

Glenda Wiles

From: Elliott Oppenheim <intellitek@aol.com>
Sent: Thursday, June 7, 2018 8:43 AM
To: Ravalli County Commissioners Office; pbackus@ravallirepublic.com; Glenda Wiles
Cc: medintelnet@aol.com; krystelp@aclumontana.org; editor@bitterrootstar.com;
rossfranklin@msn.com; americansunited@au.org; eric.whitney@mtpr.org;
info@billofrightsinstitute.org; berrynash@gmail.com; medintelnet@aol.com;
btyer@missoulanews.com
Subject: Fwd: Holiday Display Policy
Attachments: Choir festival and Orchestra 2018 presentation.pdf

I received what I consider to be an *utra vires* personal response from Mr. Burrows? Does his statement correctly present the position for the Ravalli County Commissioners? "When we get around to it" is morally and legally an incorrect response, and offensive, as I am sure you will immediately identify. It is blatantly anti-semitic, and dismissive. This is hateful. Mr. Burrows readily admits that "he is not an attorney." Such matters as interpretation of the First Amendment of the US Constitution and ceasing religious discrimination based upon arbitrary and capricious values and knee jerk reactions IS a legal question. Before espousing a position which is uninformed and floridly ignorant, I suggest that Mr. Burrows "learns the law."

Further, the decision in this regard rises, or should arise, to a most important Commissioner priority. Due Process and Equal Protection as applied to the First Amendment, see e.g.:

<https://billofrightsinstitute.org/cases/>, are central core values to the integrity of of nation. "When we get around to it" is legally and morally incorrect.

Please advise me as to what is the Commissioners' current policy for display. I demand the EQUAL right to display a menorrah for Hanukah this holiday season in the same manner as the Christian displays: identical. "You can display at the Fairgrounds" fails any legal test when Christian displays appear all over County buildings and on County land. "Separate but Equal" is wrong.

Finally, let me call your attention to:

Christian Legal Society v. Martinez, 561 U.S. 661, (2010) in which the United States Supreme Court concluded that such religious discriminatory analyses require "a reasonable, viewpoint-neutral condition" and that position would not "not transgress First Amendment limitations."

I am sure that the Commissioners are aware of the recent Time's Up movement and other social waves demanding equality. Consistent with the above case, I demand a "reasonable, viewpoint-neutral condition." That is my right and I will persist until I get a legally sound response.

I am glad to appear before the Commission when you consider this policy. I will be in Israel between 15 July-7 August playing a series of Peace Concerts with the Ramallah Orchestra where I am the Principal Trumpet, but I can appear after my return.

If you can get the County Attorney to review this matter, I am sure he will tell you:

"Save the County a lot of money in legal fees and enact this ordinance."

I am going to move ahead after **10 August** unless I see some movement by the Commissioners. Hanukah approaches and I demand participation in the same way as Christians. I want to light the way for everyone.

Ravalli County should lead the nation in inclusiveness. Imagine how this will appear on CNN if I file in Federal Court?

Sent from AOL Desktop

Elliott Oppenheim, MD,JD,LLM Health Law

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From: jburrows@rc.mt.gov
To: intellitek@aol.com, gwiles@rc.mt.gov
Cc: commissioners@rc.mt.gov, rhawk@rc.mt.gov, CAHoffman@rc.mt.gov, gchilcott@rc.mt.gov, dschallenberger@rc.mt.gov
Sent: 6/6/2018 10:22:00 AM Mountain Standard Time
Subject: RE: Holiday Display Policy

Mr. Oppenheim,

The Commission and the County Attorney's Office are busy and the display policy you are "demanding" is not a priority at this time. I do not believe we need a policy that says we will follow federal law, but I am not an attorney.

Glenda Wiles

From: Elliott Oppenheim <intellitek@aol.com>
Sent: Thursday, June 7, 2018 11:08 AM
To: Chris A. Hoffman
Cc: Ravalli County Commissioners Office; pbackus@ravallirepublic.com; Glenda Wiles; medintelnet@aol.com; krystelp@aclumontana.org; editor@bitterrootstar.com; rossfranklin@msn.com; americansunited@au.org; eric.whitney@mtpr.org; info@billofrightsintstitute.org; berrynash@gmail.com; medintelnet@aol.com; btyer@missoulanews.com; davidloewenwarter@gmail.com
Subject: Re: Holiday Display Policy

"Make available to the Fairgrounds" is not equal and does not meet Constitutional Standards. Christians display on County assets. If "everyone" moves to the Fairgrounds, then that would meet the law. If there are Christian observances on County assets and you prohibit others, then that is discriminatory. I demand identical and equal treatment. I am not going to get into dealing with your lawyer. If the Commissioners have representation in this matter, you may wish to pass this to your lawyer. Does Ravalli County want to be viewed as supporting invidious religious discrimination? Remember the discussions we had about the Zoning Board claiming that Ravalli County is a Christian County and that opening a zoning board meeting violated the Constitution. Your attorney, then, told you that you were violating the Constitution and shut down prayer as part of the meeting. Remember? This is a similar issue.

Place Christian display on private property; no problem. County assets, however, must be treated to include everyone.

I am inviting you to create an ordinance which is equal and inclusive. Either do this, or I am going to bring suit. That's pretty clear, isn't it? you have two choices: everyone displays at the Fairgrounds; or everyone gets to display on County assets.

I am prepared to send out wide media releases and to create public protests and demonstrations. Why not do the right thing? If everyone is so inundated with work and so pre-occupied and so busy, just enact an appropriate statute compatible with Federal law.

With the upcoming elections, this issue is not going to disappear. Thanks for your reply,

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In a message dated 6/7/2018 10:15:51 AM Mountain Standard Time, CAHoffman@rc.mt.gov writes:

| Dear Mr. Oppenheim,