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It's okay to say it.*

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Learn more about your rights, and your community's rights, to publicly celebrate Christmas by visiting our website. And if you feel your freedom of religious expression has been violated, please go to www.saychristmas.org or call us at 1-800-TELL-ADF.



www.saychristmas.org

*The bottom line is:
It is okay to say Merry Christmas,
regardless of the legal threats from the
ACLU and its allies.*



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*The Truth About
RELIGIOUS EXPRESSION
at Christmastime*



Christmas has historically been one of the most celebrated holidays of the American people. In recent years, misconceptions and controversy about the so-called “separation of church and state” and the celebration of Christmas has led many public officials to “remove Christ from Christmas” in places such as schools, parks, libraries, and government offices.

This was not the intent of the founding fathers. In addition, no court has ever ruled that the Constitution requires government officials to censor Christmas carols, eliminate all references to Christmas, or silence those who celebrate Christ’s birth.

In order to eliminate any confusion with regard to your right to publicly celebrate Christmas, the following questions and answers will equip you with the information needed to dispel the myths and excuses that are used to silence the public celebration of Christmas.

The bottom line: It’s okay to say Merry Christmas, regardless of the legal threats from the ACLU and its allies.

QUESTIONS AND ANSWERS

May public schools have students sing religious Christmas carols?

Yes. It’s okay to sing Christmas carols. Carols may be sung in public schools without offending the Constitution. Religious Christmas carols may be sung by individual students or by a group of students during school activities such as choir, Christmas programs, and other events. Although challenges have been brought, public schools have successfully defended against constitutional challenges to the singing of Christmas carols by their students.¹

Do school officials violate the Constitution by calling a school break “Christmas holiday”?

No. It’s okay to call Christmas “Christmas.” School officials may refer to the school break in December as a “Christmas holiday” without offending the Constitution. The Supreme Court has acknowledged with approval that government has long recognized holidays with religious significance such as Christmas.² For example, Congress has proclaimed Christmas to be a legal public holiday.³

May school districts ban the saying of Merry Christmas?

No. It’s okay to say Merry Christmas. School districts may not ban teachers or students from saying Merry Christmas. The Supreme Court has stated that teachers and students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”⁴ In order to violate the Establishment Clause, a teacher would have to use his or her authority to promote religion to his or her students.⁵ Saying a simple greeting that people commonly use in December does not rise to an Establishment Clause violation.

May public schools have students study the religious origins of Christmas and read the biblical accounts of the birth of Christ?

Yes. It’s okay to learn about the true meaning of Christmas. The religious origins of Christmas can be studied in the classroom without offending the Constitution. The Supreme Court has stated that “the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like.”⁶

The Court has also explained that the “study of the Bible or of religion, when presented objectively as part of a secular program of education,” is constitutional under the First Amendment.⁷

Do students have the right to express religious viewpoints in school assignments, reading materials, and clothing?

Yes. It’s okay to write and speak about Christmas. The Supreme Court has held that the Constitution “affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.”⁸ First Amendment rights, such as the rights of freedom of speech and expression, accompany each student throughout the school day both inside and outside the classroom.⁹ Consequently, school officials must permit students to convey religious sentiments through their school assignments,¹⁰ selection of reading materials, and clothing that conveys a religious message through words or symbols.

May public schools display religious symbols?

Yes. It’s okay for public schools to portray the true meaning of Christmas. Public school officials may display religious symbols such as a nativity scene without offending the Constitution if they have a clear educational reason for doing so. The Supreme Court has held that the display of a nativity scene is constitutional if it is displayed for legitimate secular purposes, such as to celebrate a holiday and to depict the origins of the holiday.¹¹

May municipalities sponsor religious displays in public parks?

Yes. It’s okay for governments to portray the true meaning of Christmas. Public officials may display religious symbols such as a crèche or nativity scene without offending the Constitution. To determine the constitutionality of municipal religious displays, lower courts evaluate whether the religious display passes the Supreme Court’s three-prong *Lemon* test.¹² Under the *Lemon* test, courts will inquire “whether the challenged law or conduct has a secular purpose, whether its principal or primary effect is to advance or inhibit religion, and whether it creates an excessive entanglement of government with religion.”¹³ Like in public schools, the Supreme Court has held that the display of a nativity scene is constitutional if it is displayed for legitimate secular purposes, such as to celebrate a holiday and to depict the origins of the holiday.¹⁴

In addition to the *Lemon* test, courts often look to the *endorsement* test or “*The Three Reindeer Rule*,” which asks whether a reasonable observer would believe that the municipal display constitutes an endorsement of religion by the government. This Rule requires a municipality to place a sufficient number of secular objects in close enough proximity to the crèche to render the overall display sufficiently secular.

CONCLUSION

The Constitution does not require government officials to eliminate all public religious expression of Christmas.

In fact, as documented in this pamphlet, the right of public school students and public officials to publicly celebrate the Christmas holiday is protected by the U.S.

Constitution and various succeeding court decisions.

1. See, e.g., *Florey v. Sioux Falls Sch. Dist.*, 619 F.2d 1311, 1319 (8th Cir. 1980).
2. *Lynch v. Donnelly*, 465 U.S. 668, 676 (1984).
3. U.S.C.A. § 6103(a) (2004).
4. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).
5. See *Sch. Dist. of Abington Tp. v. Schempp*, 374 U.S. 203, 225-26. (1963).
6. *Stone v. Graham*, 449 U.S. 39, 42 (1981).
7. *Sch. Dist. of AbingtonTp.*, 374 U.S. at 225.
8. *Lynch*, 465 U.S. at 673.
9. *Tinker*, 393 U.S. at 512-513.
10. Compare *Tinker*, 393 U.S. at 512-513, with *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 273 (1988).
11. *Lynch*, 465 U.S. at 681.
12. *Bridenbaugh v. O’Bannon*, 185 F.3d 796, 802 (7th Cir. 1999).
13. *Lynch*, 465 U.S. at 679 (citing *Lemon*, 403 U.S. 602, 612-613 (1971)).
14. See, e.g., *Sechler v. State Coll. Area Sch. Dist.*, 121 F. Supp. 2d 439 (M.D. Pa. 2000); *Clever v. Cherry Hill Tp. Bd. of Educ.*, 838 F. Supp. 929 (D.N.J. 1993).

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