



# CATHOLIC LEAGUE

*For Religious  
and  
Civil Rights*

December 4, 2015

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Hon. Dolores Gresham  
Chair, Senate Standing Committee on Education  
301 6th Avenue North  
Suite 308 War Memorial Bldg.  
Nashville, TN 37243

Dear Sen. Gresham:

As president of the nation's largest Catholic civil rights organization, it is my responsibility to monitor, and respond to, instances of defamation and discrimination against Catholics. We work closely with many evangelical organizations, as well, so our reach extends to all Christians.

My reason for writing concerns the University of Tennessee's Office of Diversity and Inclusion's statement on Christmas celebrations. To say it is obnoxious is an understatement: it expresses an animus to Christianity, and therefore to Christians, that is palpable.

My doctorate is in sociology, and I spent two decades on the board of directors of the National Association of Scholars. So my concerns transcend the interests of religion. I approach this issue as both a civil rights leader and as an educator.

After receiving criticism from public officials for the statement, "Best Practices for Inclusive Holiday Celebrations in the Workplace," the University is now saying that this is not a policy: it is just a list of suggestions. It does not matter. What matters is that it (a) creates a "chilling effect" on free speech, (b) engages in viewpoint discrimination, and (c) creates a hostile environment for Christians. These conditions are not only offensive, they have grave constitutional implications.

Among the most egregious "suggestions" is the first one: "Holiday parties and celebrations should celebrate and build upon workplace relationships and team morale *with no emphasis on religion or culture. Ensure your holiday party is not a Christmas party in disguise.*" (My italics.)

Do the people who wrote and approved this statement realize what they are saying? It is positively impossible to celebrate a holiday without also celebrating culture, and in many instances, religion. To wit: All holidays are ineluctably grounded in culture. Moreover, the heart of any culture is religion. Indeed, the word holiday means "holy day." This is not an issue of constitutional law—it is a matter of competence. Why are

taxpayers funding the salaries of employees who are sociologically illiterate, especially given the fact that their charge is to administer cultural events?

Other "suggestions" are equally astonishing. "Holiday parties and celebrations should not play games with religious and cultural themes—for example, 'Dreidel' or 'Secret Santa.'" Since when has it been the business of any university office, especially on a state campus, to discourage students from playing innocent religious and cultural games?

It hardly exaggerates to say that such "suggestions" have a "chilling effect" on the free speech rights of Christians. Unlike other segments of the student population, they cannot be assured that the manner in which they choose to express themselves, especially at Christmastime, will be looked upon with approval by school administrators. The implication is, of course, that the best way to avoid trouble is to muzzle any expression that might be seen as untoward by campus officials.

The holiday "suggestions" are also constitutionally suspect because they do not apply equally to all students. For example, last February, during Black History Month, the University sponsored an event titled, "Black History Month Program: A Century of Black Life, History, and Culture." From my perspective, such an event should be welcomed. But this raises a serious issue: Why is it acceptable for black students to celebrate their culture, but not Christians? After all, Christians are being told not to have events that emphasize "*religion or culture.*" (My italics.)

The Office of Diversity and Inclusion has a "Cultural and Religious Holidays Calendar" that lists many religious events, covering many religions, throughout the academic year. Yet when it comes to the application of the draconian holiday "suggestions," they are not inclusive: they are targeted almost exclusively at Christians (there is a stricture warning Jews not to play "Dreidel" games—it does not say who might be offended, other than the authors of this dictum).

These are examples of viewpoint discrimination, a condition that violates the First Amendment. Quite frankly, it is not legal for a state entity to single out one religion for special consideration, especially when the directive seeks to limit constitutionally protected speech.

In 1984, in the U.S. Supreme Court decision in *Lynch v. Donnelly*, it was held that the Constitution "affirmatively mandates accommodation, not merely tolerance of all religions, and forbids hostility toward any." It can be reasonably maintained that the effect, if not the intent, of these "suggestions" is to create a hostile environment for Christians.

I am calling upon all members of the Tennessee legislature that have committee assignments dealing with education to empanel a body that would critically assess the policies of the University of Tennessee's Office of Diversity and Inclusion that touch on religion and free speech issues. There is obviously something seriously wrong. For a state institution to promote policies that are inimical to Christianity—or any religion—is unacceptable. That these policies are driven by an alleged concern for tolerance makes the need for a such an investigation all the more compelling.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "William A. Donohue". The signature is written in black ink and is positioned above the typed name.

William A. Donohue, Ph.D.  
President