



# Court Decisions Protect Religious Liberty Twelve Rules of Christmas

(Compiled by The Rutherford Institute)

**Schools** cannot censor written or spoken expressions about Christmas unless the comments would cause a substantial disruption. So, students *can wear* T-shirts saying, “Jesus Is the Reason for the Season”. If **teachers** wear clothes, jewelry or personal expressions about *other* holidays, Christian teachers may do so at Christmas. The religious significance of **Christmas may be taught** unless it promotes Christianity and teachers may send students **Christmas cards**, but they can’t do it on school time. **Religious Christmas music** may be included with other holiday songs, but students *can refuse* to sing songs that conflict with their beliefs. **Christmas literature** may be distributed in the same way other literature is distributed.

**Manger scenes** may be put in public parks and on government property under regulations that control similar displays. Employers must let employees **decorate their offices** for Christmas, **play Christmas music**, or wear **Christmas related clothes** unless it’s done to harass or intimidate someone. **Employees must be given the day off** unless it would be an undue hardship on the employer. Recognizing **Christmas as a public holiday and giving holiday pay** to government employees does *not* violate the First Amendment Establishment Clause.

# Court Decisions Protect Religious Liberty Twelve Rules of Christmas

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**1. Public** school students’ written or spoken personal expressions concerning the religious significance of Christmas (e.g., T-shirts with the slogan, “Jesus Is the Reason for the Season”) may not be censored by school officials absent evidence that the speech would cause a substantial disruption.

*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503 (1969); *Nixon v. Northern Local Sch. Dist. Bd. Of Educ.*, 383 F. Supp. 2d 965 (S.D. Ohio 2005)

- 2. So** long as teachers are generally permitted to wear clothing or jewelry or have personal items expressing their views about the holidays, Christian teachers may not be prohibited from similarly expressing their views by wearing Christmas-related clothing or jewelry or carrying Christmas-related personal items.

*Tinker*, 393 U.S. at 506; *Tucker v. California Dept. of Ed.*, 97 F.3d 1204 (9<sup>th</sup> Cir. 1996) and *Nichol v. Arin Intermediate Unit 28*, 268 F. Supp. 2d 536 (W.D. Pa. 2003)

- 3. Public** schools may teach students about the Christmas holiday, including its religious significance, so long as it is taught objectively for secular purposes such as its historical or cultural importance, and not for the purpose of promoting Christianity.

*Stone v. Graham*, 449 U.S. 39, 42 (1980); *Grove v. Mead Sch. Dist.*, 753 F.2d 1528, 1534 (9<sup>th</sup> Cir. 1985)

- 4. Public** school teachers may send Christmas cards to the families of their students so long as they do so on their own time, outside of school hours.

*Pickering v. Bd. Of Ed.*, 391 U.S. 563 (1968); *Wigg v. Sioux Falls Sch. Dist. 49-5*, 582 F.3d 807, 814 (8<sup>th</sup> Cir. 2004)

- 5. Public** schools may include Christmas music, including music with religious themes, in their choral programs if the songs are included for a secular purpose, such as their musical quality or cultural value, or if the songs are part of an overall performance including other holiday songs relating to Chanukah, Kwanzaa, or other similar holidays.

*Bauchman v. West High School*, 132 F.3d 542, 554 (10<sup>th</sup> Cir. 1997); *Florey v. Sioux Falls School Dist.*, 619 F.2d 1311 (8<sup>th</sup> Cir. 1980); *Sechler v. State College Area Sch. Dist.*, 121 F. Supp. 2d. 439 (M.D. Penn. 2000)

- 6. Public** schools may not require students to sing Christmas songs if the messages conflict with the students' own religious or nonreligious beliefs.

Id. at 557

- 7. Public** school students may not be prohibited from distributing literature concerning the Christmas holiday to fellow students or delivering invitations to church Christmas events on the same terms that they would be allowed to distribute other literature that is not related to school work.

*Hedges v. Wauconda Comm. Unit Sch. Dist. No. 118*, 9 F.3d 1295, 1297-98 (7<sup>th</sup> Cir. 1993). See "Secretary of Education's Statement on Religious Expression," <http://www.ed.gov/Speeches/08-1995/religion.html>, site visited Oct. 21, 2005.

**8. Private** citizens or groups may display creches or other Christmas symbols in public parks subject to the same reasonable time, place, and manner restrictions that would apply to other similar displays.

*Capital Square Review and Advisory Board v. Pinette*, 515 U.S. 753 (1995); *Kreisner v. City of San Diego*, 1 F.3d 775 (9<sup>th</sup> Cir. 1993); *McCreary v. Stone*, 739 F.2d 716 (2d Cir. 1984); *Snowden v. Town of Bay Harbor Islands*, 358 F. Supp. 2d 1178 (S.D. Fla. 2004)

**9. Government** entities may erect and maintain celebrations of the Christmas holiday, such as Christmas trees and Christmas light displays, and may include a creche in their displays, so long as the purpose for including the creche is not to promote its religious content and it is placed in context with other symbols of the holiday season as part of an effort to celebrate the public Christmas holiday through its traditional symbols.

*County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573 (1989); *Lynch v. Donnelly*, 465 U.S. 668 (1984); *ACLU v. Schundler*, 168 F.3d 92 (3<sup>rd</sup> Cir. 1999); *Amancio v. Town of Somerset*, 28 F. Supp. 2d 677 (D.C. Mass. 1998)

**10. Neither** public nor private employers may prevent employees from decorating their offices for Christmas, playing Christmas music, or wearing clothing related to Christmas merely because of its religious content, so long as these activities are not used to harass or intimidate others.

Section 42 U.S.C. 2000(e)(j); *Warnock v. Archer*, 380 F.3d 1076, 1082 (8<sup>th</sup> Cir. 2004); *Tucker v. California Dept. of Ed.*, 97 F.3d 1204 (9<sup>th</sup> Cir. 1996); *Brown v. Polk County*, 61 F.3d 650, 659 (8<sup>th</sup> Cir. 1995)

**11. Public** or private employees whose sincerely held religious beliefs require that they not work on Christmas must be reasonably accommodated by their employers unless granting the accommodation would impose an undue hardship on the employer.

*Pielech v. Massasoit Greyhound, Inc.*, 668 N.E. 2d 1298 (Mass. 1996)

**12. Government** recognition of Christmas as a public holiday and granting government employees a paid holiday for Christmas does not violate the Establishment Clause of the First Amendment.

*Ganulin v. United States*, 71 F. Supp. 2d 824 (S.D. OH 1999), aff'd 2000 U.S. App. Lexis 33889 (6<sup>th</sup> Cir. 2000); *Bridenbaugh v. O'Bannon*, 185 F.3d 796 (7<sup>th</sup> Cir. 2000); *Koenick v. Felton*, 190 F.3d 259 (4<sup>th</sup> Cir. 1999)

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## **Atheists Erase Christ from Calendars**

When Australia got word of the change, a local paper blasted it with this headline: ““Mad’ bureaucrats censor Jesus Christ!” Evidently, the paper used the word mad to mean insane.

We might not know the exact month, day and hour Jesus was born, but December 25<sup>th</sup> was picked as a universal time to celebrate His birth and it’s so noted on most calendars. To distinguish the years before and after Jesus’ birth, Christians divided time into two eras known as B.C. and A.D. Well, that’s the way it used to be.

To correct the 11 minutes and 14 seconds Julius Caesar miscalculated in his 46 B.C. calendar, Pope Gregory XIII adjusted it to coincide with the solar year. That gave us leap year. Also, Pope Gregory continued using B.C. and A.D. to accurately divide the ages. Now, atheists and the “politically correct” crowd is on a crusade to erase those letters from calendars. In defining “politically correct” we come to this conclusion. Since politics is the art or science of governing, to be politically correct means to conform to the official idea of what’s correct. So, taking B.C. and A.D. off calendars is a political attack on the Christian division of time.

Unbelievers are bent out of shape about B.C., because it’s short for “Before Christ” and A.D., because it’s short for Anno Domini, which is Latin for “in the year of the Lord”. In April of last year, the *Washington Times* reported that B.C. would become B.C.E., which means “before the common era,” and A.D. would become C.E., which means the “common era.”

**At Christmas, “politically correct” means no carols, no verbal or written expression of Christmas (merry or otherwise), no Santa, no red or green colors and no mention of Jesus.** Changing the calendar is only *one of many* attacks on Christianity. We all know that here in the U.S. some local school boards have removed all traditional Christmas carols from musical programs. Others prohibit Merry Christmas signs and insist that students and staff refer to the birth of Jesus as just one more season or holiday. Believe it or not, in some schools, even Santa Claus is rejected as a religious symbol and red and green are taboo because they’re Christmas colors. When a fourth-grader asked whether he could list Jesus among 25 things reminding him of Christmas, his teacher said she *could* get fired if he did.

**At Thanksgiving, “politically correct” means some teachers lie to students about history.** A couple of years ago, Chicago teachers were told *not* to mention Christmas, Easter or anything relating to God. This year, Chicago’s local school district added to the outrage by telling teachers *not* to mention Thanksgiving since, “the Pilgrims offended the Indians!” and “Thanksgiving was never intended to be thanks to God!” Result: students got warped history.

**On some football fields, “politically correct” means coaches can’t bow their heads or close their eyes when their teams voluntarily pray.** It’s hard to believe that in East Brunswick, N.J. school officials threatened to fire or otherwise discipline a high school football coach if he silently bowed his head when his team prayed for safety and honor on the field. It’s hard to believe parents put up with this and it’s even harder to believe Christian tax payers are not firing everyone who dares use a position of authority to limit students’ religious freedom.

**Remember: Even at Christmas, religious freedom is a constitutional right that does *not* stop at the school house door for parents, students, teachers, administrators or coaches.**

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