



## DEPARTMENT OF JUSTICE

100 State Office Building  
Salem, Oregon 97310  
Telephone: (503) 378-4400

December 24, 1981

The Honorable Victor Atiyeh  
Governor  
254 State Capitol  
Salem, Oregon 97310

Dear Governor Atiyeh:

I am writing in response to your request to try and find legal evidence that, indeed, there is a Santa Claus. We understand that you are frequently asked this question by younger Oregonians. In spite of the press of other urgent legal business, I am now able to give you my opinion.

I must admit that when I began my research of legal records, I did not have great hopes of finding the kinds of legal precedents likely to convince a skeptical jury of youngsters. It is hard to imagine Santa Claus ever being involved in a lawsuit, such an affair being a messy business at best, and I could not personally remember a trial in which he was involved. However, these are certainly litigious times, and Santa Claus operates a toy delivery program which covers the entire world. Therefore, it was not a shock to discover that Mr. Claus has been involved in several lawsuits.

I wanted to provide this information before Christmas, so I did not take the time to delve into the specific facts of each case. However, from my experience in legal matters, I believe I can provide a fairly accurate report of these cases from their titles. For example, Santa's Workshop, Inc. v. Sterling, 153 NYS2d 839, probably involved a dispute between Santa's toyshop and one of his suppliers. Perhaps a scheduled delivery of parts for toys was going to arrive too late for Christmas.

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It also appears from the legal records that Santa does not always use his sleigh and reindeer to travel. A search of the cases has revealed lawsuits involving Mr. Claus and the Chicago Great Western Rail Co. (136 Iowa 7, 111NW15), and the Northern Steamship Co. (89 F 646). Moreover, the jolly old man is not afraid to challenge the government if he feels the cause is just. I have discovered that he has sued both the city of Fairbanks in Alaska (95 F Supp 923) and the California Industrial Accident Commission (175 Cal 235, 165 P 689). I assume that in the California case, the state was attempting to require that Santa provide workers' compensation insurance for his elves.

Finally, a New York court in 1947 considered the precise question of whether there is in fact a Santa Claus. That court concluded that the evidence establishing his existence was overwhelming and ruled that Santa most assuredly did exist. I have been unable to find a reference to this trial in my legal records, but the story of the case is chronicled in a movie called "Miracle on 34th Street." There can be no doubt that this trial took place as described.

There are several other reported cases involving Mr. Claus which I could refer to, but I believe the cases discussed above are sufficient to establish the fact that Santa Claus is recognized by the courts.

However, without understating the importance of these cases in establishing that Santa truly lives, I submit to you that the most persuasive proof of his existence is found in the children themselves. One need only observe the glow which comes over a child when he or she hears that Old St. Nick will soon be paying a visit, or watch a youngster in animated conversation with Santa in a department store, to know the very real ability to bring joy which this man possesses. Santa does in fact live in the hearts of children. Of that I have no doubt.

Very truly yours,

  
DAVE FROHNMAYER  
Attorney General

DAVE FROHNMAYER  
ATTORNEY GENERAL



WILLIAM F. GARY  
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

JUSTICE BUILDING

SALEM, OREGON 97310

TELEPHONE: (503) 378-4400

January 9, 1987

The Honorable Victor Atiyeh  
Governor of the State of Oregon  
254 State Capitol  
Salem, Oregon 97310

Dear Vic:

As your final term as Governor of Oregon draws to a close, I want to express my profound appreciation for your stewardship in office. Your support as a public official, a "client" and a friend has been solid and consistent. It wasn't always easy, I know. Yet you always followed the advice you always sought, in accordance with your constitutional duty.

I am grateful, and Oregon citizens should be grateful for your exceptional management skills. Your mastery of agency responsibilities and the executive budget during those many tough years of cutback management saved us all grief beyond measure.

A leader with less self-restraint might well have let the Rajneesh crisis boil over into tragedy. Your wisdom, patience and rejection of demagoguery helped salvage a situation which otherwise might have caused loss of life and a permanent blemish on Oregon's reputation as an open society.

Your search for new markets for international trade and expanded economic development will pay dividends for us well into the terms of your successors. Yet you properly will deserve the credit, and I, for one will give it to you publicly.

All best wishes for a wonderful future. I am honored to have served with you and will continue to seek your counsel even as you pursue new and fulfilling challenges.

With gratitude and warmest personal regards to you and Dolores.

Sincerely,

A handwritten signature in cursive script that reads "Dave".

DAVE FROHNMAYER  
Attorney General

DF:cm

*We will miss you!*