:

I am writing on behalf of a concerned district resident and taxpayer and other Michigan members of the Freedom From Religion Foundation (FFRF) who object to the school district's recent decision to change the wording on the school calendar. FFRF is a national nonprofit organization with over 13,700 members across the country including over 400 members in Michigan. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that the Board of Education (hereinafter "Board") recently voted to change the wording on the school calendar from "winter holiday break" to "Christmas break." It is our further understanding that according to the Superintendent the school district calendar will reflect the change pursuant to the Board's vote from August 18th.

Our complainant also informs us that prior to this vote, Board member Jack Waldvogel sent an e-mail to all district staff about this issue. In his e-mail, he wrote "We are, in spite of what the Obamesiah proclaims, STILL a Christian nation..." Mr. Waldvogel goes on to demand the District change the wording for the 2009-2010 calendar to recognize the Christian holiday or he will "bring out every redneck Christian Conservative north of Clare, to compel the district to do so." He ends the e-mail, "Our children need to know we are a Christian nation and taking all reference to a higher being

out of our educational vocabulary is wrong.” Please find enclosed a copy of Mr. Waldvogel’s entire e-mail.

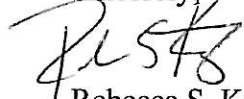
It is well settled that public schools may not advance or promote religion. *See generally, Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Changing the wording to Christmas break so that Petoskey school children know that “we are a Christian nation” violates the most basic and fundamental principles of Establishment Clause jurisprudence.

The Board’s directive also violates the *Lemon* test, which requires government action to have a secular purpose. *See Lemon v. Kurtzman*, 403 U.S. 602 (1971)(holding that government actions that have a secular purpose, do not advance or inhibit religion and do not involve excessive government entanglement do not violate the Establishment Clause). Mr. Waldvogel’s intent and purpose for recommending the change was based wholly on religion. There is no secular purpose for the change when the school district’s top administrators and elected officials clearly indicate to the public that they want children to know of Christianity and of the existence of a higher being.

Not only does the Board’s action advance religion over nonreligion, but it also prefers Christianity over all other faiths. The Board thereby alienates all non-Christian and non-believing school children. This is offensive to the significant and growing portion of the U.S. population that is not religious at all (15% of adults). Mr. Waldvogel’s words and the Board’s approval of his viewpoint denigrate our secular constitution and all non-Christians and interfere with the rights of parents to raise their children in accordance with their own faith or with no faith at all. We believe it is imperative for the Superintendent’s office and the Board to issue a statement disassociating yourselves from Waldvogel’s ignorant remarks.

The Board’s actions in this case are illegal and the District cannot move forward with changing the wording on the school calendar from “winter holiday break” to “Christmas break.” The previous wording reflected an enlightened respect and viewpoint for the community’s diverse population and the District should restore its original wording on the school calendar. We ask that you respond immediately in writing about the steps you are taking to remedy this serious constitutional violation. Our complainant awaits District action.

Sincerely,



Rebecca S. Kratz
Staff Attorney

Enclosure

cc: Petoskey Board of Education Members

"From: JACK WALDVOGEL [jackw@waldvogelins.com]

Sent: Monday, August 10, 2009 1:48 PM

To: Central Staff; High School Staff; Lincoln Staff; middleschoolstaff; Montessori School; Ottawa Staff; Rosie_Bus_Garage; Sheridan Staff; Spitler Staff; Bill Kanine (E-mail); JACK VANTREESE; Mary Ling (E-mail); Tom Rellinger (E-mail); Michelle M. Nichols

Subject: Re: Calendar 09-10

If we can still call Thanksgiving Break, Thanksgiving Break, just exactly who are we thanking? I'm going to go out on a limb here, and say that I guess it's God. Now, if God, can be inserted into Thanksgiving either directly or indirectly, why must we refer to Christmas Break as the "Winter Holiday Break"? God is okay for Thanksgiving, but not for the birth of his Son?

Frankly, I'm personally offended by this, and feel incredible regret for whomever comes up with this stuff. I think political correctness is just so much crap, and we have gone way overboard. We are, in spite of what the Obamessiah proclaims, STILL a Christian nation, founded on Judeo Christian principles. God is included in every State Constitution, and His name is embedded on every Federal Building in Washington, DC.

Two choices here for our school district....either agree to change the "December vacation" back to "Christmas Break", in ALL future publications (including the school calendar) voluntarily, or I will make a motion to change it at the NEXT Board meeting, and raise such a stink, and bring out every redneck Christian Conservative north of Clare, to compel the District to do so. The press will love this one..... TV, Radio, and the print media. We may go Statewide with this one. I'm not in the least interested what our school lawyers might think of this, they can celebrate or fail to celebrate however they wish.

Our children need to know that we are a Christian nation and taking all reference to a higher being out of our educational vocabulary is wrong. Let the Ramadamians and the Kwanzanians bring their celebrations to school

too....to share with our Christian children, but don't cut God out of the school completely. Madalyn Murray O'Hare, the heretic, has been dead for years.

Don't assume this is a joke..... I'm being as serious as I possibly can here.

Jack Waldvogel"
