

Public comment by Cheryl Kolbe, President FFRF – Portland Area Chapter, November 3, 2015

My name is Cheryl Kolbe [K-O-L-B-E]. I am a Portland resident and president of the Portland area chapter of the Freedom From Religion Foundation, an organization committed to the protection of the constitutional principle of separation of church and state.

On October 20, I gave public comment indicating why I believed the decision by your legal counsel is a sound decision. Tonight, I would like to give you an update and try to present the information in a different light to bring clarity.

My update is this. I have validated with FFRF National that in fact, the initial complaint to national came from Portland, from someone who requested to remain anonymous. Clearly, this is a local issue. FFRF is simply responding to a concern expressed by a person in Portland.

The question before you focuses on whether or not students in a public school course should be allowed to sing a program of exclusively sacred music that celebrates the true meaning of Christmas in the religious setting of the Grotto, a setting filled with religious iconography – statues, Stations of the Cross, Nativity scenes, etc.. Further, should these students be, essentially, helping to raise funds for the Grotto by performing at an event where admission is charged?

Let's focus for a moment on what you are not being asked tonight.

- You are not being asked to evaluate which opinion is more popular. This is not a popularity contest.
- You are not being asked your personal opinion – that is, might you personally be quite happy to have your child sing at the Festival of Lights.
- You are not being asked how many years students in PPS choirs have been singing at the Grotto. If something should not be happening, it does not matter how long it has been going on.
- You are not being asked to determine if some students enjoy and may even benefit from the chance to perform in a chapel with exceptional acoustics. Good or bad acoustics are not criteria for evaluating compliance with the establishment clause.
- You are not being asked to determine how many students in these school choirs might be negatively impacted by their choir's participation in the Festival of Lights.

None of these are the question before you tonight.

It is well settled that public schools may not advance or endorse religion. In order to avoid the perception of school endorsement of a religious message, schools must not participate in overtly religious events such as the Festival of Lights.

A common argument I hear is this. Why don't those who are not comfortable in this setting simply not participate?

I have spoken to a number of people recently who as children were in a situation where they opted-out of a school event due their beliefs, and every one to this day recalls the circumstance as a very negative experience.

Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. We cannot require one of our students to forfeit his or her rights and benefits as the price of resisting conformance to a school-sponsored event. Only if this is a genuine student-led, student-run, non-curricular club, is voluntariness a factor worth considering.

The question tonight is:

Should PPS school choirs be allowed to sing at the Festival of Lights or does it violate the principle of the separation of state and church?

I encourage the PPS board to back the decision made by your legal counsel and backed by the ACLU of Oregon. It was a sound decision based on legal knowledge and it protects the constitutional principle of separation of state and church.

Thank you