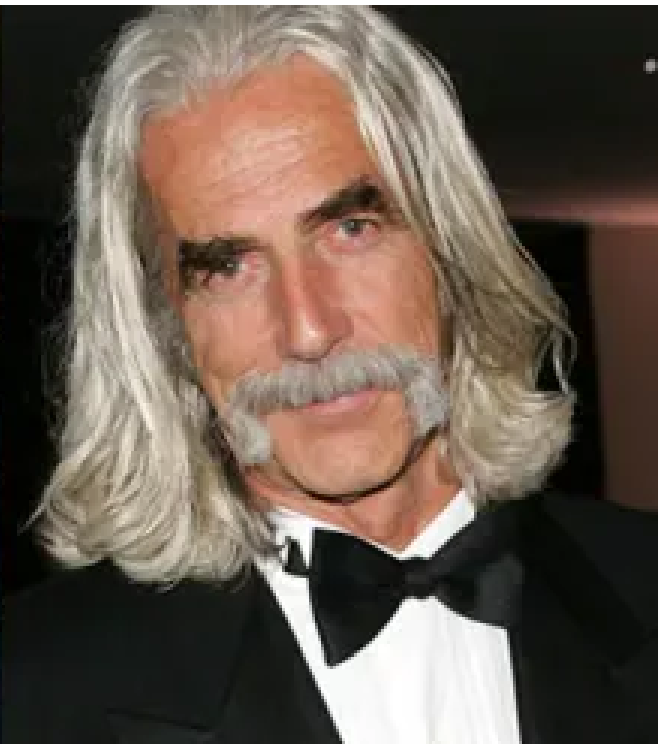
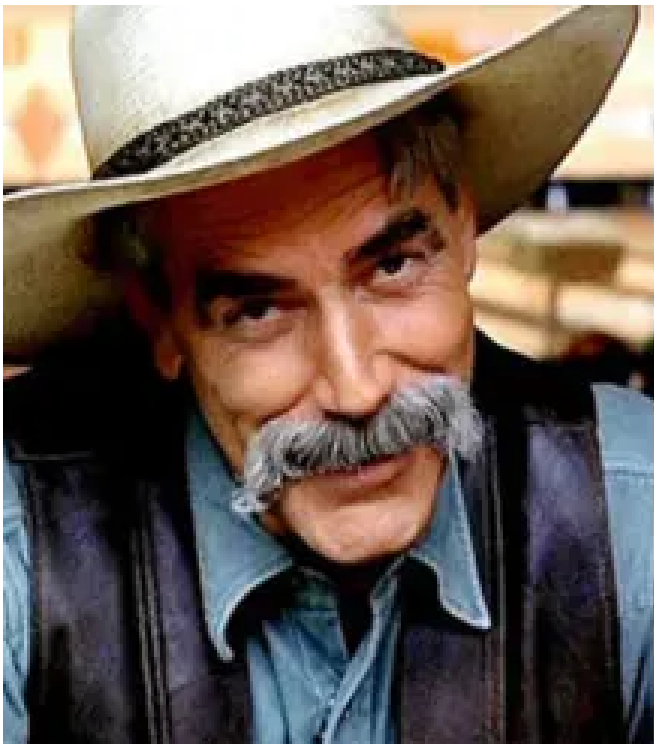
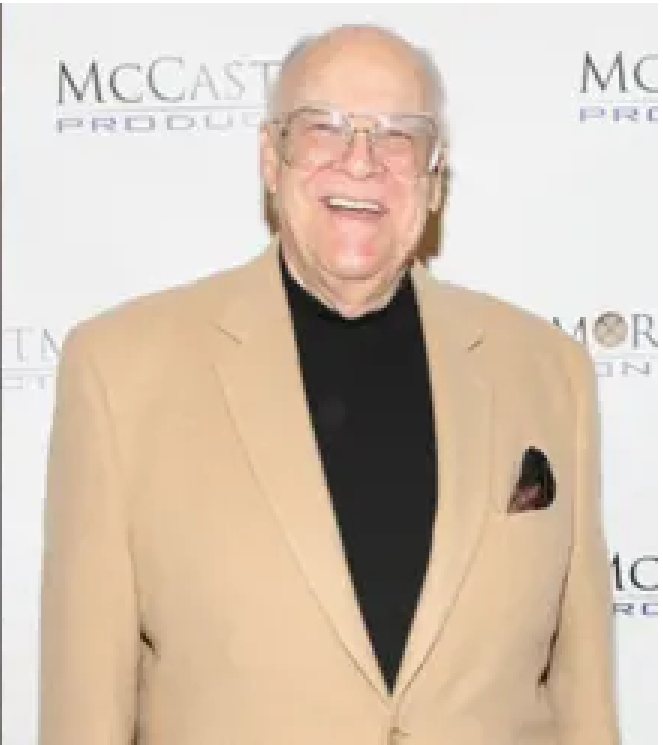


# Why schools should observe 'Day of the Dude'

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Marc Randazza

March 7, 2015



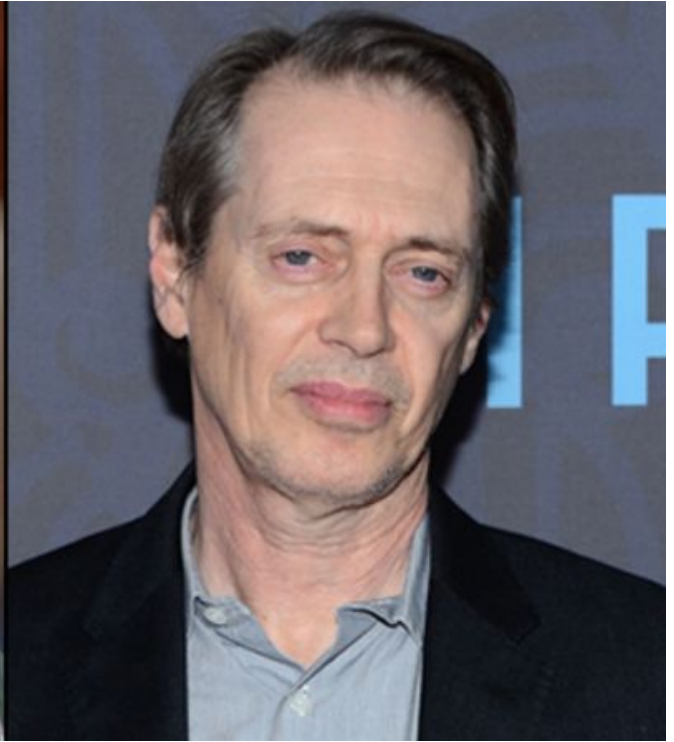


"The Big Lebowski" turns 17 on March 6. Joel and Ethan Coen's 1998 flick, complete with a cast of Oscar-winners and Hollywood A-listers, has become a cult classic despite flopping at the box office. In 2011, actress Tara Reid said a sequel was in the works. However, the Coen Brothers have since made it clear that they have no plans for a "Big Lebowski 2."

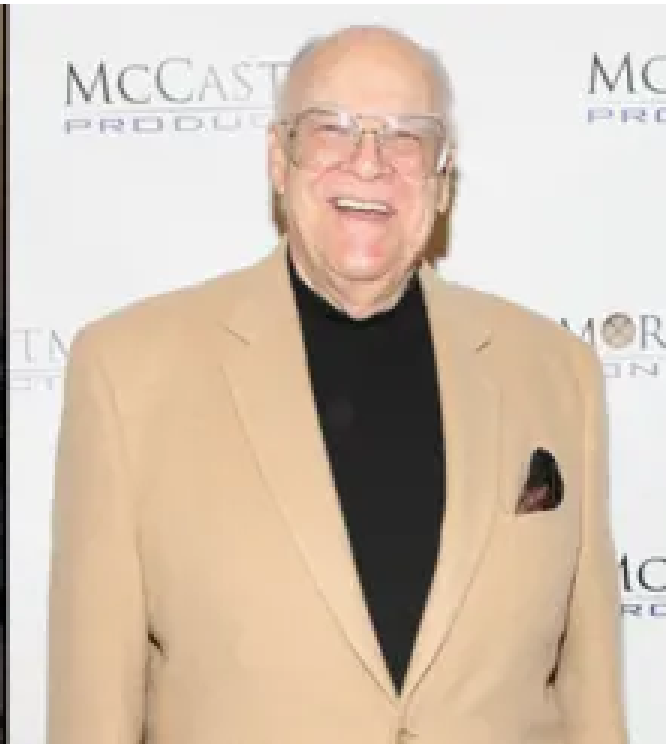
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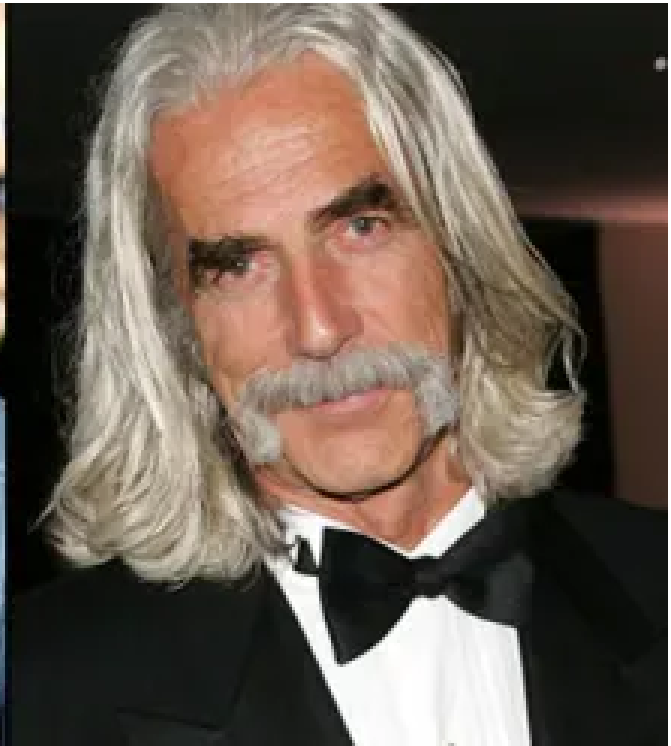
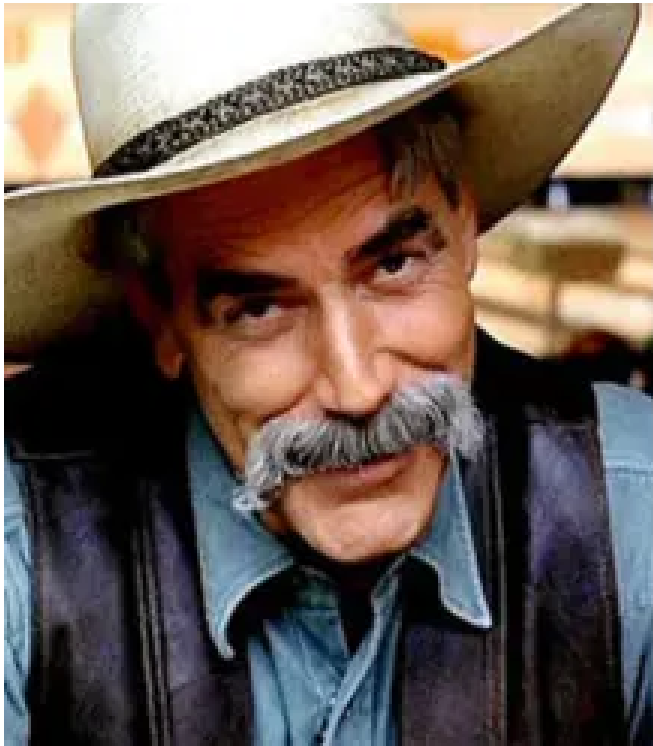














'The Big Lebowski': Where are they now?

1 of 9

**Editor's Note:** Marc J. Randazza is a Las Vegas-based First Amendment attorney and managing partner of the Randazza Legal Group. He is licensed to practice in Arizona, California, Florida, Massachusetts and Nevada. The opinions expressed in this commentary are solely those of the author.

*CNN* —

Schools in New York City have decided to observe two Muslim holidays and close schools for them. After all, for decades, kids have gotten Christian and Jewish holidays off. Why not add Muslim holidays to the list?

Marc Randazza

Conservative Family Research Council president Tony Perkins went predictably apoplectic, saying that it was evidence of “discrimination” against Christians. To Perkins, “family” apparently does not include “non-Christian families.” Perkins’ position is that kids get Easter and Christmas off, but we call those holidays “winter break” and “spring break.”



I hate to ally myself with such people, but I sort of agree that Mayor Bill de Blasio's decision is a bad one. However, not for the reasons expressed by Perkins. I simply find it to be a problematic endorsement of religion by the secular state. I cannot support the government endorsing religion of any kind.

There was once a time when most people considered the United States to be a "Christian" country. However, that notion was never the intent of our founders and is not consistent with a pluralistic and enlightened nation. Unfortunately, even recent events have shown us that there are a lot of ignorant Americans who still think Islam is "un-American."

Because of that, I support measures that tell Muslims that they are our brothers and sisters, too. Nobody should feel less welcome or "American" on the basis of the religion they practice, or whether they believe in any religion at all.

But this is the wrong way.

First of all, virtually every recognized religion is practiced in New York City. Unfortunately, now only three of them have some kind of "officially acknowledged" status. Christians, Jews and Muslims have their holidays off, but what about New York's other religions? What about **my** religion? March 6 has long been "The Day of the Dude," and as a Dudeist minister, should I not demand respect for my beliefs, by insisting that the school district "take 'er easy" on that date every year?

Pastafarianism is a recognized religion. Pastafarians believe that every Friday is a holiday. Perhaps it is time for us all to be touched by the noodly appendage of the Flying Spaghetti Monster on a weekly basis.

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By selecting only three "approved" religions for respect, we send the message that we value the beliefs of some over those of others. Such a mentality has no place in a secular country – even if we have a history of recognizing some Abrahamic religions' holidays.



Because therein lies a theory behind the establishment clause. We don't rank belief systems here. In Lemon v. Kurtzman, 403 U.S. 602 (1971), the U.S. Supreme Court gave us a three-part test to determine whether governmental conduct violates the Establishment Clause: (1) the governmental action must have a secular purpose, (2) it must have a principal or primary effect that neither advances nor inhibits religion, and (3) it may not foster an excessive governmental entanglement with religion.

De Blasio's action violates, I think, all three prongs.



De Blasio should have used this opportunity to change direction, and state that there would be no official religious holidays — that selecting just the Abrahamic vein of religion as officially recognized by the state is simply improper. This would send the right message — that the government is not going to get involved in matters of religion, at all.

This is not to say that I disapprove of any “cultural” days off, or even simply pragmatic decisions. For example, in some school districts in New York, 60% of the students were absent on Chinese New Year. The New York State legislature authorized local districts to call off school that day, as a practical approach to empty chairs. Further, it did not improperly send a message that certain religions were valued over others.

I see no problem with kids taking religious days off, if their family’s beliefs require them to. Schools can accommodate that kind of thing as easily as they can accommodate kids who get stuck home with the flu. I don’t have a problem with even teaching about different religions; in fact, I support doing so.

But what de Blasio did here was wrong. Montgomery County, Maryland, officials handled it the right way; they removed all mention of religious holidays on their 2015-16 school calendar, including Rosh Hashana and Christmas. Those days are simply “days off” as far as the government is concerned.

Myself, I intend to continue to observe The Day of the Dude every year by takin’ er easy for all you sinners. I don’t expect you to — and as much as I would like the government to mandate that we all do so every March 6, that would simply rot the Lemon, so to speak.

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