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VIA U.S. MAIL & FACSIMILE: XXX-XXX-XXXX

Colonel Dwight C. Sones
Commander, 60th Air Mobility Wing
400 Brennan Circle, Travis AFB CA 94535

Dear Colonel Sones:

I write this letter on behalf of my client, the Military Religious Freedom Foundation (“MRFF”), a 501(c)(3) non-profit organization dedicated to protecting the Constitutional religious freedoms of all members of the United States Armed Forces. I understand that you recently erected, on public grounds, a large religious display featuring a Nativity scene and a Menorah, both of which are clearly accessible to a main road in the town of Fairfield, California. This conspicuous display of ritual objects is a clear endorsement of religion in violation of the Establishment Clause of the First Amendment, and must either be removed from the premises or moved to a more appropriate location on the Air Force Base to ensure compliance with the United States Constitution.

The First Amendment guarantees that “Congress shall make no law respecting an establishment of religion.” As the Supreme Court explains, any religious display that constitutes an “endorsement of religion [i]s ‘invalid’” under the First Amendment. *Allegheny County v. Greater Pittsburgh ACLU*, 492 U.S. 573 (1989) (citing *Lynch v. Donnelly*, 465 U.S. 668 (1984)). In determining whether a display is an invalid endorsement of religion, the Supreme Court considers what a reasonable viewer “may fairly understand to be the purpose of the display.” *Id.* For instance, in *Allegheny County*, the Court held that the County’s display of a crèche on the Grand Staircase of the County Courthouse “sen[t] an unmistakable message that it supports and promotes the Christian praise to God that is the crèche’s religious message.” *Id.* at 580. Similarly, in *Stone v. Graham*, 449 U.S. 39 (1980), the Court found that the Ten Commandments are “undeniably a sacred text in the Jewish and Christian faiths” and held that their display in public classrooms violated the First Amendment’s bar against the establishment of religion. *Id.* at 41.

The Travis AFB display, like the displays struck down in *Allegheny County* and *Stone*, sends an unmistakable message to viewers that the Air Force endorses the beliefs and tenets of two monotheistic religions. The display contains two central components: (1) a large Nativity scene featuring figures of the baby Jesus, the Virgin Mary, Joseph, and the wise men of Nazareth; and (2) a Menorah that celebrates what the Jewish people believe to be the miracle of Hannukah, *i.e.*, the lighting of a Menorah following the desecration of the Second Temple. There is no doubt that a reasonable person, upon viewing these two religious symbols, would believe that they convey anything but a religious message.

Moreover, nothing in the context of the display detracts from the symbols' religious message. In *Lynch v. Donnelly*, 465 U.S. 668 (1984), the Supreme Court held that a holiday display, which contained, among other things, a live 40-foot Christmas tree strung with lights, statutes of carolers in old-fashioned dress, a "talking" wishing well, a large banner proclaiming "SEASONS GREETINGS," a miniature "village" with several houses, and various "cut-out" figures, including those of a clown, a dancing elephant, a robot, and a teddy bear, in addition to a small Nativity scene, was constitutional. In contrast, here, the crèche and the Menorah are *the* central components of the Travis AFB display. Likewise, Travis's display has little in common with the holiday display found to be constitutional in *Allegheny County*. There, the "predominant element" of the display was a 45-foot tree, decorated with lights and ornaments, which was placed "under the main arch" at the entrance of the City-County Building. 492 U.S. at 617. In addition to this secular symbol, the County had placed a sign bearing the mayor's name, which stated that "during this holiday season, the city of Pittsburgh salutes liberty . . . and our legacy of freedom." *Id.* at 582. The Court held that the mayor's sign "serves to confirm what the context already reveals: that the display of the menorah is not an endorsement of religious faith but simply a recognition of cultural diversity." *Id.* at 619. Unlike these large and meaningful secular symbols, Travis AFB's display includes, to our knowledge, only one secular object, a single "Happy Holidays" sign containing an image of Santa Claus. The sign does not openly celebrate cultural diversity, as did the mayor's sign in *Allegheny County*, nor does it stand out as the "predominant element" of the display. Indeed, as we understand it, the roof of the crèche stands taller than any other surrounding object, sending a clear message to viewers that the Air Force endorses rituals and beliefs associated with that faith.

Finally, we are particularly concerned with the placement of this religious display in a main thoroughfare of town. The Travis AFB has, on its grounds, a chapel for religious members of the Air Force to celebrate their respective beliefs. The Air Force's decision to erect a religious display in such a prominent location, rather than on the curtilage of the chapel, reinforces the clear violation of the Establishment Clause of the First Amendment, and must be immediately rectified.

Accordingly, we request that the Travis AFB immediately either remove the religious display from its premises, or move it to a more appropriate location on the base. If this request is not honored by December 14, 2011, we will consider other such legal actions as may be deemed necessary to protect our client's interests. Please feel free to contact me to discuss any aspect of this letter.

Thank you for your attention to this important matter,

Katherine S. Ritchey